

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 98-07814

Priority: May 28, 2002

Maximum Diversion Rate: 0.05 CFS

This is to certify, that ANDREW T PRICE And
KATHLEEN P PRICE
2004 ADOBE TRAIL
PLACERVILLE CA 95667

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS
STOCKWATER	01/01 to 12/31	0.01 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING L1 (NW¼SE¼SE¼) Sec. 36, Twp 63N, Rge 02E, B.M. BOUNDARY County

PLACE OF USE: DOMESTIC, same as Stockwater

PLACE OF USE: STOCKWATER

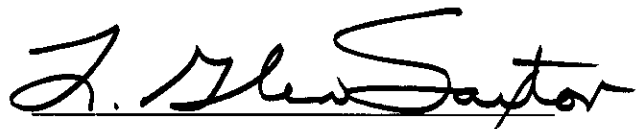
Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
63N	02E	36													X				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 1, 2006**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. This right does not grant any right-of-way or easement across the land of another.
5. Stockwater use is for 15 range cattle, 10 horses, and 25 sheep.
6. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 17th day of December, 2002.

MICROFILMED
JUN 15 2004


for KARL J DREHER, Director

70114

Ident. No.

98-7814

RECEIVED

DEC 17 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

MAY 28 2002

IDWR/North

1. Name of Applicant Department of Water Resources ANDREW T. & KATHLEEN P. PRICE Phone 530-626-1964

Mailing address 2004 ADOBE TRAIL, PLACERVILLE, CA 95667

2. Source of water supply SPRING which is a tributary of N/A

3. Location of point of diversion is Township 63N Range 2E Sec. 36, in the NW 1/4, SE 1/4, SE 1/4, Govt. Lot #1 NAT. FOREST, B.M., BOUNDARY County;

additional points of diversion if any: NONE

4. Water will be used for the following purposes:

Amount 0.04 cfs for DOMESTIC WATER purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.01 for STOCK WATERING 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)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.05 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source SPRING BOX

b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet

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

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? -; Drilling firm -

Well was drilled for (well owner) -; Drilling Permit No. -

7. Time required for completion of works and application of water to proposed beneficial use is 4 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9): 5 YEARS FOR STOCK

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

b. Stockwatering; list number and kind of livestock. 10 HORSES, 15 CATTLE, 25 SHEEP

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. 1 HOME

e. Other; describe fully. _____

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JUN 16 2004

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
63N	2E	36													D				

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? US GOVERNMENT, FOREST SERVICE

b. Who owns the land to be irrigated or place of use? ANDREW T. & KATHLEEN P. PRICE

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

12. Remarks: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

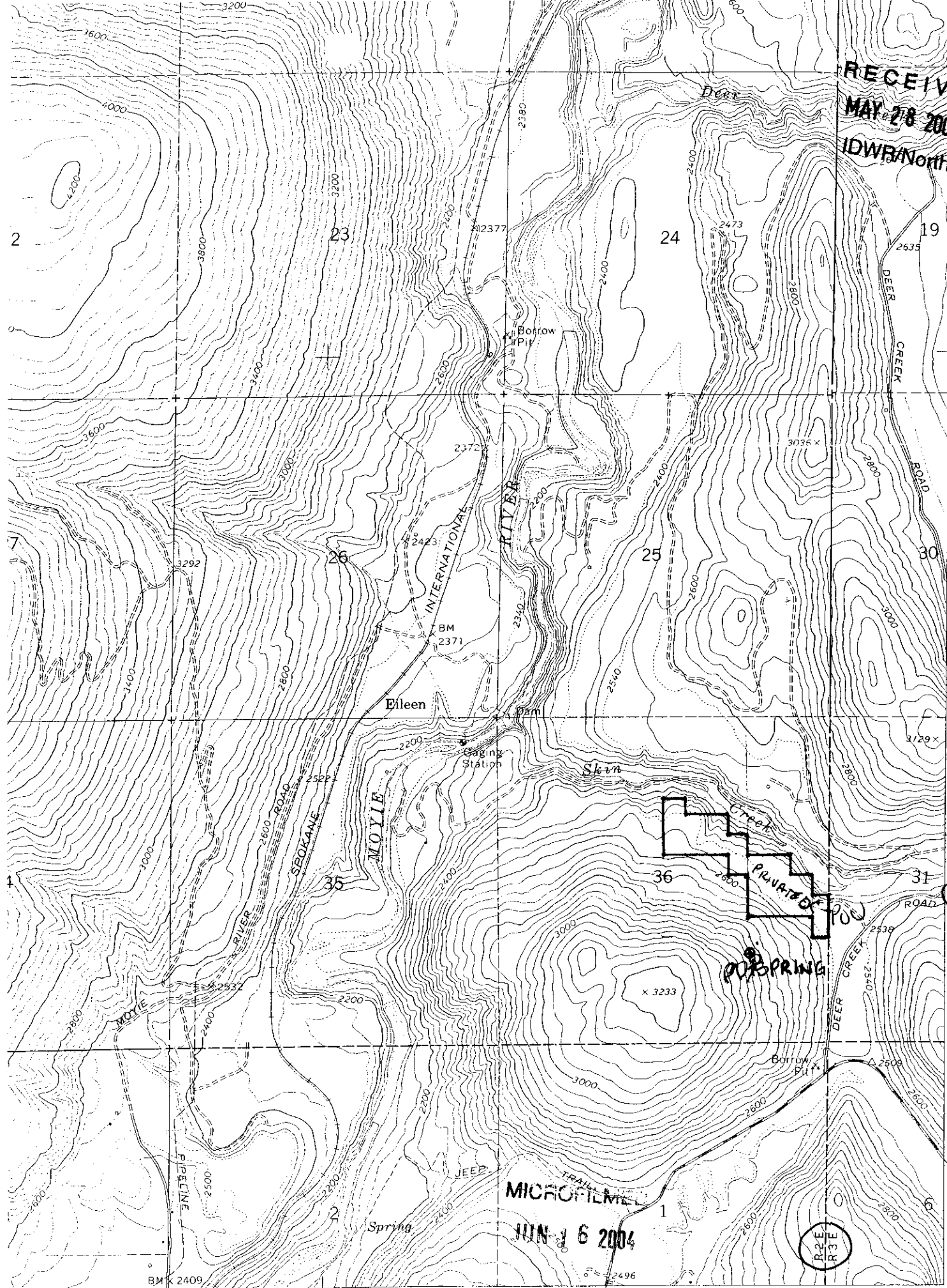
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Andrew T. Price 5/23/2002
Signature of Applicant (and title, if applicable)

Received by db Date 5/28/02 Time 2²⁵P Preliminary check by _____
Fee \$ 100.00 Received by db # N015036 Date _____
Publication prepared by db Date 8/28 Published in Donner Ferry Herald 9/5+12/02
Publication approved _____ Date _____

MICROFILMED

JUN 15 2006



RECEIVED
MAY 28 2002
IDWR/North

ANDREW & KATHLEEN PRICE PROPERTY

T. 63 N.

T. 62 N.

48°45'

MICROFILMED
JUN 16 2004

WLM
VLM
GAC

**NOW
STARTING
RIGHT
SIDE OF
FILE**



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

December 18, 2002

ANDREW T PRICE
KATHLEEN P PRICE
2004 ADOBE TRAIL
PLACERVILLE CA 95667

RE: Permit No. 98-7814

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

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

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JUN 16 2004

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

If you have any questions, please contact me at 208-327-5452.

Sincerely,



Sharla R. Curtis

Sr. Water Resource Agent

SRC:klt

Enclosure(s)

MICROFILMED
JUL 15 2004

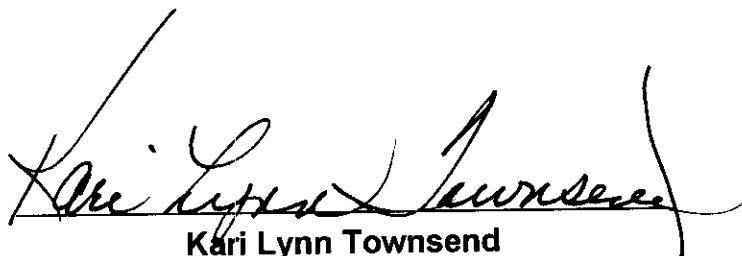
CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

98-7814

**ANDREW T PRICE
KATHLEEN P PRICE
2004 ADOBE TRAIL
PLACERVILLE CA 95667**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

JUN 16 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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 Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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



IDAHO FISH & GAME

PANHANDLE REGION
2750 Kathleen Avenue
Coeur d'Alene, Idaho 83815

Dirk Kempthorne/Governor
Steven M. Huffaker/Director

September 18, 2002

RECEIVED

SEP 30 2002

IDWR/Boise

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

on computer

Dear Mr. Haynes:

REFERENCE: #98-7814 PRICE

IDFG has reviewed this application for a water right for 0.05 cfs from a natural spring in T63N, R2E, S36 in Boundary County for stock water and domestic use. We have no specific objections to the requested appropriation.

However, we note that the diversion point would be on US Forest Service land, but that the application does not describe the arrangements made with USFS to obtain the right or for a diversion or easements for delivery of the water from the spring to place of use. Although we do not object to the requested appropriation, our concurrence is based on the premise that all appropriate rights, permits and easements will be obtained from USFS prior to approval of the appropriation.

Thank you for the opportunity to comment.

Sincerely,

Greg Tourtlotte
Greg Tourtlotte
Regional Supervisor

GIT:RH:kh

C: Tracey Trent, IDFG Boise
USFS SO, Coeur d'Alene

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JUN 16 2004

File: IDWR #98-7814 price wr

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Boundary, Carol Arthur

being first duly sworn on oath

deposes and says that he/she is ad manager

of the Bonners Ferry Herald, a newspaper printed and

published at Bonners Ferry, Boundary County, Idaho; that

the said newspaper has been continuously and

uninterruptedly published in said Boundary County during

a period of 12 months prior to the first publication of the

hereto attached notice of publication in the case of:

4870 Water Right
Price

as it was published in the regular and entire issue of the

said paper for a period of 2 consecutive weeks,

commencing on 5 day of Sept, 2002

and ending on the 12 day of Sept, 2002

and that said notice was published in said newspaper.

On this 12 day of Sept in the year

of 2002, before me, a Notary Public, personally

appeared Carol A. Arthur

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me

first duly sworn, declared that the statements therein are

true, and acknowledged to me that he executed the same.

Jan E. Duell
Notary Public for Idaho

Residing at Bonners Ferry

My Commission expires: 7/22/2008

RECEIVED

OCT 6 3 2002

IDWR North

NOTICE OF APPLICATION FOR WATER RIGHT

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

98-7814

ANDREW T PRICE
KATHLEEN P PRICE
2004 ADOBE TRAIL
PLACERVILLE CA 95667

Point(s) of Diversion L1 NWSESE S36 T63NR02E BOUNDARY County
Source: SPRING

Use: STOCKWATER 01/01 To 12/31 0.01 CFS

Use: Domestic 01/01 TO 12/31 0.04 CFS

Total Diversion: 0.05 CFS

Date filed: 05/28/2002

Place Of Use: DOMESTIC

T63N R02E S36 NESE

Place of Use: STOCKWATER-same as DOMESTIC

Remark: Domestic use is for 1 home

Stockwater is for 50 head of mixed animals.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 09-23-2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal BFH4870

September 5, 12, 2002

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JUN 16 2006



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL L. DREHER
DIRECTOR

August 28, 2002

LEGAL NOTICE DEPARTMENT
BONNERS FERRY HERALD
PO BOX 539
BONNERS FERRY ID 83805

FAXED TO JEAN at 208-267-5523
2 pages - 8/28/02

Please call to acknowledge receipt of FAX

RE: Application for Permit No. 98-7814

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 09/23/2002. Your cooperation is greatly appreciated.

Thanks & ☺

Sincerely

Dianne Ball

Dianne Ball
Administrative Assistant

Rec'd

11:45 am

8/28/02

JD

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JUN 18 2004



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 28, 2002

LEGAL NOTICE DEPARTMENT
BONNERS FERRY HERALD
PO BOX 539
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FAXED TO JEAN at 208-267-5523
2 pages - 8/28/02

Please call to acknowledge receipt of FAX

RE: Application for Permit No. 98-7814

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 09/23/2002. Your cooperation is greatly appreciated.

Thanks to ☺

Sincerely

Dianne Ball
Administrative Assistant

MICROFILMED

JUN 5 2004



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 28, 2002

ANDREW T PRICE
2004 ADOBE TRAIL
PLACERVILLE CA 95667

RE: Application for Permit No 98-7814

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Bonners Ferry Herald on September 4 and 11, 2002. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

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

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

Sincerely,

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) - Receipt No. N015036

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JUN 15 2004



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

August 27, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RAY HENNEKEY
STATE OF IDAHO
DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

*Scanned & sent
to Ray 8/29/02*

Application to Permit No. 98-7814 - PRICE

Dear Ray:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within two weeks of receipt of this request.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne'.

Dianne Ball
Administrative Assistant

Enclosure(s)

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JUN 15 2004

Idaho Department of Water Resources
1910 Northwest Blvd. , Suite 210
Coeur D'Alene, ID 83814

May 23, 2002

Dear staff,

Re: Water Appropriation Permit Application

Enclosed are the following items:

1. Completed Application for Permit (form 202)
2. Completed Proof of Beneficial Use (form 217)
3. Map of property and spring location
4. Check in the amount of \$150.00 (\$100 for Application + \$50.00 for Proof of Beneficial Use)

Please call me if you have any questions at (530) 626-1964 days, PST.

Sincerely,


Andrew Price

Per # 1115026

MICRO...

JUN 15 2004