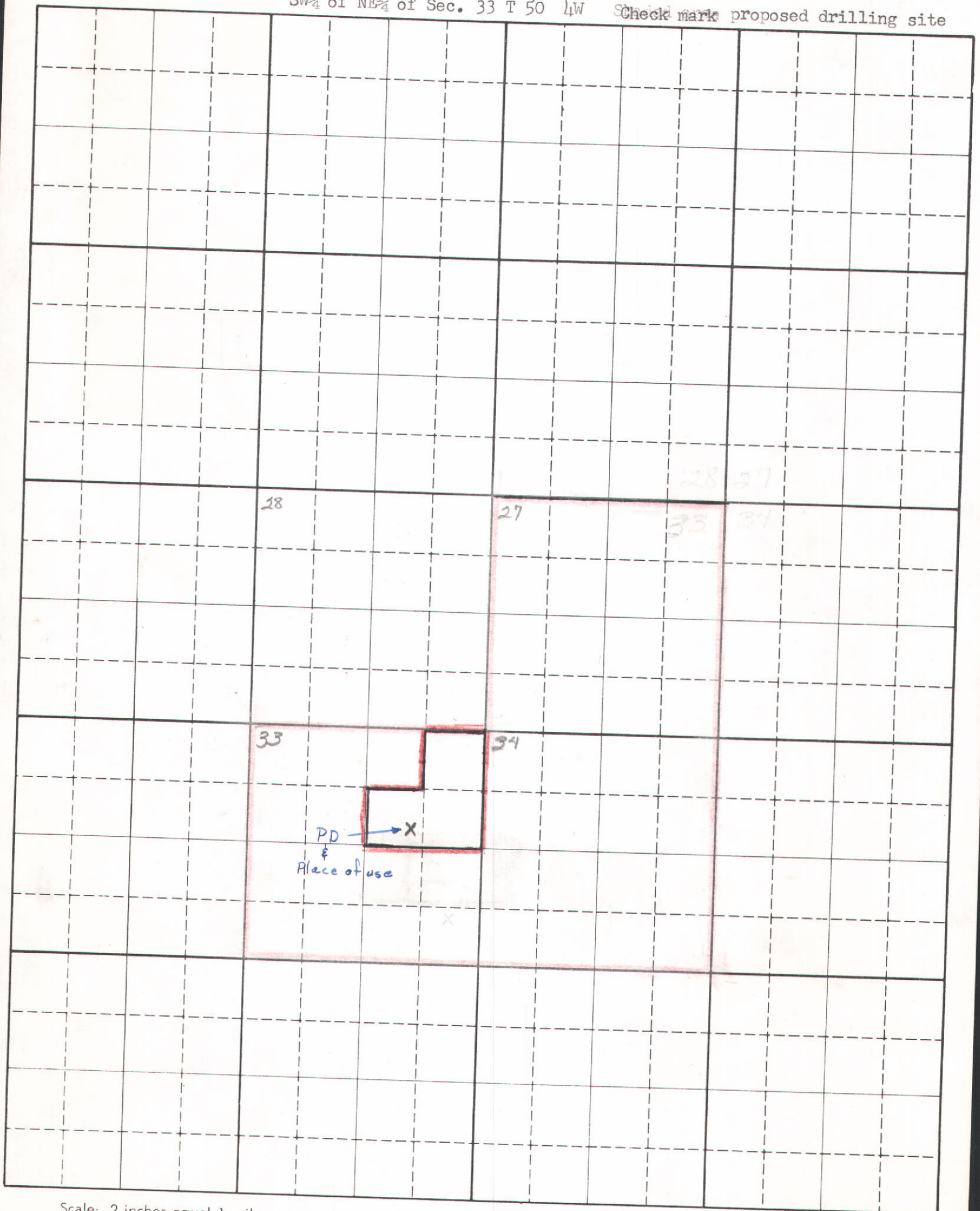


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 33 T 50 4W Check mark proposed drilling site



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.

Fred J. Mooney
(Applicant)

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
Fred J. &/or Mary Mooney

Star Rt. Coeur d'Alene, Id
83814 has on May 20, 1977 sub-
mitted Application No. 95-7730
for a permit to appropriate
0.04 cubic feet per second of
water from a groundwater
source by means of a well,
pump & pipeline within the
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 33, T50N,
R4W, B.M., Kootenai County
to be used from Jan. 1 to Dec.
31 for stockwater within the
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 33, T50N,
R4W, B.M.

If issued, this permit will be
subject to all prior water
rights. Protests against the
granting of the permit must
be filed with the Idaho
Department of Water
Resources, 4055 Government
Way, Coeur d'Alene, Idaho
83814, on or before June 20,
1977.

C. STEPHEN ALLRED
Director

Legal No. 219
June 2, 9, 1977

STATE OF IDAHO,
County of Kootenai,

} ss.

Carole Kedge being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Notice

of which the annexed is a printed copy, was published in the regular *Three*
issue of said newspaper for *2* consecutive *weeks*
commencing on the *2* day of *June*, 1977, and
ending on the *9* day of *June*, 1977, and such
publication was made as often during said period as said *Daily*
newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Carole Kedge

Subscribed and sworn to before me this *9* day of *June*
19 *77*

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

11.52
LEADER

OK.
6-10-77
AB

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 95-7730 Priority May 20, 1977 Amount 0.04 cfs

THIS IS TO CERTIFY, that Fred J. &/or Mary Mooney
of Coeur d'Alene, Idaho, has complied with the terms and conditions of Permit
No. 95-7730 issued pursuant to Application for Permit dated May 20, 1977,
and has submitted proof to the Department of Water Resources on September 29, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.04 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Stockwater	from <u>January 1</u> to <u>December 31</u>	at <u>0.04</u> cfs and	<u>2.7</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.04 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
2.7 acre feet per year, said waters to be diverted within the SW¹/₄NE¹/₄, Sec. 33, Twp. 50N,
Rge. 4W, B.M. in the County of Kootenai

Description and location of place of use:

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
50N	4W	33			X														

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of
March, 19 79.

Deputy Director

Identification No. _____

Application No. 95-7730

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Fred J Mooney &/or Mary Mooney Phone: 664-6780
post office address Star Route, Coeur d'Alene, Idaho 83814
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33 Township 50 N
Range 4 W B.M. Kootenai County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.04 for stockwatering purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.04 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. not for irrigation
well pump & pipeline to place of use.

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 6 inches; proposed depth of well is 145 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years.
b. Estimated construction cost is \$ 4,500.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33 Township 50 N
Range 4 W B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 200 or less beef cattle; two
dairy cows
(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
TOTALS			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼

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

b. Who owns the land to be irrigated or place of use applicant, Fred J Mooney

_____ applicant to make this filing

Remarks	Water will be used in stock watering tanks in field location and at the barns with automatic shut-off valves. The well produces approximately 15 to 20 gallons per minute. Carman Development & Well Drilling, 115 Harrison Ave., Coeur d'Alene, Idaho did the drilling.
---------	--

Proposed Priority 5/20/77

Received by B Date 5-20-77 Time 3:30
Preliminary check by AK Fee \$ 10.00 (5500)

Received by B Date 5-20-77

Publication prepared by B Date 5-24-77

Published in DOH News

Publication dates 6-24-77

Publication approved B Date 7-10-77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by BW

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 95-7730, and said application is hereby APPROVED

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 19 78

c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 22 day of August, 19 77

Deputy Director

[Signature]

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
Fred J. &/or Mary Mooney

Star Rt. Coeur d'Alene, Id
83814 has on May 28, 1977 sub-
mitted Application No. 95-7730
for a permit to appropriate
0.04 cubic feet per second of
water from a ground water
source by means of a well,
pump & pipeline within the
SW 1/4 NE 1/4 Sec. 33, T50N,
R4W, B.M., Kootenai County
to be used from Jan. 1 to Dec.
31 for stockwater within the
SW 1/4 NE 1/4 Sec. 33, T50N,
R4W, B.M.

If issued, this permit will be
subject to all prior water
rights. Protests against the
granting of the permit must
be filed with the Idaho
Department of Water
Resources, 4055 Government
Way, Coeur d'Alene, Idaho
83814, on or before June 20,
1977.

C. STEPHEN ALLRED
Director

Legal No. 219
June 2, 9, 1977

STATE OF IDAHO,
County of Kootenai,

} ss.

Carol Hedges being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The *Notice*

of which the annexed is a printed copy, was published in the regular *three*
issue of said newspaper for *2* consecutive *weeks*
commencing on the *2* day of *June*, 1977, and
ending on the *9* day of *June*, 1977, and such
publication was made as often during said period as said *daily*
newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Carol Hedges
Subscribed and sworn to before me this *9* day of *June*
19 *77*.

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

11.52
LEADER

MAY 09 1988

May 3, 1988

Department of Water Resources

Department of Water Resources
Northern District
Robert Haynes
4055 Government Way
Suite 9
Coeur d' Alene, Idaho 83814

Dear Mr. Haynes:

During the construction of the new highway 95 south from Coeur d'Alene, across Mica Flats and down the south side of so-called Mica Hill, in excavating the new grade in 1987, an underground water source was exposed. This water has been left to flow freely and drain into Mica Bay of Lake Coeur d' Alene. The amount of water flowing has been estimated to be in the excess of 400 gallons per minute. Our worry and concern is that this uncontrollable flow of water is draining the natural water basin of the Mica Flats area.

For 32 years we have been rancher/farmers and lived at the same location on Mica Flats. We drilled a well in May 1977--well water right license 95-7730 stock water January 1 to December 31; rate of diversion 0.04 c f s. Our livestock numbers have remained constant over the years. We water approximately 150 head of cattle from the well from mid-December to May 1st. We had more than adequate water with no problems in the past. But this winter/spring season our well pumps dry. It will resume with a limited amount of water in a 12-24 hour period.

Sudden and immediate investigative measures into this flow of water need to be taken. Our fear is that we will not have any water for stock or even for household use. This is a very frightening situation.

We feel this water flow needs to be controlled. If it can not be stopped it may cause drastic hardships on all area residents.

The water flow is on State of Idaho property and was created by projects under their jurisdiction so the State needs to act to correct this matter immediately.

Most Sincerely;

Fred J. Mooney, Mary Mooney

Fred J Mooney & Mary Mooney
3715 Presley Road, Coeur d' Alene, Idaho 83814

cc: Dept of Trans.

Dept of Water Res.--Boise

5/20/88

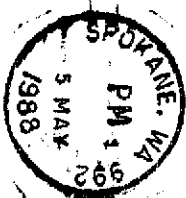
~~HA~~

Keith,

HAYNES is drafting a letter for you to encourage Kermit Keight to have a geohydrologist study this problem, determine if the construction has caused a problem with local water supplies, and possible ways to restore the area and stop waste. Our reaction is that the problem won't go away and must be addressed. ~~way~~

FRED J MOONEY
3715 PRESLEY ROAD
COEUR D'ALENE, IDAHO 83814

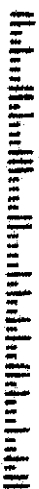
DEPARTMENT OF WATER RESOURCES
1301 N ORCHARD
STATE HOUSE MAIL
BOISE IDAHO 83706-2237



Paul Dudley White MD



January 2, 1988
Georgia





State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

March 28, 1979

RE: Permit No. 95-7730

Mr. & Mrs. Fred J. Mooney
Star Route
Coeur d'Alene, ID 83814

Dear Mr. & Mrs. Mooney:

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

MICROFILMED

RECEIVED

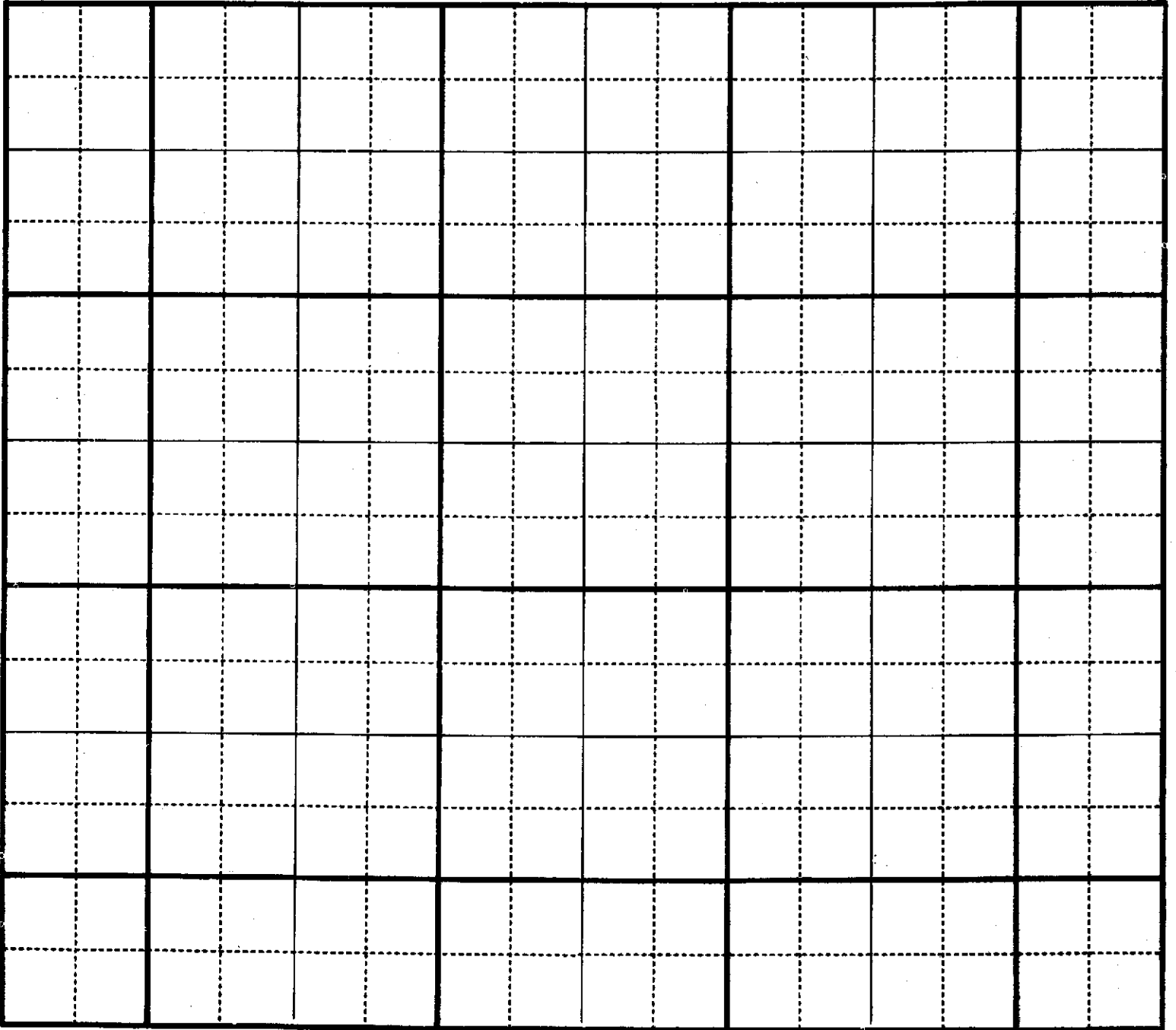
OCT 6 1977

- [illegible]

MICROFILMED

TOTAL ACREAGE

Diagram of System



DATE OF EXAM 8/30/78

ACREAGE
Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= _____ c.f.s. V= 2.7 AF/Ann. from _____ to _____
Livestock Q= 204 c.f.s. V= 1.4 AF/Ann. from Jan 1 to Dec 31
200 hd x 0.0134 (ac ft) = 2.68 or 2.7 ac ft.
to 3/17/79

Is water co-mingled? yes _____ no _____

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no _____

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured None Method of measurement _____

Total Q recommended 2.07 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 1.4 AF/Ann

Recommended Amendments: 2.7 see above

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:
200 hd @ 0.0134 cfs = 2.68 AF/Ann

SYSTEM DESCRIPTION:
Well, submersible pump & pipeline to place of use

REMARKS:
Contacted Mr. Mooney

Examiner's Signature J King Date 8/31/78
Checked by Bob Haynes Date 9-5-78
Approved by _____ Date _____

October 4, 1977

Re: Permit No. 95-7730

Fred J. &/or Mary Mooney
Star Route
Coeur d'Alene, ID 83814

Dear Mr. & Mrs. Mooney:

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Coeur d'Alene.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr

4

✓

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
29 04

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Fred J &/or Mary Mooney
b) Post Office Address Star Rt, Coeur d'Alene, Id
2. Permit Number 95-7730
3. Date of Priority that you are prepared to establish May 20, 1977
4. a) Source from which water was appropriated ground water
b) Location of the point of diversion: SW ¼ NE ¼, Section 33
Township 50N, Range 4W, Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
Amount 0.04 for stockwater purposes from Jan 1 to Dec 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.04 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) well, pump and pipeline to place of use
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well driller's name and address and the date the well was completed: Carman Development, Coeur d'Alene, Id, May 6, 1977
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: watering cows
SW¼ NE¼ Sec 33, T50N, R4W, B.M.

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

May 20, 1977
(Date)

Mary Mooney
(Signature)

State of Idaho)
County of Kootenai) ss.

On this 20 day of May, 19 77, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Alba Baito
Notary Public residing at PO Box 362
Twin Falls Idaho

My commission expires September

August 26, 1977

Re: Permit No. 95-7730

Fred J. Mooney &/or Mary Mooney
Star Route
Coeur d' Alene, ID 83814

Dear Mr. &/or Mrs. Mooney:

Enclosed is a copy of your approved Application for Permit No. 95-7730 . We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:mef

Enclosure

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Mooney

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) _____

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) _____

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no ☒

(8) _____

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) 6-16-77 B

Affidavit of Publication received (date) 6-16-77

(12) _____

Final date for protests 6-20-77
Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes ☒ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

5-20-77 Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District Northern

By Bob Haynes Date 6-23-77

NOTED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

May 26, 1977

RE: Applications No. 95-7728, 95-7729, 95-7730.
Claims No. 95-4381, 95-4380, 94-4031, 95-4382
Notice of Correction No. 94-7098

Coeur d'Alene Press
Second & Lakeside
Coeur d'Alene, Id 83814

Gentlemen:

Enclosed is a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:cp

Enc: Legal Notice(s)

Bill Reamed
6-10-77
B

RECEIVED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Fred J &/or Mary Mooney

Star Rt, Coeur d'Alene, Id 83814

has on May 20, 1977 submitted Application No. 95-7730

for a permit to appropriate 0.04 cubic feet per second acre feet per annum

of water from a groundwater source

by means of a well, pump & pipeline

within the SW 1/4 Sec 33, T50N, R4W, B.M., Kootenai County

to be used from Jan 1 to Dec 31

for stockwater

within the SW 1/4 Sec 33, T50N, R4W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before June 20, 1977.

C. STEPHEN ALLRED
Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Id
on June 2 and June 9, 1977