

**STARTING
LEFT
SIDE OF
FILE**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED
2005 OCT 31
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. 97-7408 Telephone No. 208-437-4991
2. Name of Permit Holder(s): GEORGE F KLIN WEAVER
3. Mailing Address: 415 FREEMAN LAKE RD
City OLDTOWN State ID Zip 83822
4. Source of Water: LITTLE ALBION CREEK ^{FALLS} 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): _____ Stockwater (No. and type of stock): 40 COWS/HORSE
Irrigation (No. of acres): 5 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.02 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: GEORGE WEAVER Telephone Number: 208-437-4991
Address: 415 FREEMAN LAKE RD OLDTOWN ID 83822
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: KLIN WEAVER Date: 10/20/05
(include your title, if on behalf of company or organization)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

RECEIVED
OCT 30 2003

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 97-7408
Name(s) of Permit Holder: GEORGE & ELIN WEAVER
Address: 615 FREEMAN LAKE RD City BLDTOWN State ID Zip 83822
Telephone No. 208-437-4991 Date Proof is Due: NOV 1 2003

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

* TO THIS DATE LEVY HAS BEEN IMPROVED ON EXISTING
POND AND POWER HAS BEEN TRENCHED TO PUMP SITE

Costing \$

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

INSUFFICIENT WATER TO THE POND DUE TO PROPERTY
OWNERS (UPSTREAM) - PUMP IN STREAM WITHOUT PERMIT
CDA WATER DEPT WAS NOTIFIED OF THIS IN FALL 2001, UPSTREAM OWNER
WAS NOTIFIED OF ILLEGAL ACTION & OWNER HIRED ATTORNEY TO DISPUTE. WE
HAVE HEARD NOTHING FURTHER FROM WATER RESOURCES.

Permit holder(s) request an extension to NOV 05, 20 05

[Signature]
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use
is extended to November 1, 2005.

Signed this 19th day of November, 20 03

[Signature]
Gary Spackman

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 97-07408

Priority: 08/17/2001

Maximum Diversion Rate: 0.20 CFS

This is to certify, that GEORGE WEAVER
615 FREEMAN LAKE RD
OLDTOWN ID 83822

And

ELIN WEAVER
615 FREEMAN LAKE RD
OLDTOWN ID 83822

has applied for a permit to appropriate water from:

Source: ALBENI FALLS CREEK **Tributary:** PEND OREILLE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.20 CFS	
IRRIGATION STORAGE	03/15 to 11/15		0.2 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		0.2 AF

LOCATION OF POINT(S) OF DIVERSION:

ALBENI FALLS CREEK	SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 20, Twp 56N, Rge 05W, B.M.	BONNER County
ALBENI FALLS CREEK	NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 20, Twp 56N, Rge 05W, B.M.	BONNER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
56N	05W	20			5.0				5.0								10.0		

Total Acres: 10

PLACE OF USE: IRRIGATION STORAGE, same as Irrigation

PLACE OF USE: IRRIGATION FROM STORAGE, same as Irrigation

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before November 01, 2003.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

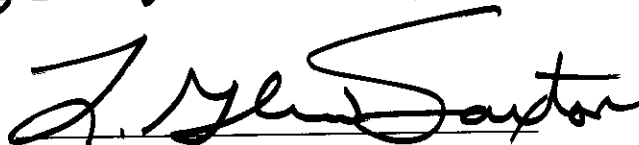
MICROFILMED
JAN 29 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 97-07408

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 29th day of October, 2001.


for KARL J DREHER, Director

MICROFILMED
JAN 29 2003

69378
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 97-7408

1. Name of Applicant GEORGE & ELIN WEAVER Phone (208) 437 4991
Mailing address 615 FREEMAN LAKE
2. Source of water supply ALBION FALLS CREEK which is a tributary of PEND OREILLE RIVER
3. Location of point of diversion is Township 56N Range 5W Sec. 20, in the 1/4,
NW 1/4, NE 1/4, Govt. Lot , B.M., BONNER County;
additional points of diversion if any: SW 1/4 NE 1/4, Sec. 20, T. 56N., R. 5W
4. Water will be used for the following purposes:
Amount 0.20 for IRRIGATION purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.20 0.15 for IRRIGATION purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum) STORAGE
Amount 0.20 0.15 for IRRIGATION purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum) FROM STORAGE
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) 0.20 and/or (b) 0.15 (0.2)
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 ON-STREAM POND
SPRINKLER SYSTEM
 - b. Height of storage dam 3' feet; active reservoir capacity 0.15 acre-feet; total
reservoir capacity 0.15 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?
 - 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 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW.
 - b. Stockwatering; list number and kind of livestock.
 - c. Municipal; show name of municipality.
 - d. Domestic; show number of households.
 - e. Other; describe fully.

MICROFILMED

JAN 29 2003

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	
560	SW	20			5														5
					* IRRIGATION STOR.				5										5
					IRR. FROM STOR.				*					IRRIGATION STOR. AGE					
														IRR. FROM STOR.					

Total number of acres to be irrigated 10

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? APPLICANT

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

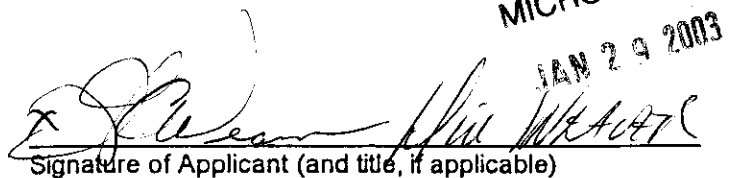
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

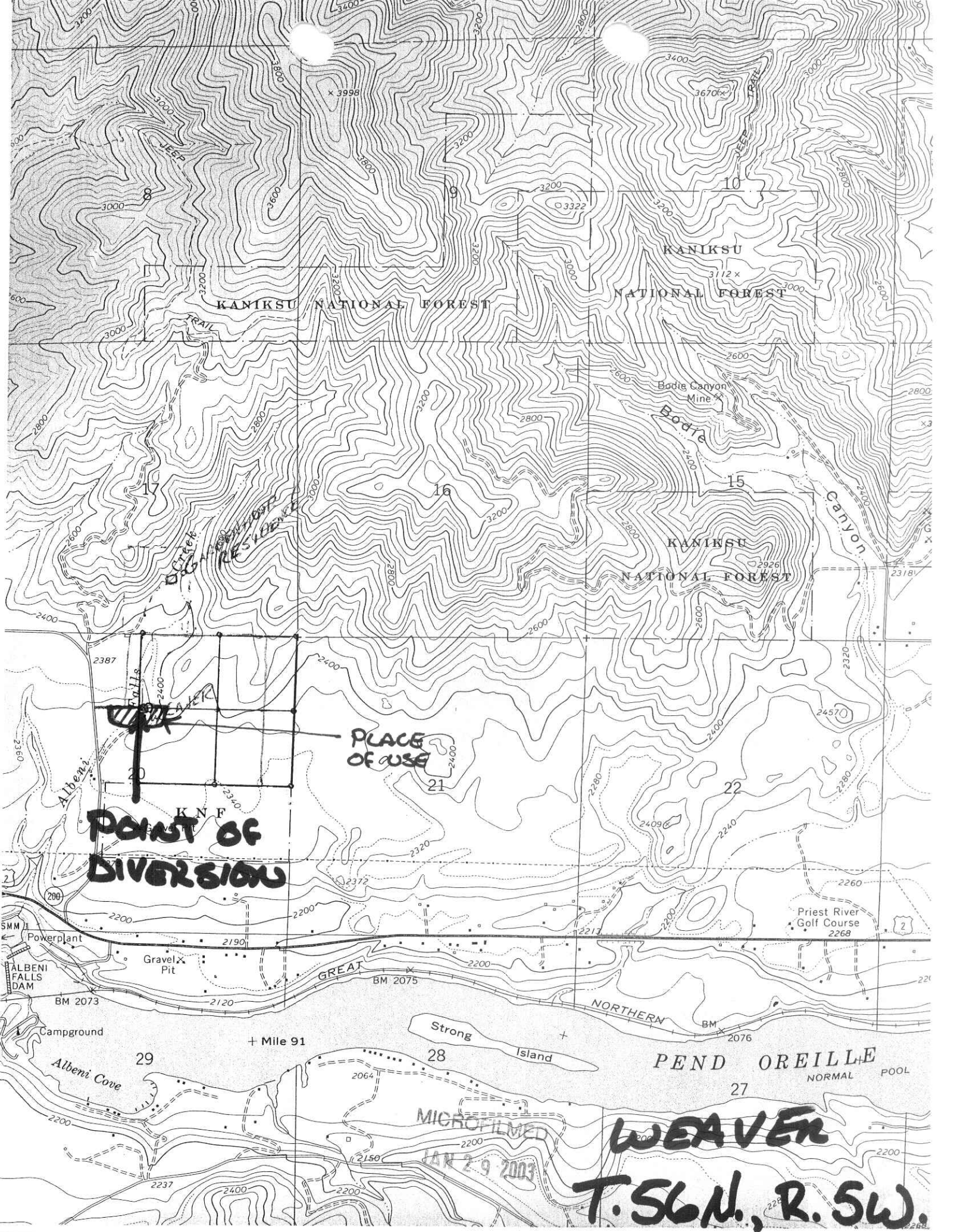
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

MICROFILMED
JAN 29 2003


Signature of Applicant (and title, if applicable)

Received by AB Date 8-17-01 Time 4:45 Preliminary check by AB
 Fee \$ 100- Received by AB # ND14599 Date 8-17-01
 Publication prepared by db Date 9/12/01 Published in Priest River Times 9/19+26/01
 Publication approved _____ Date _____



x 3998

3322

3670

KANIKSU NATIONAL FOREST

KANIKSU NATIONAL FOREST

KANIKSU

3112 x

Bodie Canyon Mine

Bodie

KANIKSU

KANIKSU NATIONAL FOREST

PLACE OF USE

POINT OF DIVERSION

Priest River Golf Course

2268

ALBANI FALLS DAM

Powerplant

Campground

Albani Cove

Gravel Pit

BM 2073

BM 2075

BM 2076

BM 2077

BM 2078

BM 2079

BM 2080

BM 2081

BM 2082

BM 2083

BM 2084

BM 2085

BM 2086

BM 2087

BM 2088

BM 2089

BM 2090

BM 2091

BM 2092

BM 2093

BM 2094

BM 2095

BM 2096

BM 2097

BM 2098

BM 2099

BM 2100

BM 2101

BM 2102

BM 2103

BM 2104

BM 2105

BM 2106

BM 2107

BM 2108

BM 2109

BM 2110

BM 2111

BM 2112

BM 2113

BM 2114

BM 2115

BM 2116

BM 2117

BM 2118

BM 2119

BM 2120

BM 2121

BM 2122

BM 2123

BM 2124

BM 2125

BM 2126

BM 2127

BM 2128

BM 2129

BM 2130

BM 2131

BM 2132

BM 2133

BM 2134

BM 2135

BM 2136

BM 2137

BM 2138

BM 2139

BM 2140

BM 2141

BM 2142

BM 2143

BM 2144

BM 2145

BM 2146

BM 2147

BM 2148

BM 2149

BM 2150

BM 2151

BM 2152

BM 2153

BM 2154

BM 2155

BM 2156

BM 2157

BM 2158

BM 2159

BM 2160

BM 2161

BM 2162

BM 2163

BM 2164

BM 2165

BM 2166

BM 2167

BM 2168

BM 2169

BM 2170

BM 2171

BM 2172

BM 2173

BM 2174

BM 2175

BM 2176

BM 2177

BM 2178

BM 2179

BM 2180

BM 2181

BM 2182

BM 2183

BM 2184

BM 2185

BM 2186

BM 2187

BM 2188

BM 2189

BM 2190

BM 2191

BM 2192

BM 2193

BM 2194

BM 2195

BM 2196

BM 2197

BM 2198

BM 2199

BM 2200

BM 2201

BM 2202

BM 2203

BM 2204

BM 2205

BM 2206

BM 2207

BM 2208

BM 2209

BM 2210

BM 2211

BM 2212

BM 2213

BM 2214

BM 2215

BM 2216

BM 2217

BM 2218

BM 2219

BM 2220

BM 2221

BM 2222

BM 2223

BM 2224

BM 2225

BM 2226

BM 2227

BM 2228

BM 2229

BM 2230

BM 2231

BM 2232

BM 2233

BM 2234

BM 2235

BM 2236

BM 2237

BM 2238

BM 2239

BM 2240

BM 2241

BM 2242

BM 2243

BM 2244

BM 2245

BM 2246

BM 2247

BM 2248

BM 2249

BM 2250

BM 2251

BM 2252

BM 2253

BM 2254

BM 2255

BM 2256

BM 2257

BM 2258

BM 2259

BM 2260

BM 2261

BM 2262

BM 2263

BM 2264

BM 2265

BM 2266

BM 2267

BM 2268

BM 2269

BM 2270

BM 2271

BM 2272

BM 2273

BM 2274

BM 2275

BM 2276

BM 2277

BM 2278

BM 2279

BM 2280

BM 2281

BM 2282

BM 2283

BM 2284

BM 2285

BM 2286

BM 2287

BM 2288

BM 2289

BM 2290

BM 2291

BM 2292

BM 2293

BM 2294

BM 2295

BM 2296

BM 2297

BM 2298

BM 2299

BM 2300

BM 2301

BM 2302

BM 2303

BM 2304

BM 2305

BM 2306

BM 2307

BM 2308

BM 2309

BM 2310

BM 2311

BM 2312

BM 2313

BM 2314

BM 2315

BM 2316

BM 2317

BM 2318

BM 2319

BM 2320

BM 2321

BM 2322

BM 2323

BM 2324

BM 2325

BM 2326

BM 2327

BM 2328

BM 2329

BM 2330

BM 2331

BM 2332

BM 2333

BM 2334

BM 2335

BM 2336

BM 2337

BM 2338

BM 2339

BM 2340

BM 2341

BM 2342

BM 2343

BM 2344

BM 2345

BM 2346

BM 2347

BM 2348

BM 2349

BM 2350

BM 2351

BM 2352

BM 2353

BM 2354

BM 2355

BM 2356

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 12, 2006

GEORGE AND ELIN WEAVER
615 FREEMAN LAKE RD
OLDTOWN ID 83822

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 97-7408

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.

During my review of the proof you filed, I see you claimed 0.02 cfs as the maximum diversion rate for this permit. However, the department issued the permit with a maximum diversion rate of 0.20 cfs. The department will rely on the field examination to clarify this discrepancy.

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 any questions or wish to clarify this discrepancy, please contact the **Northern** Regional Office of the department at (208) 769-1450.

Sincerely,

Christine Roberts
Technical Records Specialist
IDWR State Office

Encl.

August 31, 2005

GEORGE WEAVER
ELIN WEAVER
615 FREEMAN LAKE RD
OLDTOWN, ID 83822

PROOF DUE NOTICE

RE: PERMIT NO. 97-7408

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 November 01, 2005. (See last page of your approval 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.

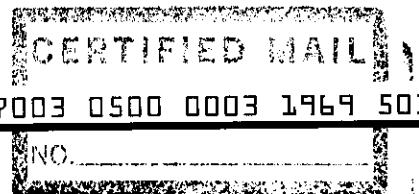
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures





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

November 21, 2003

GEORGE WEAVER
ELIN WEAVER
615 FREEMAN LAKE RD
OLDTOWN ID 83822

RE: PERMIT NO. 97-7408

Dear Permit Holder:

I have enclosed a copy of the approved Request for Extension of Time ("request") you submitted to the department in connection with the above referenced permit, which extends the time to submit proof of beneficial use to **November 1, 2005**. Please note that the department granted this extension based on evidence of **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed, since the department may not be able to grant an additional extension request based on this category.

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. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Additionally, these forms can be found on our website at: www.idwr.state.id.us

If you have any questions regarding this matter, contact me at (208) 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

Gibson, Deborah

From: Beardslee, Allen
Sent: Friday, November 07, 2003 3:33 PM
To: Gibson, Deborah
Subject: George Weaver - 97-7408 - Request for Extension of time - Illegal Diversion

Hi Deb,

Thank you for sending us a copy of the Request for Extension of time filed by Mr. Weaver.

Mr. Weaver did visit our office, filed Application for Permit Number 97-7408 a couple of years ago. At that time he reported that he thought his up-stream neighbor was diverting water without a water right. (HOWEVER), he asked that he be given an opportunity to talk with his neighbor prior to our involvement to preserve neighborly relations. We left off with the idea that if he needed further help, he would contact our office and we never heard from him again.

I did call Mr. Weaver after reading his Request for Extension of Time. Evidently, his approach to resolving the issue of his neighbor didn't work and he failed to contact us. Apparently, his neighbor is an absentee owner and hired a contractor to install a landscape irrigation system. He placed a 5' dia. culvert in the stream and diverts enough water to keep it from making it to Weavers property.

Mr. Weaver gave me his neighbor's name and we will contact him as soon as possible.

Thanks again for keeping us informed,

Al

IDAHO DEPARTMENT OF WATER RESOURCES

Fax

To: Northern Region

From: Deborah J. Gibson
(208) 327-7953

Fax:

Date: October 31, 2003

Phone:

Pages: 2

Re: Permit No. 97-7408

CC:

☒ **Urgent** ☐ **For Review** ☐ **Please Comment** ☒ **Please Reply** ☐ **Please Recycle**

•Comments: See the attached copy of a Request for Extension of Time for permit no. 97-7408. According to the permit holder they are basing a request for extension on delivery problems related to an alleged illegal upstream diversion. They say they contacted your office about it in the Fall of 2001.

I have nothing in my file to substantiate this claim. Please send me documentation that I can put in the SO file to support this comment, or contact me with your response.

Thank you!!!

Debbie

August 31, 2003

GEORGE WEAVER
ELIN WEAVER
615 FREEMAN LAKE RD
OLDTOWN, ID 83822

PROOF DUE NOTICE

RE: PERMIT NO. 97-7408

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 November 01, 2003. (See last page of your approval 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.

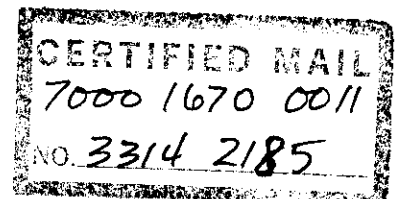
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures





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

October 30, 2001

GEORGE WEAVER
ELIN WEAVER
615 FREEMAN LAKE RD
OLDTOWN ID 83822

RE: Permit No. 97-7408

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.

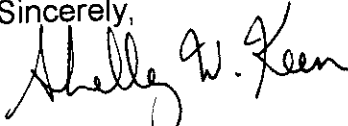
MICROFILMED

JAN 29 2003

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

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

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

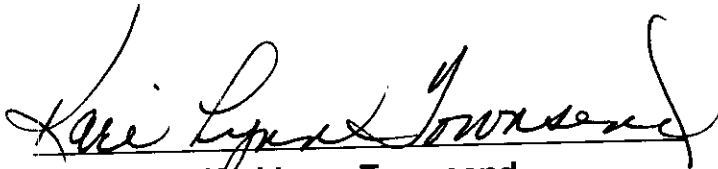
JAN 29 2003

CERTIFICATE OF MAILING

I hereby certify that on October 30, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 97-7408

**GEORGE WEAVER
ELIN WEAVER
615 FREEMAN LAKE RD
OLDTOWN ID 83822**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

JAN 29 2003

**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.

AFFIDAVIT OF PUBLICATION

RECEIVED
OCT 04 2001
IDWR/North

State of Idaho

ss.

County of Bonner,

Jeannie Sheridan

being first duly sworn on oath

deposes and says that he/she is Bookkeeper

of the Priest River Times, a newspaper printed and published at Priest River, Bonner County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Bonner County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of:

Application

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

said paper for a period of 2 consecutive weeks,

commencing on 19 day of Sept, 2001

and ending on the 26 day of Sept, 2001

and that said notice was published in said newspaper.

On this 26 day of Sept in the year

of 2001, before me, a Notary Public, personally

appeared Jeannie Sheridan

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.

Notary Public for Idaho

Residing at

Sandpoint

My Commission expires:

8/06

NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) have been filed to appropriate the public waters of the State of Idaho:

GEORGE WEAVER
ELIN WEAVER
615 FREEMAN LAKE RD
OLDTOWN ID 83822
Point(s) of Diversion: SW1
Source ALBENI FALLS
Tributary To
Point(s) of Diversion: NW1
Source ALBENI FALLS
Tributary To
Use: IRRIGATION
Use: IRRIGATION STOR
Use: IRRIGATION FROM STORAGE
Total Diversion:
Date Filed: 08/17/2001
Place Of Use: IRRIGATION
T56N R05W S20 SWNE SENW
Number of Acres: 10
Place Of Use: IRRIGATION FROM STORAGE and IRRIGATION STORAGE same as IRRIGATION
97-7409

Bar
Storage
should
only be
0.25 do I
need to
read? NO

IER County
IER County
2.0 AF
2.0 AF

STEVE McDANIEL
JEANNE L McDANIEL
PO BOX 683
WASHTUCNA WA 99371
Point(s) of Diversion: SESESE S30 T57N R04W BONNER County
Source: SPRING
Use: IRRIGATION
Use: STOCKWATER
Use: DOMESTIC
Total Diversion:
Date Filed: 07/27/2001
Place Of Use: IRRIGATION
T57N R04W S30 SESE
Number of Acres: 10
Place Of Use: DOMESTIC and STOCKWATER same as IRRIGATION
Remark: Domestic use is for 1 home.
Stockwater use is for 5 head mixed cattle and horses.
97-7410

03/15 To 11/15 0.2 CFS
01/01 To 12/31 0.02 CFS
01/01 To 12/31 0.04 CFS
0.2 CFS

INTERMOUNTAIN DRILLING & DEV INC
3419 HWY 57
PRIEST RIVER ID 83856
Point(s) of Diversion: SESW S1 T56N R05W BONNER County
Source: GROUND WATER
Use: FIRE PROTECTION
Total Diversion:
Date Filed: 07/03/2001
Place Of Use: FIRE PROTECTION
T56N R05W S1 SESW
97-7411

01/01 To 12/31 2 CFS
2 CFS

LARRY D MC CORMICK
1014 N PINES RD
SPOKANE WA 99206
Point(s) of Diversion: NESW S26 T60N R04W BONNER County
Source: FENTON CREEK Tributary To PRIEST LAKE
Use: WILDLIFE STORAGE 01/01 To 12/31 2 AFA
Use: RECREATION STORAGE 01/01 To 12/31 2 AFA
Use: DIVERSION TO STORAGE 01/01 To 12/31 0.13 CFS
Total Diversion: 0.13 CFS
Date Filed: 08/09/2001
Place Of Use: RECREATION STORAGE
T60N R04W S26 NWSW SWSW
Place Of Use: WILDLIFE STORAGE
T60N R04W S26 NWSW SWSW.
Remark: Recreation use is for fishing and swimming.
Recreation use is for fishing and swimming.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code.
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur D'Alene, ID 83814 together with a protest fee of \$25.00 for each application on or before 10/09/2001. The protestant must also send a copy of the protest to the applicant.

PRT Legal 602144
Sept. 19, 26, 2001

KARL J. DREHER, Director

MICROFILMED
JAN 29 2003

AFFIDAVIT OF PUBLICATION

RECEIVED
OCT 04 2001
IDWR/North

State of Idaho

ss.

County of Bonner,

Jeannie Sheridan

being first duly sworn on oath
deposes and says that he/she is Bookkeeper

of the Priest River Times, a newspaper printed and
published at Priest River, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

Application

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 19 day of Sept, 2001
and ending on the 26 day of Sept, 2001

and that said notice was published in said newspaper.

On this 26 day of Sept in the year
of 2001, before me, a Notary Public, personally
appeared Jeannie Sheridan

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.

Notary Public for Idaho

Residing at

Sandpoint

My Commission expires:

8/06

NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) have been filed to appropriate the public waters of the State of Idaho:

97-7408
OK
GEORGE WEAVER
ELIN WEAVER
615 FREEMAN LAKE RD
OLDTOWN ID 83822
Point(s) of Diversion: SWNE S20 T56N R05W BONNER County
Source ALBENI FALLS CREEK
Tributary To PEND OREILLE RIVER
Point(s) of Diversion: NWNE S20 T56N R05W BONNER County
Source ALBENI FALLS CREEK
Tributary To PEND OREILLE RIVER
Use: IRRIGATION 03/15 To 11/15 0.2 CFS
Use: IRRIGATION STORAGE 03/15 To 11/15 2.0 AF
Use: IRRIGATION FROM STORAGE 03/15 To 11/15 2.0 AF

Total Diversion: 0.2 CFS
Date Filed: 08/17/2001
Place Of Use: IRRIGATION
T56N R05W S20 SWNE SENW
Number of Acres: 10
Place Of Use: IRRIGATION FROM STORAGE and IRRIGATION STORAGE
same as IRRIGATION

97-7409
STEVE McDANIEL
JEANNE L McDANIEL
PO BOX 683
WASHTUCNA WA 99371
Point(s) of Diversion: SESESE S30 T57N R04W BONNER County
Source: SPRING
Use: IRRIGATION 03/15 To 11/15 0.2 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.2 CFS
Date Filed: 07/27/2001
Place Of Use: IRRIGATION
T57N R04W S30 SESE
Number of Acres: 10
Place Of Use: DOMESTIC and STOCKWATER same as IRRIGATION
Remark: Domestic use is for 1 home.
Stockwater use is for 5 head mixed cattle and horses.

97-7410
INTERMOUNTAIN DRILLING & DEV INC
3419 HWY 57
PRIEST RIVER ID 83856
Point(s) of Diversion: SESW S1 T56N R05W BONNER County
Source: GROUND WATER
Use: FIRE PROTECTION 01/01 To 12/31 2 CFS
Total Diversion: 2 CFS
Date Filed: 07/03/2001
Place Of Use: FIRE PROTECTION
T56N R05W S1 SESW

97-7411
LARRY D MC CORMICK
1014 N PINES RD
SPOKANE WA 99206
Point(s) of Diversion: NESW S26 T60N R04W BONNER County
Source: FENTON CREEK Tributary To PRIEST LAKE
Use: WILDLIFE STORAGE 01/01 To 12/31 2 AFA
Use: RECREATION STORAGE 01/01 To 12/31 2 AFA
Use: DIVERSION TO STORAGE 01/01 To 12/31 0.13 CFS
Total Diversion: 0.13 CFS
Date Filed: 08/09/2001
Place Of Use: RECREATION STORAGE
T60N R04W S26 NWSW SWSW
Place Of Use: WILDLIFE STORAGE
T60N R04W S26 NWSW SWSW
Remark: Recreation use is for fishing and swimming.
Recreation use is for fishing and swimming.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code.
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur D'Alene, ID 83814 together with a protest fee of \$25.00 for each application on or before 10/09/2001. The protestant must also send a copy of the protest to the applicant.

PRT Legal 602144
Sept. 19, 26, 2001

KARL J. DREHER, Director

MICROFILMED
JAN 29 2003

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

97-7408

GEORGE WEAVER
ELIN WEAVER
615 FREEMAN LAKE RD
OLDTOWN ID 83822

Point(s) of Diversion	SWNE	S20 T56N R05W BONNER County
Source	ALBENI FALLS CREEK	Tributary To PEND OREILLE RIVER
Point(s) of Diversion	NWNE	S20 T56N R05W BONNER County
Source	ALBENI FALLS CREEK	Tributary To PEND OREILLE RIVER
Use:	IRRIGATION	03/15 To 11/15 0.2 CFS
Use:	IRRIGATION STORAGE	03/15 To 11/15
Use:	IRRIGATION FROM STORAGE	03/15 To 11/15

2.0 AF
2.0 AF

Total Diversion:

0.2 CFS

Date Filed: 08/17/2001

Place Of Use: IRRIGATION

T56N R05W S20 SWNE SENW

Number of Acres 10

Place Of Use: IRRIGATION FROM STORAGE and IRRIGATION STORAGE same as IRRIGATION

97-7409

STEVE MC DANIEL
JEANNE L MC DANIEL
PO BOX 683

WASHTUCNA WA 99371

Point(s) of Diversion	SESE	S30 T57N R04W BONNER County
Source	SPRING	
Use:	IRRIGATION	03/15 To 11/15 0.2 CFS
Use:	STOCKWATER	01/01 To 12/31 0.02 CFS
Use:	DOMESTIC	01/01 To 12/31 0.04 CFS

Total Diversion:

0.2 CFS

Date Filed: 07/27/2001

Place Of Use: IRRIGATION

T57N R04W S30 SESE

Number of Acres 10

Place Of Use: DOMESTIC and STOCKWATER same as IRRIGATION

Remark: Domestic use is for 1 home.

Stockwater use is for 5 head mixed cattle and horses.

97-7410

INTERMOUNTAIN DRILLING & DEV INC
3419 HWY 57

PRIEST RIVER ID 83856

Point(s) of Diversion	SESW	S1 T56N R05W BONNER County
-----------------------	------	----------------------------

Source GROUND WATER

Use:	FIRE PROTECTION	01/01 To 12/31 2 CFS
------	-----------------	----------------------

Total Diversion:

2 CFS

Date Filed: 07/03/2001

Place Of Use: FIRE PROTECTION

T56N R05W S1 SESW

97-7411

LARRY D MC CORMICK
1014 N PINES RD
SPOKANE WA 99206

Point(s) of Diversion NESW

Source	FENTON CREEK	S26 T60N R04W BONNER County
--------	--------------	-----------------------------

Tributary To PRIEST LAKE

Use:	WILDLIFE STORAGE	01/01 To 12/31 2 AFA
------	------------------	----------------------

Use:	RECREATION STORAGE	01/01 To 12/31 2 AFA
------	--------------------	----------------------

Use:	DIVERSION TO STORAGE	01/01 To 12/31 0.13 CFS
------	----------------------	-------------------------

Total Diversion:

0.13 CFS

Date Filed: 08/09/2001

Place Of Use: RECREATION STORAGE

T60N R04W S26 NWSW SWSW

Place Of Use: WILDLIFE STORAGE

T60N R04W S26 NWSW SWSW

Remark: Recreation use is for fishing and swimming.

Recreation use is for fishing and swimming.

MICROFILMED

JAN 29 2003

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 10/09/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 9/19 and 26/2001.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 12, 2001

Legal Notice Department
PRIEST RIVER TIMES
PO BOX 10
PRIEST RIVER ID 83856

Re: Applications for Permits No. 97-7408, 97-7409, 97-7410, and 97-7411

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 10/09/2001. Your cooperation is appreciated.

Sincerely

Dianne Ball

Dianne Ball
Administrative Assistant

MICROFILMED

IAN 29 2003



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

September 12, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GEORGE WEAVER
ELIN WEAVER
615 FREEMAN LAKE RD
OLDTOWN ID 83822

RE: Application for Permit No 97-7408

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 Priest River Times on September 19 and 26, 2001. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Allen Beardslee".

Allen Beardslee
Senior Water Resource Agent

MICROFILMED

IAN 29 2003



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

09/07/2001

IDF&G
RAY HENNEKEY
2750 KATHLEEN AVE
COEUR D ALENE ID 83815

Application to Permit No. 97-7408

Dear IDF&G:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This office can complete the processing of an unprotested application as soon as the protest period is past; therefore, your prompt response to this request is appreciated. If your agency desires to file a formal protest against the approval of this application, your written protest along with a \$25.00 filing fee must be received in this office by October 9, 2001.

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

Sincerely,

A handwritten signature in cursive script that reads "Dianne Ball".

Dianne Ball
Administrative Assistant

Enclosure(s)

MICROFILMED

JAN 29 2003