

UNPLATTED

Gem Shores Sub-Division
Section 10, T. 51 N., R. 9, W. 3
Kootenai County
Hayden Lake, Idaho
GOTT LOT #5

S. 1/2 LOT 23 →
LOT 22 →

LOT 17

Hayden Lake

Gem. Shores Sub-Division
sect. 10, T. 51 N. R. 3. W. 5 E. M.
Kootenai County
Hayden Lake, Idaho
GORT LOT #5

A hand-drawn diagram of a horizontal beam. The beam is represented by a horizontal line. On the left end, there is a point load labeled $S_0 \frac{1}{2} \text{ kOT } 23$ with an arrow pointing to the beam. Further to the right, there is a distributed load labeled $\text{kOT } 22$ with an arrow pointing to a shaded rectangular area. Above the beam, there is a label $\text{LOT } 17$ with a vertical line pointing down to the beam. On the right end of the beam, there is a point load labeled Hof des Hofes with an arrow pointing to the beam. The diagram is drawn on a grid background.

mile
 $\sqrt{5280}$
 1320 per sq

James D. Bailey
(Applicant)

95-7069

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 95-7069 Priority August 1, 1969 Amount 0.02 cfs

THIS IS TO CERTIFY, that EMMETT E. BURLEY, Jr.
of Spokane, Washington, has complied with the terms and conditions of Permit
No. 95-7069 issued pursuant to Application for Permit dated August 1, 1969,
and has submitted proof to the Department of Water Resources on August 28, 1974,
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 0.02 cfs of water from Hayden Lake,
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>0.02</u> cfs and <u>0.57</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 0.02 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
0.57 acre feet per year, said waters to be diverted within ~~the~~ Gov't. Lot 5 of Sec. 10,
Twp. 51 N, Rge. 3 W, 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	
51 N	3 W	10	Gov't. Lot 5																

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 5 day of
November, 19 74.

RECORDED

Director

Identification No. 95-7069
Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

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

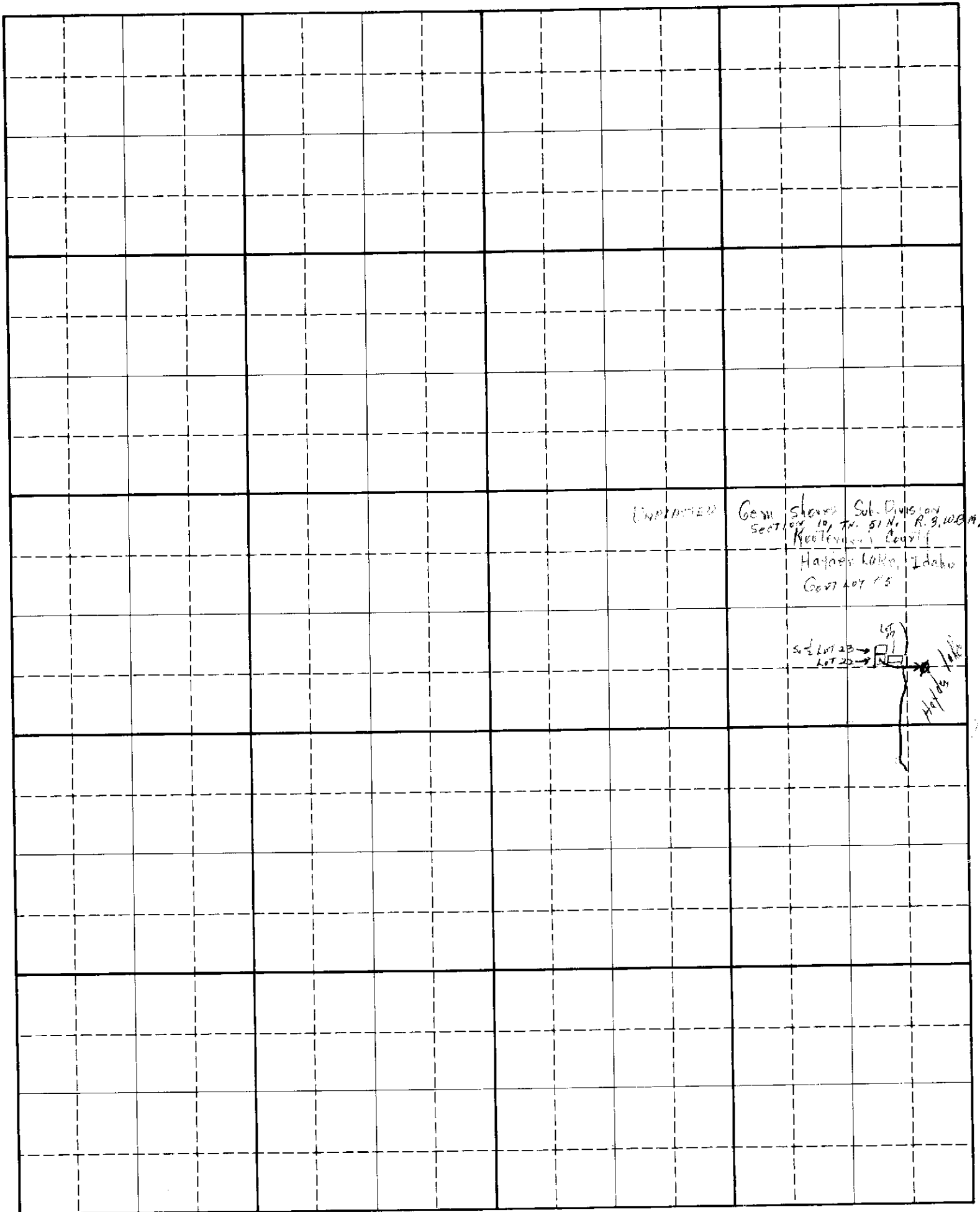
1. Name of applicant Barnett E Burley, Jr.
post office address % Quarry Tile Company, Spokane Industrial Park, Bldg 12, Spokane Wn 99216
2. Source of water supply Hayden Lake which is a tributary of _____
Entry is to lot 22 & so half of 23 thru easement in a NW
3. a. Location of point of diversion is Govt Lot 5 1/4 of 1/4 of Section 10 Township 51N
Range 3 W. B.M. Kootenanni direction from SW corner of lot 17 in unplatted Unit #2 of
Gem Shores sub-division, _____ County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into Hayden Lake 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 0.02 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. 0.02 cubic feet per second and/or
b. 0.5 acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
Myers Ejecto pump # 8970C hose to residence

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 \$ 110.00.
8. Description of proposed uses:
a. If water is **not** for irrigation: South
All of Lot 22 and 1/2 of lot 23 Gem Shores Sub Division
(1) Give the place of use of water: Govt Lot 5 1/4 of # 5 1/4 of Section 10 Township 51N
Range 3 W. B.M. Unplatted subdivision #2 of Gem Shores Sub Division on Hayden Lake, Kootenai Cty.
(2) Amount of power to be generated: 3/4 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 one and one-half
(5) If water is to be used for other purposes describe: residence, orchard,
garden, yard

95-7069

11. Map of proposed project:



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.

Samuel D. Bailey
(Applicant)

95-7069

Received by ASA Date 8/11/69 Time 1:30 PM

Preliminary check by SA Fee \$ 10.00

Received by SA Date 8-4-69

Publication prepared by SA Date 8-9-69

Published in Idaho State Reclamation Engineer

Publication dates 8-19-69 to 8-1-69

Publication approved SA Date 8-11-69

Priority reduced to _____ Reason _____

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by SA

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. 95-7069, 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 74.

c. Other: Maximum rate of diversion shall not exceed 0.02 c.f.s.

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

Witness my hand this 12th day of September, 19 69.

State Reclamation Engineer

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

STATE OF IDAHO,

County of Kootenai, }

ss.

Callie Faystner

....., 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

Notice of Application for Water
Emmett E. Burley, Jr.

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 *14* day of *August*, 196*9*, and ending on the *21* day of *August*, 196*9*.

Subscribed and sworn to, before me, this

21

day of

August

196*9*

Bernard W. Harrison

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

**NOTICE OF APPLICATION
FOR WATER**

Notice is hereby given that Emmett E. Burley, Jr., c/o Quarry Tile Co., Spokane Industrial Park, Bldg. 12, Spokane, Washington, has on August 1, 1969, applied for permit under application No. 95-7069 to store 0.5 acre feet of water from Hayden Lake. Water will be diverted by pump and hose within Gov't. Lot 5, Sec. 10, T. 51N, R. 3W, B.M., Kootenai County and is to be used from January 1 to December 31 for domestic purposes in (all of Lot 22, S $\frac{1}{4}$ of Lot 23, Gem Shores Subdivision), Gov't. Lot 5, Sec. 10, T. 51N, R. 3W, 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

August 14, 21, 1969

95-7069

NOTARY PUBLIC for the State of Idaho
Residing at Coeur d'Alene, Idaho
My commission expires December 1, 1970

November 7, 1974

Re: Permit No. 95-7069

Mr. Emmett E. Burley, Jr.
c/o Quarry Tile Company
Spokane Industrial Bldg. 12
Spokane, Washington 99216

Dear Mr. Burley:

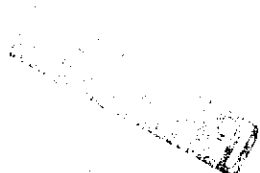
Enclosed is a copy of the water license issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure



1. Name of permit holder Emmett E. Burley, Jr.

Post office address c/o Quarry Tile Co., Spokane Industrial Bldg 12, Phone
Spokane, WA 99216

Person to contact Also at Rt. 2, Box 49, Hayden Lake (may be Mr. Burlington's home address) Phone

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

3. Water will be used for the following purposes:

Amount 0.02 c.f.s. for domestic
AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(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 0.02 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

(See below)

Township 51N N/S, Range 3W E/W, B.M., Section 10, Subdivision Govt. Lot 5 $\frac{1}{4}$, 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 _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions: Entry is to Lot 22 & so half of 23 thru easement in a NW direction from SW corner of Lot 17 in unplatted Unit #2 of Gem Shores sub-division.

Description of diverting works: 1 hp pump, 1" inlet, 1" outlet.

Measuring device required: yes ☐ no ☒

(South)

6. Lands to be irrigated or place of use. (All of Lot 22 & ½ of Lot 23 Gem Shores Sub-division)

[illegible]**TOTAL ACREAGE**

MICROFILMED

Diagram of System

[illegible]

DATE OF EXAM 9/11/74

ACREAGE
Found 0
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= .02 c.f.s. V= .6 AF/Ann. from 4/1 to 12/31
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 .02 cfs Method of measurement estimated

Total Q recommended .02 cfs Meter No. _____ Type _____ Condition _____

Total V recommended .6 a-f / year

Recommended Amendments:

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

MEASUREMENT CALCULATION:

estimated at pump capacity

SYSTEM DESCRIPTION:

1 hp pump and motor

REMARKS:

Domestic purposes for 1 household.

Examiner's Signature Paul E. Smith Jr. Date 9/11/74

Checked by Thio block Date 9/12/74

Approved by _____ Date _____

September 6, 1974

Re: Permit No. 95-7069

Emmett E. Burley, Jr.
c/o Quarry Tile Company
Spokane Industrial Park, Bldg. 12
Spokane, Washington 99216

Dear Mr. Burley:

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

UNRECORDED

Emmett E. Burley Jr.
% Quarry Tile Company
Bldg 12
Spokane Wash 99216

Identification No. _____

Permit No. 95-7069

RECEIVED

AUG 28 1974 OK jg
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Emmett E. Burley Jr.
b) Post Office Address Rt 2 Box 49 Hayden Lake Ida
2. Permit Number 95-7069
3. Date of Priority that you are prepared to establish 1963 June (8-4-69)
4. a) Source from which water was appropriated Hayden Lake
b) Location of the point of diversion: Lot 5 1/4 1/4, Section 10
Township 51N, Range 3 W Boise Meridian, Other points of diversion:
Lot 22 and S 1/2 of 23 through easement in N.W. direction
from S.W. corner of lot 17 in unplatted Unit #2 of
5. a) The amount of water and use to which the water has been applied:
amount 0.02 cfs for 0.57 acre feet 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: _____
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) Jet water pumps 1 hp. 1" inlet, 1" outlet.
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well drillers name and address and date the well was completed: _____

Exam typed

9/6/74 jg

My commission expires - April 18th, 1978

Notary Public residing at _____
Spokane

On this 27th day of August, 19 74, personally appeared before me the

State of Washington)
County of Spokane) ss.

(b)(7)(D)

(Signature)

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

10. Remarks:

Total number of acres irrigated

[illegible]

5107

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivi-

of use

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

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)



Show address
where delivered



Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

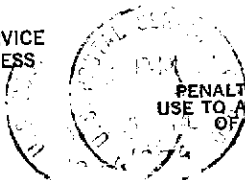
Signature of Addressee: *Quarrier Telle*

Signature of Addressee's Agent, if any: *Ann Richards*

7/3/74

95-7069

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



Postmark of Delivering Office

SENDER INSTRUCTIONS

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

- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.



RETURN
TO



PS Form 3811
June 1973

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

MICROFILMED

July 1, 1974

CERTIFIED MAIL

#25555

Re: Permit No. 95-7069

Emmett E. Burley, Jr.
c/o Quarry Tile Company
Spokane Industrial Park, Bldg. 12
Spokane, WA 99216

Dear Mr. Burley:

One of the conditions of approval of your water Permit No. 95-7069 (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 September 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

Enc: Proof affidavit

MICROFILMED

September 16, 1969

Re: Permit No. 95-7069

Mr. Emmett E. Burley, Jr.
c/o Quarry Tile Company
Spokane Industrial Park, Bldg. 12
Spokane, Washington 99216

Dear Mr. Burley:

We enclose a copy of your approved application for permit 95-7069 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
State Reclamation Engineer

CSA:kh

Enclosures: Copy of permit
Receipt No. 3438 for \$10.00

95-7069

LEGAL

NOTICE OF APPLICATION
FOR WATER

5 - Notice is hereby given that
Emmett E. Burley, Jr., c/o
Quarry Title Co., Spokane -
Industrial Park, Bldg. 12,
Spokane, Washington, has on
August 1, 1969, applied for
permit under application No.
95-7069 to store 0.5 acre feet
of water from Hayden Lake.
Water will be diverted by pump
and hose within Gov't. Lot 5,
Sec. 10, T. 51N, R. 3W, B.M.,
Kootenai County and is to be
used from January 1 to
December 31 for domestic
purposes in (all of Lot 22, S $\frac{1}{4}$
of Lot 23, Gem Shores
Subdivision), Gov't. Lot 5, Sec.
10, T. 51N, R. 3W, 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

95-7069
August 14, 21, 1969

call of
8-11-69

TO
dr

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

August 7, 1969

Re: Application for Permit No. 95-7068 - Elmer L. Yerke and Harold P. Yerke
95-7069 - Emmett E. Burley, Jr.
95-7070 - Russell Boucher and Cleo H. Hayward

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 notices (3)

95-7069

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Emmett E. Burley, Jr., c/o Quarry Tile Co., Spokane
Industrial Park, Bldg. 12, Spokane, / Washington, August 1, 1969,
has on

applied for permit under application No. 95-7069

to ~~divert~~ store 0.5 ////////// cubic feet per second acre feet
of water from Hayden Lake.

Water will be diverted by pump and hose

within Gov't. Lot 5, Sec. 10, T. 51N, R. 3W, B.M., Kootenai County

and is to be used from January 1 to December 31 for domestic purposes

in (all of Lot 22, S $\frac{1}{2}$ of Lot 23, Gem Shores Subdivision), Gov't.
Lot 5, Sec. 10, T. 51N, R. 3W, 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 August 14 and August 21, 1969.

95-7069