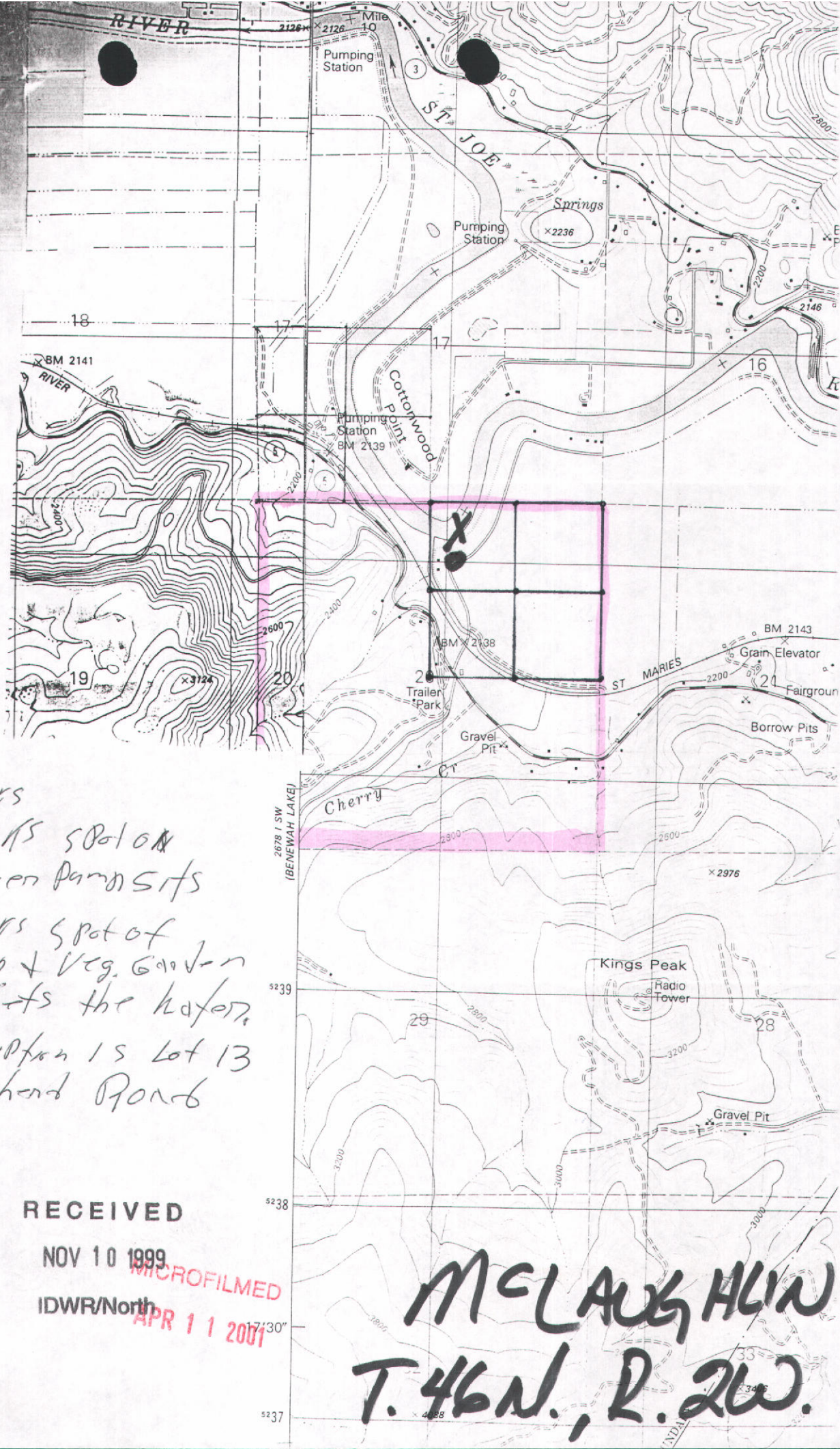




MARKS
 X MARKS SPOT ON
 River Pump Sits
 O MARKS SPOT OF
 L. Awn & Veg. Garden
 that Gets the water.
 Description is Lot 13
 Shepherd Pond

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NOV 10 1999

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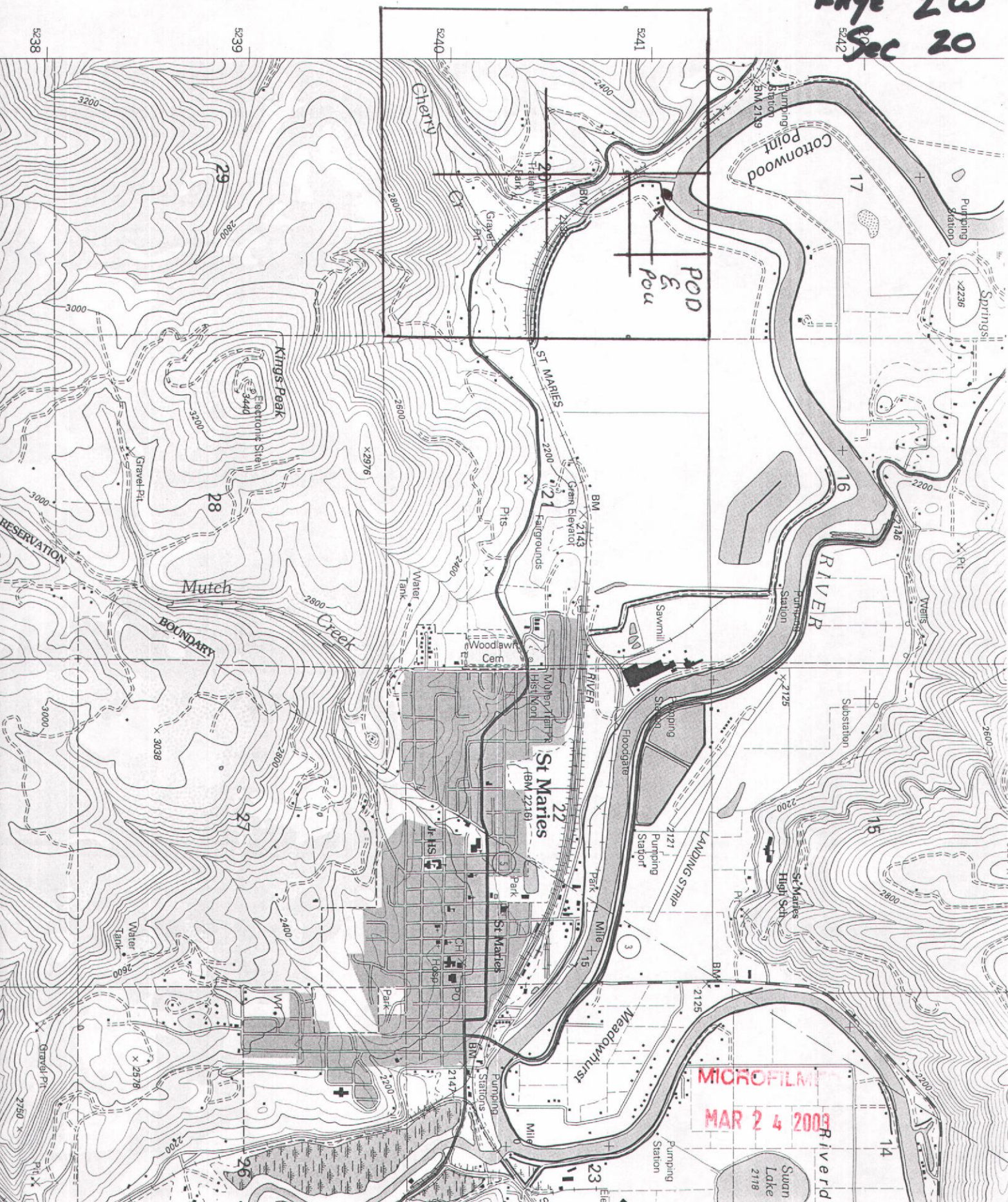
MCLAUGH LIN
 T. 46 N., R. 26 W.

91-07143

ARY
OF IDAHO

SITORY
APS

Twp 46 N
Rnge 2 W
Sec 20



91-07143



Photo 1. Showing pump.

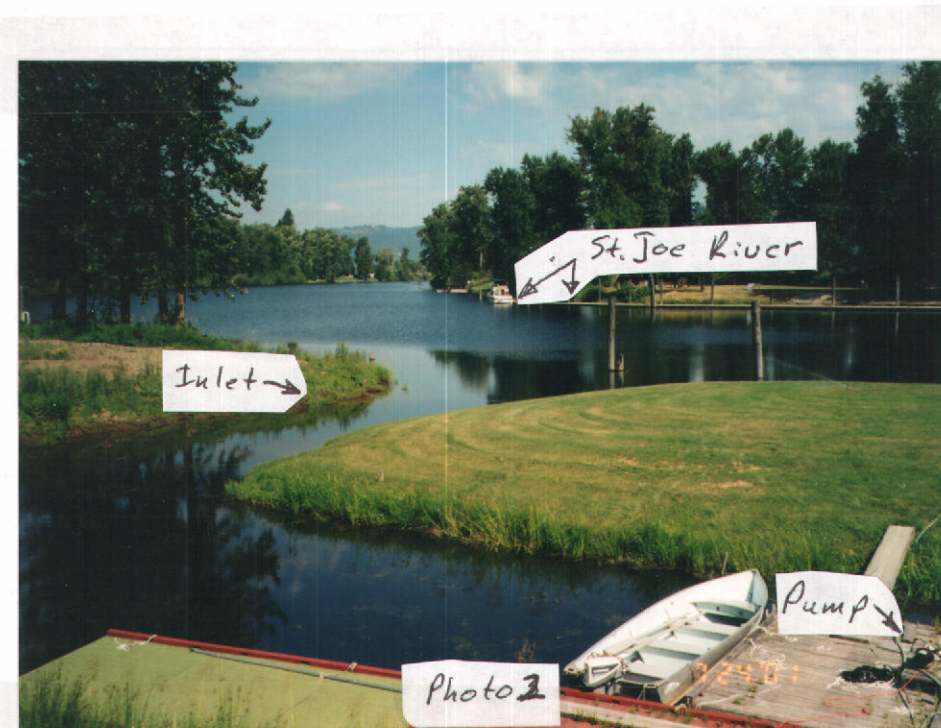


Photo 2. Showing inlet from St. Joe River.

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91-07143



Photo 3. Showing pump and part of the POU along the St. Joe River.

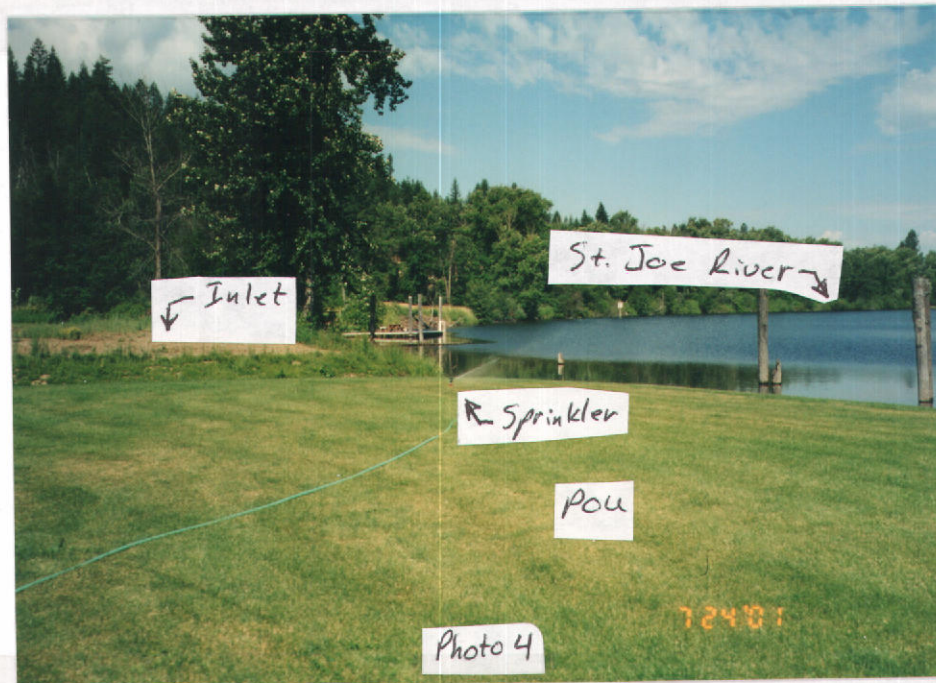


Photo 4. Showing part of the POU along the St. Joe River.

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MAR 24 2003

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 91-07143

Priority: July 27, 1999

Maximum Diversion Rate: 0.01 CFS
Maximum Diversion Volume: 0.6 AF

It is hereby certified that VERNON MC LAUGHLIN
306 SHEPHERD RD
ST MARIES ID 83861 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 27, 1999; and has
submitted Proof of Beneficial Use on January 16, 2001. An examination indicates that the works have a
diversion capacity of 0.01 cfs of water from:

SOURCE

ST JOE RIVER

Tributary: COEUR D ALENE LAKE

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.01 CFS	0.6 AF

LOCATION OF POINT OF DIVERSION:

ST JOE RIVER L1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 20, Twp 46N, Rge 02W, B.M., BENEWAH County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
46N 02W 20		X															
		L1															

CONDITIONS OF APPROVAL

1. Domestic use is for irrigation of 1/2 acre lawn and garden.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this TH26 day of FEBRUARY, 2003.


Acting for KARL J. DREHER
Director

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MAR 24 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

JAN 16 2001

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 91-07143 Telephone No. 208 245 2051

2. Name of Permit Holder(s): Vernon McLaughlin

3. Mailing Address: Hc 01 Box 5 R 65
City St Maries State Id Zip 83861

4. Source of Water: St Joe River If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 Home Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 104 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Vernon McLaughlin Telephone Number: 245 2051

Address: Hc 01 Box 5 R 65

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Date: 1/13/2001
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 91-07143

Priority: July 27, 1999

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **VERNON MC LAUGHLIN**

HC 01 BOX SR 65

ST MARIES ID 83861

has applied for a permit to appropriate water from:

ST. JOE RIVER

tributary of COEUR D ALENE LAKE

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 20, Township 46N, Range 02W
BENEWAH County

PLACE OF USE: DOMESTIC

TWN RGE SEC

46N 02W 20

NWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **February 1, 2001**.
2. Subject to all prior water rights.
3. Domestic use is for irrigation of 1/2 acre lawn and garden.

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

10th day of February, 2000.


Karl J. Dreher, Director

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JAN 31 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

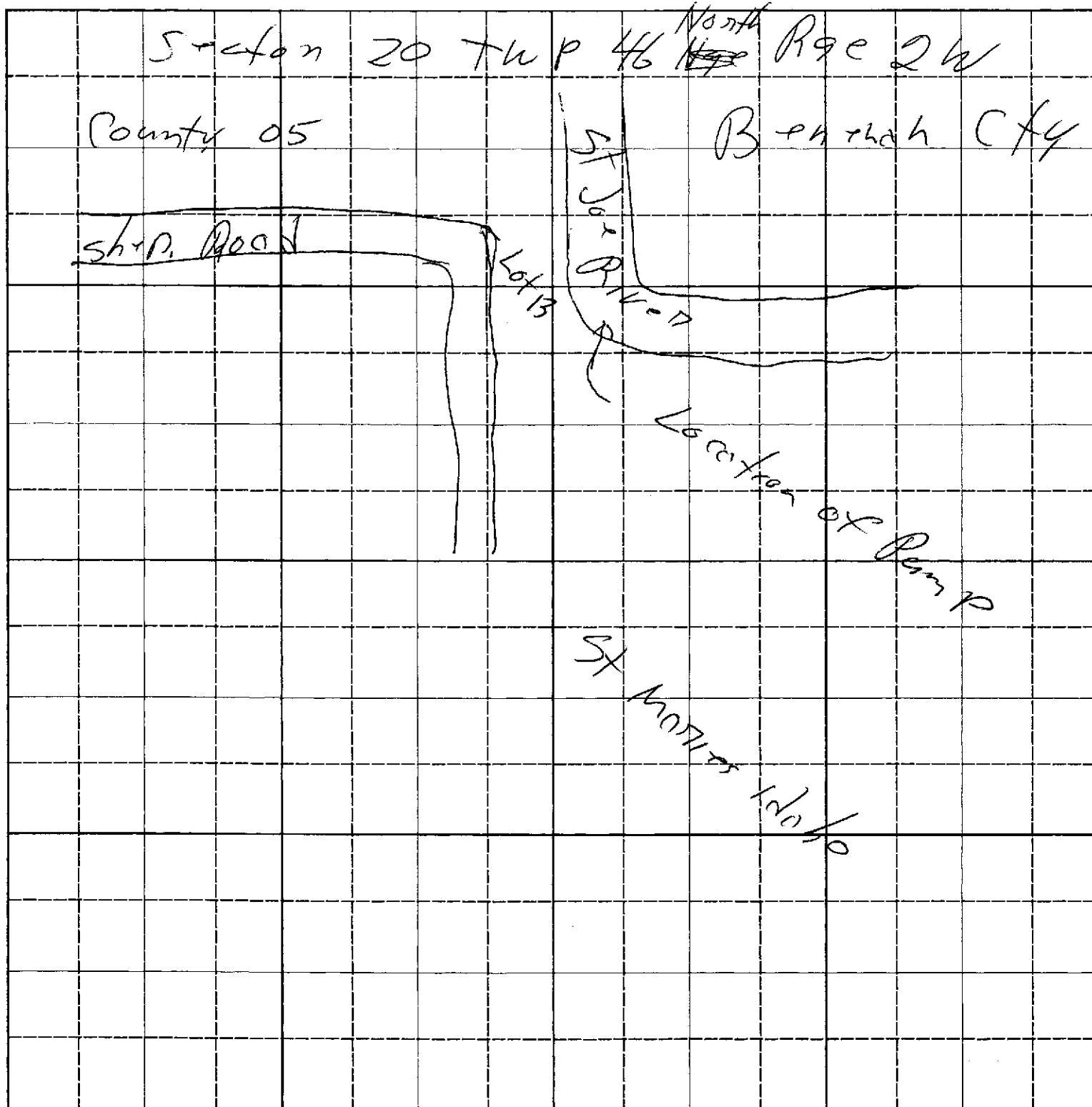
Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of applicant Vernon McLoughlin Phone 245 2051
Post office address HC 01 Box SR 65 ST. MARIES ID 83861
2. Source of water supply St. Joe River which is a tributary of CD4 Lake
3. Location of point of diversion is ~~SE~~ NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 20 Township 46 N Range 2 W B.M. 05 Bonanza County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.04 for Domestic purposes from Jan 1 to Dec 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) .04 and/or (b) ~~100~~
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. 3/4 H.P. Placed
on dock in channel, designed for removal
winter time. Purpose is to Supplement city water
for water of lawn & garden
 - b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total
reservoir capacity NA acre-feet; period of year when water will be diverted to storage:
NA to NA inclusive.
 - c. Proposed well diameter is NA inches; proposed depth of well is NA feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? NA
 - e. If well is already drilled, when? NA; Drilling firm NA
 - Well was drilled for (well owner) NA
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
1 yr years (minimum 1 year).

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APR 11 2001

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



Scale: 2 inches equal 1 mile.

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

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APR 11 2001

Verna M. Laughlin
(Applicant)

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JUL 21 1999
ID. DEPT. OF LANDS
NAV. WATERS

MICROFILMED
JUL 21 1999

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

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

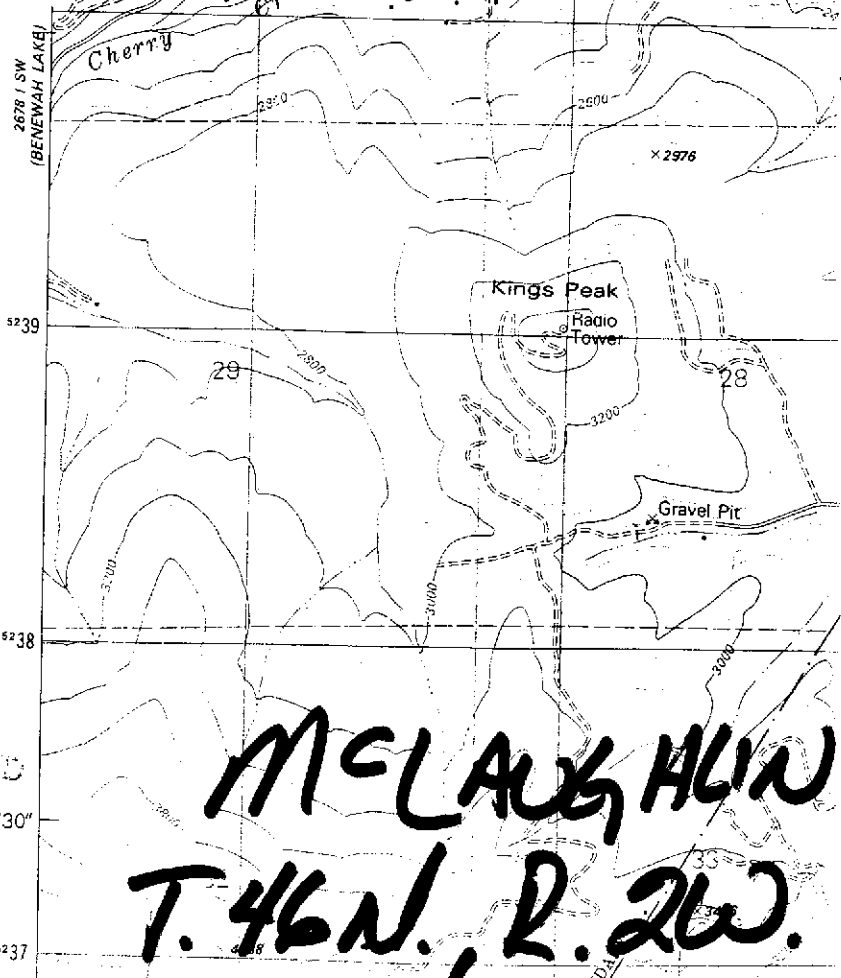
d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: _____

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by PL Date 7/27/99 Time 2:55 P
Fee \$ 50.00 Received by PL # N013100 Date 7/27/99
Publication prepared by PL Date 11/24/99 Published in St. Mary's Register 2/14/99
Publication approved PL Date 12/9/99



RECEIVED

NOV 10 1989

IDWR/North

MICROFILMED
 APR 11 2007

McLAUGHLIN
T. 46 N., R. 26 W.



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

February 26, 2003

VERNON MC LAUGHLIN
306 SHEPHERD RD
ST MARIES ID 83861

RE: License No. 91-7143 - Issuance of License

Dear Water Right Holder(s):

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

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

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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MAR 24 2003

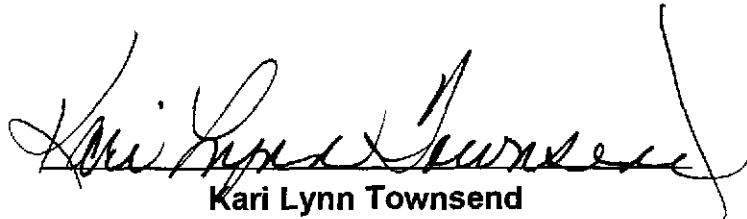
CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

91-7143

**VERNON MC LAUGHLIN
306 SHEPHERD RD
ST MARIES ID 83861**



**Kari Lynn Townsend
Secretary**

MICROFILMED

MAR 24 2003

**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).

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MAR 24 2003

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.

Comment Report

91-7143

1. kwalker 2/21/2003 License Review

Comment: Recommend as permitted with lower diversion rate per examiners measurement. Have reviewed the measurement made by examiner and found that he should have averaged the seconds of the 2 hose measurements. I averaged the seconds and found there was no change in the amount of water recommended by examiner.

2. DBALL 11/19/1999 Examiner's notes.

Comment: 3/4 HP pump placed on dock in channel, designed for removal in winter time. Purpose is to supplement city water for 1/2 acre of lawn and garden. Description is Lot 13, Shepherd Road Time required 1 year.

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MAR 24 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 3 - 2003
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 91-07143

1. Owner: Vernon McLaughlin

Phone No: (208) 245-2051

Current Address: 306 Shepherd Rd
St. Maries, ID 83861

2. Accompanied by: Permit Holder

EXAM DATE : July 24, 2001

Address: See Above

Phone No: See Above

Relationship to Permit Holder: Permit Holder

3. Source: St. Joe River

tributary to: Lake Coeur d' Alene

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 91-4001, 91-7038, 91-7142

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
NA			NW	NE	20	46N	02W	Benewah	USGS 7½ Minute Topographical Map

2. Place(s) of Use:

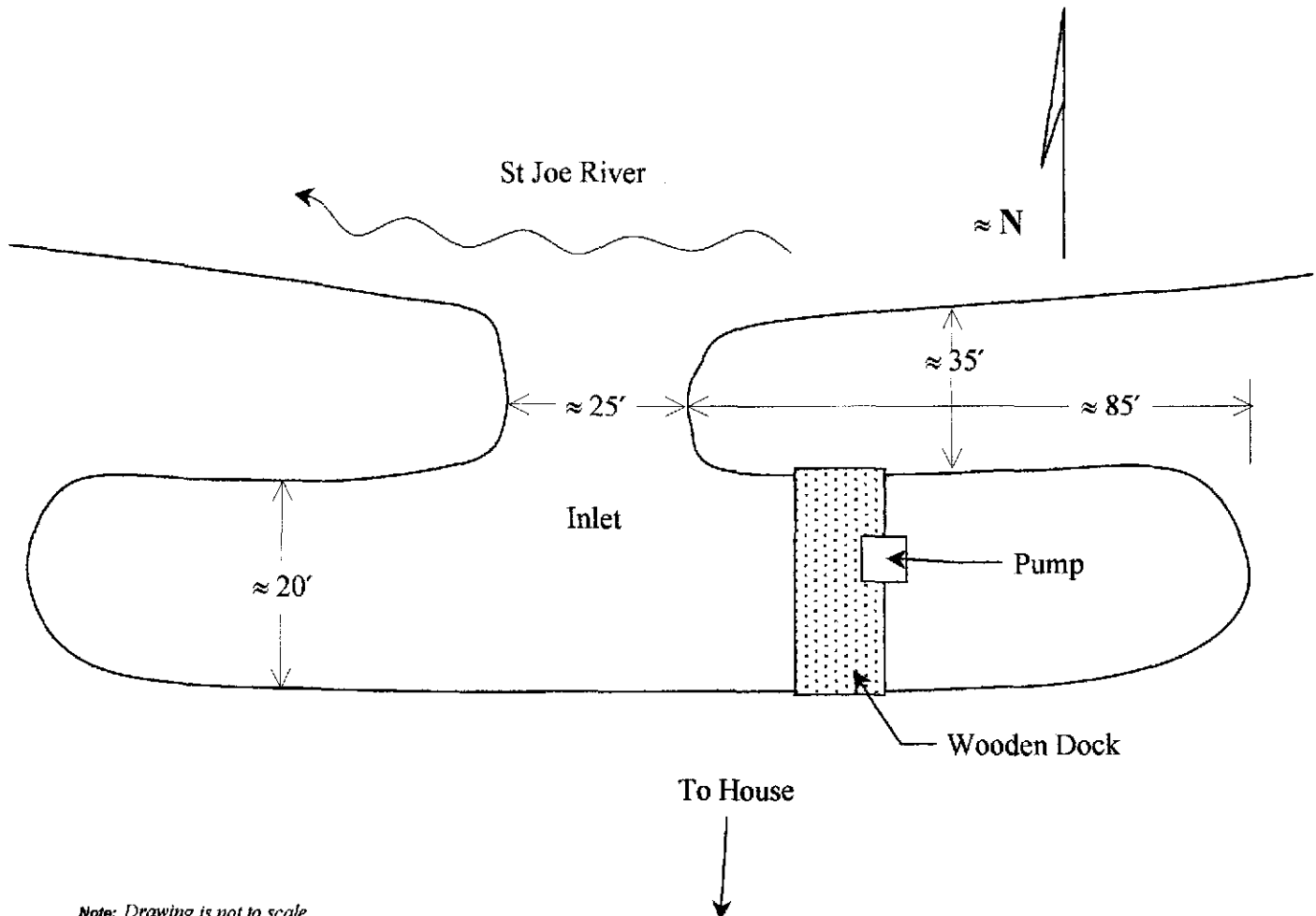
Indicate Method of Determination: USGS 7½ Minute Topographical Map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N	02W	20		D															

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MAR 24 2003

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



Note: Drawing is not to scale.

Yes Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

No Aerial Photo Attached (required for irrigation of 10+ acres)

Yes Photo of Diversion and System Attached

E. NARRATIVE/REMARKS/COMMENTS

According to Mr. McLaughlin, the permit holder, the inlet from the St. Joe River was preexisting from an earlier excavation although had recently been deepened.

A one third horse-power (1/3 HP) pump (*Photo 1*) is located on a floating dock in the inlet (*Photos 3 & 4*). The GPS location of the pump is N47° 19' 27.5" by W116° 37' 0.9" (GPS unit, Garmin, Model GP-12, serial #36061391). The pump is connected to a tee (*Photo 1*) which supplies two (2) hoses that are used to irrigate the lawn. Each hose can be individually turned off or on at the pump and supplies one (1) portable lawn sprinkler each. The output of each sprinkler was measured individually while the whole system was operating. The lawn and garden area is less than one-half (1/2) acre in size.

Domestic use is external and consists of lawn around the house and along the St. Joe River (*Photo 4*). Mr. McLaughlin stated that his property is located at the end of the city water line and that there is often not enough water to irrigate his lawn. A telephone call to the City of St. Maries revealed that although Mr. McLaughlin's property is not within the city limits, it is within the city's service area. The water use under this permit is, therefore, supplemental to municipal water from the city of St. Maries (Nos. 91-4001, 91-7038, and 91-7142).

The rate of diversion stated on the permit is 0.04 cfs. The output of the system, however, was found to be 0.01 cfs.

MAR 24 2003

In summary, the following modifications should be made to the permit in order to reflect the findings of this exam:

1. Mr. McLaughlin's address should be **306 Shepherd Rd** as given on this exam.
2. The rate of diversion should be **0.01 cfs** rather than 0.04 cfs.

Have conditions of permit approval been met? **X** Yes no

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
NA	Master Plummer	1/3	4942	Master Plummer	4942

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Bucket					5 Gal.	June 2000
Stop Watch		Timex	Ironman			

2. Measurements:

First Hose:

1. 5 gal. per 100 sec.
2. 5 gal. per 100 sec.
3. 5 gal. per 100 sec.

Total 15 gal. per 300 sec.

Second Hose:

1. 5 gal. per 95 sec.
2. 5 gal. per 96 sec.
3. 5 gal per 96 sec.

Total 15 gal. per 287 sec.

$$15 \text{ gal}/300 \text{ sec} + 15 \text{ gal}/287 \text{ sec} = \underline{\underline{30 \text{ gal}/587 \text{ sec}}}$$

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MAR 24 2003

F. FLOW CALCULATIONS

Measured Method:

$$\frac{\left(\frac{30 \text{ gal}}{587 \text{ sec}}\right) \left(\frac{60 \text{ sec}}{\text{min}}\right)}{448.83 \text{ gpm/cfs}} \approx 0.0068 \text{ cfs} \approx \mathbf{0.01 \text{ cfs}}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: NA

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

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

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

2. Volume Calculations for Other Uses:

Domestic:

External = **0.6 afa**

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1/1	12/31	0.01	0.6
Totals:			0.01	0.6

2. Recommended Amendments

Change P.D. as reflected above

Add P.D. as reflected above

☒ None

Change P.U. as reflected above

Add P.U. as reflected above

Other

I. AUTHENTICATION

Field Examiner's Name: Jim Zimmerman

Date: July 24, 2001

Signature



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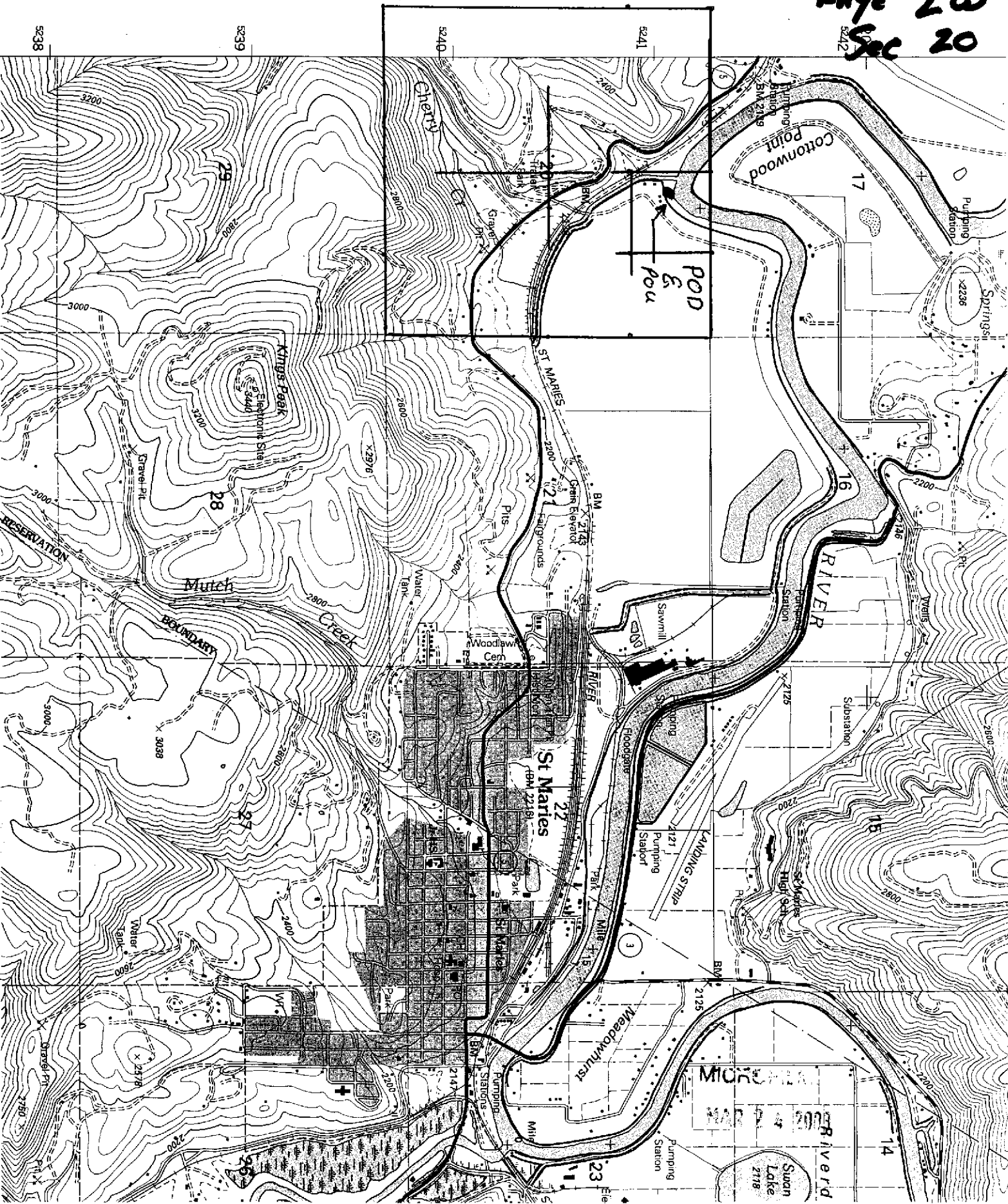
MAR 24 2003

SITORY
APS

ARY
' OF IDAHO

91-07143

Twp 46 N
Rnge 2 W
Sec 20



91-07143

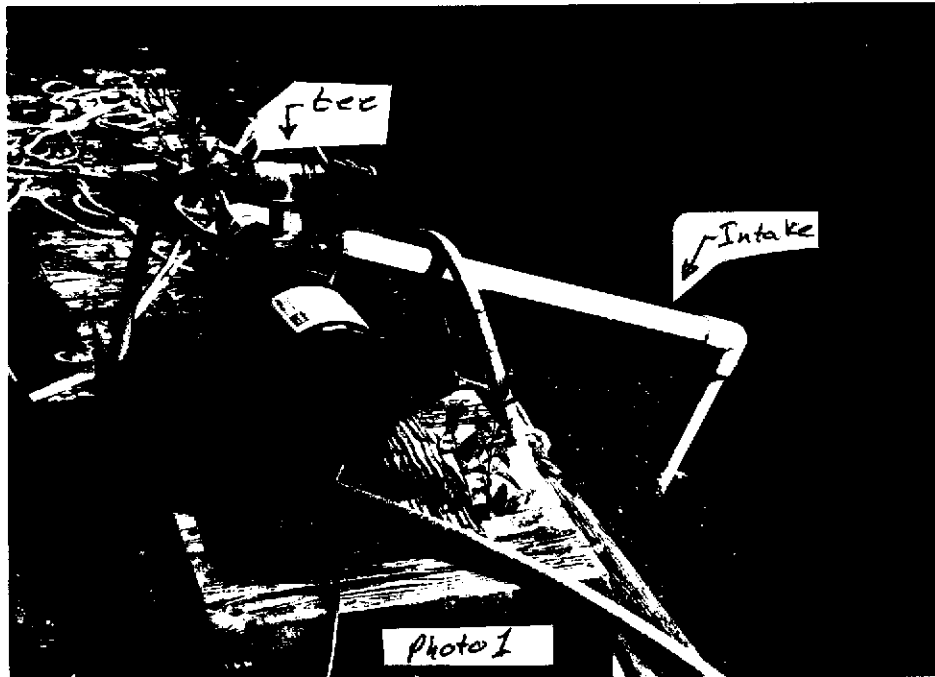


Photo 1. Showing pump.



Photo 2. Showing inlet from St. Joe River.

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MAR 24 2003

91-07143

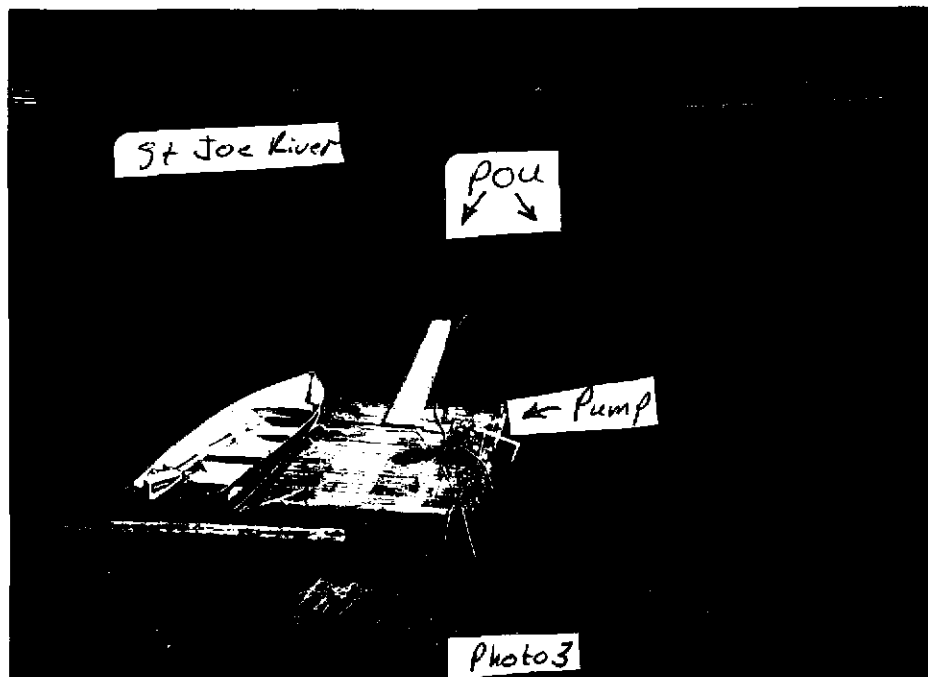


Photo 3. Showing pump and part of the POU along the St. Joe River.

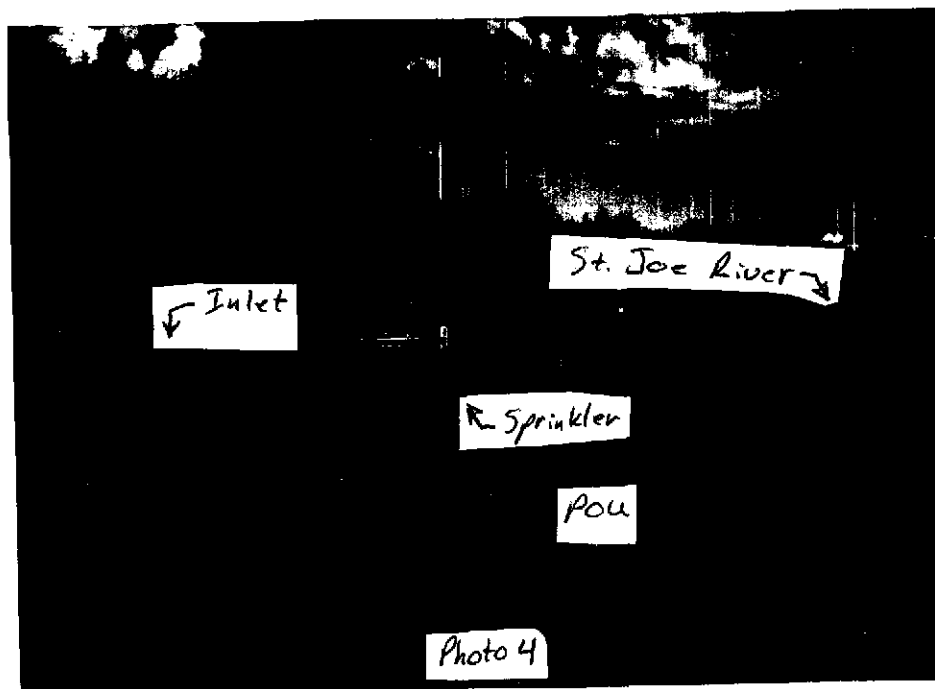


Photo 4. Showing part of the POU along the St. Joe River.

MICROFILM

MAR 24 2000



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

January 22, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

VERNON MCLAUGHLIN
HC 01 BOX SR 65
ST MARIES ID 83861

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 91-07143

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, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Northern** Regional Office of the department in Coeur d'Alene at (208) 769-1450.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

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APR 11 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 91-7143

Reviewed By: dgibson

Date: January 22, 2001

	<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.:		C051875	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		01/16/2001
Date proof due	-	02/01/2001
No. of days late	=	0
Holiday allowance	+	
Priority date	+	07/27/1999
New priority date	=	07/27/1999

Deficiencies of Actions Items

Acknowledge proof.

Idaho Department of Water Resources Receipt

Receipt ID C051875

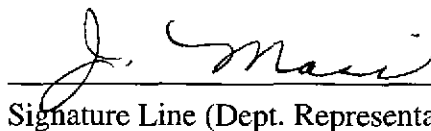
Payment Amount \$50.00 Date Received 1/16/01 3:46:24 PM Region State Status
Payment Type Check Check Number 4666

Payer MCLAUGHLIN VERNON OR ELEANOR

Comment WATER RIGHT # 91-07143

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	BENEFICIAL USE	0229	21	56104	1155


Signature Line (Dept. Representative)

MICROFILMED

APR 11 2001

November 30, 2000

VERNON MC LAUGHLIN
HC 01 BOX SR 65
ST MARIES ID 83861

PROOF DUE NOTICE

RE: PERMIT NO. 91-07143

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 February 1, 2001.

(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.

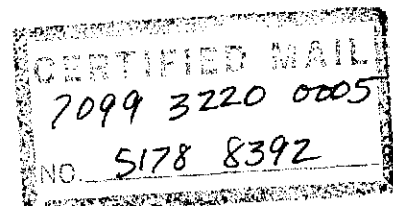
SINCERELY,

DEBORAH GIBSON
Administrative Assistant

Enclosures

ENCLOSURE

APR 11 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

February 11, 2000

DIRK KEMPTHORNE
GOVERNOR

VERNON MC LAUGHLIN
HC 01 BOX SR 65
ST MARIES ID 83861

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 91-07143

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the IDWR 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 at least sixty days prior to the commencement of work in the stream.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED

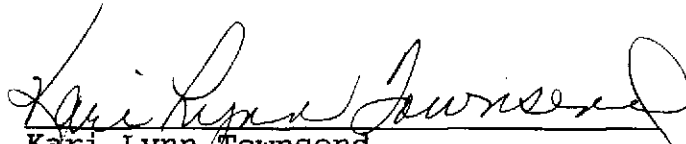
APR 11 2001

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of February, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 91-07143

VERNON MC LAUGHLIN
HC 01 BOX SR 65
ST MARIES ID 83861


Kari Lynn Townsend
Secretary

MICROFILMED

APR 11 2001

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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APR 11 2001

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 2/4/00

No. 91-07143 Name: McLaughlin Corp. Officers N/A Ad ok ✓ Govt Lots ---

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

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
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: 310112001

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 No objections
In/Above MSE - WB9 below MSE

PLANNING SECTION REVIEW/RESPONSE

In-stream development - P52
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 (04) - 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 ¼¼ - 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 --- - --- (Per updated map)

OTHER CONDITIONS/REMARKS ---

COMMENTS ---

RECEIVED

JAN 31 2000

WR1
WRA
ACA

DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

APPLICATION # 91-07143

INITIAL REVIEW

APPLICANT: McLAUGHLIN BY: AB DATE: 7/27/99

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

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

PROCESSING

(Yes)(No) PRIORITY DATE: 7/27/99
X (Include Moratorium Remark)
X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

sm/wed/ce

ADVERTISE IN: BENELWAH 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)
- I Notice of pending void order issued. Final order response date: / /
 - I Further information required from applicant
 - 12/9 I Affidavit of publication received
 - 12/9 I Application published correctly. If not, record action taken: _____
 - 11/24 I Publication dates and paper recorded on application | Sr. Agent initial _____
 - I Protests received, Final protest date: 12/20/99
 - I Measuring device required
 - I Measuring port required
 - I Special conditions:
 - I Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: BRSA Date: 1/28/00

Memorandum

Date: January 28, 2000

To: File 91-07143

From: Al Beardslee

RE: Surface water approval from Idaho Fish and Game Dept.

~~~~~  
**Mr. Chip Corsi, of Idaho Department of Fish and Game, Coeur d'Alene office, was contacted prior to regional approval of this filing. After reviewing the Application for Permit with Mr. Corsi, he had no problem with it's approval.**

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APR 11 2001

Affidavit of Publication

RECEIVED  
DEC 09 1999  
IDWR/North

STATE OF IDAHO

County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of the notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 1st day of Dec., 1999 and the last on the 8th day of Dec., 1999.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Dated this 8th day of Dec., 1999

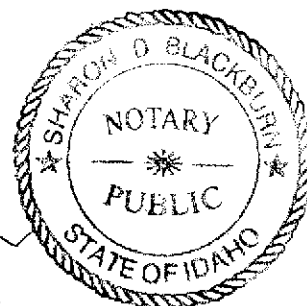
Cynthia Ann Hammes

STATE OF IDAHO )

COUNTY OF BENEWAH )

On this 8th day of Dec., in the year of 1999  
before me, a Notary Public, personally appeared Cynthia Ann Hammes, known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Sharon D. Blackburn  
Notary Public for Idaho  
Residing at St. Maries, Idaho  
My commission expires: NOV. 6, 2004



**Water application**  
**NOTICE OF APPLICATION FOR**  
**WATER RIGHT**

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

91-07143  
McLAUGHLIN, VERNON  
HC01, BOX SR 65  
ST. MARIES, ID 83861  
Source: ST. JOE RIVER  
Tributary: COEUR D'ALENE LAKE  
Diversion Pt:  
NWNE Sec. 20 T 46N R 02W in  
BENEWAH County  
Use: DOMESTIC (0.040 CFS)  
Total Diversion: (0.040 CFS)  
Date Filed: 7/27/1999  
In: BENEWAH County  
T46N R02W S20 NWNE

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before DECEMBER 20, 1999.

KARL J. DREHER, Director  
4536-Dec. 1-8

91-07143

MC LAUGHLIN, VERNON  
HC01 BOX SR 65  
ST MARIES, ID 83861

Source: ST. JOE RIVER

Tributary: COEUR D ALENE LAKE

Diversion Pt: NWNE Sec 20 T 46N R 02W in BENEWAH County.

Use: DOMESTIC ( 0.040 CFS)  
Total Diversion: ( 0.040 CFS)

Date Filed: 7/27/1999

In: BENEWAH County  
T46N R02W S20 NWNE

MICROFILMED

APR 11 2001

November 24, 1999

Vernon Mc Laughlin  
HC01 BOX SR 65  
St Maries ID 83861

Re: Water Appropriation Application No. 91-07143

Dear Mr. McLaughlin:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application. Enclosed for your file is Receipt Number N013100.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

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

Sincerely,

ALLEN BEARDSLEE  
Senior Water Resources Agent

AB:db

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APR 11 2001