

WARRANTY DEED

For Value Received James W. Hunt & Jean P. Hunt, a.k.a. P. Jean Hunt, husband & wife

the grantors, do hereby grant, bargain, sell and convey unto Tracy J. Petersen & Beverly I. Peterson, husband & wife

the grantees, the following described premises, in Kootenai County Idaho, to wit:

A tract of land in Lot 7 of FORT SHERMAN ABANDONED MILITARY RESERVE in Section 10, Township 50 North, Range 4 W.B.M., Kootenai County, State of Idaho, described as follows: Beginning at the SE corner of Section 10; thence South, along the East line of Section 15, a distance of 343.62 feet; thence along the East line of a county road North 32° 48' West, 1157.61 feet; thence along the East line of an existing road North 64° 36' West 184.20 feet; thence along the East line of an existing road North 49° 13' West, 50.28 feet to the true point of beginning for this description; thence along the East line of an existing road North 39° 01' West, 137.36 feet to the SW corner of the Lewis tract; thence along the south line of the Lewis Tract North 66° 20' East, 179.27 feet to the SE corner of the Lewis Tract, being a point on the South bank of the Spokane River; thence along the South bank of the Spokane River South 71° 30' East, 40.43 feet; thence South 35° 02' West, 202.33 feet to the true point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances except current taxes for 1968 and easements of record

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 8-29-1968

STATE OF IDAHO, COUNTY OF KOOTENAI
On this 29th day of August, 1968,
before me, a notary public in and for said State, personally
appeared James W. Hunt & Jean P. Hunt, husband & wife

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Notary Public
Residing at Coeur d'Alene, Idaho
Comm. Expires 10-25-1971

STATE OF IDAHO, COUNTY OF Kootenai
I hereby certify that this instrument was filed for record at
the request of RANHANDLE TITLE CO.
at minutes past 9 o'clock a.m.,
this 30th day of August, 1968, in my office, and duly recorded in Book
of Deeds at page

HAROLD E. PETERSON
Ex-Officio Recorder

By Nancy West Deputy.
Fees \$100
Mail to: Don Ammitt
Box 145
etc

INSTRUMENT NO

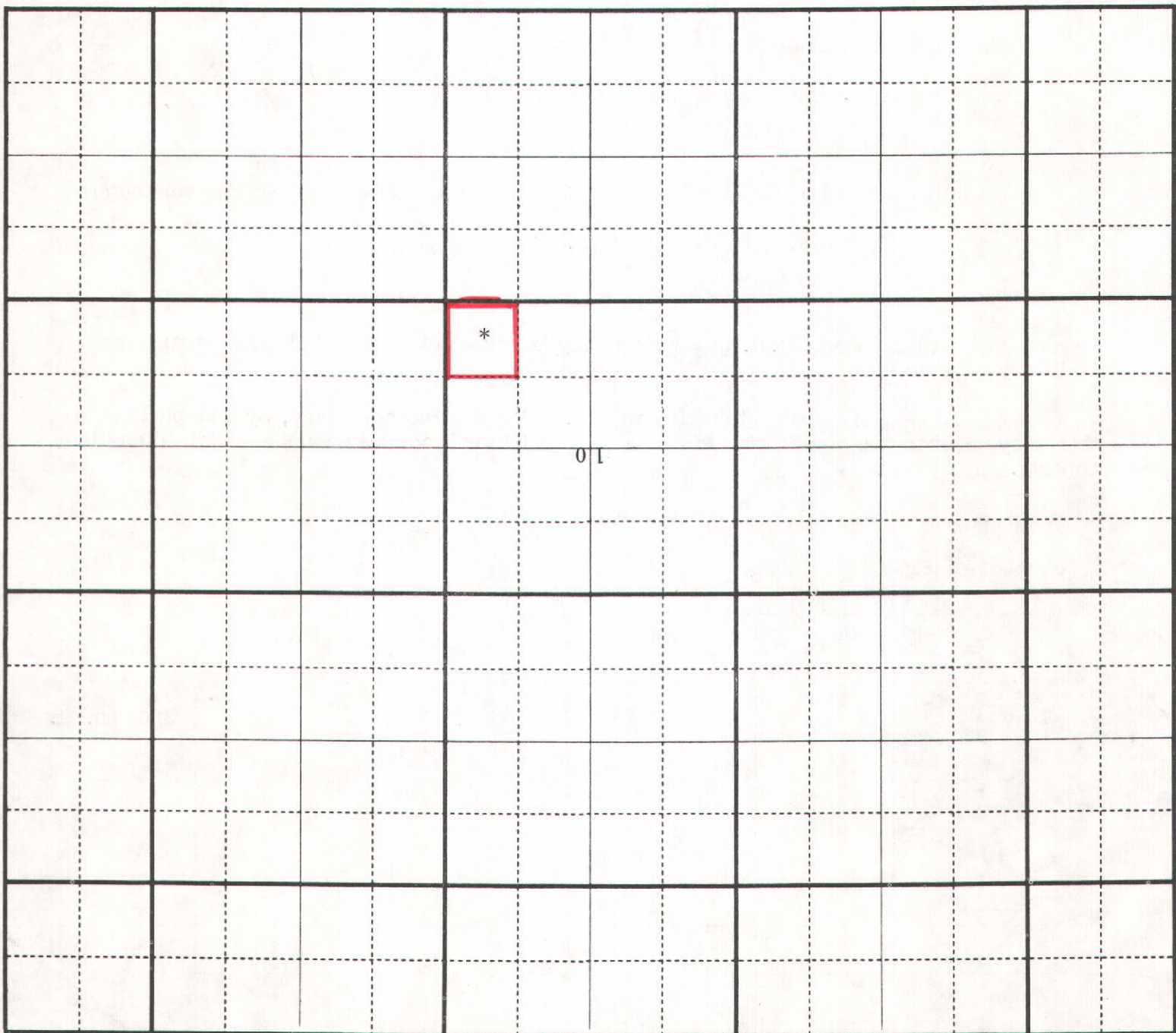
95-7072

Hand-drawn map of land parcels. The map includes several labeled areas:

- Gov't Lot 8**: Located in the upper left quadrant.
- Gov't Lot 10**: Located in the upper right quadrant.
- Sec. 10-Twp 50 N. R. 4 W. S. 1**: Located in the lower left quadrant, with a note "or built SE-SE".
- Sky Blue Acres**: A series of numbered parcels (1 through 10) along the bottom edge.
- Red Triangle**: A small triangular parcel is outlined in red and labeled with the number 18.
- Other Labels**: "2" is written near the top right, "22" is written near the bottom right, and "S. Pol" is written at the very bottom right.

95-7072

Diagram of System



Rge - 4W

N 50 T

State of Idaho
Department of Water Resources
WATER RIGHT LICENSE

License of Water Right No. 95-7072 Priority Sept. 21, 1969 Amount 0.10 cfs

THIS IS TO CERTIFY, that Col. Tracy J. Petersen (Ret)
of Coeur d'Alene, Idaho, has complied with the terms and conditions of Permit
No. 95-7072 issued pursuant to Application for Permit dated August 20, 1969,
and has submitted proof to the Department of Water Resources on January 2, 1975 (late proof),
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 0.10 cfs of water from the Spokane River,
tributary to Coeur d'Alene Lake, 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>Irrigation</u>	from <u>April 15</u> to <u>Oct. 15</u>	at <u>0.10</u> cfs and	<u>0.54</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 0.10 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
0.54 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 10,
Twp. 50 N, Rge. 4 W, 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 $\frac{1}{4}$	
50 N	4 W	10																X	0.07

Total number of acres irrigated 0.07

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 12 day of
August, 19 75.

Director

Identification No. 95-7072
Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR PERMIT

APPROVED

LICENSE ISSUED FOR 10 SEC. FT.
LICENSE PAGE NO. _____

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

1. Name of applicant Col. Tracy J. Petersen (Ret.)
post office address R.R. 1 Box 3-P Millview Lane Coeur d'Alene, Idaho 83814
2. Source of water supply Spokane River which is a tributary of Coeur d'Alene Lake
(Tract of land in Lot 7 of Fort Sherman abandoned Military Reserve)
3. a. Location of point of diversion is SE 1/4 of SE 1/4 of Section 10 Township 50 N
Range 14 W. B.M. Kootenai County; additional points of diversion if any: None
(Note: ~~SE 1/4~~ Lot 7, Fraction of SE 1/4 SE 1/4 Section 10)
- b. If water is not consumed, it will be discharged into Spokane River at a point in Same 1/4
of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 17.10 for Irrigation purpose from 15 April to 15 Oct. (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. 10 cubic feet per second and/or (~~10 cfs~~) per letter 12-1-69 DWR
b. 0.54 acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 2 H. P. pump, 9 rainjets, suction valve approx 10 feet into Spokane River.
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 _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 350.00.
8. Description of proposed uses:
a. If water is **not** for irrigation: (~~sprinkling~~)
(1) Give the place of use of water: _____ 1/4 of _____ 1/4 of Section _____ Township _____
Range _____ 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 _____.
(5) If water is to be used for other purposes describe: _____

95-7072

IN LAW.

~~South 35° 02' West, 202.33 feet to true point of beginning.~~

Lot borders on south bank of Spokane River along the East line of an existing road North 39° 01' West 137.36 feet to S W corner of Lewis tract; thence along the south line of the Lewis tract North 66° 20' East 179.27 feet to the S E corner of the Lewis tract, being a point on the South bank of the Spokane River; thence along the South bank of the Spokane River South 71° 30' East, 40.13 feet; thence

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

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

9. a. Who owns the property at the point of diversion **Set**

c. Describe any other water rights used for the same purposes-

Total number of acres to be irrigated 3000 sq. ft. 1000

[illegible]

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

11. Map of proposed project:

see page 10
& Attached map

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.

Lucy J. Hansen
(Applicant)

Received by [Signature] Date 8-20-69 Time 9:00 AM

Preliminary check by [Signature] Fee \$ 10.00

Received by [Signature] Date 8-20-69

Publication prepared by [Signature] Date 8-18-69

Published in Green River News

Publication dates 9-11-69

Publication approved [Signature] Date 10-10-69

Priority reduced to _____ Reason _____

Protests filed by: [Signature]

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by [Signature]

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 95-7072, 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 December 1, 19 74.

c. Other: Maximum rate of diversion shall not exceed 0.10 c.f.s. or 0.54 acre feet per season

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

Witness my hand this 24th day of December, 19 69.

State Reclamation Engineer

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 95-7072)
in the name of COL. TRACY J. PETERSEN)

ORDER OF REINSTATEMENT

WHEREAS, on August 20, 1969, Col. Tracy J. Petersen applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate .10 cubic feet per second of water from the Spokane River, tributary to Coeur d'Alene Lake, within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, Twp. 50N, Rge. 4W, B.M., Kootenai County, to be used for irrigation purposes; and,

WHEREAS, on December 24, 1969, the Department approved said application and issued Permit No. 95-7072 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before December 1, 1974; and,

WHEREAS, on September 30, 1974, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on December 9, 1974, the Department notified the permit holder that Permit No. 95-7072 had lapsed for failure to submit proof of beneficial use; and,

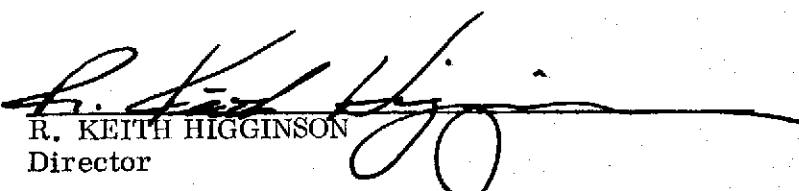
WHEREAS, on January 2, 1975, the Department received the required proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 95-7072 be REINSTATED and the priority advanced to September 21, 1969.

Dated this 16 day of January, 1975.


R. KEITH HIGGINSON
Director

WARRANTY DEED

Ex.: $\lambda = 1$ gives $\{1, 0, 0, 1, 0, 0\}$

the grantor(s) do hereby grant, bargain, sell and convey unto Tracy S. Peterson, a single male, the above described property, together with all rights and appurtenances thereto in anywise by him or her lawfully claiming.

the grantee, the following described premises, in Blaine, Blaine County, Idaho, to wit:

THE UNIVERSITY OF CHICAGO

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that they are free from all incumbrances.

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated :

STATE OF IDAHO, COUNTY OF KOOTENAI

On this _____ day of _____, 19____,
before me, a notary public in and for said State, personally
appeared _____ & Jean F.
_____, husband & wife

known to be the persons whose names are
subscribed to the writing instrument, and acknowledged to
me that they executed the same.

Notary Public
Coeur d'Alene, Idaho

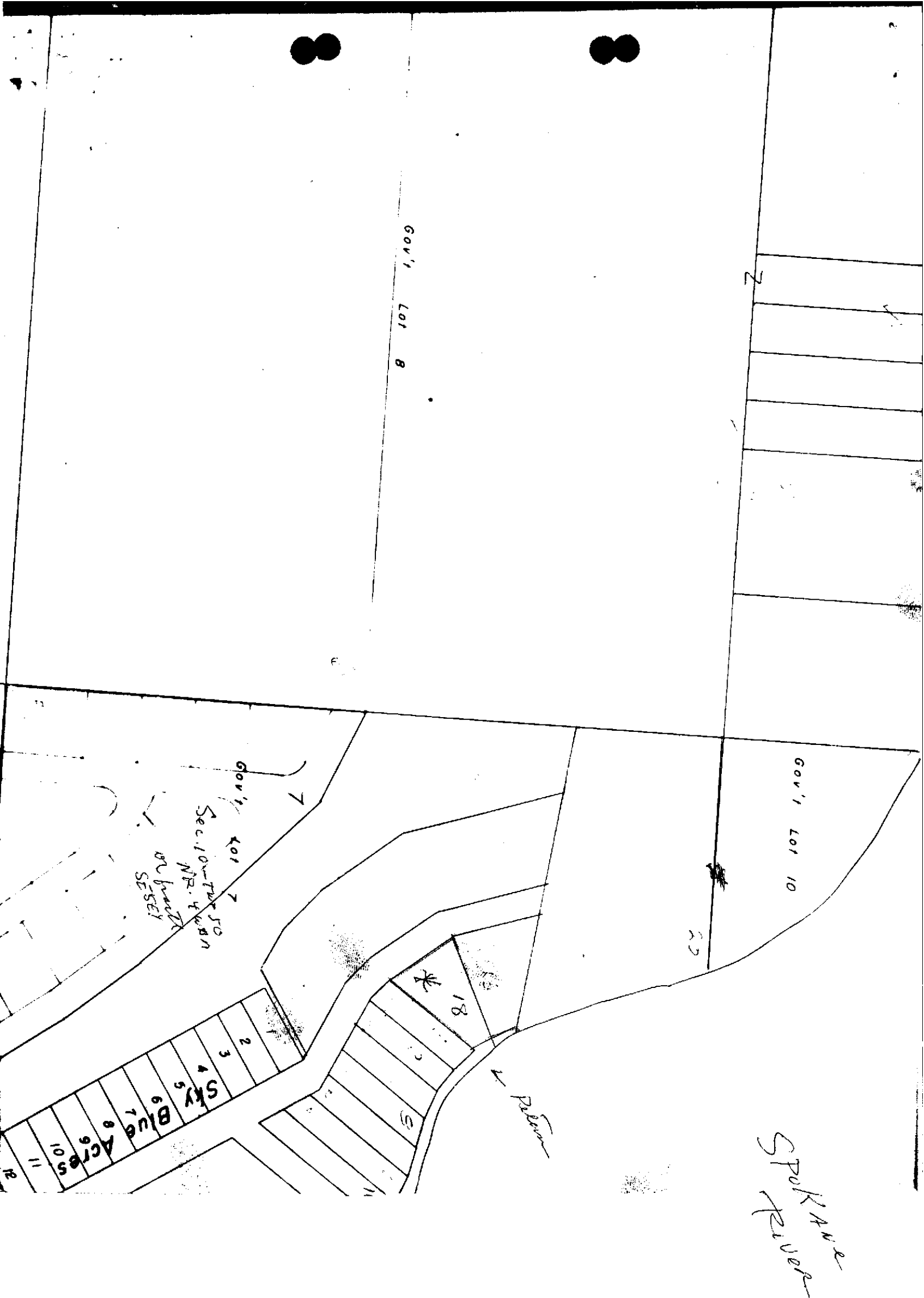
STATE OF IDAHO, COUNTY OF *Kootenai*
I hereby certify that this instrument was filed for record at
the request of **RANHANDLE TITLE CO**
at _____ minutes past *9* o'clock A.M.,
this *30th* day of *August*,
19*68*, in my office, and duly recorded in Book
of Deeds at page _____

HAROLD E. PETERSON
Ex-Officio Recorder

By Nancy Heat Deputy.

Fee \$ /
Mail to:

INSTRUMENT NO. _____



Copy from Panhandle Title Co
Cocur d' 17 June 7da

95-7072

August 18, 1969

State of Idaho

Department of Reclamation

State House - Annex 2

Boise, Idaho 83707

Application for permit resubmitted in accordance with your letter same subject, dated August 5, 1969.

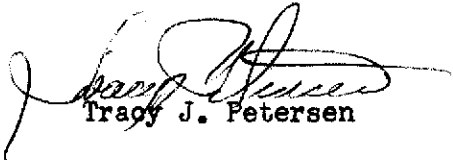
Reference item 3 a, Lot 7 is Gov't Lot7, a fraction of SE⁴ SE⁴, Section 10 according to Pan Handle Title Co.

Reference item 4, amount corrected to .17 cubic feet per sec or 42 gals per minute for 9 rainjets. Also beneficial use changed to irrigation.

Reference item 11, photostat copy from Pan Handle Title Co. attached as well as Warranty Deed.

Check in amount of \$10.00 is still valid.

Respectively


Tracy J. Petersen

95-7072

AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS
(WEEKLY)

STATE OF IDAHO,

County of Kootenai,

ss.

Callie Pointner

being first duly sworn,
deposes and says:

That affiant is now, and at all times herein mentioned has been, a citizen of the United States and a resident of Kootenai County, State of Idaho, over the age of 21 years and not a party to, nor interested in the event of, the above entitled matter, and the printer (principal clerk) of the "Coeur d'Alene Press", during all of the times herein mentioned being a legal daily newspaper, of Coeur d'Alene, Kootenai County, Idaho, as defined by Idaho Code Sec. 60-106 to Sec. 60-108 both inclusive, and Chapter 121 Idaho Session Laws of 1949, and acts amendatory thereof and correlated thereto, and qualified thereunder to publish to the same effect as a weekly

newspaper on Wednesdays; and that the

Native Application Water -
Tracy J. Petersen -

of which a printed copy is annexed hereto, was published in all the regular Wednesday weekly issues of said newspaper for *two* consecutive weeks, commencing

on the *4* day of *Sept*, 196*9*, and ending on the

11 day of *Sept*, 196*9*.

Subscribed and sworn to, before me, this

11 day of

Sept

196*9*

Callie Pointner

E. Patrick King

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

NOTICE OF

APPLICATION FOR WATER

Notice is hereby given that Tracy J. Petersen, R.R. 1, Box 3-P, Millview Lane, Coeur d'Alene, Idaho, has on August 20, 1969, applied for permit under application No. 95-7072 to divert .17 cubic feet per second of water from Spokane River tributary of Coeur d'Alene Lake. Water will be diverted by pump, rainjets and suction valve within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ (Gov't. Lot 7), Sec. 10, T. 50 N, R. 4 W, B.M., Kootenai County and is to be used from April 15 to October 15 for irrigation in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ (Gov't. Lot 7), Sec. 10, T. 50 N, R. 4 W, B.M. Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON

State Reclamation Engineer

Sept. 4, 11, 1969

95-7072

August 14, 1975

Re: Permit No. 95-7072

Col. Tracy J. Petersen (Ret)
RR 1, Box 3-P, Millview Lane
Coeur d'Alene, Idaho 83814

Dear Col. Petersen:

Enclosed is a copy of the water license issued on the above referenced permit.

In answer to your letter of August 8th, we wish to advise you that the Department has no procedure for changing the records of ownership once a permit has been licensed. When a license is issued, it becomes appurtenant to the land and ownership is automatically conveyed with the land unless it is specifically withheld in the sale transaction.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr
Enclosure

RECEIVED
AUG 21 1975
Department of Water Resources

August 8, 1975

State of Idaho
Department of Water Resources
State House Boise, Idaho 83720

Reference your letter of August 6, 1975 concerning Permit
No. 95 - 7072, advise that I concur in findings as stated.

As a matter in the future and should I sell my property, will
the license be transferable to a new owner upon notification
to your department.

Sincerely,


Col. Tracy J Petersen (Ret)
RR 1, Box 3-P, Millview Lane
Coeur d' Alene, Idaho 83814

100-100000-100000

August 6, 1975

Col. Tracy J. Petersen
RR 1 - Box 3-P, Millview Lane
Coeur d'Alene, Idaho 83814

Dear Col. Petersen:

A representative of this Department has made an examination of the works covered by your Permit No. 95-7072 and has found the following:

Quantity of water diverted: 0.10 cfs Source: Spokane River

Amount of water that can be recognized as beneficially used under
Idaho law: 0.10 cfs

The maximum quantity diverted shall not exceed 0.54 acre feet per
year.

Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, Twp. 50 N, Rge. 4 W, B. M.

Beneficial use: Irrigation of 0.07 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10,
Twp. 50 N, Rge. 4 W, B. M.

Priority date established: Sept. 21, 1969

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, Water Rights

BDF:DR

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Col. Tracy J. Petersen (ret.)
Post office address R. R. 1, Box 3-P, Millview Lane, Coeur d'Alene Phone _____
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ Spokane River
(name spring, stream, etc.)
Tributary to Coeur d'Alene Lake

3. Water will be used for the following purposes:

Amount .10 c.f.s. for irrigation
_____ AF/Annum (nature of use)

Period of Use: from Apr. 15 to Oct. 15
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion .10 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 50N N/S, Range 4W E/W, B.M., Section 10, Subdivision SE 1/4 SE 1/4, Kootenai
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County

Other Points of Diversions: P.D. more commonly know as Lot 7 of Fort Sherman abandoned
military reserve.

Description of diverting works: Direct suction approx. 10' in the Spokane River, by 2 hp pump
thence by underground plastic pipe to respective sprinkler heads all of which contained on his
property.

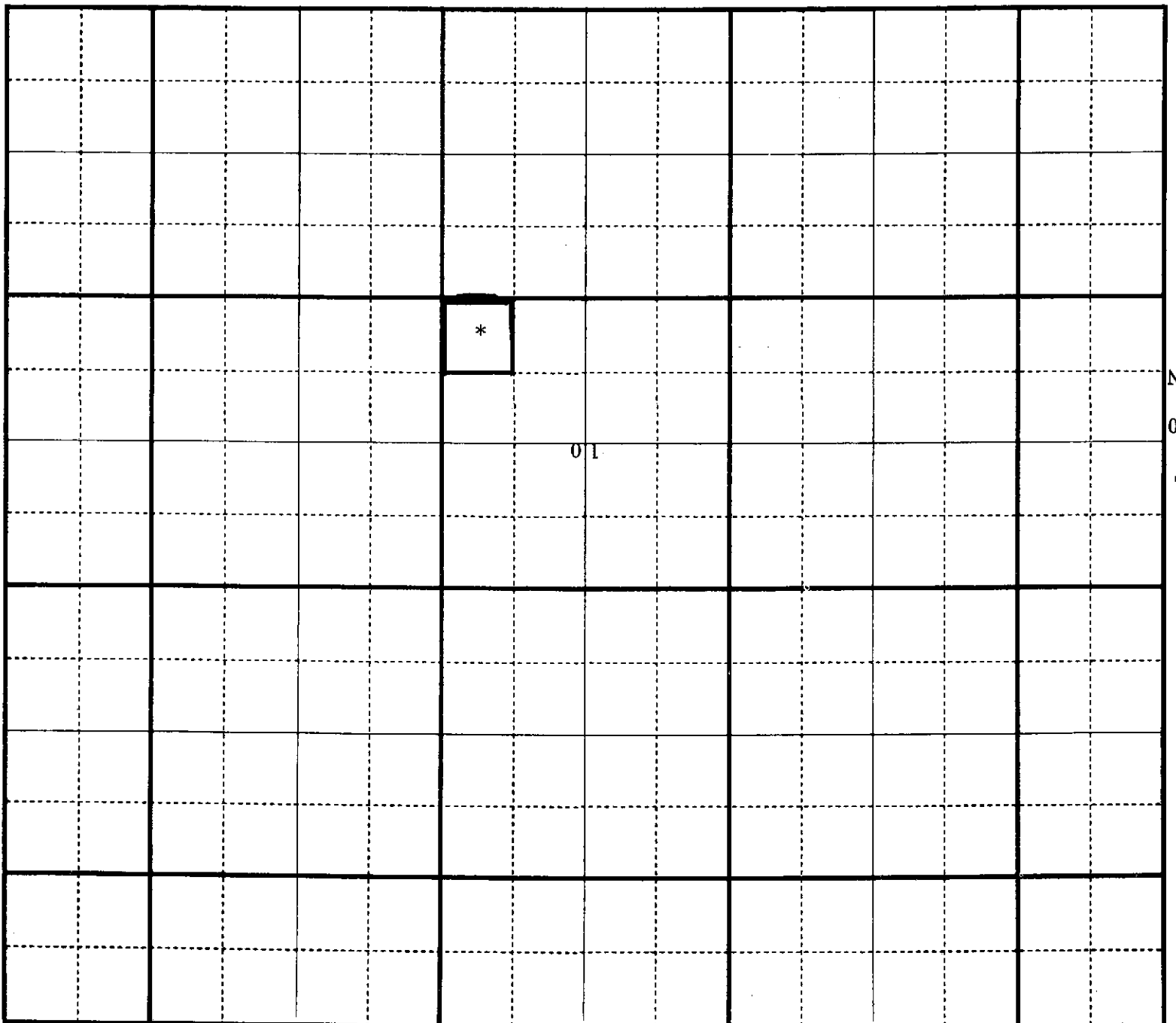
Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or 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	10																L. 7 X	3000 sq. ft.

TOTAL ACREAGE 3000 sq. ft.

Diagram of System



N
50
T

DATE OF EXAM 7/18/75

ACREAGE
Found 1/2 acre
Recommended 1/2 acre

Irrigation Requirement 3.5 ad. Ac Ft/Ac

USE
Irrigation Q = 0.1 cfs c.f.s. V = 1.75 AF/Ann. from 4/15 to 10/15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

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 0.1 cfs Method of measurement estimated

Total Q recommended 0.1 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 1.75 cfs/season

Recommended Amendments:

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

MEASUREMENT CALCULATION:

estimated by pump capacity

SYSTEM DESCRIPTION:

Century Motor Jacuzzi Pump
2hp
Sec: SFA 11 2" intake 1 1/2" output

REMARKS:

Irrigation of large lawn, shrubs and flower garden.

Examiner's Signature Jeff Cantelero Jr. Date 7/19/75

Checked by Mike Workman Date 7/18/75

Approved by _____ Date _____

January 16, 1975

Re: Permit No. 95-7072

Col. Tracy J. Petersen
R. R. 1, Box 3-P
Millview Lane
Coeur d'Alene, ID 83814

Dear Mr. Petersen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order of Reinstatement; please note that the priority has been advanced to September 21, 1969.

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 concerning the field exam, please contact our Northern District Office in Coeur d'Alene.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JG
Enclosure

100-100000-100000

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Tracy j Petersen Col USAF (Ret)
b) Post Office Address R.R. 1, Box 3-P, Millview Lane, Coeur d' Alene, Idaho 83814
2. Permit Number 95 - 7072
3. Date of Priority that you are prepared to establish August 20, 1969
4. a) Source from which water was appropriated Spokane River
(A tract of land in Lot 7 of Ft. Sherman abandoned Military Reserve)
b) Location of the point of diversion: SE 1/4 SE 1/4, Section 10
Township 50 N, Range 4 W Boise Meridian, Other points of diversion: None
(see Metsker Map attached) Not Avail
5. a) The amount of water and use to which the water has been applied:
Amount 0.10 c.f.s. for Lawn purposes from June 15 to October 1 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 0.54 Acre-feet 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: Manufacture, Rain Jet, Specifications for 13 sprinkler heads citing a total discharge flow of 35.3 gals per min.
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:
Not applicable
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) Direct suction, approximately 10' in the Spokane River, by 2 H.P. pump thence by underground plastic pipe to respective sprinkler heads - all of which contained on my property.
b) Describe the type and size of measuring device which you have installed at your point of diversion: None
See par 5 C. above
c) Give well driller's name and address and the date the well was completed: Not applicable
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Irrigation only.

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Exam typed 4/4/85 by 118

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

Approximately 3,000 sq. ft. of Lawn and natural habitat.

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: My underground sprinkling system was completed in 1969 and has been operational since that time. I pull my pump prior freezing temperatures in the fall and re-set it after completion of spring run-off.

Add'l Remarks:

It is my intention to modify the system through closing off the sprinklers, I may pump direct to a fire hose for fire protection, of not only my home but adgacent homes as well, during the summer months. At the present time, we lie outside of the Rural Fire District and technically the Forest Service is not responsible for dwellings - only the adjoining timber land. A most important additional consideration.

County of Adair)

On this 30th day of December, 1974, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

CB Emmett

Notary Public residing at _____
NOTARY PUBLIC for the State of Idaho
Residing at Coeur d'Alene, Idaho
My commission expires July 9, 1976.

NOTARY PUBLIC for the State of Idaho
Residing at Coeur d'Alene, Idaho
My commission expires July 9, 1976

My commission expires _____

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____
Approximately 3,000 sq. ft. of Lawn and natural habitat.

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

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

Dec 30 1974
(Date)

[Signature]
(Signature)

State of Idaho)
County of Kootenai) ss.

On this 30th day of December, 1974, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]

Notary Public residing at _____
NOTARY PUBLIC for the State of Idaho
Residing at Coeur d'Alene, Idaho
My commission expires July 9, 1976

NOTARY PUBLIC for the State of Idaho
Residing at Coeur d'Alene, Idaho
My commission expires July 9, 1976

My commission expires _____

December 30, 1974

R. Keith Higginson
Director
Department of Water Resources
State Capital
Boise, Idaho 83720

RECEIVED

References:

1. Water Permit No. 9B - 7072
2. Your letter of Dec. 9, 1974 - Subject:
Laspe of Permit.
1. Your letter states that subject permit cannot be reinstated unless I can show reasonable cause. My cause, reasonable or not, is just plain and simply - a laspe of memory.
2. As possible extenuating circumstances, I offer the following for possible consideration:
- a. I somehow got confused that both the Proof of Application of Water to Beneficial Use form and the Lake Protection Act form had a submission date of Dec. 31, 1974.
 - b. On or about Nov. 15, I became totally involved, as coordinating project officer, for three seperate and concurrent community projects.

One - the planning for and the erection of The American Flag atop a 70 foot pole which is to be dedicated to the City of Coeur d' Alene.

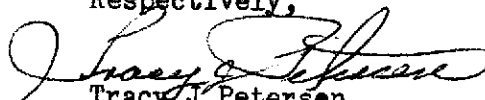
Two - The preparation for and the erection of Christmas Street Decorations throughout the City of Coeur d' Alene.

Three - The planning, solicitation of contributions, procurement, assembly and delivery of Christmas Baskets for the needy under the yearly Christmas Basket Program for Kootenai County.

Because of this total involvement, I simply neglected to take care of my own personnal committments.

3. According to my latest computation, I have expended approximately \$500.00 on my sprinkling system which if I had contracted for the cost would probably approach \$1,000.00. Without a permit to draw water from the Spokane River, the system will be rendered useless.
4. In view of the above request favorable consideration on the attached Affidavit Form.

Respectively,


Tracy J. Petersen
Col USAF (Ret)

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

December 9, 1974

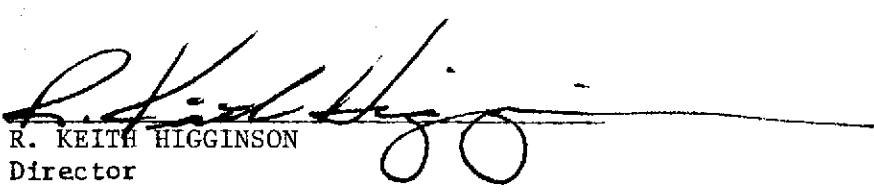
Re: Permit No. 95-7072

Colonel Tracy J. Petersen (Ret)
R. R. 1, Box 3-P
Millview Lane
Coeur d'Alene, ID 83814

Dear Colonel Petersen:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 95-7072 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

RKH:jg

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WATER RESOURCE BOARD:

John F. Streiff
Chairman
Franklin Jones
Member

George L. Yost
Vice-Chairman
M. Reed Hansen
Member

Donald R. Kramer
Secretary
Scott W. Reed
Member

Edwin C. Schlender
Member
Joseph H. Nettleton
Member

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

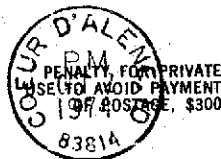
Print your name, address, and ZIP Code in the space below.

- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**



**DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720**



MICROFILMED

- **SENDER:** Complete items 1 and 2.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ **DELIVER ONLY TO ADDRESSEE** and
show to whom and date delivered..... 65¢
☐ **DELIVER ONLY TO ADDRESSEE** and
show to whom, date, and address of
delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

26118

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE

4.

DATE OF DELIVERY

OCT 2 - 1974

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

September 30, 1974

CERTIFIED MAIL

26118

Re: Permit No. 95-7072

Colonel Tracy J. Petersen (Ret)
R. R. 1, Box 3-P
Millview Lane
Coeur d'Alene, ID 83814

Dear Colonel Paterson:

One of the conditions of approval of your water Permit No. 95-7072 (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 December 1, 1974. 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

R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

August 15, 1974

Re: Permit No. 95-7072

Colonel Tracy J. Petersen (Ret.)
R. R. 1, Box 3-P
Millview Lane
Coeur d'Alene, Idaho 83814

Dear Colonel Petersen:

Pursuant to your letter of August 9, 1974, we are enclosing the Department's proof of application of water to beneficial use form.

After you have submitted the proof of beneficial use affidavit, the Department will conduct an examination of your project and based on findings of the examiner, issue a water right license. A water license is prima facie evidence of a water right and is not subject to RENEWAL.

A water right is forfeited only by abandonment or five consecutive years of non-use.

There is no fee required for making proof or for the issuance of your license. If you have questions regarding the above matter, please do not hesitate to contact us.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:jfr

Enc: b/u affidavit w/instr.

WATER RESOURCE BOARD:

John F. Streiff
Chairman

Franklin Jones
Member

George L. Yost
Vice-Chairman

M. Reed Hansen
Member

Donald R. Kramer
Secretary

Scott W. Reed
Member

Edwin C. Schlender
Member

Joseph H. Nettleton
Member

August 9, 1974

State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Reference: Water Permit No 95 - 7072

1. This is to certify that construction of underground watering system was completed in 1969 and that application of diversion of water from the Spokane River not to exceed 0.10 C.F.S. or 0.54 acre feet per season has been in force from that time and as stipulated in said permit.
2. As I recall, the permit was subject to renewal every 5 years. If this is correct, I am requesting renewal at this time and upon receipt of fee requirement I will submit same.


Tracy J Petersen
Col. USAF (Ret)
R.R. 1, Box 3-P
Millview Lane
Coeur d' Alene, Idaho 83814

UNRECORDED

December 29, 1969

Re: Permit No. 95-7072

Col. Tracy J. Petersen
R.R. 1, Box 3-P Millview Lane
Coeur d'Alene, Idaho 83814

Dear Col. Petersen:

We enclose a copy of your approved application for permit 95-7072 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Allred, ~~Assistant~~ X Deputy
State Reclamation Engineer

CSA:kh

Enclosures: Copy of permit
Receipt No. 3527 for \$10

95-7072

RECEIVED
DEC 1 1969
December 1. 1969

Deluc

State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Re: Application for permit no. 95 - 7072 Reference your letter of November 26, 1969, .10 cubic feet per second is an adequate quantity of water to meet my needs as well as being more capatiable to my system.


Tracy J. Petersen

95-7072

November 26, 1969

Re: Application for Permit No. 95-7072

Col. Tracy J. Petersen (Ret.)
R.R. 1, Box 3-P
Millview Lane,
Coeur d'Alene, Idaho 83814

Dear Colonel Petersen:

Your application to appropriate the public waters of the State of Idaho is ready for final action.

It is noted, however, that you have indicated that you wish to divert .17 cubic foot per second as the quantity of water you desire. This .17 cubic foot per seconds exceeds 42 gallons per minute indicated as the capacity of your system. We would, therefore, suggest that you accept .10 cubic foot per second as an adequate quantity of water. This quantity of water is also more easily justified.

If this is not acceptable, please explain the request for the additional quantity of water beyond the capacity of your system.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

95-7072

September 24, 1969

Re: Application for Permit No. 95-7072 - Col. Tracy J. Petersen

Coeur d'Alene Press
Coeur d'Alene,
Idaho 83814

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced. The legal notice was to be published in your paper on September 4th and September 11th, 1969.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

Your prompt attention to this matter will be appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

95-7072

LEGAL

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Tracy J. Petersen, R.R. 1, Box 3-P, Millview Lane, Coeur d'Alene, Idaho, has on August 30, 1969, applied for permit under application No. 95-7072 to divert .17 cubic feet per second of water from Spokane River tributary of Coeur d'Alene Lake. Water will be diverted by pump, rainjets and suction valve within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ (Gov't. Lot 7), Sec. 10, T. 50 N, R. 4 W, B.M., Kootenai County and is to be used from April 15 to October 15 for irrigation in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ (Gov't. Lot 7), Sec. 10, T. 50 N, R. 4 W, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Sept. 4, 11, 1969

95-7072

August 26, 1969

Re: Application for Permit No. 95-7072 - Tracy J. Petersen

Coeur d'Alene Press
Coeur d'Alene,
Idaho

Gentlemen:

Enclosed you will find 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 date. If you cannot publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notice

95-7072

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Tracy J. Petersen, R.R. 1, Box 3-P, Millview Lane, Coeur d'Alene, Idaho, has on August 20, 1969, applied for permit under application No. 95-7072 to divert ~~1.17~~ .17 cubic feet per second ~~6666/14444~~ of water from Spokane River tributary of Coeur d'Alene Lake. Water will be diverted by pump, rainjets and suction valve

within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ (Gov't. Lot 7), Sec. 10, T. 50 N, R. 4 W, B.M.,
Kootenai County

and is to be used from April 15 to October 15 for irrigation

in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ (Gov't. Lot 7), Sec. 10, T. 50 N, R. 4 W, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho,
on September 4 and September 11, 1969.

95-7072

SC