

AFFIDAVIT OF PUBLICATION

RECEIVED

JAN 6 1975

Department of Water Resources
Northern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Douglas &/or Darlene Higley, 202 East Appleway, Coeur d'Alene, Idaho have on Dec. 16, 1974 submitted Application No. 95-7507 for a permit to appropriate 0.08 cubic feet per second of water from a ground water source by means of well, pump, and motor within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 50N, R. 3W, B.M., Kootenai County to be used from Jan. 1 to Dec. 31 for domestic purposes within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 50N, R. 3W, 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, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before Jan. 13, 1975.

R. KEITH HIGGINSON
Director

Legal 591

Dec. 26, 1974. Jan. 2, 1975.

STATE OF IDAHO,
County of Kootenai,

} ss.

Carol Hedge

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 Application

of which the annexed is a printed copy, was published in the regular *Issue* issue of said newspaper for *2* consecutive *weeks* commencing on the *26* day of *Dec*, 19*74* and ending on the *2* day of *Jan*, 19*75* 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 Hedge

Subscribed and sworn to before me this

3rd

day of

January

19*75*

Roberta Mander

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

MICROFILMED

LEADER

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 95-7507 Priority 12/16/1974 Amount .08 cfs

THIS IS TO CERTIFY, that Douglas &/or Darlene Higley
of Coeur d'Alene, Idaho, has complied with the terms and conditions of Permit
No. 95-7507 issued pursuant to Application for Permit dated December 16, 1974,
and has submitted proof to the Department of Water Resources on January 24, 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 .08 cfs of water from a groundwater 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
<u>Domestic</u>	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>.08</u> cfs and	<u>2.4 acre feet</u>
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than .08 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
2.4 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 50N,
Rge. 3W, B. M. in the County of Kootenai

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
50N	3W	5						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 13 day of
January, 19 78.

Director

Identification No. 95-7507

Application No. _____

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 Douglas &/or Darlene Higley Phone: 664-8979
post office address 202 East Appleway, 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 NW $\frac{1}{4}$ of Section 5 Township 50N
Range 3W B.M. Kootenai County; additional points of diversion if any: _____

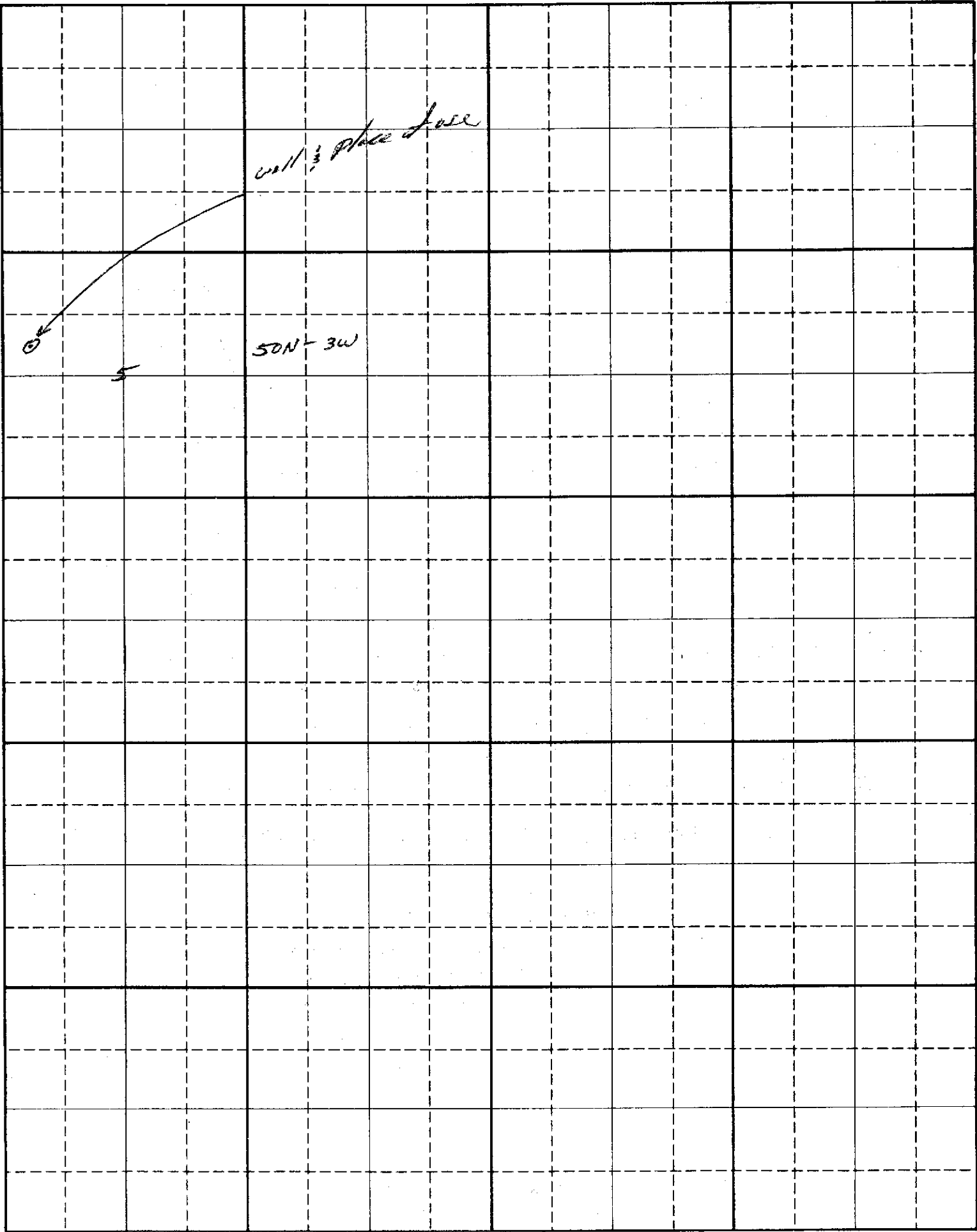
b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.08 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(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. 0.08 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 6" well, 225' deep, with pump and motor.

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 225 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years.
b. Estimated construction cost is \$ _____.
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 NW $\frac{1}{4}$ of Section 5 Township 50N
Range 3W 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 _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water two.
(5) If water is to be used for other purposes describe: Irrigation of lawn and garden.

MICROFILMED

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



Scale: 2 inches equal 1 mile

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

E. Darlene Higley
(Applicant)

Received by RE Date 12-16-74 Time 10:30 am

Preliminary check by FE Fee \$10.00

Received by FE Date 12-16-74 (Rec't. #15154)

Publication prepared by CP Date 12-20-74

Published in _____
Coeur d'Alene Press

Publication dates 12-26-74 & 1-2-75

Publication approved *CP* Date *1-13-75*

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EDF

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 95-7507, 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 February 1, 1977.

c. Other:

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

Witness my hand this 24 day of January 1975.

Directory

AFFIDAVIT OF PUBLICATION

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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, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before Jan. 13, 1975.

R. KEITH HIGGINSON
Director

Legal 501

Dec. 25, 1974. Jan. 2, 1975.

STATE OF IDAHO,
County of Kootenai,

} ss.

Carol Hedge 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 Application

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 26 day of Dec, 1974, and ending on the 2 day of Jan, 1975, 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.

Subscribed and sworn to before me this 3rd day of January, 1975.

Roberta Manley

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

LEADER

January 16, 1978

Re: Permit No. 95-7507

Douglas &/or Darlene Higley
Route 2, Box 600
Coeur d'Alene, ID 83814

Dear Mr. and Mrs. Higley:

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

Sincerely,

Bill MacAllister
Water Resource Agent

BM/kw
Enclosure

January 3, 1978

Re: Permit 95-7507

**Douglas &/or Darlene Higley
Rt. 2, Box 600
Coeur d'Alene, ID**

Dear Mr. and Mrs. Higley

A representative of this Department made an examination of the works covered by your Permit No. **95-7507** on **3/9/77**, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: **.08cfs** Source: **Groundwater**

The maximum quantity diverted shall not exceed **2.4** acre feet per
year.

Point of diversion: **SW1/4, Sec. 5, Twp 50N, Rge 3W**

Beneficial use: **Domestic**

Priority date established: **12/16/74**

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

**BOBBY D. FLEENOR
Chief, Operations Bureau**

BDF/cah

RECEIVED

JAN 27 1977

Department of Northern Resources
Phone 664-8879
Northern District Office

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

Other uses: _____

Permit No. 95-7507

Examination for b/u

Max Rate of Diversion 0.08 cubic feet per second and annual volume _____ AF/Annum.

Township 50N N/S, Range 3W E/W, B.M., Section 5, Subdivision SW $\frac{1}{4}$ NW $\frac{1}{4}$, Kootenai
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Other Points of Diversions: _____

Description of diverting works: 6" well, 225' deep, sub. pump

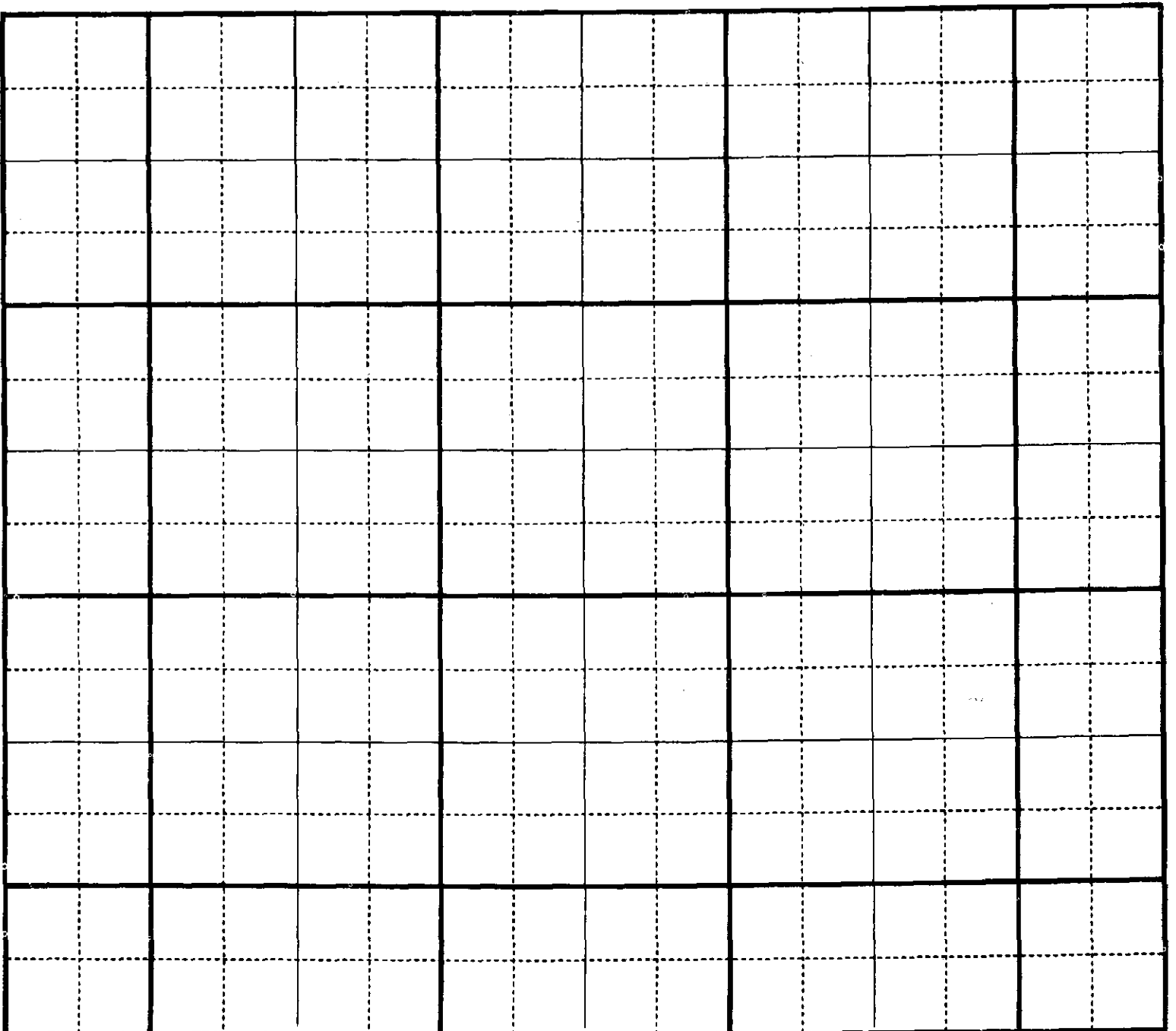
Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE _____

Diagram of System



DATE OF EXAM 3-9-77

ACREAGE

Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q=_____ c.f.s.	V=_____	AF/Ann. from _____	to _____
Domestic Q= <u>0.08</u> c.f.s.	V= <u>2.4</u>	AF/Ann. from <u>1-1</u>	to <u>12-31</u>
Livestock Q=_____ c.f.s.	V=_____	AF/Ann. from _____	to _____

Is water co-mingled? yes _____ no X

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 0.08 cfs Method of measurement calc

Total Q recommended 0.08 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 2.4 AF/Ann

Recommended Amendments:

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

MEASUREMENT CALCULATION:

(2) two homes @ 0.04 = 0.08
1.2 AF/Ann = 2.4 AF/Ann

SYSTEM DESCRIPTION:

6" x 225' well with submersible pump and pipe line to
place of use.

REMARKS:

Examiner's Signature A. H. King Date 3-9-77

Checked by Bob Haynes Date 4-4-77

Approved by _____ Date _____

January 26, 1977

Re: Permit No. 95-7507

Douglas &/or Darlene Higley
Route 2, Box 600
Coeur d'Alene, Idaho 83814

Dear Mr. & Mrs. Higley:

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 just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

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

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

Identification No. _____

Permit No. _____

RECEIVED

JAN 24 1977

Department of Water Resources
Northern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder DOUGLAS & OR DARLENE HIGLEY
b) Post Office Address RT 2 BOX 600; COEUR D'ALENE, ID 83814
2. Permit Number 95-7507
3. Date of Priority that you are prepared to establish 12-16-74
4. a) Source from which water was appropriated GROUNDWATER
b) Location of the point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5
Township 50N, Range 3W Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
Amount 0.08 for DOMESTIC 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 _____ 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: ESTIMATED

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) 6" WELL 225' DEEP SUBMERSIBLE PUMP

- 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 DEVELOPEMENT
SPOKANE, WA.

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

SWAN W/45.5 T-50N R-3W

DOMESTIC USE - 2 HOUSEHOLDS

1/26/77

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.

JAN. 24, 1977
(Date)

Barbara Higley
(Signature)

State of IDAHO)
County of FOOTENAI) ss.

On this 24TH day of JANUARY, 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.

Cinda M. Patterson
Notary Public residing at
COEUR D'ALENE, IDAHO

My commission expires LIFETIME

November 30, 1976

CERTIFIED MAIL

138134

Re: Permit No. 95-7507

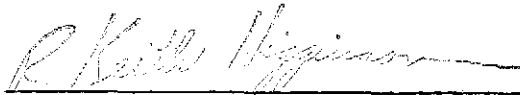
Douglas &/or Darlene Higley
222 East Appleway
Coeur d'Alene, Idaho 83814

Dear Mr. & Mrs. Higley:

One of the conditions of approval of your water Permit No. 95-7507 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before February 1, 1977. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

January 24, 1975

Re: Permit No. 95-7507

Douglas &/or Darlene Higley
202 East Appleway
Coeur d'Alene, Idaho 83814

Dear Mr. & Mrs. Higley:

Enclosed is a copy of your approved Application for Permit No. 95-7507. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 95-7507

☒ 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) EP 12/16/74 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
- (4) EP 12/16/74 In form for advertising
- (5) _____ _____ Platted on Map No. _____
- (6) _____ _____ Located within Water District No. _____
- (7) EP 1/14/75 Critical groundwater area: yes _____ no ☒
- (8) EP 1/14/75 Groundwater levels:
_____ Declining, ☒ Stable, _____ Increasing
(comment) _____
- (9) _____ _____ Other rights on the same place of use
- (10) _____ _____ Comments: _____
- (11) CP 1/13 Affidavit of Publication received(date) JAN. 6, 1975
- (12) CP 12/20 Final date for protests JANUARY 13, 1975
Protests received: yes _____ no ☒
- (13) EP 1/14/75 All requested information received from agencies or
applicant: yes ☒ no _____
- (14) EP 1/14/75 Action recommended:
☒ Approve _____ Deny
12/16/74 Proposed Priority
_____ Reason for Reduction _____
_____ Measuring device required
_____ See attached sheet for other conditions of
approval
☒ No special conditions for approval
- (15) District North By [Signature] Date 1/14/75



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Room 209
401 Front Avenue
Coeur d'Alene, Idaho 83814
(208) 667-6484

December 20, 1974

Re: Application No. 95-7507 - Douglas &/or Darlene Higley

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,

FRED EISENBARTH
Northern District Manager

FE:cp

Enc: Legal Notice(s)

BILL SUBMITTED 1-13-75.4

MICROFILMED

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202 East Appleway, Coeur d'Alene, Idaho

have ~~has~~ on Dec. 16, 1974 submitted Application No. 95-7507

for a permit to appropriate 0.08 cubic feet per second ~~xxx feet per second~~

of water from a ground water source

by means of well, pump, and motor

within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 50N, R. 3W, B.M., Kootenai County

to be used from Jan. 1 to Dec. 31

for domestic purposes

within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 50N, R. 3W, 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, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before Jan. 13, 1975.

R. KEITH HIGGINSON

Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho

on Dec. 26, 1974 and Jan. 2, 1975

MICROFILMED

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R. KEITH HIGGINSON
Director

Legal 591

Dec. 26, 1974, Jan. 2, 1975.

O.K.
12-31-74
CP

RECEIVED