

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT SUPPLEMENT

RECEIVED
JUN 26 1989

Department of Water Resources

Yes No

PERMIT 95-8187

- (☒) () B/U Acknowledgement Letter Sent PMS 9/10/87 (INITIAL & DATE)
() (☒) Aerial Photo Date Requested _____ by _____
(☒) () Quad Sheet
(☒) () GL Plat
() (☒) Copies of overlapping License Field Report Claim
() () Photo PD/PU
() () Correspondence (Date) _____
() () Other (List) _____

EXAM COMPLETED BY Doris Johnson DATE 6/4/88
SR AGENT REVIEW JK DATE 6/88
REGIONAL MANAGER REVIEW ASH DATE 6/89
ENTERED ON COMPUTER BY JK DATE 6/13/89
PRELIMINARY OVERLAP REVIEW BY JKing DATE 10/89
(☒) NO OVERLAP FOUND

95-7811 PERMIS BU DUE - 7-1-90
96-7763 HONEY SUCKLE HILLS

11/9/87 DAM FAILURE HAS APPLIED FOR SMALL DAM HOLD
EXAM UNTIL AFTER APPROVAL OR DENIAL OF APP

Point
of
Diversion



JAN 18 1991

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 95-8187 *JK*

1. Owner: Roy Allen Johnson
Current Address: P.O. Box ~~613~~ ¹²⁹⁸ Hayden Lake, Id 83835

Phone No. 772-9151-2998

2. Accompanied by: Roy Johnson *JK* EXAM. DATE: 7/14/88

Address: SAME Phone No. SAME

Relationship to Permit Holder: SAME

3. Source: Windy Cr. tributary to

B. OVERLAP REVIEW

1. Other water rights with same place of use: None *JK*

☐ Copies Attached

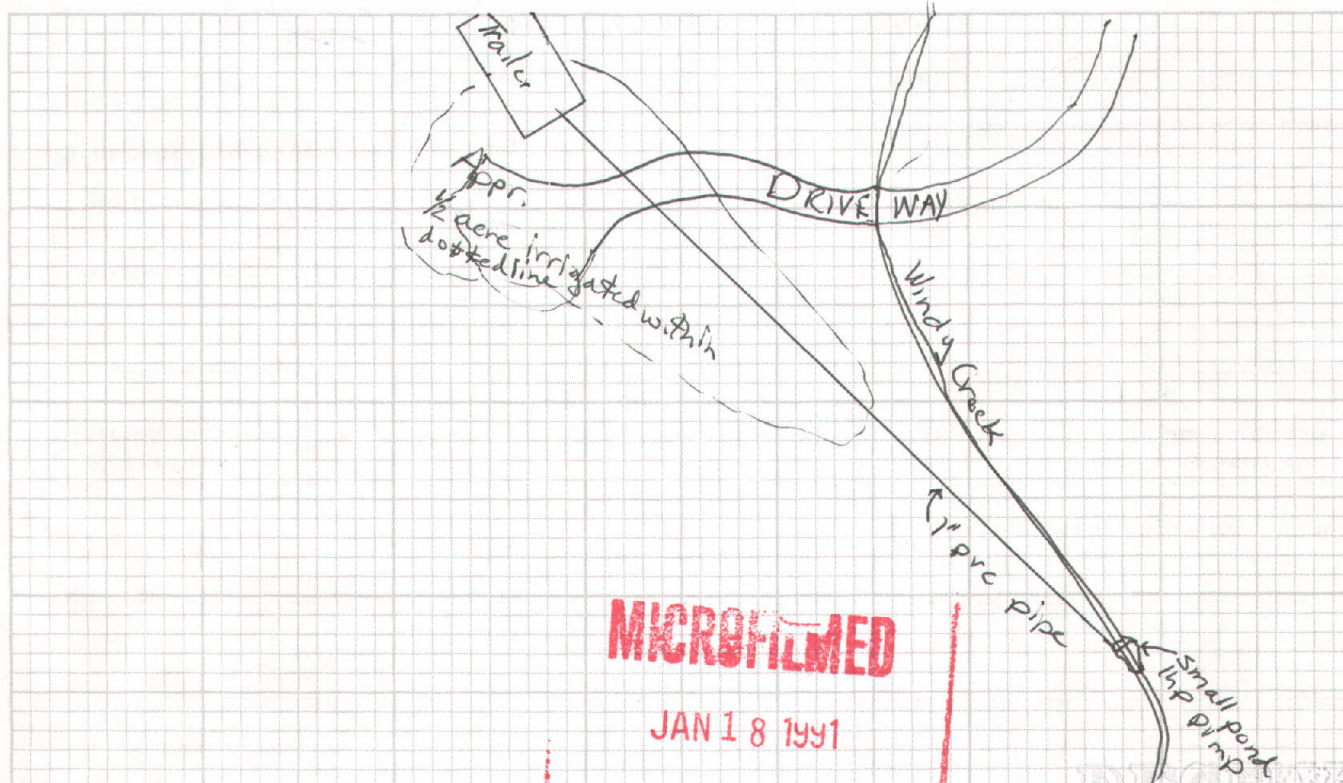
2. Other water rights with same point of diversion: None *JK*

☐ 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).

☒ 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).

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JUN 26 1989

Department of Water Resources

E INTERIOR
URVEY



PERMIT HOLDER Roy A. Johnson PERMIT # 95-8187
P D TWP 51N RGE 3W SEC 28 NE NW

P/U TWP 51N RGE 3W SEC 21 SE SW

MICROFILMED

JAN 18 1991

SOURCE Windy Cr. TRIBUTARY TO Hayden Cr.
MAP PLOT 27 IRR. ACRES 1/2 USGS QUAD F-5 SCALE 7 1/2 MIN

9

1001

1007

1001

1007

Dec. 17.
159.01

418

HAUFEN

RECEIVED
JAN 17 1964

MAKING FILM

JAN 18 1991

21

20

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95-8187

100

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 95-08187

Priority: July 11, 1982

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.04 CFS
1.2 AF

This is to certify, that ROY ALLAN JOHNSON
P.O. BOX 1298

HAYDEN LAKE, ID 838350000 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 1, 1982; and has submitted Proof of Beneficial Use on August 10, 1987. An examination indicates that the works have a diversion capacity of .040 cfs of water from:

WINDY CREEK

tributary to HAYDEN CREEK

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>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 28, Township 51N, Range 03W
KOOTENAI County

PLACE OF USE: DOMESTIC
TWN RGE SEC

51N 03W 21 SESW

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. Domestic use is for 1 home.

MICROFILMED

JAN 18 1991

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 95-08187

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 20th
day of December, 1990.

Acting for

R. Keith Higginson
R. Keith Higginson, Director



RECEIVED

JAN 18 1991

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 95-08187

APPROVED

Date of Priority: July 11, 1982 Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

Comes now ROY ALLAN JOHNSON
P.O. BOX 1298
HAYDEN LAKE, ID 838350000 and represents to the Director of the
Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the
State of Idaho No. 95-08187, and requests that the permit be changed as follows:

Source: WINDY CREEK tributary to HAYDEN CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 28, Township 51N, Range 03W
KOOTENAI County

PLACE OF USE: DOMESTIC

TWN RGE SEC

51N 03W 21 SESW

Permit holder asserts that no one will be injured by such change and that such change
will be made at permit holder's own risk.

Signed at IDWR NORTHERN REGION, this 8 day of Nov., 1990.

MAILED

JAN 18 1991

Roy A Johnson
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 95-08187

FOR DEPARTMENT USE ONLY

N004203

Preliminary check by SC Fee = \$20.00 Received by RM Date 11/8/90 (N4203)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

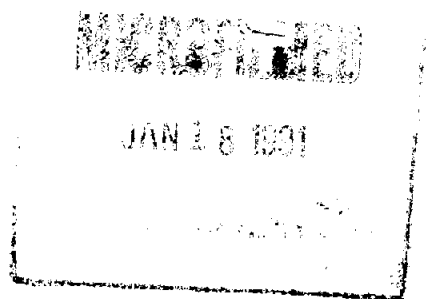
I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 95-08187 with the following;

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. Use of water under this water right is subject to control by the watermaster of State Water District No. 95A
6. Domestic use is for 1 home.

Witness my hand this 20th day of December, 1990.

R. Keith Higginson
R. Keith Higginson, Director



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 95-8187 IN THE)
NAME OF ROY ALLAN JOHNSON) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before July 1, 1987; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, the Department has notified the permit holder that the permit has lapsed for failure of the permit holder to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on August 10, 1987;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 95-8187 be REINSTATED and the priority advanced to July 11, 1982.

Dated this 17th day of August, 1987.

MICROFILMED

AUG 25 1987

L. Glen Saxton
L. GLEN SAXTON, Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Roy Allan Johnson Phone 772-9151
Post office address PO Box 613 Hayden Lake, Id 83835
2. Source of water supply Windy Creek which is a tributary of Hayden Cr
3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 Township 51N
Range 3W B.M. Kootenai County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.08 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 for Irrigation purposes from 3/15 to 10/31 (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)

5. Total quantity to be appropriated:

a. 0.08 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Diversion dam with pump and pipeline to place of use.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

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 - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21 Township 51N
Range 3W B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 2.

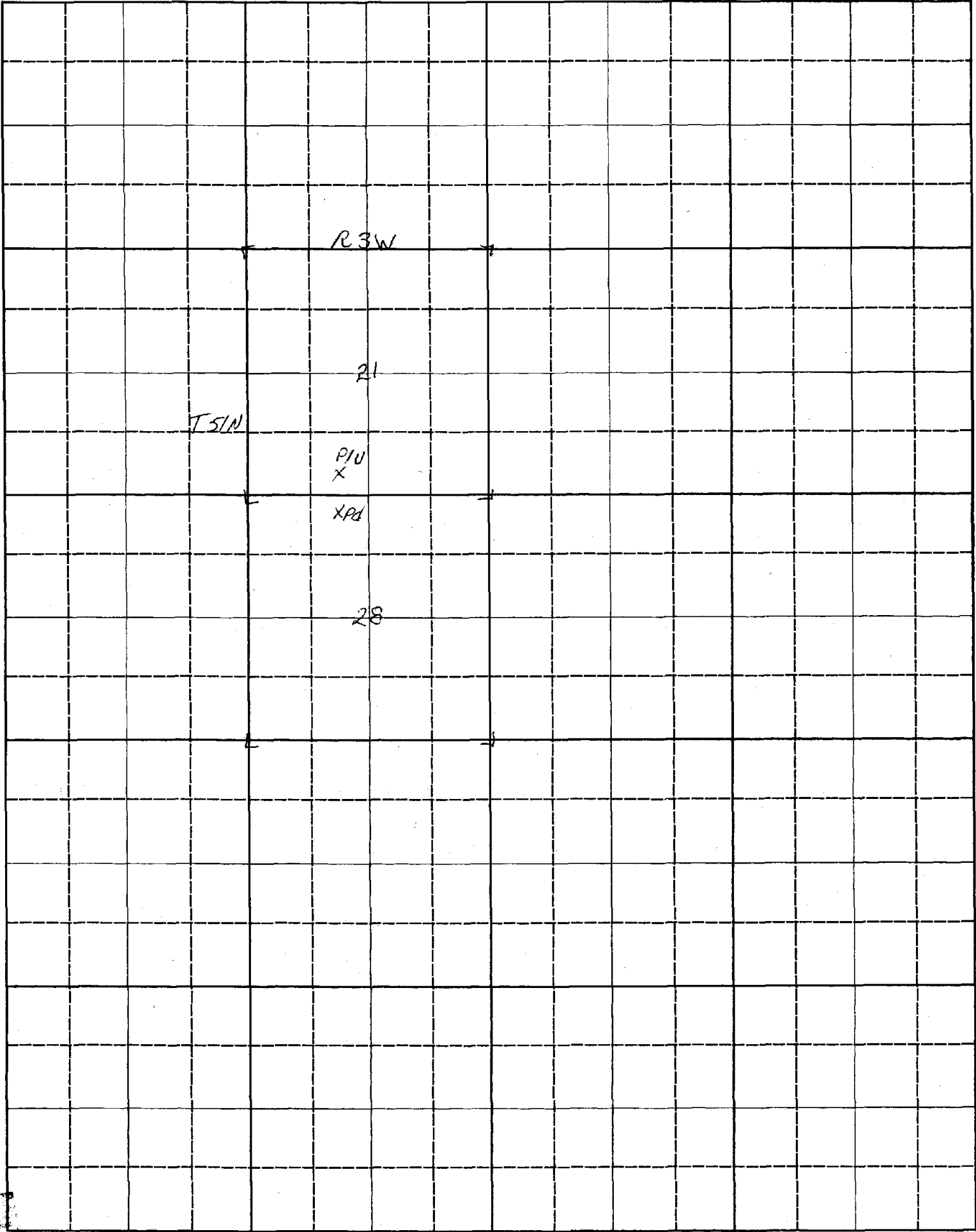
(5) If water is to be used for other purposes describe: _____

RECORDED

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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

11. 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.

Roy A. Johnson
(Applicant)

Received by AK Date 6-1-82 Time 1:30 PM
Preliminary check by AK Fee \$ 30.00
Received by AK Date 6-1-82 (51328)
Publication prepared by KK Date 6/3/82
Published in CDH News
Publication dates 6/10 - 6/17/82
Publication approved AK Date 6/22/82
Protests filed by: none
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by AK

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. 95-8187, and said application is hereby 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 July 1, 19 87.
- 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. Other:

Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
The issuance of this permit in no way grants any right-of-way or easement across the land of another.
Use of water under this permit is subject to control by the watermaster of State Water District No. 95A, Hayden Lake.
Witness my hand this 19th day of July, 1982.

J. Newington
Chief, Operations Bureau

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Kootenai,

Allen Hancock 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 Application for Water rights

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 10 day of June, 1982, and ending on the 17 day of June, 1982, 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.

Allen Hancock
Subscribed and sworn to before me this 17 day of June, 1982

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

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

95-0137

JOHNSON, ROY ALLAN
P. O. BOX 613, HAYDEN LAKE, ID 83838

Source: WINDY CREEK tributary to HAYDEN CREEK

Date Filed: 06/01/1982

Amount: 0.08 CFS

Diversion Point: NENW Sec 28 T

51N R 03W, KOOTENAI Co.

Use: IRRIGATION (0.04 CFS)

from 03/15 to 10/31; DOMESTIC

(0.04 CFS) from 01/01 to 12/31

Place of Use: SESEW Sec 21 T 51N

R 03W FOR 3 ACRES

Diversion Means: PUMP &

PIPELINE.

95-0138

PETERSON, ELDON

P. O. BOX 1344, POST FALLS, ID, 83854

Source: GROUNDWATER

Date Filed: 06/27/1982

Amount: 0.04 CFS

Diversion Point: NESW Sec 13 T

50N R 06W, KOOTENAI Co.

Use: DOMESTIC (0.04 CFS) from

01/01 to 12/31

Place of Use: NESW Sec 13 T 50N

R 06W

Diversion Means: WELL &

PUMP.

95-0139

RODKEY, GEORGE

14703 E. VALLEY WAY,

SPOKANE, WA 99216

Source: SPOKANE RIVER tributary to COLUMBIA RIVER

Date Filed: 06/01/1982

Amount: 0.08 CFS

Diversion Point: LOT 03 Sec 11 T

50N R 05W, KOOTENAI Co.

Use: IRRIGATION (0.08 CFS)

from 03/15 to 11/15

Place of Use: LOT 03 Sec 11 T 50N

R 05W FOR 1 ACRES

Diversion Means: PUMP &

PIPELINE.

95-0083

PEMBERTON, HAROLD O.

P. O. BOX 55, BAYVIEW, ID 83803

Source: OLD MAID CREEK tributary to PEND OREILLE LAKE

Date Filed: 06/28/1982

Amount: 0.30 CFS 0.5 AC-FT

Diversion Point: NESW Sec 34 T

54N R 02W, KOOTENAI Co.

Use: IRRIGATION (0.08 CFS)

from 03/15 to 11/15; IRRIGATION

STORAGE (0.5 AC-FT) from 03/15 to 11/15; IRRIGATION

FROM STORAGE (0.5 AC-FT) from 03/15 to 11/15; RECREATION

STORAGE (0.5 CFS) from 01/01 to 12/31; DIVERSION TO

STORAGE (0.30 CFS) from 01/01 to 12/31

Place of Use: NESW Sec 34 T 54N

R 02W FOR 1 ACRES

Diversion Means: DITCH &

POND

When issued, the permit(s) will be

subject to all prior water rights.

Requests against the granting of

any permit must be filed with the

Director of the Idaho Department

of Water Resources, 6000 Gov't

Way, Coeur d'Alene, Id, 83814 on

or before JUNE 28, 1982.

A. KENNETH DUNN

Director

Legal-661

June 10, 17, 1982

June 14, 1991

Mr. J. P. Stravens
2110 Ironwood Parkway
Coeur d'alene, Id. 83814

Re: 95-08187

Dear Mr. Stravens:

This letter is being sent in an effort to clarify the meaning of the phrase "water right". A water right is strictly a use right. This means that the water must be used for the water right to exist and to remain valid.

A water right can not be developed in trespass and does not constitute permission, nor the right to go upon or across the lands of another, including public lands.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

Tom D. King
Sr. Water Resource Agent

RECEIVED
AUG 15 1991

Department of Water Resources

*Please
file with*

95-8187



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

June 17, 1991

Mr. J. P. Stravens
2110 Ironwood Parkway
Coeur d'Alene, Id. 83814

Re: 95-8187

File Copy

Dear Mr. Stravens:

You have requested that I provide you a legal reference to relevant statutory or case law providing that the issuance of a water right permit to license by the Department of Water Resources does not provide the right holder with a right of access across the land of another.

It is established law in Idaho that the fact that a party holds a water right does not mean that he has, because of that fact, the right to enter the lands of others for the purpose of constructing ditches to convey water diverted under the right. An easement and right of way must be obtained either by purchase or condemnation, or through adverse possession. The Idaho Supreme Court established this principle in the case of Swank v. Sweetwater Irr. & Power Co., 15 Idaho 353, 360, 98 Pac. 297 (1908), holding as follows:

The fact that a party has a water right gives him no right to enter the lands of others for the purpose of constructing ditches and canals across them... He must obtain that easement and right of way either by purchase or condemnation.

An easement for a right of way to convey water across the land of another may also be acquired by prescription or adverse possession. Idaho Code, Section 5-209; Gorrie v. Weiser Irr. Dist., 28 Idaho 248, 252-253, 153 Pac. 561 (1915). Adverse possession requires proof of open, notorious, uninterrupted use for a period of five years. Branson v. Miracle, 111 Idaho 933, 729 P.2d 408 (Ct. App. 1986).

A right of way not acquired by purchase or prescription may be acquired by eminent domain proceedings pursuant to Idaho Code Section 42-1106, which requires payment of compensation.

If you have any questions or if I can be of any assistance, please feel free to contact me at this office.

Sincerely,

Tom D. King

TOM D. KING
Senior Water Resource Agent
TDK/pms

December 24, 1990

ROY ALLAN JOHNSON
P.O. BOX 1298
HAYDEN LAKE, ID 838350000

RE: WATER RIGHT NO. 95-08187

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

RECEIVED

JAN 18 1991

November 2, 1990

ROY ALLAN JOHNSON
P.O. BOX 1298
HAYDEN LAKE, ID 838350000

RE: WATER RIGHT NO. 95-08187

Dear Water Right Holder(s):

We previously forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received the amendment. If we do not receive it within fifteen (15) days, we will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

If you have any questions, please contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

RECEIVED
NOV 14 1990

JAN 14 1991

MEMORANDUM

TO: Jim

FROM: Sharla

DATE: September 10, 1990

RE: P/D Hassle

I can't believe we have made such a big deal over the legal description of the point of diversion under the attached right, especially in view of the fact that it is located in unsurveyed territory.

At this point, I see that we have two options available to us. First, we can issue the license listing the point of diversion in the NENW, which is where the examiner located it on his report and his attached map. It was later changed to NWNE by Bob Haynes (see his memo dated 5/1/90).

*Let's
not do
this*

The other option is to send a notice of pending order voiding the permit for lack of possessory interest. As stated in Bob's memo, Mr. Johnson has not yet made application to the Forest Service for a special use permit. This being the case, Bob is quite correct in assuming this right is not valid.

Your thoughts?

*Re-sent the
15 day reminder
letter
LEAVE DATA AS IS.
Jim*

[Handwritten signature]

JAN 16 1991



INTER-DEPARTMENT MEMO — 1

DATE 4-30-90

FROM Jim

TO FILES

SUBJECT Per request, by telecon w/ Tom King, this file should be held an additional 30 days. Tom is going to follow-up on Mr Johnsons' statement that the point of diversion as stated on the permit is correct and should not require amendments

MICROFILMED

JAN 18 1991

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Northern Region Office

1910 Northwest Blvd. * Suite 210 * Coeur d'Alene, Id. * 83814 * (208) 765-4639

Cecil D. Andrus
Governor

R. Keith Higginson
Director

May 9, 1990

Mr. Roy Johnson
Box 1298
Hayden, Id. 83835

Re: Permit # 95-08187

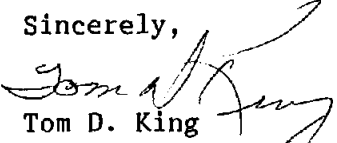
Dear Permit holder:

I have re-checked the point of diversion at your request. However, unless Section 28, T 51 N, R 3 W, is completely surveyed I can come to no other conclusion than that the point of diversion is within the NW NE Section 28, T 51 N, R 3 W.

I have re-submitted my report to the Boise office and they will contact you before any further action is taken.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,


Tom D. King
Sr. Water Resource Agent

MICROFILMED

JAN 18 1991

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MAY 04 1990

MEMORANDUM Department of Water Resources

TO: Gary Spackman, Manager - Water Permits Section

VIA: Robert Haynes - Manager, Northern Regional office *RH*

Jim Johnson, Water Rights Supervisor - Permits Section

FM: Tom King, Sr. Water Resource Agent - Northern Region *TDK*

Date: May 1, 1990

Subject: Field Exam Report #95-08187

=====

When I reviewed the field report for this permit, I felt uncomfortable with the legal description of the point of diversion, so I went to the site to verify that description. By using the USGS map of the area I identified the point where the county road crosses Windy Creek and found it to be approximately 500 feet in a South Easterly direction of the N 1/4 corner of Section 28, T51N, R3W. This places the point of diversion within the NW NE Section 28, T51N, R3W.

Mr. Johnson did not feel that he should pay an additional fee to amend the description of the point of diversion, so he got his compass, tromped through the forest and determined that the map is in error. Due to his insistence I checked with the Kootenai County Assessor.

The Kootenai County Assessor informed me that no survey of this section has been recorded with the county, so no basis of bearing for the mid section line is available. The information the county has, is based on the same USGS map that is used by the IDWR. Since the USFS owns the section in question, I decided to question them about the location of the point of diversion.

The USFS has had no reason to subdivide this section, so only the N. 1/4 corner and the S. 1/4 corner of this section have been established. Unfortunately these two points have not been tied together. For section information, the USFS depends upon the same USGS map that is used by the IDWR. During the discussion I learned that Mr. Johnson has not applied for a special use permit from the USFS. They have informed him that a permit is necessary and instructed him to file an application for the permit.

JAN 18 1991

Since a water right can not be developed in trespass, it seems pointless to issue a license to Mr. Johnson that is probably not valid. In view of this, it does not seem to matter where the point of diversion lies within the section. However if you decide that a license should be issued, the point of diversion is located at the point where the county road crosses Windy Creek. Unless a Survey is made to establish the mid-section line of this section, there is no better method of locating the point of diversion within the section than by using the current USGS map of the area.

March 23, 1990

ROY ALLAN JOHNSON
P.O. BOX 1298
HAYDEN LAKE, ID 838350000

RE: PERMIT NO. 95-08187

Dear Permit Holder(s):

We previously forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue the license.

As of this date, we have not received the amendment. If we do not receive it within fifteen (15) days, we will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

If you have any questions, please contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JAN 18 1991

3-30-90
Tom King has rec'd
an inquiry regarding
our letter. Mr. Johnson
thinks he paid the Tom
amendment fee... Tom
is reviewing their
records. Hold for
an additional
30 days - KW

November 8, 1989

ROY ALLAN JOHNSON
P.O. BOX 1298
HAYDEN LAKE, ID 838350000

RE: PERMIT NO. 95-08187

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure



POINT OF DIVERSION OVERLAP REVIEW

WR-NUMBER	TWP	RNG	SC	TRACT	LT	#SOURCE	#NAME
				1\4 1\4 1\4			
9508187	51N	03W	28	NE NW		WINDY CREEK	JOHNSON, ROY ALLAN
				NO MATCHES FOR THIS POD			

MAKOFILMED

JAN 18 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT SUPPLEMENT

RECEIVED
JUN 26 1989

Department of Water Resources

Yes No PERMIT 95-8187

(☒) () B/U Acknowledgement Letter Sent PMS 9/16/87 (INITIAL & DATE)

() (☒) Aerial Photo Date Requested _____ by _____

(☒) () Quad Sheet

(☒) () GL Plat

() (☒) Copies of overlapping License Field Report Claim

() () Photo PD/PU

() () Correspondence (Date) _____

() () Other (List) _____

EXAM COMPLETED BY Janis Schubert DATE 8/4/88

SR AGENT REVIEW _____ DATE 8/88

REGIONAL MANAGER REVIEW PMH DATE 6/89

ENTERED ON COMPUTER BY _____ DATE 6/3/89

PRELIMINARY OVERLAP REVIEW BY J King DATE 10/87

(☒) NO OVERLAP FOUND

95-7811 PERMITS BY DUE - 7-1-90

95-7763 HONEY SUCKLE HILLS

11/9/87 DAM FAILURE HAS APPLIED FOR SMALL DAM AOLD
EXAM UNTIL AFTER APPROVAL OR DENIAL OF APP.

Point
of
Diversion



95-8187

RECEIVED
JAN 18 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

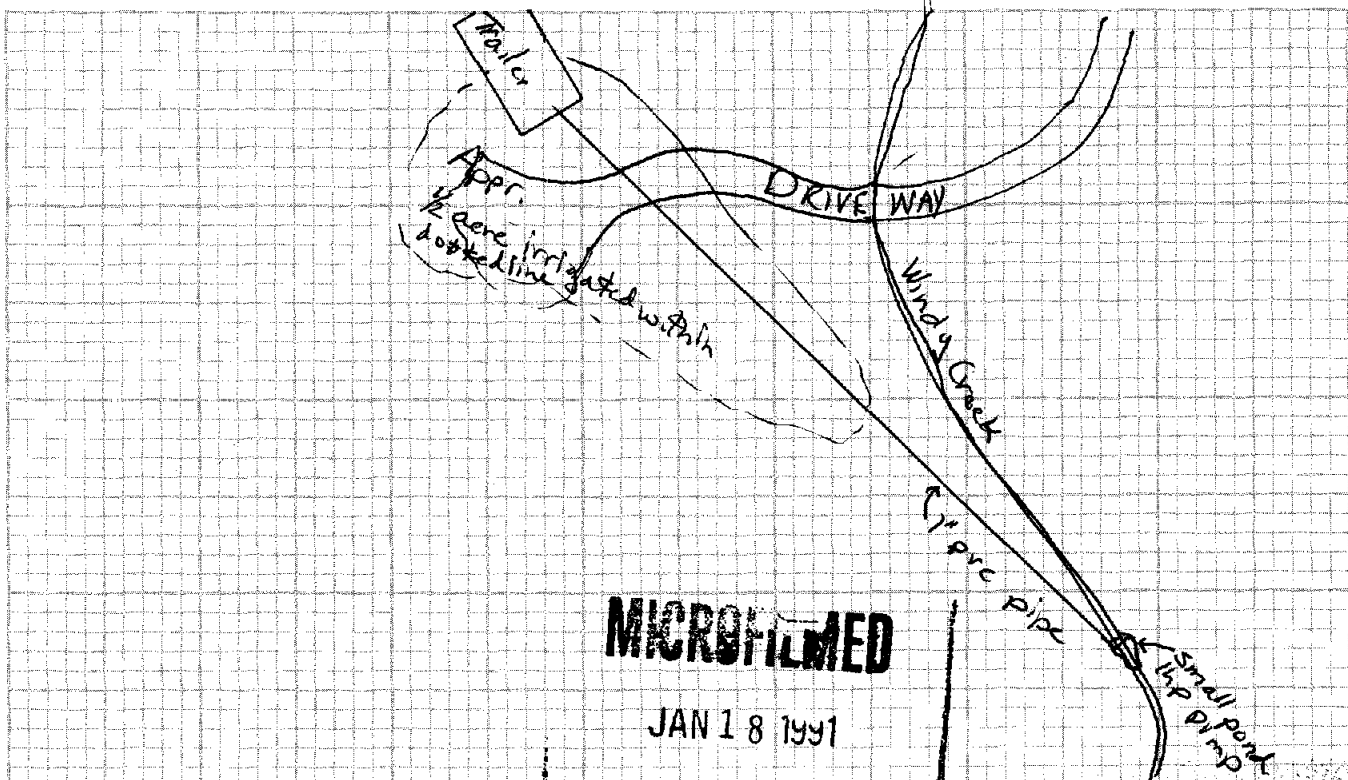
Permit No. 95-8187 JK
Phone No. 772-9151-2998
1. Owner: Roy Allen Johnson JK
Current Address: P.O. Box 1298 Hayden Lake, Id 83835
2. Accompanied by: Roy Johnson JK
Address: SAME Phone No. SAME
Relationship to Permit Holder: SAME
3. Source: Windy Cr. tributary to ---

B. OVERLAP REVIEW

1. Other water rights with same place of use: None JK ☐ Copies Attached
2. Other water rights with same point of diversion: None JK ☐ 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" = MTS

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).

JUN 26 1989

Department of Water Resources

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

A small pond with a 1" buried line pumped with a hp pump to house and garden area.

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Sears	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
			B 79	Sears	1 1/2"

***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

[illegible]

Do not use this space

JAN 18 1991

DECLASSIFIED

Do not use this space

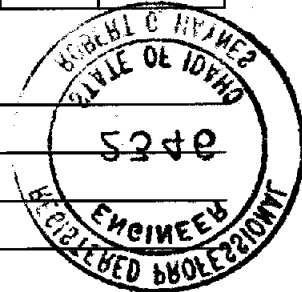
D. FLOW MEASUREMENTS

☐ 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:

1 HOME Domestic

2. Alternate Method for Checking Purposes:

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:

1.2 cfs of .04 cfs ; 1 Home with garden/lawn

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Domestic

Period of Use
From 1/1 To 12/31

Rate of Diversion
Q (cfs) 0.04 cfs

Annual Volume
V (ata) 1.2 ata

2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Change P.U. as reflected above

J. AUTHENTICATION

Field Examiner's Name

Louis Sokoraty

Signature

Certification Date

5/15/88

Field Report Preparation Date

7/14/88

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

Reviewed: Raymond H. Flarity 7/13/89

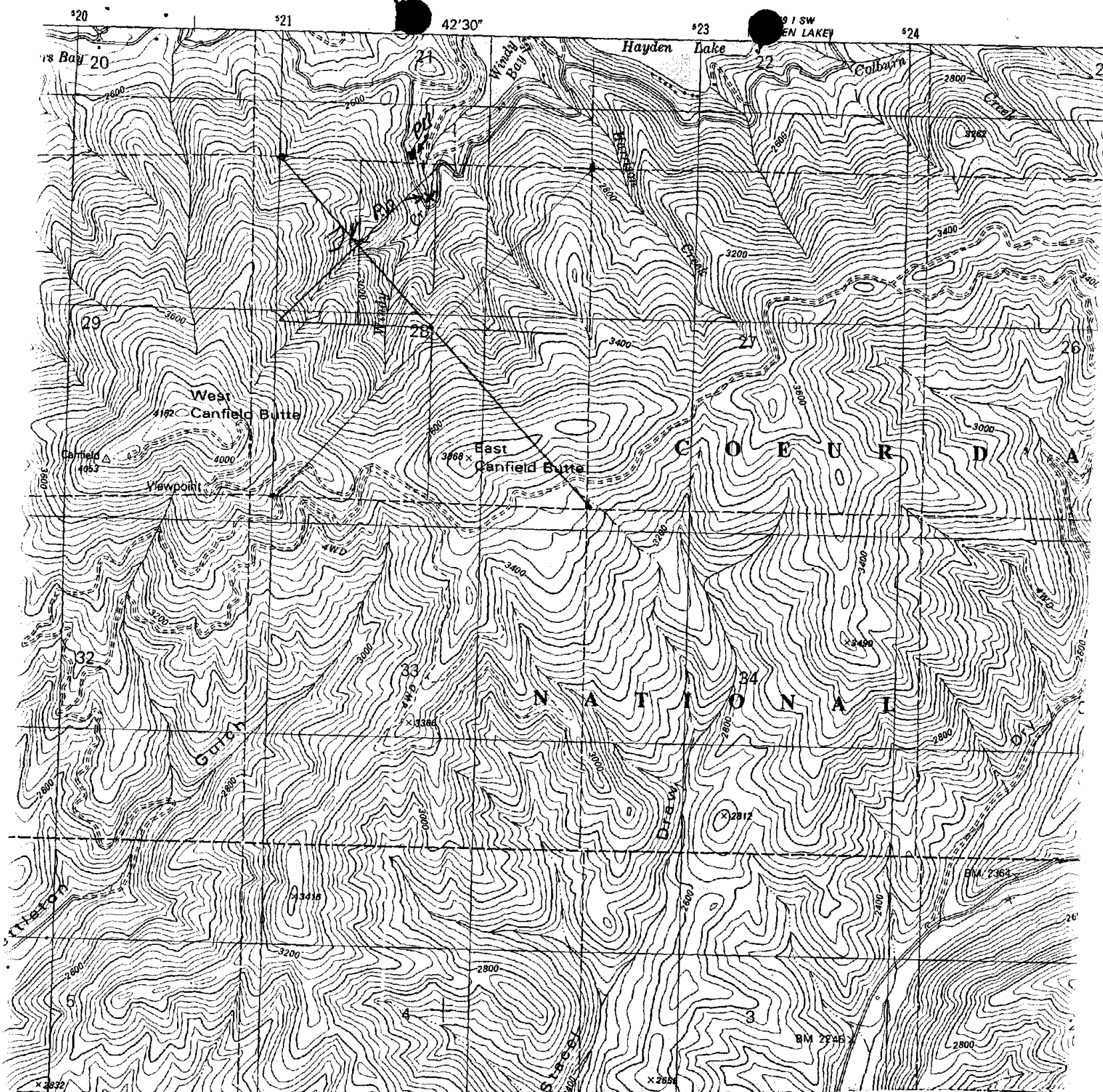
CONSULTANT SEAL



MICROFILMED

JAN 18 1991

E INTERIOR
URVEY



PERMIT HOLDER Roy A. Johnson
P D TWP 51N RGE 3W SEC 28 NE NW

PERMIT # 95-8187

P/U TWP 51N RGE 3W SEC 21 SE SW

MICROFILMED

JAN 18 1991

SOURCE Windy Cr.

TRIBUTARY TO Hayden Cr.

MAP PLOT 27

IRR. ACRES 1/2

USGS QUAD 7-5

SCALE 1 1/2" MIN.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 765-4639

SEPTEMBER 16, 1987

ROY A. JOHNSON
P.O. BOX 1298
HAYDEN LAKE, ID 83835

RE: Permit No. 95-8187

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Enclosed please find a copy of an order involving your permit.

Before a Water Right License can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone or in person.

Sincerely,

/S/
TOM D. KING
Senior Water Resource Agent

cc: IDWR - State Office

MICROFILMED

JAN 18 1991

CALCULATION OF NEW PRIORITY DATE

FROM: RITA FLECK

TO: FILE # 95-8187

DATE: 8-14-87

Date proof received

222 Aug. 10, 1987

Proof due

-182 July 7

Number of day proof late

40

Priority date

+152 June 1, 1982

New priority date

192 July 11, 1982

Remarks:

MICROFILMED

AUG 25 1987

RECEIVED
AUG 10 1987

STATE OF IDAHO

Department of Water Resources DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Fee Received -10-

Date 8/7/87

Receipt # -

Receipt by 2

Reviewed by 8-14-87

Sent to region 8-14-87

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 8187

Name(s) of Permit Holder: ROY A. JOHNSON ✓

Post Office Address: POB 1298 HAYDEN LAKE ID 83835 ✓

Telephone No. 772-2998

Source of Water: WINDY CR.

Extent of Use:

Domestic 1 ✓ (number of households) Stockwater _____ (number and type of stock)

Irrigation 1/2 ✓ (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 0.04 ✓ cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 6-1-82

Measuring Device: Required? Yes No Fee enclosed \$ -0-
Installed? Yes No (See License Examination Fee Schedule)

Flow Measurement Port: Required? Yes No
Installed? Yes No

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

SAME
(Name)

(Telephone Number)

(Address)

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.

8/7/87
Date

Roy A. Johnson
Signature of Permit Holder (and title, if appropriate)

Roy Allan Johnson
P. O. Box 613
Hayden Lake, ID 83835

Re: Permit No. 95-8187

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, the above referenced permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper forms in our proof due notice to you dated April 30, 1987.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a governmental agency or by litigation which brings title to the water in question.

L. GLEN SAXTON
Chief, Operations Bureau

UNCLASSIFIED

AUG 25 1981

7-29-1987

Gita Fleck

RECEIVED

JUN 26 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

RECEIVED

MAY 26 1987

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
APRIL 30, 1987

JOHNSON, ROY ALLAN
P.O. BOX 613
HAYDEN LAKE, ID 83835

Department of Water Resources

PROOF DUE NOTICE

RE: PERMIT NO. 95-8187

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 JULY 1, 1987. (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 COMPLETED 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

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

AUG 25 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

REPROFILMED
AUG 25 1987

Roy Allan Johnson
P. O. Box 613
Hayden Lake, ID 83835

RECEIVED

JUN 26 1987

JOH 13 9924RIC1 FWD TIME EXPD
JOHNSON
3923 N HIGLEY RD
MESA AZ 85205-9703
RETURN TO SENDER

Department of Water Resources

celebrate
IDAHO
1890 • CENTENNIAL •

FROM

Lita Fleck

DATE 6-18-1987

TO

File 95-8187

SUBJECT

*Returned B/U Notice
The Kootenai County Assessor has an
address of P.O. Box 613, Hayden Lake,
Id 83835.*

*I'm forwarding the notice to this
address.*

MICROFILMED

AUG 25 1987


SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

Callahan

RECEIVED

MAY 06 1987

Department of Water Resources

 **Returned to Sender**
REASON CHECKED
Unclaimed _____ Refused _____
Addressee unknown _____
Moved, left no address _____
Insufficient Address _____
Moved, not forwardable ☒ _____
No such street _____ number _____

CERTIFIED MAIL
NO. 138483

MICROFILMED

AUG 25 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
APRIL 30, 1987

138483

JOHNSON, ROY ALLAN
P.O. BOX 613
HAYDEN LAKE, ID 83835

PROOF DUE NOTICE

RE: PERMIT NO. 95-8187

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 JULY 1, 1987. (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 COMPLETED FIELD EXAMINATION REPORT PREPARED BY A CERTIFIED WATER RIGHT EXAMINER MAY BE USED TO SUBMIT THE REQUIRED PROOF.

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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

AUG 25 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

JOHNSON, ROY ALLAN
P.O. BOX 613
HAYDEN LAKE, ID 83835

AUGUST 03, 1982

RE: PERMIT NO. 95-8187

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

RECEIVED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: JK

APPLICATION NUMBER: 95-8187

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☒ Yes ☒ No Field check required.
☒ Yes ☒ No Critical groundwater area.
☒ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☒ No* In form to receipt.

Field check by: _____
Date: _____
Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
☐ Yes ☒ No Final date for protests: 6/28/82 ✓
Protests received. If yes, record information on 4th page of application.

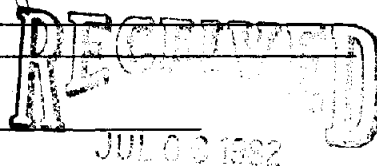
FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 6/18/82 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 95-A
6/17/82 Date of priority recommended.
Special conditions of approval or cover letter. _____

STATE OFFICE REVIEW:

By: RJA Date: 6/30/82 Jake
SLW/LIZ 26 04 05 (95A Hayden Lake)

- ☐ See attached sheet for more information.
By: _____ Date: _____



POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

95-2187

JOHNSON, ROY ALLAN

P.O. BOX 613, HAYDEN LAKE, ID 83835

Source: WINDY CREEK tributary to HAYDEN CREEK

Date Filed: 06/01/1982

Amount: 0.08 CFS

Diversion Point: NENM Sec 28 T 51N R 03W, KOOTENAI Co.

Use: IRRIGATION (0.04 CFS) from 03/15 to 10/31
DOMESTIC (0.08 CFS) from 01/01 to 12/31

Place of Use: SESM Sec 21 T 51N R 03W FOR 2 ACRES

Diversion Means: PUMP & PIPELINE.

RECEIVED