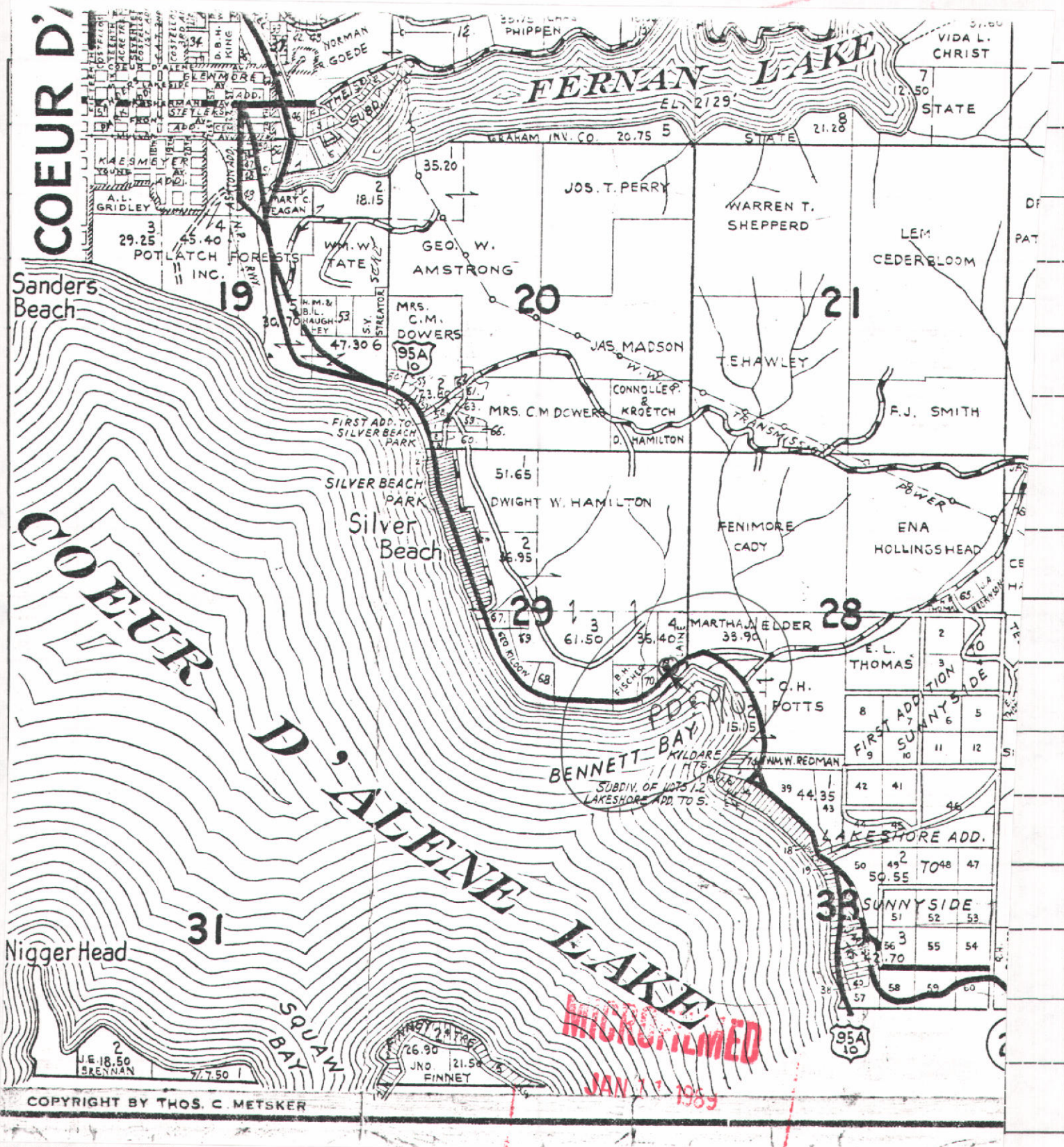
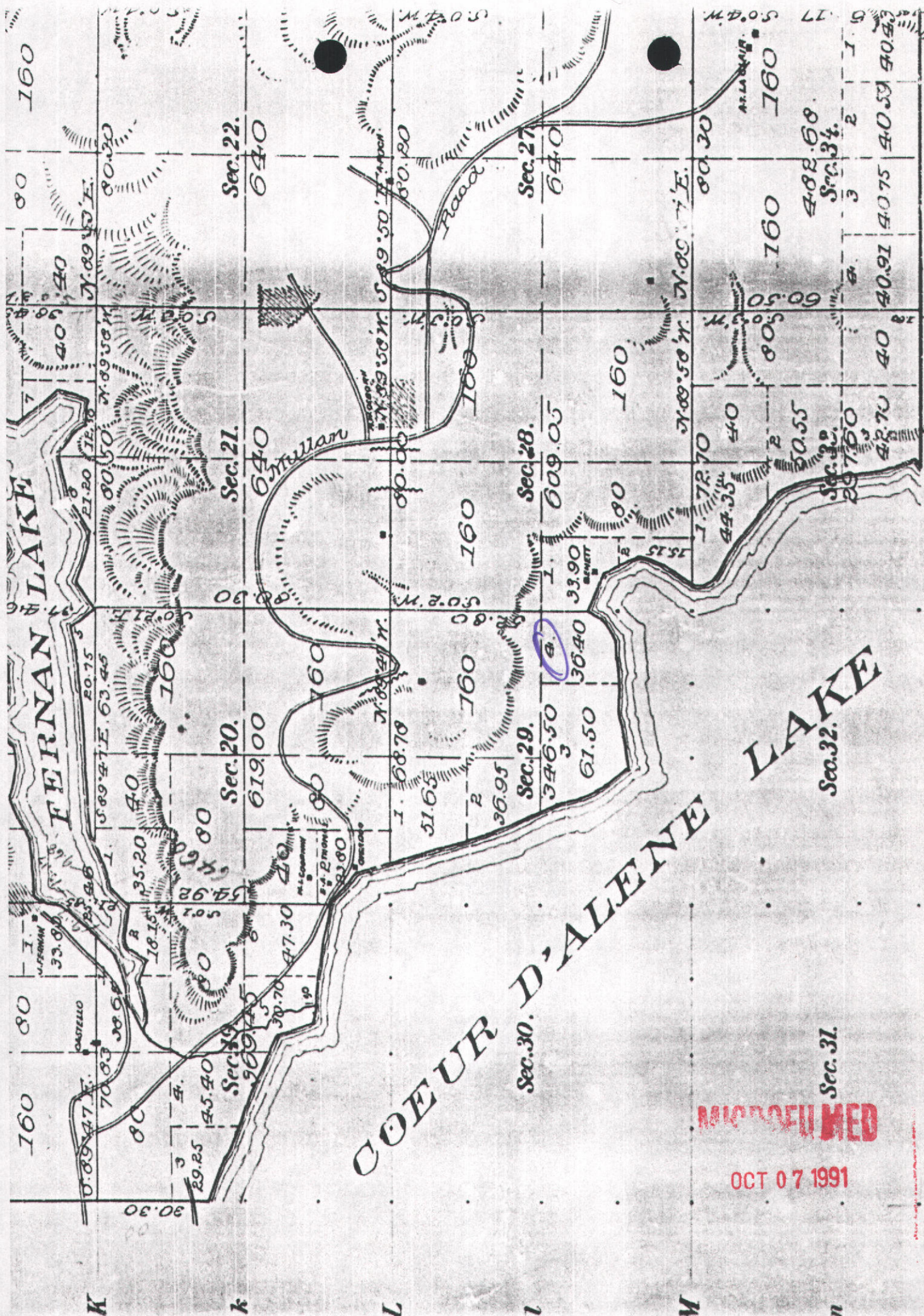




BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

x Cathie L Thomas
(Applicant)
Co-Owner / Mgr.



MICROFILMED

OCT 07 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 28 1991

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 95-08599

1. Owner: TONYS SUPPER CLUB

Phone No. 667-9885

Current Address: E. 4695 I-90 COEUR D'ALENE, ID 83814

2. Accompanied by: _____

EXAM. DATE: 3/15/91

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____

☐ Copies Attached

2. Other water rights with same point of diversion: _____

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



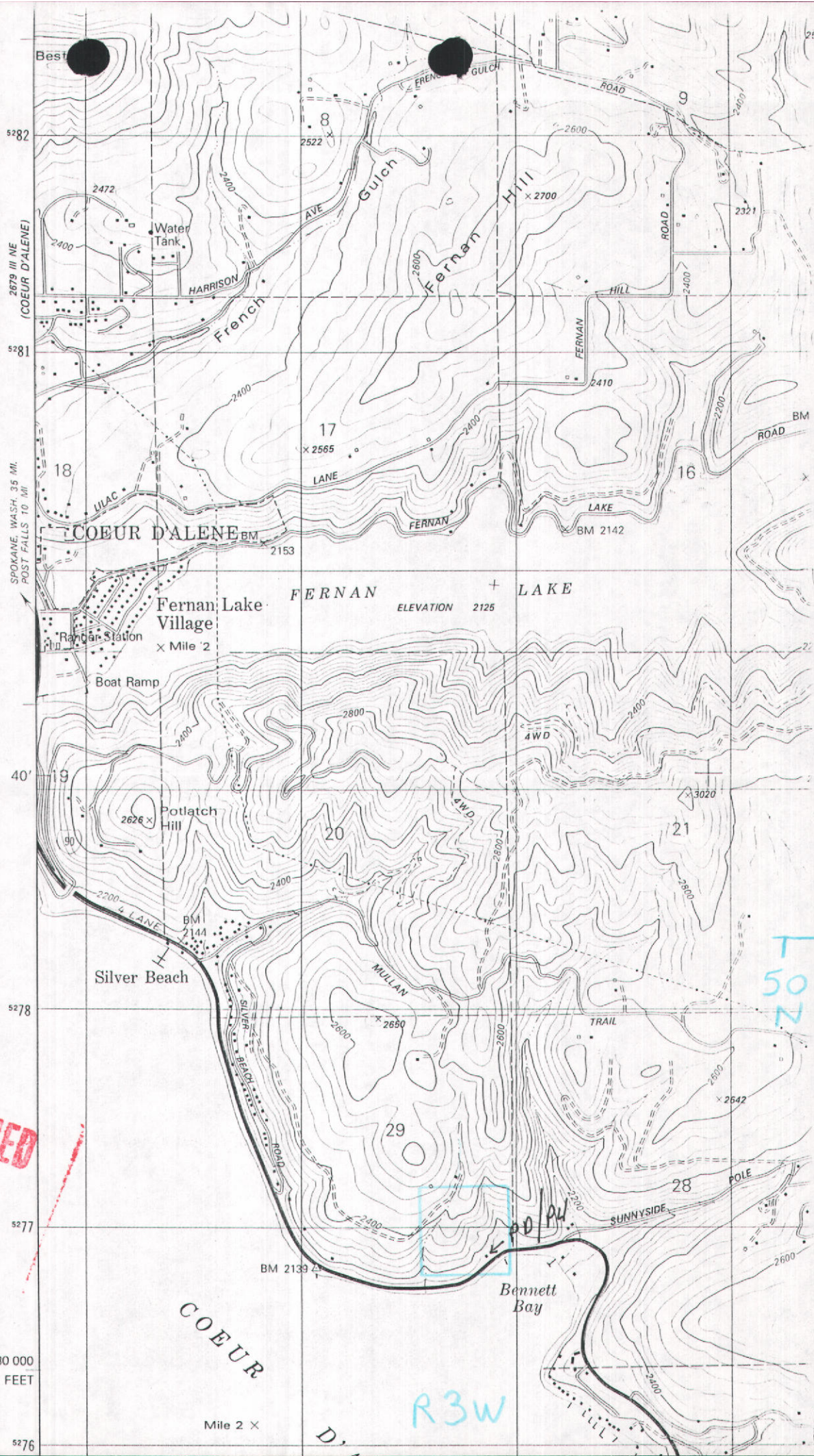
Scale: 1" = NTS

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

OCT 07 1991



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OCT 07 1991

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 95-08599

Priority: July 18, 1988

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume:¹ 1.7 AF

This is to certify, that TONY'S SUPPER CLUB
E. 4695 I-90

COEUR D'ALENE ID 83814 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 18, 1988; and has submitted Proof of Beneficial Use on November 14, 1989. An examination indicates that the works have a diversion capacity of .170 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.04 CFS	1.7 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 4(NESE), Sec. 29, Township 50N, Range 03W
KOOTENAI County

PLACE OF USE: COMMERCIAL
TWN RGE SEC

50N 03W 29 LOT 4(NESE)

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Commercial use is for a restaurant and lounge.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 27th day of SEPTEMBER, 1991.

Acting for R. Keith Higginson, Director

RECEIVED

OCT 07 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 95-8599

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant TONYS SUPPER CLUB Phone 667-9885
Post office address E. 4696 I-90 COEUR D'ALENE ID 83814
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot 4
Sec. 29 Township 50N Range 3W B.M. KOOTENAI County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.04 for COMMERCIAL purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. WELL, PUMP, PIPELINE
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is 6 inches; proposed depth of well is 200 ± 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 for proposed official use is
1 years (minimum 1 year).

MICROFILMED

JAN 11 1989

UNFILMED

applicant to make this filing.

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

11. a. Who owns the property at the point of diversion? *HP2*

Total number of acres to be irrigated.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼			
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%
68N 30E	29																	
			</															

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

9. Description of place of use:

e. Other; describe fully. C/RESTMILKMAN

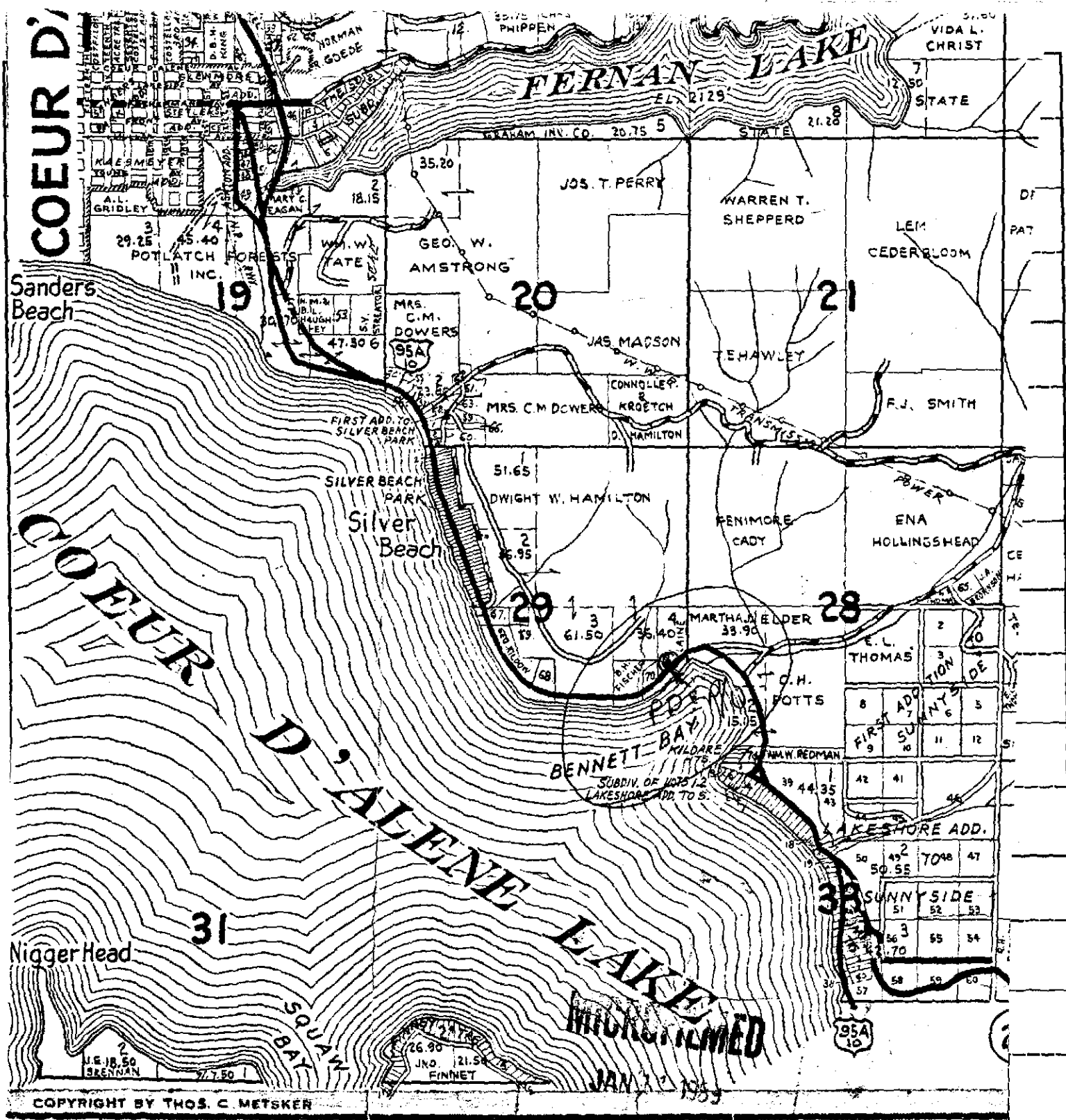
d. Domestic; show number of households.

c. Municipal; show name of municipality.

b. Stockwatering: list number and kind of livestock.

a. Hydropower; show total feet of head and proposed capacity in kW.

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



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 Cathie L. Thomas
(Applicant)
Co-owner / Mgr.

Proposed Priority 7/18/88

Received by

Date 7/18/88

Time 2:48 PM

Preliminary check by

CLH

Received by

NS70

Date

7/18/88

Publication prepared by

Date

7/27/88

Published in

8/4 + 11/88

Publication approved

Date

9/15/88

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. 95-8599

APPROVED

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

January 1, 1990

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:

Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Witness my hand this 8th day of December, 1988.

J. Henry Sawyer

MICROFILMED
JAN 11 1989

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Kootenai,

Nancy Hawkins 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.

3. The notice

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 1 day of Sept. 1988 and
ending on the 8 day of Sept. 1988, and such
publication was made as often during said period as said daily
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.

Subscribed and sworn to before me this 8 day of Sept.
1988

NOTARY PUBLIC

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

ROBERTA MANLEY
My commission expires 2-3-93

JAN 11 1989

**NOTICE OF CORRECTION
NOTICE IS HEREBY GIVEN
THAT APPLICATION FOR
PERMIT NO. 95-9590 in the
name of Tonys Supper Club
was advertised incorrectly on
8/4 & 11/1988.**

The priority date was incor-
rectly advertised as 7/19/88;
whereas, correctly it should be
7/18/88.

Protests to the above-refer-
enced correction must be filed
with the Director, Dept. of Wa-
ter Resources, 4055 Gov't.
Way, Suite 9, Coeur d'Alene,
Id. 83814 on or before Septem-
ber 19, 1988.

R. KEITH HIGGINSON, Dir.
Legal 962
Sept. 1, 8, 1988

Department of Water Resources
Northern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Kootenai,

Nancy Hawkins 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.

3. The notice

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 4 day of August, 1988 and ending on the 11 day of August, 1988 and such publication was made as often during said period as said daily 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.

Subscribed and sworn to before me this 11 day of August, 1988

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

RECEIVED

AUG 1988

ROBERTA MANLEY

2-3-93

Department of Water Resources
Northern District

MICROFILMED

JAN 11 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

95-08595
CHRIST, DIANE M.
CHRIST, ROGER A.
P. O. BOX 1104
HAYDEN LAKE, ID 83835
Source: SPRING Tributary:
SINKS

Diversion Pt: LOT 4
(NWSWSW) Sec 21 T 52N R 03W

Use: DOMESTIC (.040 CFS)

Date Filed: 7/14/1988

In: T52N R03W S21 SWSW

95-08596

MOSEMAN CONSTRUCTION CO.

P. O. BOX 1739

COEUR D'ALENE, ID 83814

Source: GROUNDWATER

Diversion Pt: NENESW SEC

28 T 50N R 03W

Use: COMMERCIAL (.130

CFS); DOMESTIC (.040 CFS)

Date Filed: 7/14/1988

In: T50N R03W S28 SENW

NESW SESW

95-08597

KINGSLEY, GARY R.

KINGSLEY, PATRICIA L.

13249 126TH PL. N.E.

KIRKLAND, WA 98034

Source: GROUNDWATER

Diversion Pt: NESW Sec 19 T

51N R 05W

Use: IRRIGATION (.600

CFS); DOMESTIC (.500 CFS)

Date Filed: 7/15/1988

In: T51N R05W S19 NESW

30.0 ACRES TOTAL

95-08598

NESS, ELMER

RT. 2 BOX 91

WORLEY, ID 83876

Source: COEUR D'ALENE

LAKE Tributary: SPOKANE

RIVER

Diversion Pt: LOT 4 (NWSW)

Sec 19 T 48N R 04W

Use: DOMESTIC (.040 CFS)

Date Filed: 7/18/1988

In: T48N R04W S19 NWSW

95-08599

TONYS SUPPER CLUB

E. 4695 I-90

COEUR D'ALENE, ID 83814

Source: GROUNDWATER

Diversion Pt: LOT 4 (SEN-

ESE) Sec 29 T 50N R 03W

Use: COMMERCIAL (.040

CFS)

Date Filed: 7/19/1988

In: T50N R03W S29 Lot 4

(NESE)

The permit(s) will be sub-

ject to all prior water rights.

Protests must be filed with the

Director, Dept. of Water Re-

sources, Northern Region,

Government Way Suite 9,

Coeur D'Alene, Idaho 83814 on

or before AUGUST 22, 1988.

R. KEITH HIGGINSON, Dir.

Legal 771

Aug. 4, 11, 1988

September 30, 1991

TONYS SUPPER CLUB
E. 4695 I-90
COEUR D ALENE ID 83814

RE: WATER RIGHT NO. 95-08599

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

Enclosure

MICROFILMED

OCT 07 1991

LICENSE REVIEW CHECKLIST

Permit No. 95-8599

Name/Address change? ok ☒
 Priority date Advance? yes no ☒
 Memo to advance
 Order to reinstate needed? yes no ☒
 Total cfs Limited by fee N/A
 Limited by capacity
 Total volume Limited by flow
 Chart checked for AF rate/ac N/A
 Capacity Actual measurement checked
 Theoretical checked ☒
 If greater than permit, check for other rts

Source Changed? yes no ☒
 If so, is memo needed to clarify?

P/D Verify with map ☒ permit ☒
 More than one per 1/4? Remember remark
 Check p/d overlap

Uses Check irrigation period of use w/ chart

P/U Verify with map ☒ permit ☒
 > 5 acres irrigated, run overlap

Remarks More than one p/d in 1/4
 Description of non-irrig uses ☒
 Special overlap condition

Conditions -	Dates/Misc. -
Measuring device <u> </u>	Water Dist <u> </u>
W.Master control <u> </u>	App Rec'd <u> </u>
Overlap <u> </u>	Proof Rec'd <u> </u>
Water quality <u> </u>	
Other <u> </u>	

CHECK FOR ADJ. CLAIM Needed according to proof filed
 Filed - needs amended
 Add'l fee required
 Not filed -
 Not needed ☒

Comments/Changes to Examiner's Recommendations: OCT 07 1991

License ☒ 10-day 30-day

Back of field report signed?
 Reviewer S. Curtis Date 8/13/91 Review time 5 min.



COEUR D'ALENE LAKE

RECEIVED

OCT 07 1991

Sec. 31

Sec. 32

Sec. 28

Sec. 29

Sec. 30

Sec. 21

Sec. 20

Sec. 19

Sec. 22

Sec. 23

Sec. 24

Sec. 25

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Sec. 311

Sec. 312

Sec. 313

Sec. 314

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 28 1991

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 95-08599

1. Owner: TENNY'S SUPPER CLUB

Phone No. 667-9885

Current Address: E. 4695 I. 90 COEUR D'ALENE, ID 83814

2. Accompanied by: _____

EXAM. DATE: 3/15/91

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____

☐ Copies Attached

2. Other water rights with same point of diversion: _____

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NTS

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

OCT 07 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 28 1991

Department of Water Resources

Permit No. 95-08599

Phone No. 667-9885

A. GENERAL INFORMATION

1. Owner: TONYS

Current Address: E.

2. Accompanied by: _____

Address: _____

Relationship to Per

3. Source: GROUND

B. OVERLAP REVIEW

1. Other water rights w

s Attached

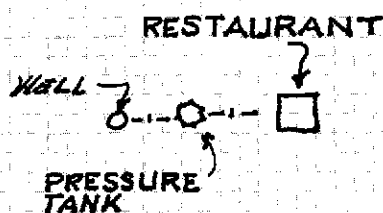
2. Other water rights v

m's Attached

C. SYSTEM DESCRIP

1. Diversion System
size/ditch size/pipe

Indicate weir



Scale: 1" = NTS

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

OCT 07 1991

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

A 6" X 300' WELL, WITH 1 1/2 HP SUBMERSIBLE PUMP W/SWL @ 8', ABUSED PIPELINE TO A 150 GAL PRESSURE TANK, THEN TO RESTAURANT/LOUNGE

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	508				
Motor Make					
Hp	1 1/2				
Motor Serial No.					
Pump Make					
Pump Serial No. or Discharge Size					

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

5. Point(s) of Diversion:

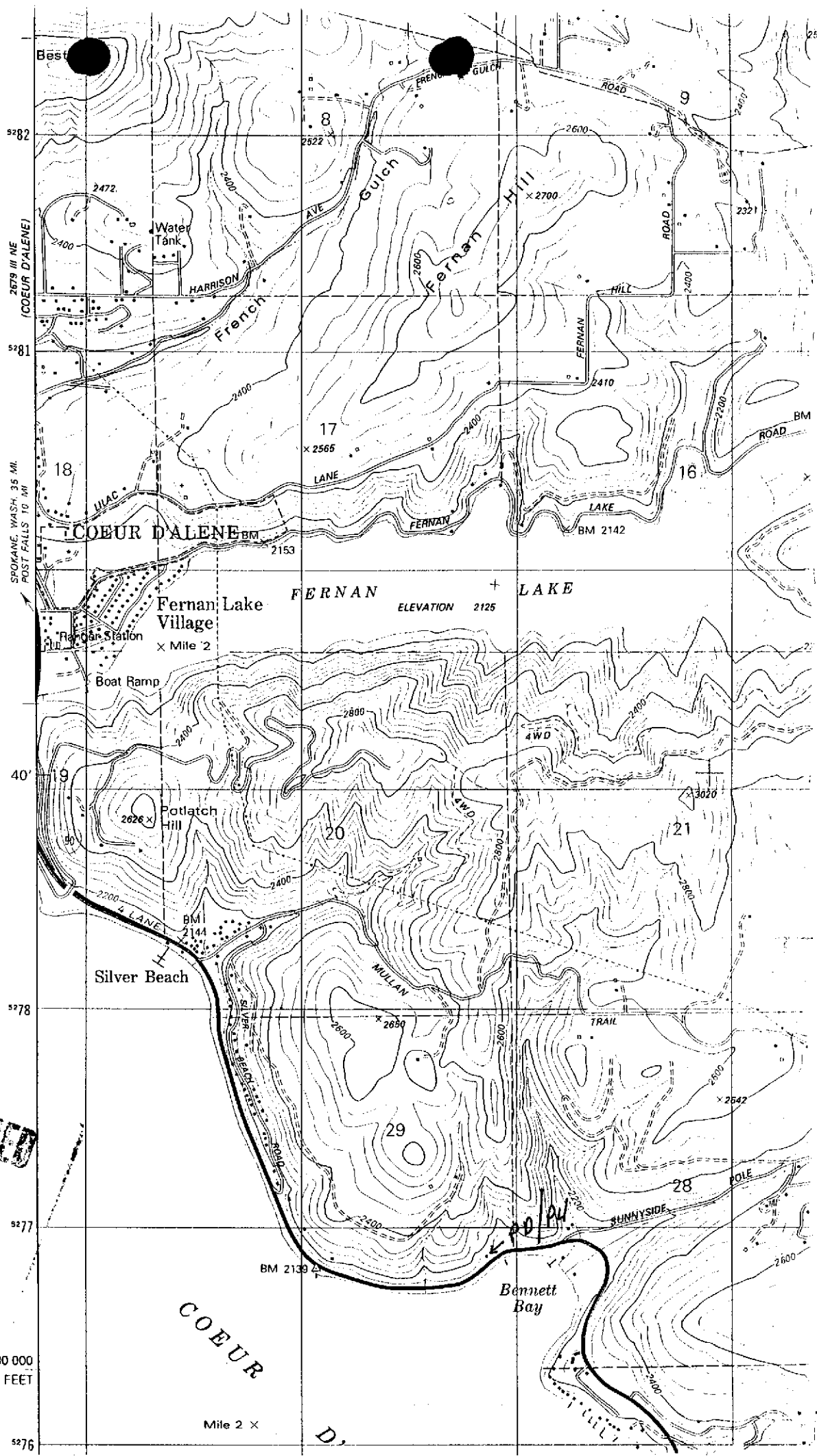
[illegible]

6. Place(s) of Use:

Indicate Method of Determination *MMO*

[illegible]

1661 20 100



COEUR D'ALENE
OCT 07 1991

2 180 000
FEET

Mile 2 x

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$$\frac{8.8 (1\frac{1}{2}) 70\%}{2.3 (20) + 8} = 0.17 \text{ cfs} \text{ SYSTEM CAPACITY} \quad \text{WELL LOG STATES 8 gpm}$$

2. Alternate Method for Checking Purposes:

$$\frac{1500 \text{ gal}}{120 \text{ min}} = \frac{12.5 \text{ gpm}}{448 \text{ cfs/gpm}} = 0.03 \text{ cfs} \text{ NECESSARY} \quad \text{PERMIT FOR } 0.04 \text{ cfs}$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

TABLE 7 10WR / 150 DATA SHEET - OPEN 4A -
(105121P) (150 P/H) F.E.H.
(gpd)(patrons)(days per annum) = gal/annum

$$\frac{10 (150) 365}{325,851 \text{ gal/af}} = 1.7 \text{ AFA}$$

~~SEE ATTACHED~~

OCT 07 1991

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Commercial	1-1	12-31	0.04	1.7

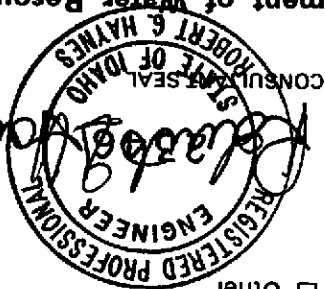
2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name Tom D. King
Signature [Signature]
Certification Date 4/16/90
Field Report Preparation Date 3/14/91

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.



OCT 07 1991

State of Idaho
Department Of Water Resources
WELL INSPECTION FORM

If well is associated with water right, provide WR Permit No. 95-08599

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description of Well Location:

Twp. _____ N, Rge. _____ Sec. _____, _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ Gov. Lot _____

2. Owner: _____

Address: _____

City _____, State _____

3. Casing $\geq$ 12 inches above ground: Yes ☒ No ☐

4. Access Port:	Y ☒ N ☐	Static Water Level:	<u>8'</u>
Pressure Gauge:	Y ☐ N ☒	Casing Diameter:	<u>6</u>
Flowing:	Y ☐ N ☒	Temperature:	<u>✓</u>

5. Are there any obvious construction problems that may be a source for contamination or waste of water: Y ☐ N ☒

If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks : _____

RECEIVED

OCT 07 1991

February 12, 1990

TONYS SUPPER CLUB
E. 4695 I-90
COEUR D ALENE, ID 83814

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 95-08599

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)765-4639.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MIKROFILMED

MAR 26 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 95-8599

Date: 2-12-90

General Considerations:

Y Name same as permit
Y Signature the same as permit holder
Y Address change _____ If yes, prepare a data entry
Y Proof received timely
_____ Reinstated

Source of Water:

Y Surface water
Y Groundwater
 Y 1. well log in file
 Y 2. drilling permit
 _____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses
 Y Is rate or volume and fee appropriate?
Y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

N/A Is a measuring device or access port required?
N/A Has one been installed?
N/A Waiver or modification of measuring device requested

Remarks: Proof acceptable

N/A Priority Calculation:
Date proof received _____

Date proof due _____

No. of days late _____

Priority date _____

NEW PRIORITY DATE _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED

NOV 14 1989

no fee incl.

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Amt. of Fee \$ _____
Date _____
Receipt No. _____
Received by _____

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 95-08599 Telephone No. 208-667-9885Name(s) of Permit Holder(s): CATHIE L. THOMAS & NELLA F. TROY dba Tony's Super ClubPost Office Address: E 4695 I-90 Coeur d'Alene, Id 83814Source of Water: 300' WELLIf ground water, well driller's name: H2O Well Service Date drilled: 7/20/88

Extent of Use:

Domestic _____ (No. of households)

Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock)

Other RESTAURANT & LOUNGE WITH220 SEATING CAPACITY OPEN LIMITED HOURS (LATE AFTERNOON & EVENINGS)Total rate and/or volume for which proof is submitted .04 cfs _____ acre/feetShow date water was first diverted and beneficially used under this permit: 12/8/88

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes ☒ No Installed? Yes ☒ No

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☒ NoFee Enclosed: \$ NONE REQUIRED (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Name CATHIE L. THOMAS Telephone No. 208-765-5984Address 1919 E. FAIRWAY DRIVE COEUR D'ALENE, ID 83814**MICROFILMED**

The above information 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.

MAR 26 1990

Date 11/8/89 Signature (and title if on behalf of a company or organization) Cathie L. Thomas (Partner)

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.60
305
255
260
PH
225-5 gpm
240 3 more
90

1. WELL OWNER

Name Tony's Restaurant
Address Hwy I-90 Cda.
Owner's Permit No. 95-88-N-40

7. WATER LEVEL

Static water level 8 feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature 60k OF. Quality Good NO Sulfur
Describe artesian or temperature zones below.

2. NATURE OF WORK

- 95-8599
-
- ☒
- New well
- ☐
- Deepened
- ☐
- Replacement
-
- ☐
- Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☐ Pump ☐ Bailer ☒ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
<u>5</u>	<u>170</u>	<u>3</u>
<u>8 TOTAL</u>	<u>300</u>	<u>4</u>

3. PROPOSED USE

- ☒
- Domestic
- ☐
- Irrigation
- ☐
- Test
- ☐
- Municipal
-
- ☐
- Industrial
- ☐
- Stock
- ☐
- Waste Disposal or Injection
-
- ☐
- Other _____ (specify type)

4. METHOD DRILLED

- ☒
- Rotary
- ☒
- Air
- ☐
- Hydraulic
- ☐
- Reverse rotary
-
- ☐
- Cable
- ☐
- Dug
- ☐
- Other _____

5. WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>250</u> inches	<u>6</u> inches	<u>1</u> feet	<u>59</u> feet
<u>PVC</u> inches	<u>4</u> inches	<u>5</u> feet	<u>300</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ NoWas a packer or seal used? ☒ Yes ☐ NoPerforated? ☒ Yes ☐ NoHow perforated? ☐ Factory ☒ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
<u>40 ft</u> perforations	<u>260</u> feet	<u>300</u> feet
<u>60 ft</u> perforations	<u>160</u> feet	<u>220</u> feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

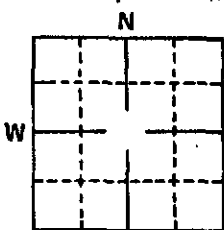
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 59 Material used in seal: ☐ Cement grout☒ Bentonite ☐ Puddling clay ☐ _____Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing☐ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☒ Solvent☐ Cemented between strata

Describe access port _____

6. LOCATION OF WELL

Sketch map location must agree with written location.

Subdivision Name _____

Lot No. _____ Block No. _____

County KootenaiSW 1/4 Sec. 29, T. 50 N, R. 3 E

10.

Work started 7-19-88 finished 7-20-88

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.Firm Name H2O well service Firm No. 448Address Hayden Date 7-22-88Signed by (Firm Official) John Wheelerand
(Operator) Wayne Miller

RECEIVED

JUL 22 1988

Drilling Permit No. 75-88-N-60
Water Permit No. _____
Injection Permit No. _____

State of Idaho
Department of Water Resources
Department of Water Resources
DRILLING PERMIT

RECEIVED

(Authorizing Construction of a Well)*

13 1988

1. Applicant CATHIE THOMAS & NELLA TROY of Water Resources District Office
2. Address E. 4095 INTERSTATE 90
COA Telephone _____
- (☒) Well Owner () Well Operator () Other, specify _____
3. Proposed well location 1/4 SE 1/4, or Gov't lot No. _____,
Sec. 29, Twp. 50, Rge. 3W, County KOOTENAI,
Lot, block and subdivision _____
4. Proposed use of well: (Check all that apply)
- () Domestic () Stockwater () Monitoring
() Irrigation () Industrial () Municipal
() Injection (☒) Other, Specify COMMERCIAL RESTAURANT
5. Well construction information:
- (☒) New well () Deepen () Replace
- Proposed surface diameter 6" Maximum depth 200'
Anticipated bottom hole temperature: _____
- (☒) 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212°F or more (Geothermal well)
6. Anticipated construction start date 7/20/88
7. Well Driller (if known) ART LORAIN SERVICE
Address 582 W. HAYDEN AVE
8. Applicant's signature Cathie L. Thomas
Title Owner/Mgr.
Date 7-15-88

MICROFILMED

MAR 26 1990

* After other pre-requisite approvals have been obtained.

* Fee is \$10 for single family domestic. Other uses may be \$100, \$50 or \$10.

ACTION OF IDWR

(X) Approved () Denied

The approval of this permit authorizes the construction of a well as described on this application subject to the conditions on this permit.

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.

SPECIFIC CONDITIONS:

1. Water from this well cannot be used until the respective water right is approved.

MICROFILMED

MAR 26 1990

Dated this 18th day of July, 19 88.

Signed

Robert G. Haynes

Title

REGIONAL MANAGER

Received by me Fee \$100.00 Date 7/18/88

Receipt No. N570 Construction start extension to _____

Extension approved by _____

138861

October 31, 1989

TONYS SUPPER CLUB
E. 4695 I-90
COEUR D ALENE, ID 83814

PROOF DUE NOTICE

RE: PERMIT NO. 95-08599

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 January 1, 1990. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

MAR 26 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
December 12, 1988

TONYS SUPPER CLUB
E. 4695 I-90
COEUR D ALENE, ID 83814

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 95-08599

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.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed.

Sincerely,

GARY SPACKMAN, Supervisor
Water Rights Permits Section

GS: SC
Enclosures

MICROFILMED

JAN 11 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY AWA DATE _____ APPLICATION NUMBER 958599

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back.)
☐ Overlapping point of diversion
☐ Yes ☒ No Field check required
Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested OCT 24 1988

Department of Water Resources

RECEIVED

PROCESSING

☒ Yes ☒ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☒ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☐ Yes ☒ No Application published correctly. If not, record action taken.
Print date wrong - re-sdv.

☒ Yes ☐ No Publication dates & paper, recorded on application

☐ Yes ☒ No Protests received

Final date for protest 9/19/88

☐ Yes ☒ No Protests, dates, resolution of protest, recorded on application

☐ Yes ☒ No Recommendations attached

☐ Yes ☒ No Measuring device required

☐ Yes ☒ No Access port required

☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. _____

☐ Yes ☐ No Special conditions of approval or cover letter below. _____

Date of priority recommended _____

By Rya

☐ See below for additional information

Date 7/18/88

10/19/88

STATE OFFICE REVIEW

P23

P16

46

By kw

☐ See below for additional information

Date 12/5/88

ADDITIONAL INFORMATION

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 95-8599 in the name of Tonys Supper Club was advertised incorrectly on 8/4 & 11/1988.

The priority date was incorrectly advertised as 7/19/88; whereas, correctly it should be 7/18/88.

Protests to the above-referenced correction must be filed with the Director, Dept. of Water Resources, 4055 Gov't. Way, Suite 9, Coeur d'Alene, Id. 83814 on or before September 19, 1988.

R. KEITH HIGGINSON, Dir.

Published in the Coeur d'Alene Press on 9/1 & 9/8/88.

NOT REFILED

JAN 11 1989



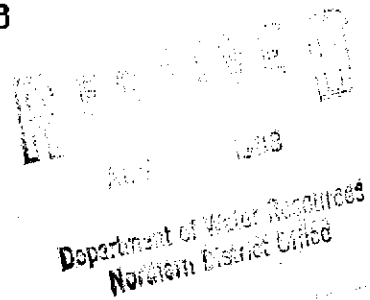
STATE OF IDAHO

DEPARTMENT OF HEALTH
AND WELFARE

DIVISION OF ENVIRONMENT
2110 IRONWOOD PARKWAY
COEUR D'ALENE, IDAHO 83814
(208) 667-3524

August 18, 1988

Mr. Robert Haynes
Idaho Department of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814



Dear Bob:

As you are aware, Tony's Supper Club recently drilled a new well to serve the restaurant. In our recent conversations we have discussed the procedure for obtaining water rights and the requirement that the right to appropriate water be properly obtained prior to the use of water.

On July 29, 1988 I surveyed the existing system at Tony's Supper Club. A brief description of the system follows:

Tony's Supper Club is a restaurant located just above Bennett Bay on Lake Coeur d'Alene.

The source of water for this establishment is an intake located approximately 50 feet from shore and 75-100 feet deep. A 3/4 hp submersible pump sits in the bottom of a PVC intake structure that is designed to take water approximately 2 feet off the bottom of the lake. The pump discharges into a line of unknown diameter, which goes under Highway I-90. This line is designed to bleed back into the lake to prevent freezing.

A 1-inch galvanized line enters through the basement of Tony's and flows through a household type cartridge filter and two Culligan 12-inch household filters (activated carbon).

A McDonnell flow switch is located on the inlet line which activates a Culligan (Model BT-5) chemical feed pump to feed a solution (1 gallon 5.25% bleach/3 gallons water) into the system.

JAN 11 1989

Mr. Robert Haynes
RE: Tony's Supper Club New Well

August 18, 1988
Page 2

A Plioglas pressure tank rides on the system to provide a small amount of pressurized storage, a pressure switch is located with a pressure gauge to activate the lake pump.

A 120-gallon galvanized tank flows through the system and provides for chlorine contact.

The building is plumbed in copper pipe.

Daily free chlorine (D.P.D.) residuals are taken and the results recorded.

R. C. Worst Inc. and Culligan maintain the system.

Turbidities of the raw and finished water showed 30 NTU and 1.7 NTU respectively.

It is interesting to note that when the system was previously inspected in March 1986 the turbidity of the raw water was 1.3 NTU. Reportedly this large increase in turbidity is due to salmon activities along the water line according to a local diver sent down to check on the pump and the water line.

This situation at Tony's is of concern to this department for several reasons primarily of public health significance. These are outlined below:

- 1) The high raw water turbidity of the water increases the possibility of organisms such as *Giardia lamblia* which are highly resistant to chlorine. Activated carbon filtration primarily used for taste and odor control is not adequate to remove these organisms and the in-line cartridge filters removal is questionable at best.
- 2) The in-line cartridge filter is experiencing rapid plugging. Approximately every three hours that the restaurant is in operations these filters are changed. Rather than being disposed of these filters are being washed and reused further compromising their performance.
- 3) This type of filter is not designed to treat the large instantaneous demand flows of a commercial establishment. Pressure is greatly reduced, to the point where dishwashing and other activities requiring pressurized water can not be properly performed.

MICROFILMED
JAN 11 1989

Mr. Robert Haynes
RE: Tony's Supper Club New Well

August 18, 1988
Page 3

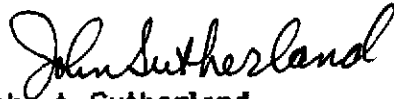
- 4) The finished water turbidity of 1.7 NTU is in violation of the Idaho Regulations for Public Drinking Water Systems if it remains this high throughout a month. Levels of turbidity above 1 NTU are indicative of inadequate filtration and can interfere with proper disinfection of water.

Because of the above mentioned public health concerns this department requests that Tony's Supper Club be issued a temporary permit to utilize their new well until the formal water right process is completed.

If you have any questions or would like to discuss these items in more detail feel free to call.

Sincerely,

DIVISION OF ENVIRONMENTAL QUALITY


John A. Sutherland
Senior Water Quality Specialist

JAS:db

MICROFILMED

JAN 11 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 9 • 4055 Government Way • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

August 3, 1988

Tonys Supper Club
E. 4695 I-90
Coeur d'Alene, ID 83814

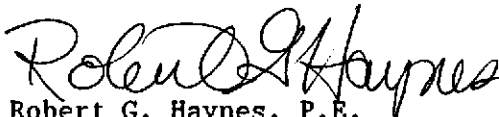
Re: 95-08599

Dear Applicants:

We are in receipt of your agreement to suspend use of the well on your property should an objection to that use be received by the department. Because of demonstrated public health concerns, the department will issue a temporary use permit to you. This permit is limited to 0.04 cfs for commercial purposes and will be valid until November 30, 1988 unless terminated earlier by the department. Reasons for termination of this permit will be but are not limited to objection to issuance of the permit or objection to pumping the well. This authorization does not relieve the applicants of the responsibility of obtaining other federal, state and local permits.

If you have any questions, please contact us.

Sincerely,


Robert G. Haynes, P.E.
Regional Manager for

Norman C. Young, P.E.
Administrator,
Resource Operations Division

MICROFILMED
JAN 11 1989

AGREEMENT

We, the undersigned co-owners of Tony's Supper Club, have filed with the Department of Water Resources Application for Permit No. 95-08599. Because of public health concerns we desire to begin use of the well which is the subject of the above referenced permit prior to the completion of the departments processing of the the application. If temporary permission is granted to use the well, we will agree to immediately cease using the well if an objection to the issuance of the permit is filed with the department or if an objection to pumping the well is received.

August 3, 1988

Cathie L. Thomas
Co-owner

Vella Wray
Co-owner

REPROFILMED

JAN 11 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 9 • 4055 Government Way • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 26, 1988

Divn. of Environment
2110 Ironwood Parkway
Coeur d'Alene, Id. 83815

Gentlemen:

Enclosed is information which may be of interest to your Agency relating to an application recently filed with the Idaho Department of Water Resources.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms
Enclosure

MICROFILMED

JAN 11 1989

95-08599

TONYS SUPPER CLUB
E. 4695 I-90
COEUR D ALENE, ID 83814

Source: GROUNDWATER

Diversion Pt: LOT 4 (SENESE) Sec 29 T 50N R 03W

Use: COMMERCIAL (.040 CFS)

Date Filed: 7/19/1988

In: T50N R03W S29 Lot 4 (NESE)

*changed on
consent
9/15/88*

MICROFILMED

JAN 11 1989