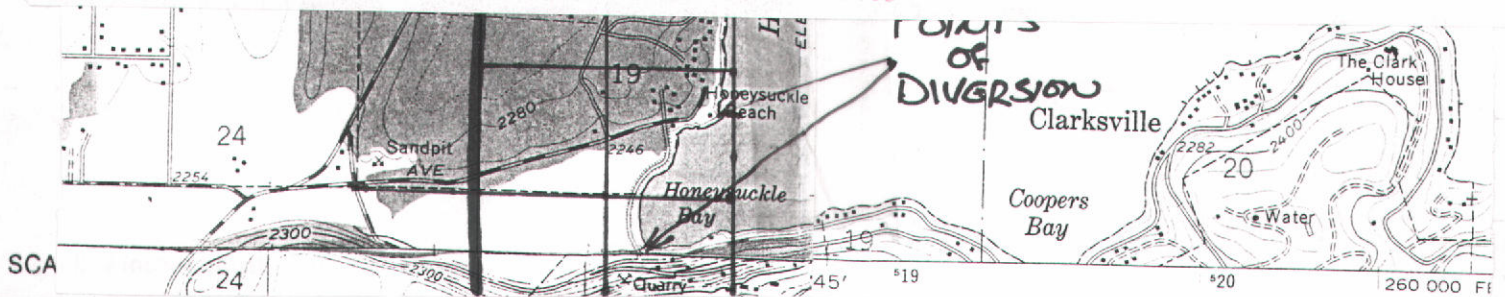
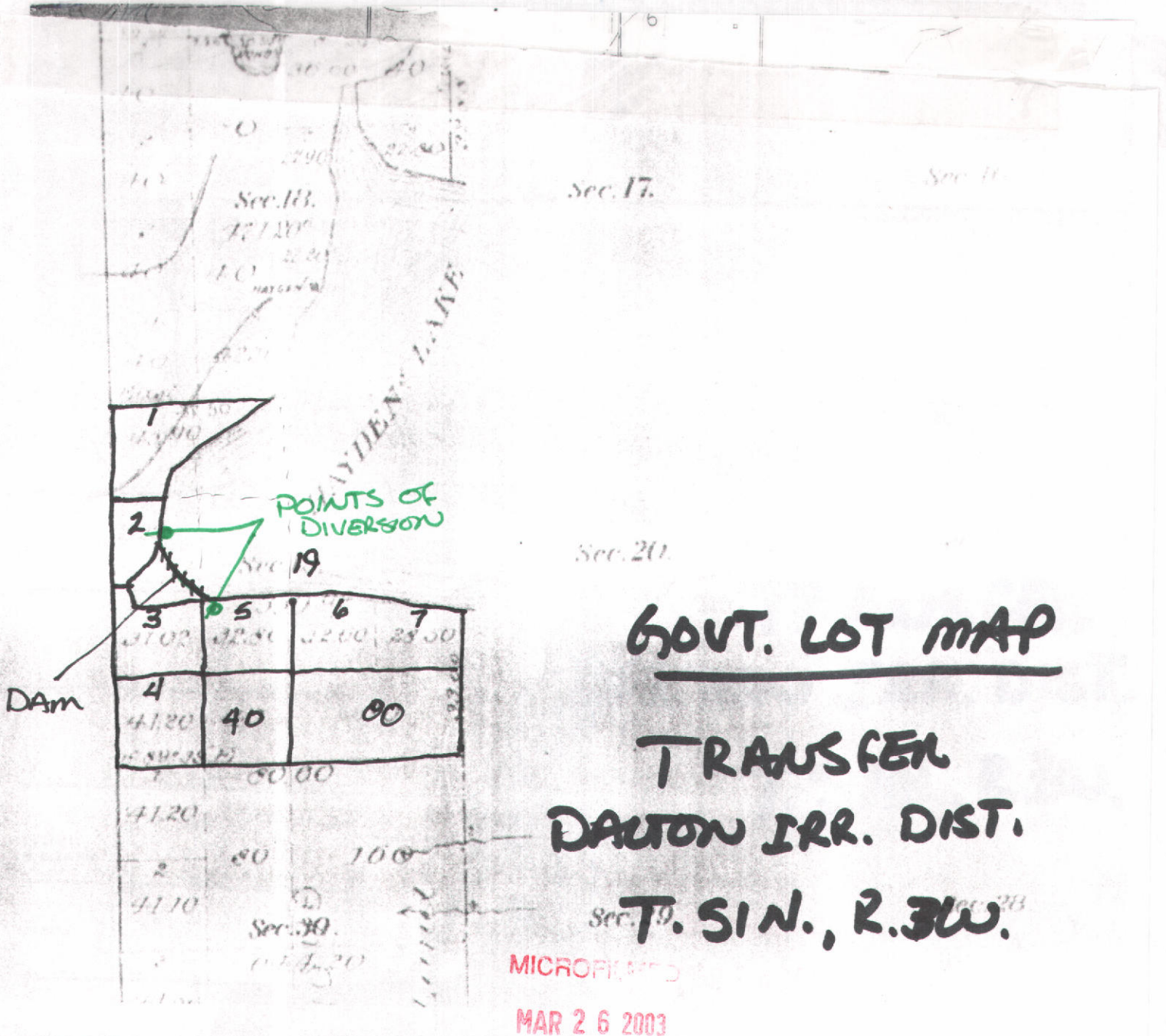
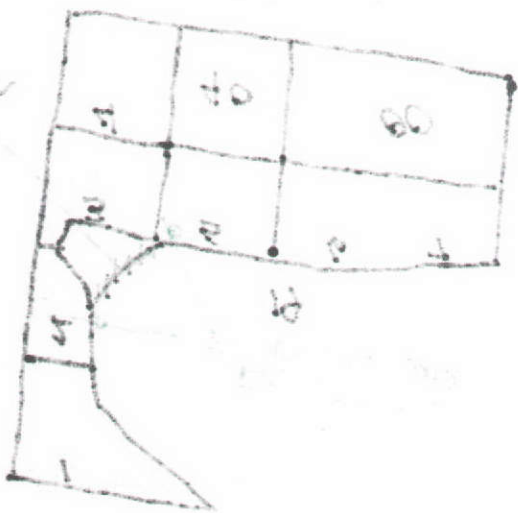


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

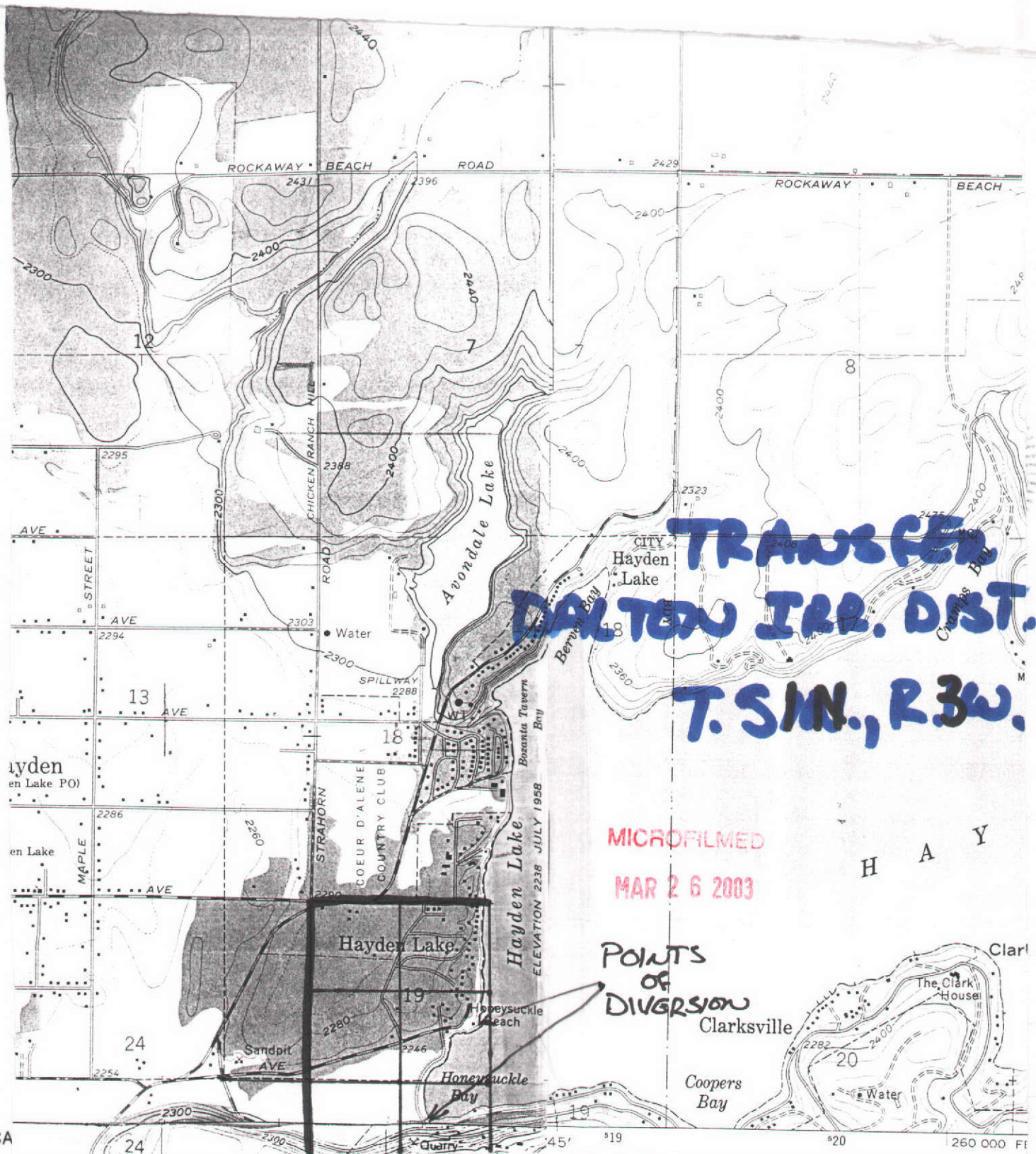
A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



DATA



T. 21 N. R. 3 W.
DALTON IRR. DIST.
LOWATER
HAYDEN LAKE



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MAR 26 2003

POINTS
OF
DIVERSION

H A Y

Clarksville
Coopers Bay
The Clark House
Water

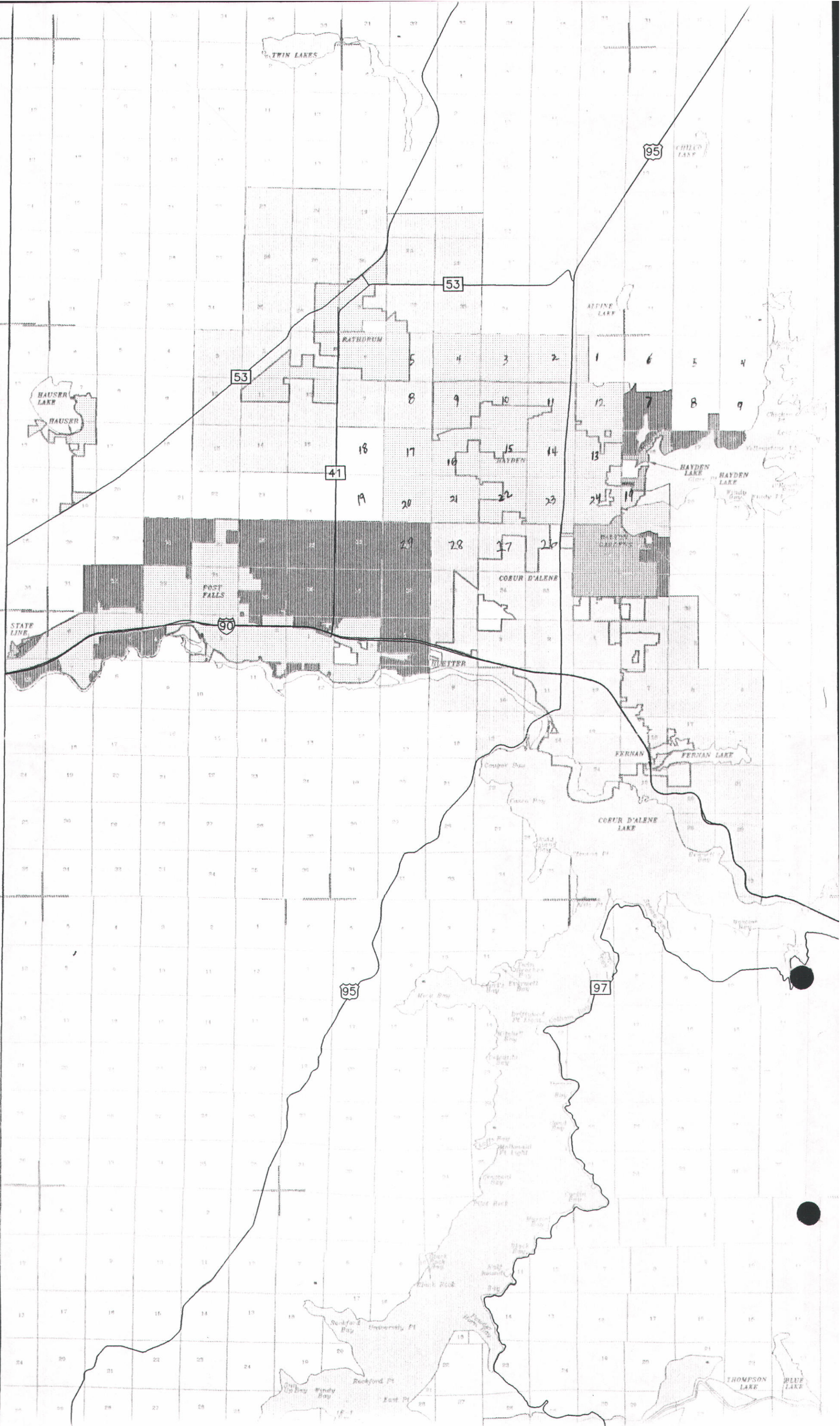
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52
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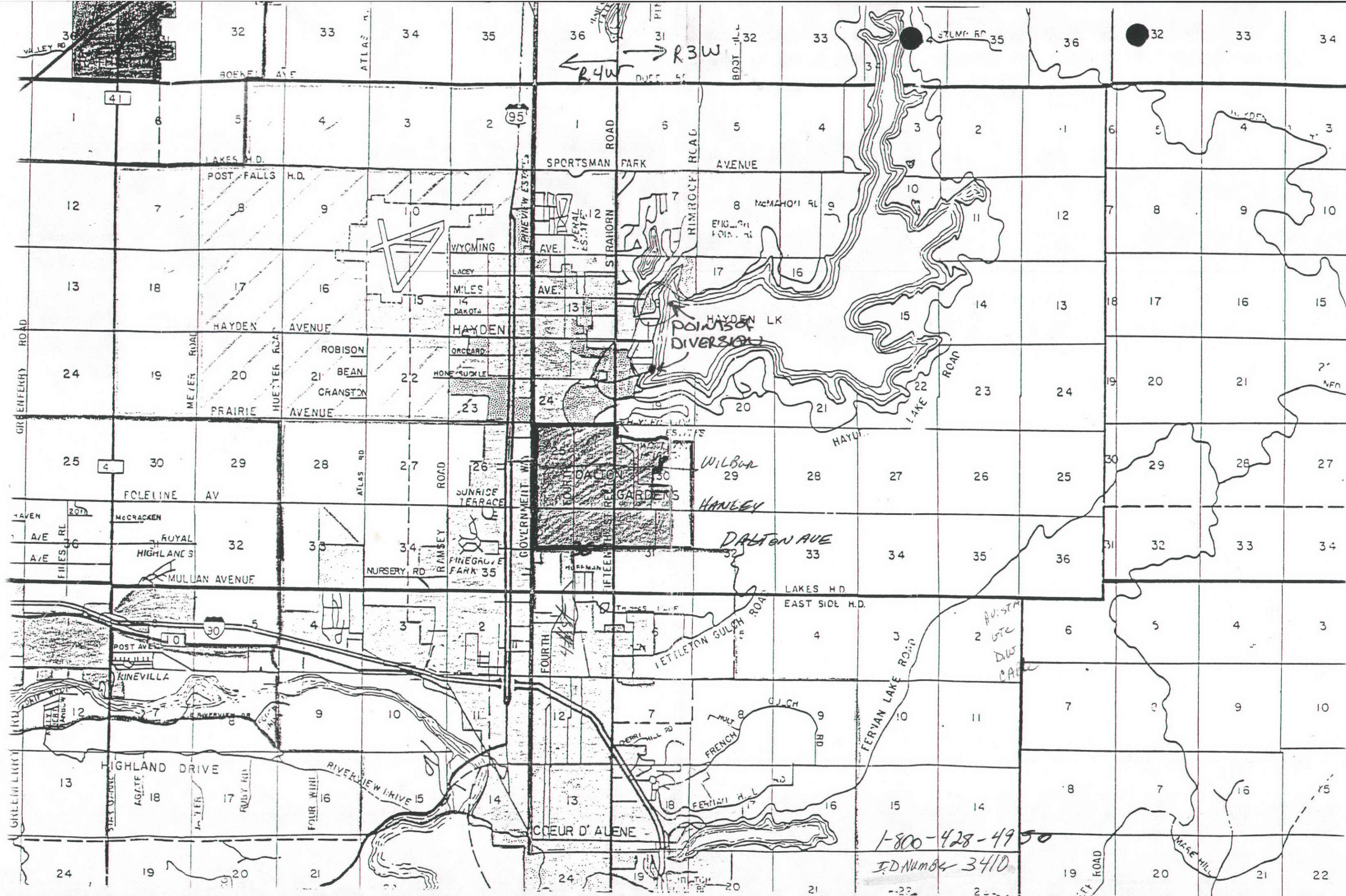
T
51
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N





AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

Keri Alexander 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 Legal Notice

of which the annexed is a printed copy, was published in the regular Thurs
issue of said newspaper for 2 consecutive weeks
commencing on the 17th day of August, 1995, and
ending on the 24th day of August, 1995, and such
publication was made as often during said period as said daily
newspaper was regularly issued.

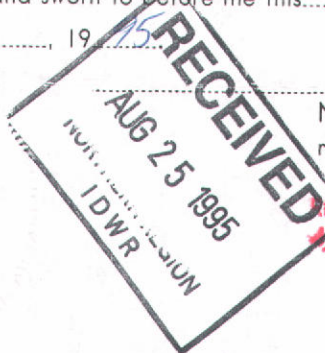
4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Keri Alexander

Subscribed and sworn to before me this 24th day of August

1995

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



ROBERTA MANLEY
My commission expires 12-15-99

JAN 31 1996

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF A WATER RIGHT

Pursuant to Section 43-222 of the IDAHO CODE, notice is hereby given that HAYDEN LAKE IRRIGATION DISTRICT, P O BOX 162, HAYDEN LAKE, ID, 83835, has filed with the Department of Water Resources on April 24, 1995, an Application for Extension of Time to Avoid Forfeiture of Water Right Nos. 95-00467 and 95-00467A.

Water Right No. 95-00467, as licensed, is for 14.0 cfs &/or 3765.0 AF/Ann of water, with a priority date of 6/27/1906; and Water Right No. 95-00467A, as licensed, is for 6.0 cfs &/or 1288.0 AF/Ann of water, with a priority date of 5/1/1958; both from Hayden Lake, tributary to Sinks, with a point of diversion in the SENW, Sec. 18, T51N, R03W, Boise Meridian, Kootenai County, used for Domestic purposes from 1/1 to 12/31, and for irrigation purposes from 4/1 to 10/31. The place of use for both of the above Water Rights is located in SW1/4 T51N, R04W, SEC 11; NE1/4, NW1/4, and SW 1/4, T51N, R04W, SEC 14; SWSW, SESW, NESE, SWSE, and SESE, T51N, R04W, SEC 15; SESW, T51N, R04W, SEC 16; NE1/4, NESE, SWSE, and SESE, T51N, R04W, SEC 21; NENE, NWNE, SENE, NENW, NWNW, NESE, SWSE, SESE, T51N, R04W, SEC 22; NENE, NWNE, NENW, NWNW, and SWNW, T51N, R04W, SEC 27, KOOTENAI County, FOR A TOTAL OF 1144.0 ACRES.

The last date when water was applied to a beneficial use under both Water Right No. 95-00467 and Water Right No. 95-00467A was 4/15/90.

The applicants now wish an extension of time of 5 years in which to apply the water to a beneficial use because they were required by the State of Idaho to come off Hayden Lake as a use of drinking water due to contamination. The applicants wish to retain these water rights for use of the lake water as a source for emergencies if their well system were to go down, or for emergency fire flow within the District, and if other systems were down in the area, in order to provide emergency water from their lake pumping stations. The applicants require additional time to lay a separate water line to serve the irrigation needs within the District, and applicants would use the water from Hayden Lake for these purposes, believing they will be able to apply them to beneficial use in the future.

Any protest to the proposed extension of time may be filed with the Idaho Department of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814, on or before September 5, 1995.

KARL J. DREHER, Director

Legal 330
Aug. 17, 24, 1995

10/31/01 12:51

TOWNSHIP 3 NORTH RANGE 3 WEST OF THE BOISE MERIDIAN, IDAHO

KOOTENAI COUNTY 055

COEUR D'ALENE DISTRICT

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

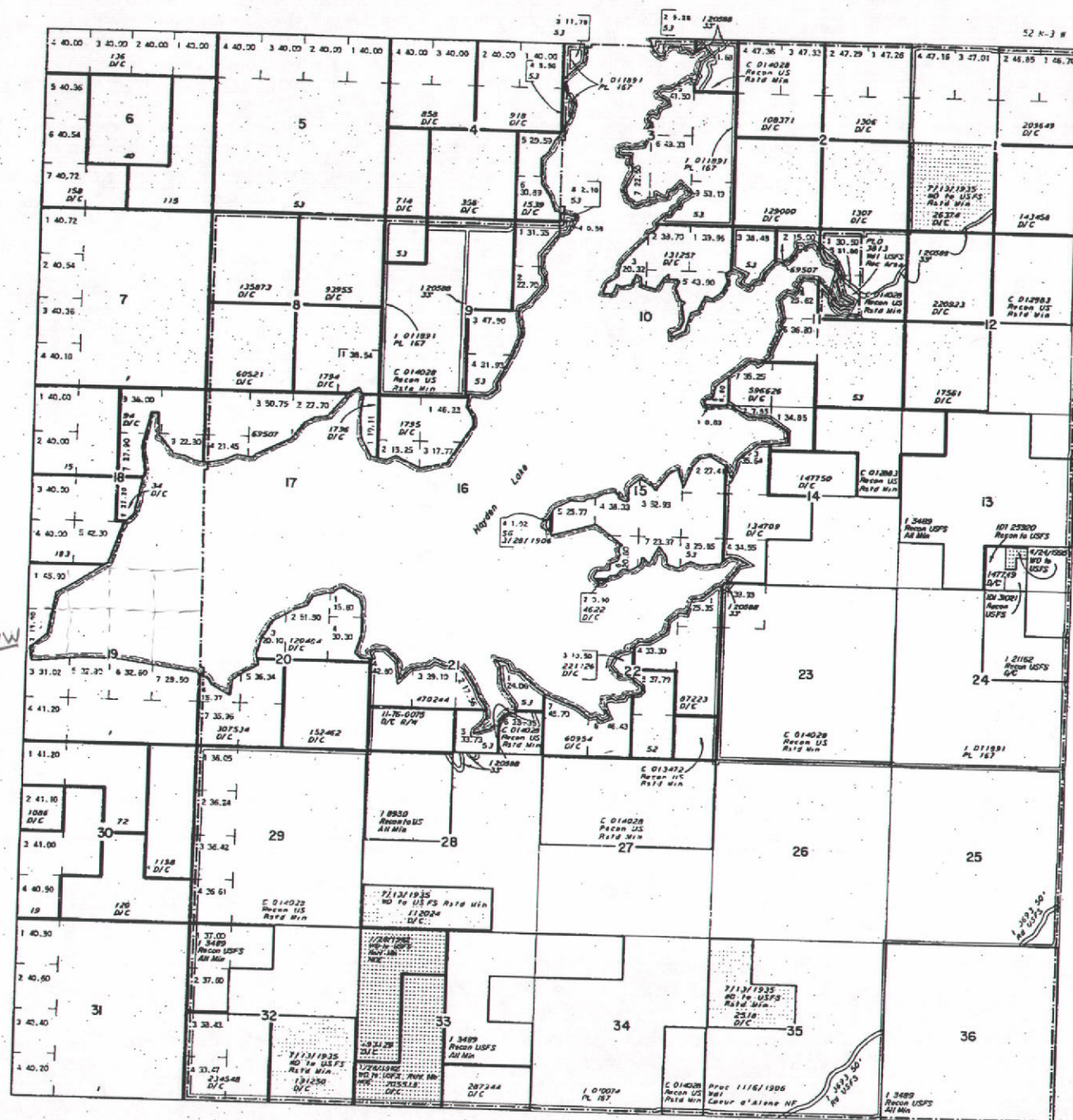
[illegible]

1 010074 Det PL 167 (Act of Cong 7/23/1955)
completed 4/19/1962. All NF surface work by USFS

1 017891 Det PL 167 (Act of Cong 7/23/1955).
completed 7/31/1962. All NF surface work by USFS

QCD 3/31/1988
Sec IV: Lot 4 (Portion)
0.02 acres more or less

MICROFILMED
MAR 26 2003



Lat. $47^{\circ}43'$ N
Long. $116^{\circ}40'$

SCALE in Chains

WARNING STATEMENTS

This plat is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

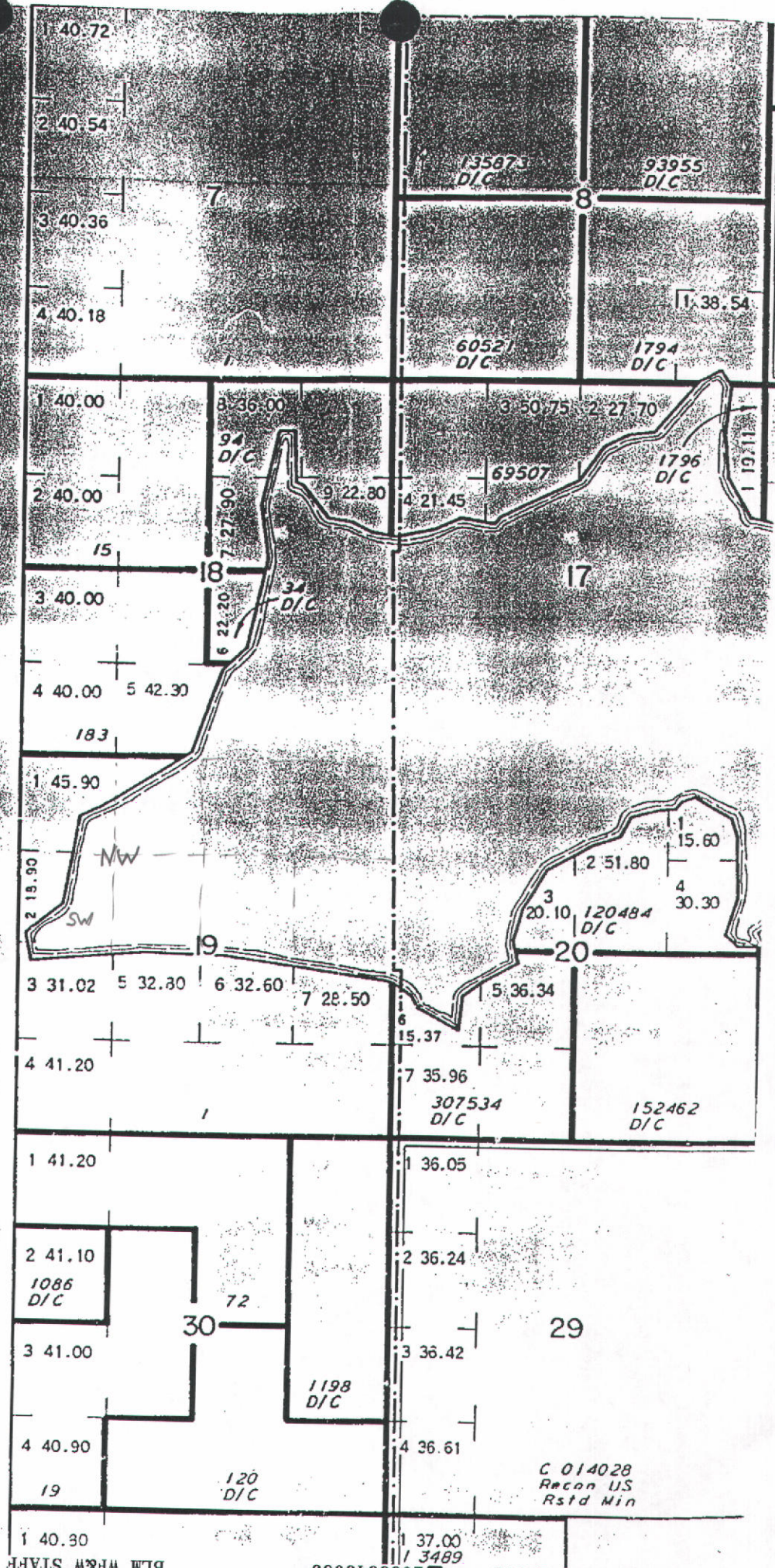
THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER.

Boise Me.

T 511

R. 30

T51N
R03W
S18



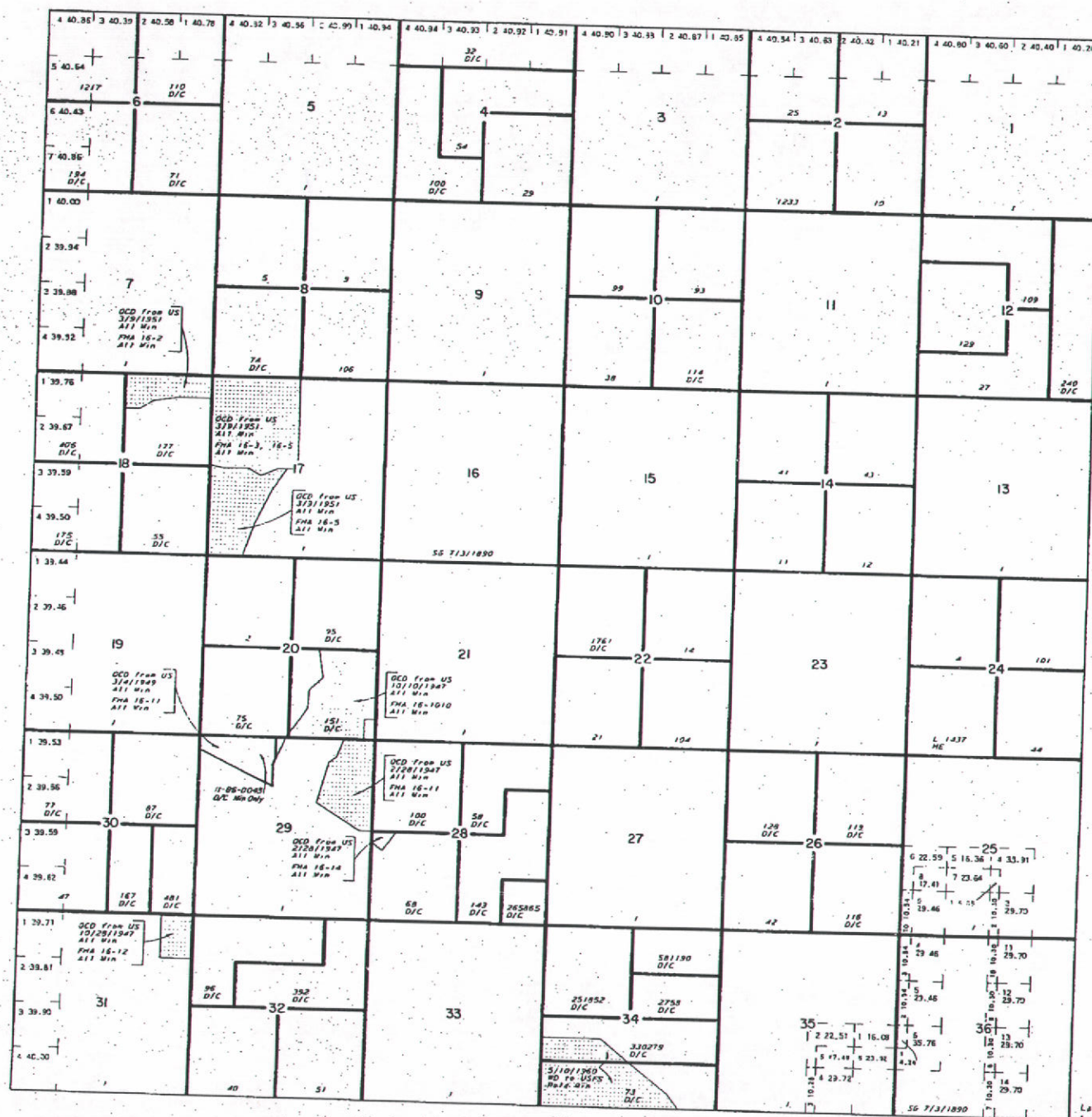
MICROFILMED
MAR 26 2003

SECTION 36, TOWNSHIP 36 NORTH, RANGE 7 WEST OF THE BOISE MERIDIAN, IDAHO

MT PLAT

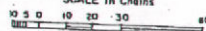
[illegible]

PL 760 (64 Stat 769) Trfd title to FHA Acq Min
interest to Sec of Int effective 9/6/1957



Lat. 48°03'N
Long 116°45'

SCALE in Chains



WARNING STATEMENT

This plat is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records herein do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water.

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-

Boise, May 1998

T...51N

MICROFILMED

MAR 26 2003

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

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 69217 IN THE)
NAME OF DALTON GARDENS)
IRRIGATION DISTRICT)

PRELIMINARY ORDER

This matter having come before the Department of Water Resources ("Department") as an application for transfer, the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On March 23, 1973, the District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai decreed the following water rights to Hayden Lake Irrigation District:

Identification no.	95-467
Source:	Hayden Lake
Priority:	June 27, 1906
Rate of diversion:	14.0 cubic feet per second ("cfs")
Volume:	3,765 Acre Feet per annum ("AFA")
Point of diversion:	SE1/4NW1/4 Section 18, T51N, R03W, B.M.
Use:	Irrigation and Domestic
Season of use:	April 1 to October 31 for irrigation Year-round for domestic
Place of use:	1,401.8 acres in Sections 11, 14, 15, 16, 21, 22 & 27, T51N, R04W, B.M. within the Hayden Lake Irrigation District

Identification no.	95-467A
Source:	Hayden Lake
Priority:	May 1, 1958
Rate of diversion:	6.0 cfs
Volume:	1,288 AFA
Point of diversion:	SE1/4NW1/4 Section 18, T51N, R03W, B.M.
Use:	Irrigation and Domestic
Season of use:	April 1 to October 31 for irrigation Year-round for domestic
Place of use:	1,401.8 acres in Sections 11, 14, 15, 16, 21, 22 & 27, T51N, R04W, B.M. within the Hayden Lake Irrigation District

(Note: The "1/4" designations will be omitted from subsequent legal descriptions in this order).

2. On April 24, 1995, Hayden Lake Irrigation District filed Applications for Extension of Time to Avoid Forfeiture of a Water Right for both Rights 95-467 and 95-467A ("the rights") identifying the last date that water was applied to beneficial use as April 15, 1990.

3. On December 14, 1995, the Department approved Applications for Extension of Time to Avoid Forfeiture of a Water Right for the rights with the requirement that resumption of the beneficial use of water shall occur on or before December 1, 2000.

4. On November 30, 2000 and on December 4, 2000, Hayden Lake Irrigation District submitted to the Department Resumption of Beneficial Use forms for the rights stating on the forms that the rights were being transferred to Dalton Gardens Irrigation District who would be resuming use of the rights by December 1, 2000.

5. On March 29, 2001, Dalton Gardens Irrigation District filed Application for Transfer of Water Right No. **69217** ("application") with the Department proposing to change the nature of use to irrigation only, to change the existing point of diversion and add an additional point of diversion, and to change the place of use under the rights. More specifically, the proposed points of diversion are located in SENW (lot 2) and NESW (lot 5), Section 19, T51N, R3W, B.M., Kootenai County, Idaho. The place of use is within the boundaries of the Dalton Gardens Irrigation District.

6. Notice of the application was given on or about November 1 and 8, 2001, in five of the principal daily newspapers published in Idaho. No protests against approval of the application were received.

7. The Department requested additional information and supporting documentation of historical use of Rights 95-467 and 95-467A from the applicant to substantiate that a period of five (5) or more years of non-use had not occurred or to submit other information to provide a basis for determining that the rights had not been forfeited. Hayden Lake Irrigation District responded on January 10, 2002, that the diversion facilities had been maintained to retain the facility as a backup source and for potential future use of water upon completion of a water treatment facility. The facility was not actively used because of water quality regulations preventing the distribution of untreated water from surface sources through water systems intended to supply potable water for public use. Technical studies indicated that the cost of treating water for potable use was not feasible for Hayden Lake Irrigation District at this time. Dalton Gardens Irrigation District responded by letter dated January 14, 2002, concurring that the facility had been maintained and test operated each year as a potential supplemental or alternative source, but actual use in the system was prevented by regulations preventing mixing of irrigation water from a surface water source with water intended for potable water use in a common delivery system.

8. Hayden Lake Irrigation District is an entity that supplies water through a water system regulated by the state of Idaho as a "public water supply" as described in Section

39-103(15), Idaho Code. While the purpose of use of the water is decreed as "irrigation and domestic," the water is supplied for purposes that comport with the description of "municipal purposes" under Section 42-202B(5), Idaho Code.

9. On May 3, 1973, the Department issued an order creating Water District 95-A Hayden Lake and Tributaries. The water district has never been active and a watermaster has not been elected to distribute water to the water right holders in the district. Hence, the Department could not seek comments from the watermaster on the proposed transfer as required in Section 42-222, Idaho Code.

CONCLUSIONS OF LAW

1. Section 42-222(1), Idaho Code, provides in pertinent part as follows:

All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated ...

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code; ...

2. Idaho law provides that a water right shall be forfeited by a failure for the term of five years to apply it to the beneficial use for which it was appropriated and thereafter the right to use the water shall revert to the state and be again subject to appropriation. I.C. Sec 42-222(2); *Sears v. Berryman*, 101 Idaho 843, 623 P.2d 455 (1981). However, certain defenses to forfeiture have been recognized by the courts and codified in statute. Section 42-223(6), Idaho Code, provides as follows:

No portion of any water right shall be lost or forfeited for nonuse if the nonuse results from circumstances over which the water right owner has no control. Whether the water right owner has control over the nonuse of water shall be determined on a case-by-case basis.

3. The director of the Department has jurisdiction to determine the question of forfeiture in acting upon an application for transfer. Such is required as a preliminary step to performance of his statutory duty in determining whether or not a proposed water transfer would injure other rights. See *Jenkins v. State, Dept. of Water Resources*, 103 Idaho 384, 389, 647 P.2d 1256 (1982).

4. The nonuse of water under its rights from Hayden Lake by the Hayden Lake Irrigation District resulted from regulatory requirements and other circumstances the District could not control. As a municipal provider recognized under Section 42-202B, Idaho Code, Hayden Lake Irrigation District is authorized under Idaho law to hold water rights for "reasonably anticipated future needs."

5. The water rights remained valid while held by Hayden Lake Irrigation District and can be changed as requested by Dalton Gardens Irrigation District in accordance with the requirements of Section 42-222, Idaho Code.

6. The proposed changes will not injure other water rights.

7. The proposed changes do not constitute an enlargement in use of the original right.

8. The proposed changes are in the local public interest.

9. The proposed changes are consistent with the conservation of water resources within the state of Idaho.

10. Application for Transfer No. 69217 should be approved with conditions to facilitate administration of the water rights

ORDER

IT IS THEREFORE HEREBY ORDERED that Application for Transfer No. 69217 in the name of Dalton Gardens Irrigation District is **APPROVED** subject to the following conditions:

1. Rights 95-467 and 95-467A are limited to irrigation of 1401.8 acres within the boundary of Dalton Gardens Irrigation District pursuant to Section 43-323, Idaho Code.
2. The total instantaneous diversion of water from all points of diversion under Rights 95-467 and 95-467A shall not exceed 20.0 cfs, nor exceed the total combined annual volume of 5053.0 AF.
3. Use of water under this approval will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 95A.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department for all authorized points of diversion which will allow for a determination of the total rate of diversion.

5. Rights 95-467 and 95-467A when combined with all other water rights serving the lands of the Dalton Gardens Irrigation District shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the District lands.
6. This right does not grant any right-of-way or easement across the land of another.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dated this 21st day of February 2003.



L. GLEN SAXTON, P.E., Chief
Water Allocation Bureau

69217

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 69217

APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED

PART 1

FEB 19 2002

Name of applicant DALTON IRRIGATION DISTRICT Phone 208-733-5559

Post Office address 6360 N. 4th STREET DALTON GARDENS ID. 83815

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes PURCHASED WATER RIGHTS FROM
HAYDEN LAKE IRRIGATION TO ADD TO DALTON IRRIGATION DISTRICT

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|----------|--------------------|---------------|---------------|
| 95-00467 | 6-27-06 | 14.0 | IRRIGATION | 3-15 to 11-15 |
| 95-00467A | 5-1-1958 | 10.0 | IRRIGATION | 3-15 to 11-15 |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 20.0 cubic feet per second and/or 5053 acre-feet per annum.
3. Source of water HAYDEN LAKE tributary to SINKS
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
2	SE	NW		18	5N	3W	11	
5	NE	SW		19	5N	3W	HOOT-AR	

5. Lands irrigated or place of use:

Twp.	Rge.	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	

Place of use is within boundaries
DALTON IRRIGATION DISTRICT
GARDENS

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MAY 26 2003

Total acres _____

69217

PART 1**6. General Information:**

- a. Description of diversion system 2ea 700 HP Motors WITH 3300 gal per min. pumps 2ea 350 HP. Motors WITH 7500 gal per min. pumps, Then A 24" MAINLINE TO A system of smaller lines (lines)
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

THE CURRENT LAND IS IRRIGATED BY WELLS instead of lake water, the Hayden Lake Irr. Dist. DOES NOT USE WATER OUT of the lake any more.

- d. Remarks:

DACTON Irr. District sole water source is Hayden Lake. THE District would like to add additional land WITH IN its Boundary to Irrigate.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

MICROFILM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

*will use
COPIES & IDAH
FILES*

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____

95-00467
95-00467A

WR5809NP
 No. 95-00467A

IDAHO DEPARTMENT OF WATER RESOURCES
 WATER RIGHT PROFILE REPORT

DATE: 06/12/01
 PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HAYDEN LAKE IRRIGATION DISTRICT RT. 2 BOX 61A COEUR D ALENE ID 83814	05/01/1958	IRRIGATION DOMESTIC	04/01 10/31 01/01 12/31	6.000 CFS 6.000 CFS	1288.00 AFA 1288.00 AFA
TOTAL DIVERSION:					6.000 CFS	1288.00 AFA

Water Source: HAYDEN LAKE

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T51N R03W S18 SENW

KOOTENAI County

Place of use Legal Description for: IRRIGATION

												NE				NW				SW				SE													
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SNW		SESW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE				
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM				
51N	04W	11	:								:								:	40	40		37	40	:								:	157.0			
51N	04W	14	:	32		40		30		34	:	24		38		38		25	:	21	21		38	29	:								:	370.0			
51N	04W	15	:								:								:				16	12	:	29			20		39		:	116.0			
51N	04W	16	:								:								:					18	:								:	18.0			
51N	04W	21	:	24		15		01		10	:								:						:	20			39		39		:	148.0			
51N	04W	22	:	38		10				22	:	20		20					:						:	39			39		40		:	228.0			
51N	04W	27	:	31		20					:	10		37		09			:						:								:	107.0			
																																				TOTAL ACRES	1144.0

Place of use Legal Description for: DOMESTIC

51N 04W 15 :	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
51N 04W 21 :	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
51N 04W 22 :	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

Pou County: KOOTENAI

Remarks: GEN ACTUAL IRRIGATED ACRES = 1,401.8.

Dates: App. Received: Priority Date: 05/01/1958
 Proof Due Date: Proof Made Date:
 Exam Made Date: Exam Sent to S.O.:
 Licensed Date:

Misc: Water District Number: 95A Field Exam Fee:

Audit: 01/15/86 05/14/88 CONVERT 07/11/89 CURTIS 02/08/98 CLEARFLD

MICROFILMED

MAY 2 1999

DATE: 06/12/01
PAGE: 1

Pou County: KOOTENAI				
Remarks:	GEN	ACTUAL IRRIGATED ACRES = 1,401.8. PURSUANT TO WATER LICENSE NO. 2129. QUANTITY PER YEAR AND MAXIMUM RATE OF DIVERSION LIMITED BY CAPACITY OF PUMPS AND ACREAGE IRRIGATED IN 1922 RECONSTRUCTION.		
Dates:	App. Received:	Priority Date:	06/27/1906	
	Proof Due Date:	Proof Made Date:		
	Exam Made Date:	Exam Sent to S.O.:		
	Licensed Date:			
Misc:	Water District Number:	95A	Field Exam Fee:	
Audit:	12/28/85	05/14/88 CONVERT	07/11/89 CURTIS	02/08/98 CLEARFLD

MICROFILMED
MAR 26 2003

dated _____ in _____ county of _____
b. License No. 2129, 4370 issued by the Idaho Department of Water Resources.
c. Claim No. _____ on file with the Idaho Department of Water Resources.
d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water HAYDEN LAKE tributary to _____

4. Date or priority 6-27-06 / 5-1-58

5. Water is used for the following purpose:

amount 5053 for IRRIGATION purposes from 4-1 to OCT 31
(cfs/ac-ft) amount 3,765 for IRRIGATION purposes from 4-1 to 10-31
(cfs/ac-ft) amount 1,288 for IRRIGATION purposes from 4-1 to 10-31
(cfs/ac-ft)

6. Total amount of water under right 5053 cubic feet per second and/or 5053 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NW		18	51N	3W	Kootenai	HAYDEN LAKE PUMP HOUSE / DALTON PUMP HOUSE
	SE	NW		18	51N	3W	"	" "

8. Lands irrigated or place of use:

Twp.	Rge.	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	
51N	4W	25	40	40	40	40													
51N	4W	36																	
51N	3W	30																	
51N	3W	31																	
							MICROFILM												

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes If yes, describe See Attached Letter

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

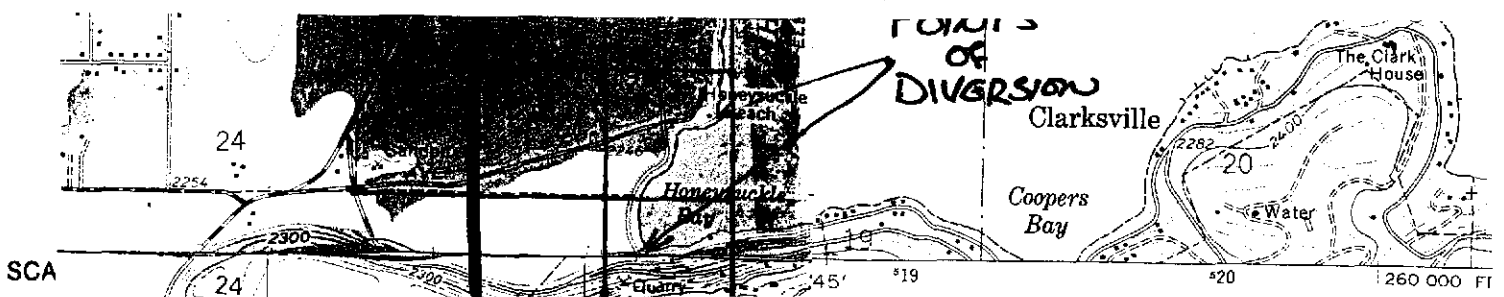
2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____



F



PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



X R. H. L. R. H.
(Signature of Applicant)

Subscribed and sworn to before me this

29th

day of

MARCH2001

Allen Beardslee
(Notary Public)

8/8/2008**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by cb Date 3/29/01

Protest filed by _____

Prelim. check by _____ Fee \$1010.00Receipted by cb Date 3/29/01Rec. #NO14238Published in *see list below

Copies of protest forwarded by _____

Pub. dates 11/1+8/01

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

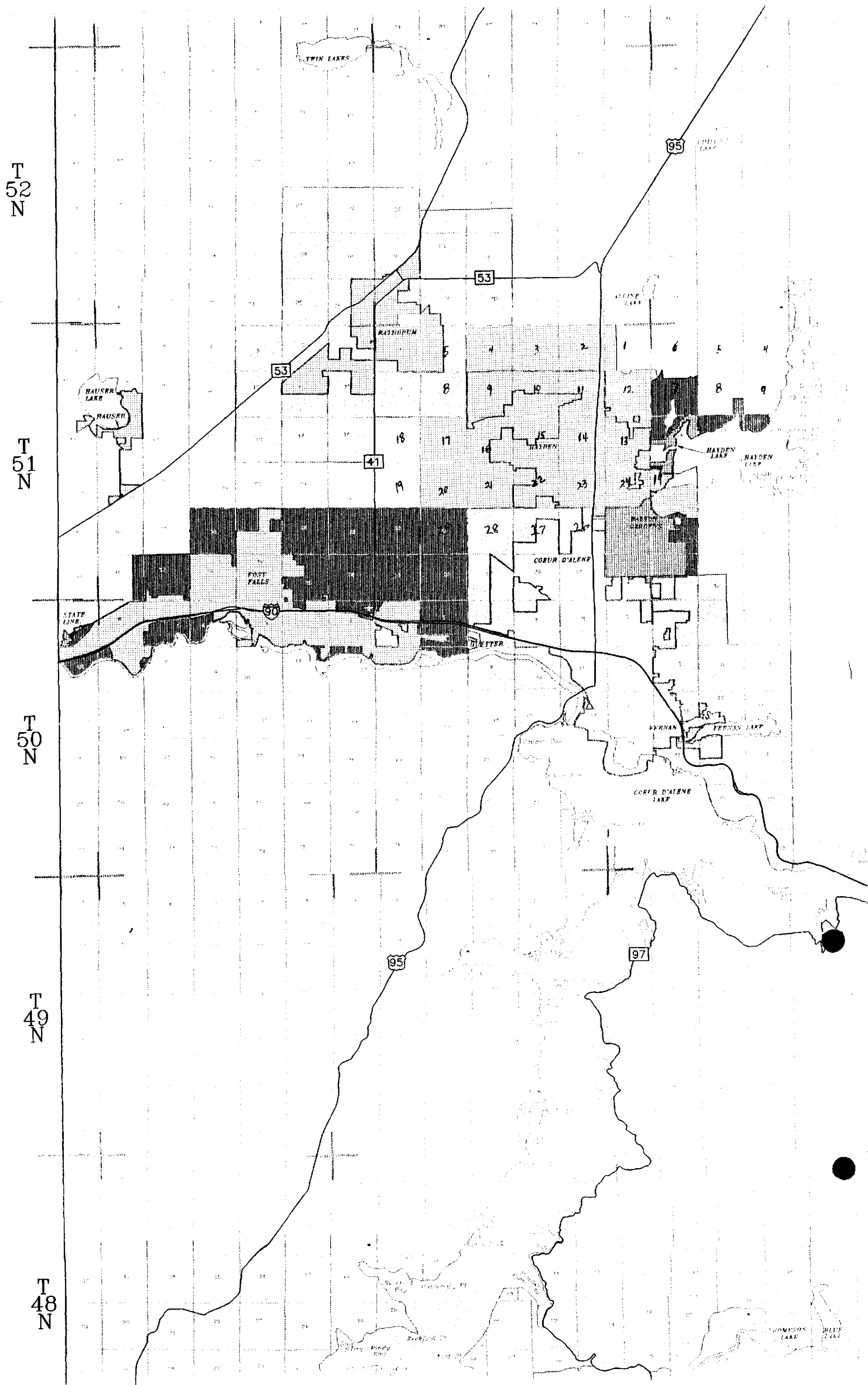
by _____

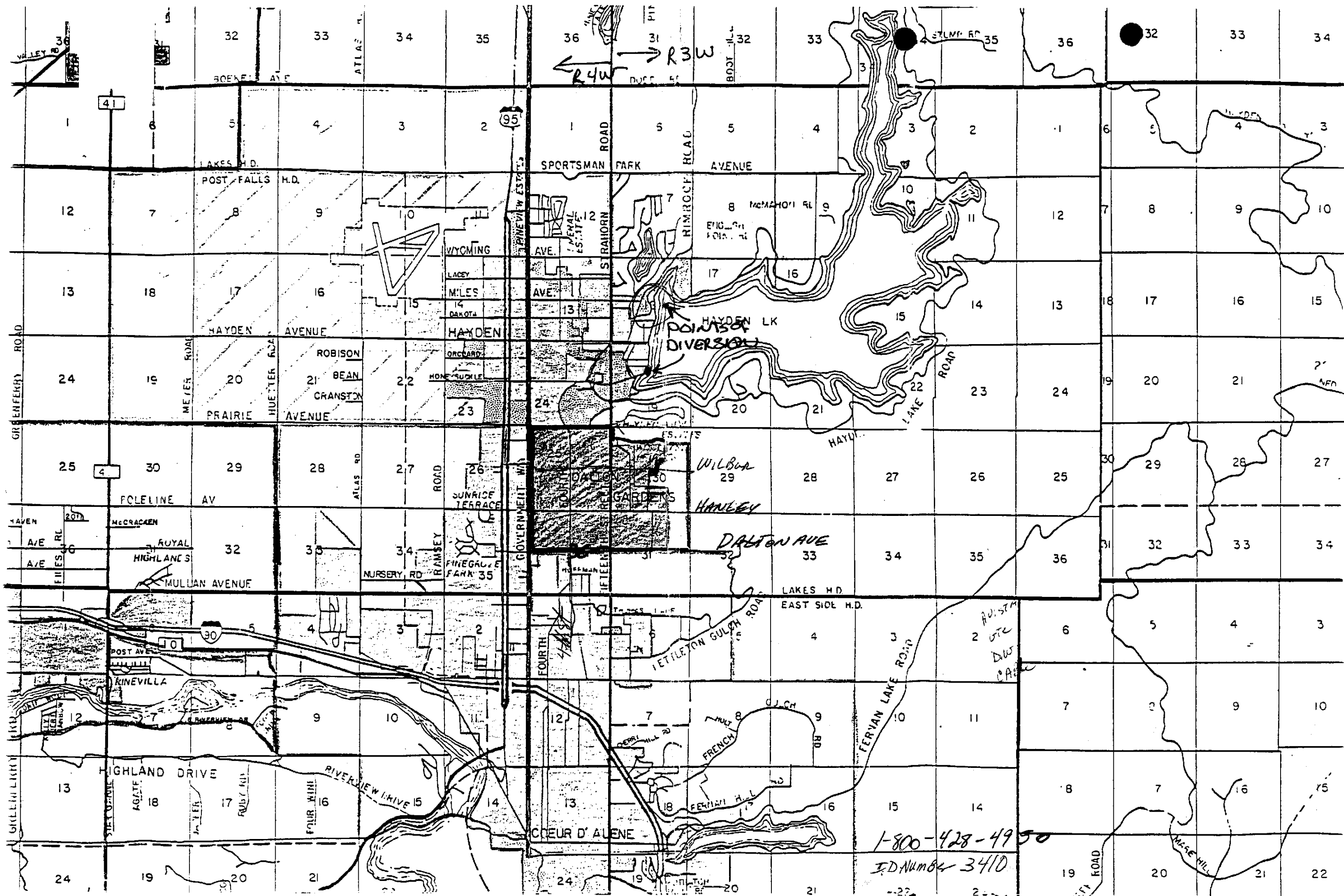
Copy of transfer sent to lien holder _____

Published in:

* Oda Press 11/1+8/01 ok 11/13
 Lewiston Trib 11/1+8/01 ok 11/13
 Times News 11/1+8/01 ok 11/13
 Post Register 11/1+8/01 ok 11/30
 Idaho Statesman 11/1+8/01 readvertise - paper error
 Id Statesman 12/6+13 _____

MICROFILMED
MAR 26 2003





1-800-428-4950

ID Number 3410

RECEIVED

DEC 04 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RESUMPTION OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the water right holder(s) has/have resumed the use of water for the water right identified below. This form must be returned to the department or the water right will revert to the state of Idaho.

Water Right Number(s) 95-00467A

Name of Water Right Holder(s) HAYDEN LAKE IRRIGATION DISTRICT

Mailing Address P.O. Box 162, Hayden Lake, ID 83835

Telephone Number (208) 772-2612

Source of Water (Groundwater/Surface) Surface from lake at 6.0 cubic feet per second

Extent of Use: Domestic Included (number of households)

Stockwater (number and type of stock)

Irrigation 1,288 (number of acres irrigated)

Other/Remarks

Total rate and/or volume of use 6.0 cfs 1,288 acre feet

Show the date water use will be or was resumed under this water right 12/1/00

This water right is being transferred to Dalton Gardens Irrigation Dist., and it will be resuming beneficial use of the water right.
Person to contact to accompany the Department representative if a field examination is conducted:

Name Donna Atwood Telephone No. (208) 772-2612

Address P.O. Box 162, Hayden Lake, ID 83835-0162

The above information is my true statement of the extent to which diversion and use of the above described water right has been resumed.

Date 11/30/00 Signature Donna Atwood

MICROFILMED

JAN 18 2001

MICROFILMED
JAN 18 2001

Form 3-222
12/99

RECEIVED

NOV 30 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

RESUMPTION OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the water right holder(s) has/have resumed the use of water for the water right identified below. This form must be returned to the department or the water right will revert to the state of Idaho.

Water Right Number(s) 95-00467Name of Water Right Holder(s) HAYDEN LAKE IRRIGATION DISTRICTMailing Address P.O. Box 162, Hayden Lake, ID 83835Telephone Number (208) 772-2612Source of Water (Groundwater/Surface) Surface from lake @ 14 cubic feet per second

Extent of Use: Domestic Included (number of households)
Stockwater _____ (number and type of stock)
Irrigation 1,144 (number of acres irrigated)
Other/Remarks _____

Total rate and/or volume of use 14 cfs 1,144 acre feetShow the date water use will be or was resumed under this water right 12/1/00

This water right is being transferred to Dalton Gardens Irrigation Dist., and it will be resuming beneficial use of the water right.

Person to contact to accompany the Department representative if a field examination is conducted:

Name Donna Atwood Telephone No. (208) 772-2612Address P.O. Box 162, Hayden Lake, ID 83835-0162

The above information is my true statement of the extent to which diversion and use of the above described water right has been resumed.

Date 11-22-00 Signature Donna Atwood, Sec/Treas.

MICROFILMED

JAN 18 2001

Dalton Gardens Irrigation District

6360 North Fourth Street
Dalton Gardens, ID 83815

November 27th, 2000

Brian Marcus
Chairman, Board of Directors
Hayden Lake Irrigation District

Re. Hayden Water Rights

Dear Mr. Marcus,

The Dalton Gardens Irrigation District would like to offer \$5000 for the Hayden Lake Water Rights currently owned by the Hayden Lake Irrigation District. Thank you.

Sincerely,



Robert D. Wright
Chairman
Dalton Gardens Irrigation Board of Directors.

MICROFILMED

JAN 18 2001

RECEIVED

APR 24 1995

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources Application for Extension of Time to Avoid Forfeiture
of a Water Right

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$30.00 if the application involves 0.2 cfs or 20 acre feet or \$50.00 if in excess of these amounts. \$50.00

- Name of water right holder HAYDEN LAKE IRRIGATION DISTRICT
Post office address P.O. BOX 162 HAYDEN LAKE, IDAHO 83835
- The right was obtained or is evidenced by:
 - Decree to HAYDEN LAKE IRRIGATION DISTRICT in Case of POST FALLS IRRIGATION DISTRICT
(Name)
vs. Transfers right, Dated 03/17/54 in First Judicial Court
(Name of Court)
Court, County of Kootenai. Fully describe decree Transfers water rights
 - License No. 95-004671 issued by the Department of Water Resources.
 - Claim No. _____ on file with the Department of Water Resources.
- Source of water HAYDEN LAKE tributary to SINKS
(Name of stream or source)
- Date of priority of right 05/01/58
- Amount of water a. 6.000 c.f.s. and/or
b. 1288.0 acre feet/annum
- Water is used for IRRIGATION from _____ to _____
DOMESTIC from YEAR ROUND to YEAR ROUND
from THIS SOURCE to FROM WELLS
(Purpose) (Month-Day) (Month-Day)
- Location of point of diversion is SE 1/4 NW 1/4 of Section 18
Township T4N, Range R03W518 B.M., in SE NW KOOTENAI County;
Additional points of diversion, if any _____
- Lands irrigated or place of use:

Twp.	Rge.	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	
51N	04W	11									40	40	37	40					157.0
51N	04W	14	32	40	30	34	24	38	38	25	21	21	38	29					370.0
51N	04W	15											16	12	29	20	39		116.0
51N	04W	16												18					18.0
51N	04W	21	24	15	0	10								20		39	39		148.0
51N	04W	22	38	10		22	20	20						39		39	40		228.0
51N	04W	27	31	20			10	37	09					39		39	40		107.0

Total number of acres irrigated 1144.0

9. Give last date when water was applied to beneficial use APRIL 15, 1990
Length of extension of time requested 20 years, or until 2015
(Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use The HLID was required by the State of Idaho to come off Hayden Lake as a use of drinking water due to contamination. We wish to retain our water rights for use of the lake water as a source of emergency if our well system were to go down. Emergency fire flow within the District and if other systems were down in the area. we could provide emergency water from our lake pumping stations. In the future we plan to lay a separate water line to serve the irrigation needs within the District and would use the water from Hayden Lake for these purposes. HLID holds priority water rights dating to 6/27/06 and we would very much like to retain these water right. We feel we would be able to apply them to beneficial use in the future. Please help us to retain our water rights.
I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

Vern D. Fitzgerald
(Signature of Applicant)

Subscribed and sworn to before me this 4th day of April, 1995.



Charlotte A. Samolka
(Notary Public)

My commission expires 03-06-98

Residing at Hayden Lake, Idaho

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

Resumption of water for a beneficial use shall occur on or before December 1, 2000.

Witness my hand this 14th day of December, 1995.

JAN 31 1996

J. Glen Sactor
Chief, Water Allocation Bureau

For Department Use Only

Received by _____ Date 4-25-95 Time _____ Preliminary check by _____

Fee \$ 500.00 Received by JW Date 4-25-95 Publication prepared by _____

Published in _____ Dates _____

Publication approved by _____ Date _____ Protests filed by: _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____

Recommended for // Approval // Denial by _____

RECEIVED

APR 24 1995

STATE OF IDAHO

Water Right No. 2129

95-00467

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

Application for Extension of Time to Avoid Forfeiture
of a Water Right

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$30.00 if the application involves 0.2 cfs or 20 acre feet or \$50.00 if in excess of these amounts. \$50.00

- Name of water right holder HAYDEN LAKE IRRIGATION DISTRICT
Post office address P.O. BOX 162 HAYDEN LAKE, IDAHO 83835
- The right was obtained or is evidenced by:
 - Decree to HAYDEN LAKE IRRIGATION DISTRICT in Case of Dalton Irrigation Dist. Avondale
(Name) Irrigation Dist. Hayden Lake Irrigation Dist.
vs. North Idaho Properties, Dated 10/24/66 in First Judicial Court
(Name of Court)
Court, County of KOOTENAI. Fully describe decree Transfers portions
listed to Hayden Lake Irrigation District
 - License No. 95-00467 issued by the Department of Water Resources.
 - Claim No. _____ on file with the Department of Water Resources.
- Source of water HAYDEN LAKE tributary to SINKS
(Name of stream or source)
- Date of priority of right 6/27/1906
- Amount of water a. 14.0 c.f.s. and/or
b. 3765.00 acre feet/annum
- Water is used for IRRIGATION from May 15 to October 1
DOMESTIC from Year round 01/01 to Year round 12/31
from THIS SOURCE to FROM WELLS
(Purpose) (Month-Day) (Month-Day)
- Location of point of diversion is SE 1/4 NW 1/4 of Section 18
Township: T54N Range R03W58, B.M., in SE NW KOOTENAI County;
Additional points of diversion, if any _____
- Lands irrigated or place of use:

Twp.	Rge.	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	
51N	04W	11									40	40	37	40					157.0
51N	04W	14	32	40	30	34	24	38	38	25	21	21	38	29					370.0
51N	04W	15										16	12	29		20	39		116.0
51N	04W	16											18						18.0
51N	04W	21	24	15	01	10									20		39	39	148.0
51N	04W	22	38	10		22	20	20							39		39	40	228.0
51N	04W	27	31	20			10	37	09										107.0

Total number of acres irrigated 1144.0

9. Give last date when water was applied to beneficial use APRIL 15, 1990
Length of extension of time requested 20 years, or until 2015
(Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use The HLID was required by the State of Idaho to come off Hayden Lake as a use of drinking water due to contamination. We wish to retain the water rights for use of the lake water as a source for emergency if our well system were to go down. Emergency fire flow within the District and if other systems were down in the area we could provide emergency water from our lake pumping station. In the future we plan to lay a separate water line to serve the irrigation needs within the District and would use the water from Hayden Lake for these purposes. HLID holds priority water rights dating to 6/27/06 and we would very much like to retain these water rights. We feel we would be able to apply them to beneficial use in the future. Please help us to retain our water rights.
I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

Vern D. Fitzgerald
(Signature of Applicant)

Subscribed and sworn to before me this 4th day of April, 19 95.



Charlotte A. Namolka
(Notary Public)

My commission expires 3-06-98

Residing at Hayden Lake, Idaho

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

Resumption of water for a beneficial use shall occur on or before December 1, 2000.

Witness my hand this 14th day of December, 19 95.

J. Glen Saylor
Chief, Water Allocation Bureau

JAN 31 1996

For Department Use Only

Received by _____ Date 4-25-95 Time _____ Preliminary check by _____

Fee \$ 50.00 ^{100.00} Received by JW Date 4-25-95 Publication prepared by _____

Published in _____ Dates _____

Publication approved by _____ Date _____ Protests filed by: _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____

Recommended for // Approval // Denial by _____

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

Keri Alexander 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 Legal Notice

of which the annexed is a printed copy, was published in the regular THURS
issue of said newspaper for 2 consecutive weeks,
commencing on the 17th day of August, 1995, and
ending on the 24th day of August, 1995, and such
publication was made as often during said period as said daily
newspaper was regularly issued.

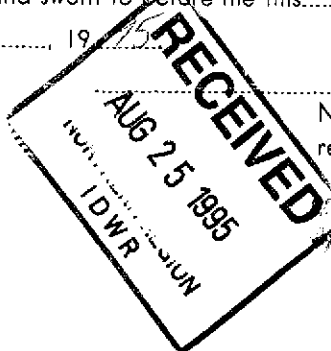
4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Keri Alexander

Subscribed and sworn to before me this 24th day of August

1995

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



ROBERTA MANLEY
commission expires 2-5-99

JAN 92 1996

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF A WATER RIGHT

Pursuant to Section 43-222 of the IDAHO CODE, notice is hereby given that HAYDEN LAKE IRRIGATION DISTRICT, P O BOX 162, HAYDEN LAKE, ID, 83835, has filed with the Department of Water Resources on April 24, 1995, an Application for Extension of Time to Avoid Forfeiture of Water Right Nos. 95-00467 and 95-00467A.

Water Right No. 95-00467, as licensed, is for 14.0 cfs &/or 3765.0 AF/Ann of water, with a priority date of 6/27/1906; and Water Right No. 95-00467A, as licensed, is for 6.0 cfs &/or 1288.0 AF/Ann of water, with a priority date of 5/1/1958; both from Hayden Lake, tributary to Sinks, with a point of diversion in the SENW, Sec. 18, T51N, R03W, Boise Meridian, Kootenai County, used for Domestic purposes from 1/1 to 12/31, and for irrigation purposes from 4/1 to 10/31. The place of use for both of the above Water Rights is located in SW1/4 T51N, R04W, SEC 11; NE1/4, NW1/4, and SW 1/4, T51N, R04W, SEC 14; SWSW, SESW, NESE, SWSE, and SESE, T51N, R04W, SEC 15; SESW, T51N, R04W, SEC 16; NE1/4, NESE, SWSE, and SESE, T51N, R04W, SEC 21; NENE, NWNE, SENE, NENW, NWNW, NESE, SWSE, SESE, T51N, R04W, SEC 22; NENE, NWNE, NENW, NWNW, and SWNW, T51N, R04W, SEC 27, KOOTENAI County, FOR A TOTAL OF 1144.0 ACRES.

The last date when water was applied to a beneficial use under both Water Right No. 95-00467 and Water Right No. 95-00467A was 4/15/90.

The applicants now wish an extension of time of 5 years in which to apply the water to a beneficial use because they were required by the State of Idaho to come off Hayden Lake as a use of drinking water due to contamination. The applicants wish to retain these water rights for use of the lake water as a source for emergencies if their well system were to go down, or for emergency fire flow within the District, and if other systems were down in the area, in order to provide emergency water from their lake pumping stations. The applicants require additional time to lay a separate water line to serve the irrigation needs within the District, and applicants would use the water from Hayden Lake for these purposes, believing they will be able to apply them to beneficial use in the future.

Any protest to the proposed extension of time may be filed with the Idaho Department of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814, on or before September 5, 1995.

KARL J. DREHER, Director

Legal 330
Aug. 17, 24, 1995

STATE OF IDAHO
DISTRICT COURT
FILED
1973 MAR 23 PM 12:44
CLERK DIST COURT
ELLEN L. SCHIRMER

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

AVONDALE IRRIGATION DISTRICT, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs	)	DECREE
	)	
NORTH IDAHO PROPERTIES, INC., et al.,	)	
	)	
Defendants,	)	CIVIL CASE NOS.
	)	22418
and	)	22419
	)	22420
ROBERT J. ADAMSON, et al.,	)	
	)	
Intervenors.	)	

The proposed Findings of Fact and Recommendation of Water Rights entered on April 15, 1971 was previously filed with this Court by the Special Master, including amendments dated July 20, 1971 and filed July 21, 1971, and amendments dated August 23, 1971 and filed August 30, 1971. This matter came on regularly for hearing on objections to the Findings of the Special Master on February 7, 1973. Following testimony and argument at said hearing and based upon the briefs filed herein, the Court issued its memorandum opinion dated March 7, 1973. Based upon said memorandum of opinion, which is fully incorporated herein as if fully set forth, the Court makes the following Findings of Fact and Conclusions of Law:

NOT RECORDED
JUL 31 1996

FINDINGS OF FACT

The Findings of Fact of the Special Master as filed on April 15, 1971 and amendments thereto, noted above, except as amended and changed below, are approved and adopted as the Findings of Fact of the Court along with the Court's memorandum opinion, and are incorporated herein as if fully set forth.

The Court further finds that the priority date of Hayden Lake Irrigation District, file no. 95-0467(a), of Avondale Irrigation District, file no. 95-0465(b) and of Dalton Garden Irrigation District, file no. 95-0466(c) is May 1, 1958 instead of April 1, 1962. Hayden Lake Irrigation District, Avondale Irrigation District and Dalton Gardens Irrigation District waived all other objections and the Findings of the Special Master on those points are hereby approved and adopted.

The Court finds that the determination of the Special Master that the Avondale Lake drainage is a natural tributary and drains into Hayden Lake is supported by competent and substantial evidence and is not in conflict with any prior decision.

The Court finds that the following claims of water rights in Hayden Lake have been established by use right or permit:

BURNS, GILBERT N.

FILE NO.: 95-0056

PRIORITY: 6/1/53

SOURCE: Hayden Lake

PURPOSE: Irrigation

PERIOD OF USE: Irrigation, From 4/1 to 10/31

QUANTITY PER YEAR: 7.0 acre feet

MAXIMUM RATE OF DIVERSION: 0.04 c.f.s.

TYPE & POINT OF DIVERSION: Pump, in the SW 1/4, SE 1/4, Sec. 3, T.51N, R.3W, B.M., and more particularly on the E 1/2 of Lot 7 and Lots 8 & 9 of Burns Park Addition

PLACE OF USE: Same

COMASKEY, THOMAS P. & MARIE M.

FILE NO.: 95-0441

PRIORITY: 1/1/36

SOURCE: Unnamed spring, tributary to Hayden Lake

JUL 31 1996

COMASKEY, THOMAS P. & MARIE M. (continued)

PURPOSE: Domestic
PERIOD OF USE: From 1/1 to 12/31
QUANTITY PER YEAR: 0.57 acre feet
MAXIMUM RATE OF DIVERSION: 0.02 c.f.s.
TYPE & POINT OF DIVERSION: Collection box and
pump in SW 1/4, SW 1/4, Sec. 33, T.52N, R.3W, B.M.
PLACE OF USE: SE 1/4, SE 1/4, Sec. 32, T.52N, R.3W, B.M.

HONEYSUCKLE HILLS OWNERS ASSOCIATION

FILE NO.: 95-2199
PRIORITY: 2/1/67
SOURCE: Hayden Lake
PURPOSE: Domestic Supply for 17 homes
PERIOD OF USE: From 1/1 to 12/31
QUANTITY PER YEAR: 9.69 acre feet
MAXIMUM RATE OF DIVERSION: *0.34 c.f.s.
TYPE & POINT OF DIVERSION: Pump, government lot 3,
Sec. 20, T.51N, R.3W, B.M.
PLACE OF USE: Sec. 19 & 20, T.51N, R.3W, B.M.

*The maximum rate of diversion shall not exceed 0.6
c.f.s. and a total of 54.19 acre feet when combined with
right no. 95-0506.

LUDDEN, THEODORE E.

FILE NO.: 95-0637
PRIORITY: 1/1/40
SOURCE: Hayden Lake
PURPOSE: Domestic
PERIOD OF USE: From 1/1 to 12/31
QUANTITY PER YEAR: 0.57 acre feet
MAXIMUM RATE OF DIVERSION: 0.02 c.f.s.
TYPE & POINT OF DIVERSION: Pump, SE 1/4, NE 1/4 of
Sec. 21, T.51N, R.3W, B.M.
PLACE OF USE: Same

SHRUM, PAUL W., M.D.

IDWA PERMIT NO.: 95-7083
FILE NO.: 95-0642
PRIORITY: *11/12/69
SOURCE: Hayden Lake
PURPOSE: *Irrigation; and domestic supply for
*36 homes
PERIOD OF USE: *Domestic from 1/1 to 12/31;
*Irrigation from 4/1 to 10/31
QUANTITY PER YEAR: *0.57 acre feet per home;
*Irrigation to be determined
MAXIMUM RATE OF DIVERSION: *.72 c.f.s. for domestic;
*.24 c.f.s. for irrigation
TYPE & POINT OF DIVERSION: *Pump in Lot 2 in the
NW 1/4, NE 1/4, Sec. 17, T.51N, R.3W, B.M.
PLACE OF USE: *Lot 5, Block 1, and Lot 4, Block
2 of Split Rock Subdivision and all of Govern-
ment Lot 2 except the platted portion, Sec.
17, T.51N, R.3W, B.M.

*All subject to proof as required for permit no. 97-7083
as issued by the Idaho Department of Water Administration
(IDWA).

RECORDED
JUL 31 1996

The United States claim for ground water (95-0507) and all other such claims by all claimants were properly denied, without prejudice, since ground waters are not included in this adjudication and does not affect those rights, if any.

The denial of claims no. 95-0502 and 95-0503 are improper. The Court finds that no diversion is necessary for stock watering other than the diversion created by the animal drinking the water and that those rights should have been granted a priority date of November 6, 1906 in the amount needed for each animal multiplied by the number of animals the United States permits to be grazed upon those lands in the Coeur d'Alene National Forest that are in the Hayden Lake drainage, namely the Hayden Creek Allotment and portions of the Mokins Creek Allotment. Based upon the testimony of the United States of America, this amount is 100 animal unit months on Hayden Creek and 17 animal unit months on Mokins Creek at 10 gallons per head per day.

The United States further claimed unspecified amounts of water under the "Reservation Doctrine". The Court finds that under the law, as it now exists, the United States must quantify its claimed water rights the same as any other water user. If this were not done, the adjudication would have little, if any, meaning. The United States, pursuant to the McCarren Amendment (43 U.S.C. 666[a]) is subject to the jurisdiction of this Court and is deemed to have waived any right to plead that State laws are inapplicable or that the United States is not amenable thereto. Therefore, it is the finding of the Court that the United States must establish the place of use, date of priority and the amount of use in the same manner as other litigants. The United States submitted no proof as to the amount of use. The Court finds that the Special Master was correct in denying a water right to the

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JUL 31 1906

United States under the Reservation Doctrine because and upon the sole reason that the United States did not offer any proof upon the amount of such water it claimed.

The Court finds that the Special Master is entitled to Court costs as set forth in his Affidavit of Costs for the amount of \$13,274.84, which cost should be apportioned and paid by the following claimants:

Avondale Irrigation District	\$ 2,871.56
Avondale on Hayden Lake	224.54
The Coeur d'Alene Country Club	540.32
Dalton Gardens Irrigation District	3,074.87
Dalton Water Association	284.38
Hayden Haven Water Company	21.70
Hayden Lake Irrigation District	5,598.34
Heinemann, Czenzi and Nick Ormonde	101.08
Honeysuckle Hills Owners Association	59.66
Hundhausen, Robert J.	16.31
Jessick, John E.	98.03
Kirking, Orville P.	39.66
North Idaho Properties, Inc.	48.88
Revilli, Robert J.	261.34
Shrum, Paul W., M.D.	22.36
Upper Columbia Mission Society of Seventh Day Adventists	<u>11.81</u>
TOTAL	\$13,274.84

The Special Master shall also be allowed such further and accruing costs as may be allowed by the Court.

CONCLUSIONS OF LAW

Except as noted below, all the water rights, as recommended by the Special Master in his report of April 15, 1971, together with amendments of July 20, 1971 and August 23, 1971, should be and are hereby recognized, confirmed and decreed to those claimants. All of the Conclusions of Law contained in the Special Master's Report of April 15, 1971 as amended July 20, 1971 and August 23, 1971, except as noted below are hereby adopted as the Court's Conclusions of Law, and are hereby established and decreed as therein set forth.

RECORDED

JUL 31 1996

The Hayden Lake Irrigation District, file no. 95-0467(a), Avondale Irrigation District, file no. 95-0465(b), and Dalton Gardens Irrigation District, file no. 95-0466(c), are entitled to and are hereby decreed a priority date on those claims of May 1, 1958.

The Court concludes that as a matter of law, based on competent evidence, Avondale Lake is a natural tributary to Hayden Lake.

The following persons and companies are entitled to water rights and the same are hereby confirmed and decreed as follows:

BURNS, GILBERT N.

FILE NO.: 95-0056
PRIORITY: 6/1/53
SOURCE: Hayden Lake
PURPOSE: Irrigation
PERIOD OF USE: Irrigation, from 4/1 to 10/31
QUANTITY PER YEAR: 7.0 acre feet
MAXIMUM RATE OF DIVERSION: 0.04 c.f.s.
TYPE & POINT OF DIVERSION: Pump, in the SW 1/4, SE 1/4, Sec. 3, T.51N, R.3W, B.M., and more particularly on the E 1/2 of Lot 7 and Lots 8 & 9 of Burns Park Addition.
PLACE OF USE: Same

COMASKEY, THOMAS P. & MARIE M.

FILE NO.: 95-0441
PRIORITY: 1/1/36
SOURCE: Unnamed spring, tributary to Hayden Lake
PURPOSE: Domestic
PERIOD OF USE: From 1/1 to 12/31
QUANTITY PER YEAR: 0.57 acre feet
MAXIMUM RATE OF DIVERSION: 0.02 c.f.s.
TYPE & POINT OF DIVERSION: Collection box and pump in SW 1/4, SW 1/4, Sec. 33, T.52N, R.3W, B.M.
PLACE OF USE: SE 1/4, SE 1/4, Sec. 32, T.52N, R.3W, B.M.

HONEYSUCKLE HILLS OWNERS ASSOCIATION

FILE NO.: 95-2199
PRIORITY: 2/1/67
SOURCE: Hayden Lake
PURPOSE: Domestic supply for 17 homes
PERIOD OF USE: From 1/1 to 12/31
QUANTITY PER YEAR: 9.69 acre feet
MAXIMUM RATE OF DIVERSION: *0.34 c.f.s.
TYPE & POINT OF DIVERSION: Pump, government lot 3, Sec. 20, T.51N, R.3W, B.M.
PLACE OF USE: Sec. 19 & 20, T.51N, R.3W, B.M.

JUL 31 1958

HONEYSUCKLE HILLS OWNERS ASSOCIATION (continued)
*The maximum rate of diversion shall not exceed 0.6
c.f.s. and a total of 54.19 acre feet when combined
with right no. 95-0506.

LUDDEN, THEODORE E.

FILE NO.: 95-0637
PRIORITY: 1/1/40
SOURCE: Hayden Lake
PURPOSE: Domestic
PERIOD OF USE: From 1/1 to 12/31
QUANTITY PER YEAR: 0.57 acre feet
MAXIMUM RATE OF DIVERSION: 0.02 c.f.s.
TYPE & POINT OF DIVERSION: Pump, SE 1/4, NE 1/4 of
Sec. 21, T.51N, R.3W, B.M.
PLACE OF USE: Same

SHRUM, PAUL W., M.D.

IDWA PERMIT NO.: 95-7083
FILE NO.: 95-0642
PRIORITY: *11/12/69
SOURCE: Hayden Lake
PURPOSE: *Irrigation; and domestic supply for
*36 homes
PERIOD OF USE: *Domestic from 1/1 to 12/31;
*Irrigation from 4/1 to 10/31
QUANTITY PER YEAR: *0.57 acre feet per home;
*Irrigation to be determined
MAXIMUM RATE OF DIVERSION: *.72 c.f.s. for domestic;
*.24 c.f.s. for irrigation
TYPE & POINT OF DIVERSION: *Pump in Lot 2 in the
NW 1/4, NE 1/4, Sec. 17, T.51N, R.3W, B.M.
PLACE OF USE: *Lot 5, Block 1, and Lot 4, Block
2 of Split Rock Subdivision and all of Govern-
ment Lot 2 except the platted portion, Sec. 17,
T.51N, R.3W, B.M.

*All subject to proof as required for permit no. 97-7083
as issued by the Idaho Department of Water Administration
(IDWA).

The claims filed for ground water in this action are
hereby denied, without prejudice.

The United States' claims no. 95-0502 and 95-0503 are
entitled to recognition and the same are hereby confirmed and
decreed as follows:

UNITED STATES OF AMERICA

FILE NOS.: 95-0502 & 95-0503
PLACE OF USE & POINTS OF DIVERSION: Hayden Creek
and its tributaries and Mokins Creek and its
tributaries
PRIORITY: 11/6/06
PERIOD OF USE: From 5/10 to 10/31
PURPOSE: Stock watering

RECORDED
JUL 31 1996

UNITED STATES OF AMERICA (continued)

QUANTITY PER YEAR: 30,000 gallons on Hayden Creek
Allotment, and 5,100 gallons on Mokins Creek
Allotment

SOURCE: Hayden Creek and its tributaries and
Mokins Creek and its tributaries

The United States' claim of an unquantified water right, based upon the Reservation Doctrine, was properly denied by the Special Master and the Findings and Conclusions of Law of the Special Master denying that claim are hereby confirmed and adopted by this Court. The Court concludes that as a matter of law the United States must comply with State law and must quantify its right in a general water right adjudication. Having failed to quantify its claim, the United States is not entitled to the right claimed, and the same is hereby ordered denied.

The Department of Water Administration is directed to establish a water district encompassing Hayden Lake and its tributaries, pursuant to Chp.6 of Title 42, I.C., for the purpose of proper distribution of the lake's water in accordance with this decree. The Department of Water Administration is further ordered, if possible, to devise a system of projecting the maximum water surface elevation on a yearly basis. In order to protect and insure that the claimants herein shall receive their water rights without lowering the lake level below 2,230.0 feet above mean sea level and to maintain, preserve and protect the recreational, wildlife, aesthetic beauty and water quality of Hayden Lake, the Department of Water Administration and the watermaster are hereby authorized to deny water to holders of water rights in the inverse order of their respective priorities, if withdrawal of such water is reasonably expected to lower Hayden Lake surface elevation below 2,230.0 feet above mean sea level at any time during the irrigation season which is declared to be from April 1st to October 31st of each year.

JUL 31 1966

The Special Master is awarded costs in the amount of \$13,274.84 which should be and are assessed against and are ordered to be paid by the following claimants, in the amounts shown:

Avondale Irrigation District	\$ 2,871.56
Avondale on Hayden Lake	224.54
The Coeur d'Alene Country Club	540.32
Dalton Gardens Irrigation District	3,074.87
Dalton Water Association	284.38
Hayden Haven Water Company	21.70
Hayden Lake Irrigation District	5,598.34
Heinemann, Czenzi and Nick Ormonde	101.08
Honeysuckle Hills Owners Association	59.66
Hundhausen, Robert J.	16.31
Jessick, John E.	98.03
Kirking, Orville P.	39.66
North Idaho Properties, Inc.	48.88
Revilli, Robert J.	261.34
Shrum, Paul W., M.D.	22.36
Upper Columbia Mission Society of Seventh Day Adventists	<u>11.81</u>
TOTAL	\$13,274.84

The Special Master shall also be allowed such further and accruing costs as may be allowed by the Court.

The Court shall retain, and does hereby retain jurisdiction of this adjudication, for the purpose of amending this decree, pending receipt of further information from the Department of Water Administration of its experience with systems for operation of the lake.

IT IS SO ORDERED.

DATED AND DONE this 23rd day of March, 1973.

WATT E. PRATHER

WATT E. PRATHER
District Judge

STATE OF IDAHO }
COUNTY OF KOOTENAI, } ss.

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE COPY OF THE ORIGINAL NOW ON FILE OR RECORD IN THIS OFFICE.

CLERK OF DISTRICT COURT

By Allen L. Schimmer
Deputy

JUL 31 1973

HATHAWAY, Dr. J. C. (continued)

Priority: 6/1/36

Source: Hayden Lake

Purpose: Domestic (1 house)

Period of use: From 4/1 to 10/31

Quantity per year: 0.40 acre foot

Maximum rate of diversion: 0.02 c.f.s.

Type and point of diversion: Pump, Portion Govt. Lot 1, Sec. 17, T. 51 N.,
R. 3 W.B.M.

Place of use: Portion Govt. Lot 1, Sec. 17, T. 51 N., R. 3 W.B.M.

HAWES, Sylvia P., 4581 Finley Avenue, Hollywood, California 90027

File No.: 95-0167

Priority: 4/1/41

Source: Hayden Lake

Purpose: Domestic (1 house)

Period of use: From 1/1 to 12/31

Quantity per year: 0.57 acre foot

Maximum rate of diversion: 0.02 c.f.s.

Type and point of diversion: Pump, Lot 25, Hayden Lake Cottage Tract,
Govt. Lot 7, Sec. 15, T. 51 N., R. 3 W.B.M.

Place of use: Lots 24-26, Hayden Lake Cottage Tr., Govt. Lot 7, Sec. 15,
T. 51 N., R. 3 W.B.M.

HAYDEN HAVEN WATER CO., Route 2, Box 42 B, Hayden Lake, Idaho

File No.: 95-0168

Priority: 3/5/51

Source: Hayden Lake

Purpose: Domestic (35 homes)

Period of use: From 1/1 to 12/31

Quantity per year: 19.95 acre feet

Maximum rate of diversion: 0.70 c.f.s.

Type and point of diversion: Pump, Govt. Lot 3, Sec. 10, T. 51 N.,
R. 3 W.B.M.

Place of use: Govt. Lots 2, 3 & 5, Sec. 10, T. 51 N., R. 3 W.B.M.

HAYDEN LAKE DEVELOPMENT & RECREATION, c/o Gordon Brandt, O.N.B., Main Branch,
Spokane, Washington

File No.: 95-0169

Priority: 6/1/30

Source: Hayden Lake

Purpose: Domestic (1 house)

Period of use: From 1/1 to 12/31

Quantity per year: 0.57 acre foot

Maximum rate of diversion: 0.02 c.f.s.

Type and point of diversion: Pump, Govt. Lot 4, Sec. 21, T. 51 N.,
R. 3 W.B.M.

Place of use: W. 400' Govt. Lot 4, Sec. 21, T. 51 N., R. 3 W.B.M.

HAYDEN LAKE IRRIGATION DISTRICT, Route 2, Box 61-A, Coeur d'Alene, Idaho

File No.: 95-0467

Priority: 6/27/06 (Pursuant to Water License No. 2129)

JUL 31 1966

HAYDEN LAKE IRRIGATION DISTRICT (continued)

Source: Hayden Lake

Purpose: Domestic (237 households)

Irrigation (1,405 acres)

Period of use: Domestic - from 1/1 to 12/31

Irrigation - from 4/1 to 10/31

Quantity per year: 3,765 acre feet (Limited by capacity of pumps and acreage irrigated in 1922 reconstruction)

Maximum rate of diversion: 14.0 c.f.s. (Limited by capacity of pumps and acreage irrigated in 1922 reconstruction)

Type and point of diversion: Pump, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 51 N., R. 3 W.B.M.

Place of use: T. 51 N., R. 4 W.B.M. (See below)

<u>Sec. 11:</u>	40.0	NE $\frac{1}{4}$	SW $\frac{1}{4}$
	40.0	NW $\frac{1}{4}$	SW $\frac{1}{4}$
	37.0	SW $\frac{1}{4}$	SW $\frac{1}{4}$
	40.0	SE $\frac{1}{4}$	SW $\frac{1}{4}$
	<u>157.0</u>		

<u>Sec. 14:</u>	32.1	NE $\frac{1}{4}$	NE $\frac{1}{4}$	24.2	NE $\frac{1}{4}$	NW $\frac{1}{4}$	20.7	NE $\frac{1}{4}$	SW $\frac{1}{4}$
	40.0	NW $\frac{1}{4}$	NE $\frac{1}{4}$	37.5	NW $\frac{1}{4}$	NW $\frac{1}{4}$	21.0	NW $\frac{1}{4}$	SW $\frac{1}{4}$
	30.0	SW $\frac{1}{4}$	NE $\frac{1}{4}$	37.5	SW $\frac{1}{4}$	NW $\frac{1}{4}$	38.5	SW $\frac{1}{4}$	SW $\frac{1}{4}$
	34.0	SE $\frac{1}{4}$	NE $\frac{1}{4}$	25.0	SE $\frac{1}{4}$	NW $\frac{1}{4}$	29.2	SE $\frac{1}{4}$	SW $\frac{1}{4}$
	<u>136.1</u>			<u>124.2</u>			<u>109.4</u>		

<u>Sec. 15:</u>	0	NE $\frac{1}{4}$	SW $\frac{1}{4}$	29.3	NE $\frac{1}{4}$	SE $\frac{1}{4}$
	0	NW $\frac{1}{4}$	SW $\frac{1}{4}$	0	NW $\frac{1}{4}$	SE $\frac{1}{4}$
	16.2	SW $\frac{1}{4}$	SW $\frac{1}{4}$	20.0	SW $\frac{1}{4}$	SE $\frac{1}{4}$
	11.5	SE $\frac{1}{4}$	SW $\frac{1}{4}$	39.0	SE $\frac{1}{4}$	SE $\frac{1}{4}$
	<u>27.7</u>			<u>88.3</u>		

<u>Sec. 16:</u>	18.5	SE $\frac{1}{4}$	SW $\frac{1}{4}$
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<u>Sec. 21:</u>	24.5	NE $\frac{1}{4}$	NE $\frac{1}{4}$	19.5	NE $\frac{1}{4}$	SE $\frac{1}{4}$
	15.0	NW $\frac{1}{4}$	NE $\frac{1}{4}$	0	NW $\frac{1}{4}$	SE $\frac{1}{4}$
	5.5	SW $\frac{1}{4}$	NE $\frac{1}{4}$	38.8	SW $\frac{1}{4}$	SE $\frac{1}{4}$
	9.7	SE $\frac{1}{4}$	NE $\frac{1}{4}$	39.2	SE $\frac{1}{4}$	SE $\frac{1}{4}$
	<u>49.7</u>			<u>97.5</u>		

<u>Sec. 22:</u>	37.9	NE $\frac{1}{4}$	NE $\frac{1}{4}$	20.0	NE $\frac{1}{4}$	NW $\frac{1}{4}$	39.4	NE $\frac{1}{4}$	SE $\frac{1}{4}$
	9.5	NW $\frac{1}{4}$	NE $\frac{1}{4}$	20.0	NW $\frac{1}{4}$	NW $\frac{1}{4}$	39.0	SW $\frac{1}{4}$	SE $\frac{1}{4}$
	0	SW $\frac{1}{4}$	NE $\frac{1}{4}$	40.0			39.7	SE $\frac{1}{4}$	SE $\frac{1}{4}$
	21.6	SE $\frac{1}{4}$	NE $\frac{1}{4}$				<u>118.1</u>		
	<u>69.0</u>								

<u>Sec. 27:</u>	31.0	NE $\frac{1}{4}$	NE $\frac{1}{4}$	10.0	NE $\frac{1}{4}$	NW $\frac{1}{4}$
	20.0	NW $\frac{1}{4}$	NE $\frac{1}{4}$	37.4	NW $\frac{1}{4}$	NW $\frac{1}{4}$
	51.0			9.0	SW $\frac{1}{4}$	NW $\frac{1}{4}$
				<u>56.4</u>		

Total acres irrigated in the Hayden Lake Irrigation District: 1,401.8

HAYDEN LAKE IRRIGATION DISTRICT, Route 2, Box 61-A, Coeur d'Alene, Idaho

File No.: 95-0467(a)
Priority: 4/1/62 - 5-1-1958 per Deeree
Source: Hayden Lake
Purpose: Domestic (237 households)
Irrigation (1,405 acres)
Period of use: Domestic - from 1/1 to 12/31
Irrigation - from 4/1 to 10/31
Quantity per year: 1,288 acre feet
Maximum rate of diversion: 6.0 c.f.s.
Type and point of diversion: Pump, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 51 N.,
R. 3 W.B.M.
Place of use: (See above)

HEDLUND, Walter O., 3906 So. Lee, Spokane, Washington

File No.: 95-0172
Priority: 6/1/56
Source: Hayden Lake
Purpose: Domestic (2 houses)
Period of use: From 1/1 to 12/31
Quantity per year: 1.14 acre feet
Maximum rate of diversion: 0.04 c.f.s.
Type and point of diversion: Pump, Lot 50, Hayden Lake Cottage Sites,
Govt. Lot 6, Sec. 15, T. 51 N., R. 3 W.B.M.
Place of use: Tr. 50 less SE 10', NW 50', Lot 49, Hayden Lake Cottage
Sites, Lot 6, Sec. 15, T. 51 N., R. 3 W.B.M.

HEINEMANN, Czenzi and Nick Ormonde, Route 1, Hayden Lake, Idaho

File No.: 95-0173
Priority: 12/21/60 (Pursuant to Water License No. 95-2135)
Source: Springs
Purpose: Irrigation (26 acres) Period of use: From 4/1 to 10/31
Domestic (1 house) From 1/1 to 12/31
Quantity per year: 91.57 acre feet
Maximum rate of diversion: 0.54 c.f.s.
Type and point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T. 52 N., R. 3 W.B.M.
Place of use: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 52 N., R. 3 W.B.M.

HELLER, Donald E., 717 Ululani Street, Kailua, Hawaii 96734

File No.: 95-0174
Priority: 6/18/60
Source: Hayden Lake
Purpose: Domestic (1 house)
Period of use: From 4/1 to 10/31
Quantity per year: 0.40 acre foot
Maximum rate of diversion: 0.02 c.f.s.
Type and point of diversion: Pump, Lot 34, Hayden Haven, Govt. Lot 3,
Sec. 10, T. 51 N., R. 3 W.B.M.
Place of use: Lot 34, Hayden Haven, Govt. Lots 2 & 3, Sec. 10, T. 51 N.,
R. 3 W.B.M.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 19, 2003

DALTON GARDENS IRRIGATION DIST
6360 N 4TH ST
DALTON GARDENS ID 83815

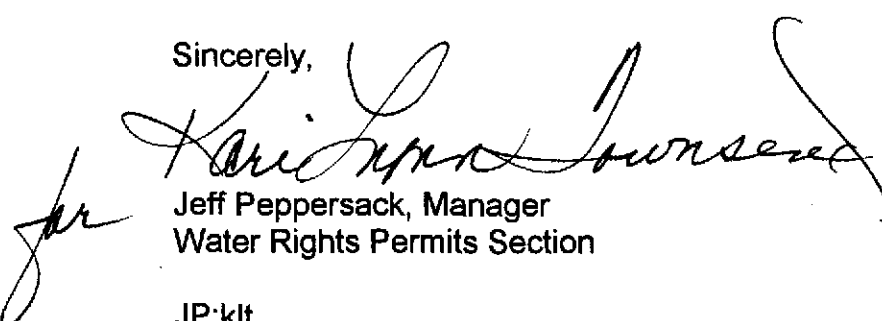
RE: Water Rights 95-467, 95-467A - Transfer 69217

Dear Water Right Holder(s):

Enclosed please find Approved Transfer 69217 subject to the conditions of the Preliminary Order dated February 21, 2003 which has become final.

If you have any questions regarding this matter, please call me at 208-327-7940.

Sincerely,


Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure

MICROFILMED

MAR 26 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 21, 2003

DALTON GARDENS IRRIGATION DISTRICT
6360 N 4TH ST
DALTON GARDENS ID 83815

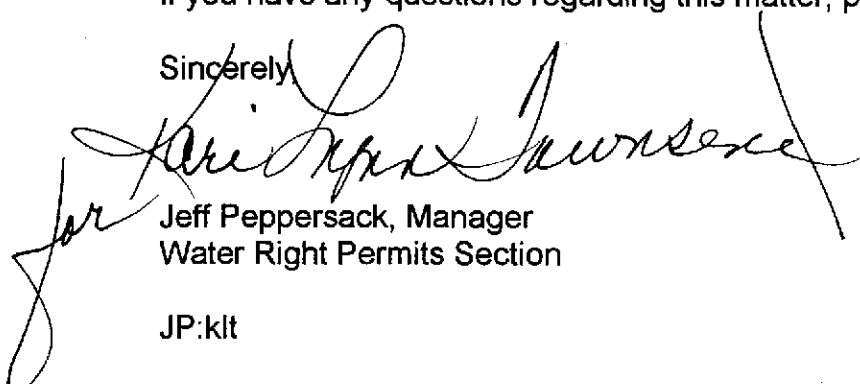
RE: Preliminary Order in the Matter of Application for Transfer 69217

Dear Interested Parties:

The accompanying order is a "**preliminary order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-327-7940.

Sincerely,



Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

cc: Hayden Lake Irrigation District
PO Box 162
Hayden, ID 83835-0162

Bob Haynes, Manager
IDWR Northern Region office

MICROFILMED

MAR 26 2003

CERTIFICATE OF SERVICE

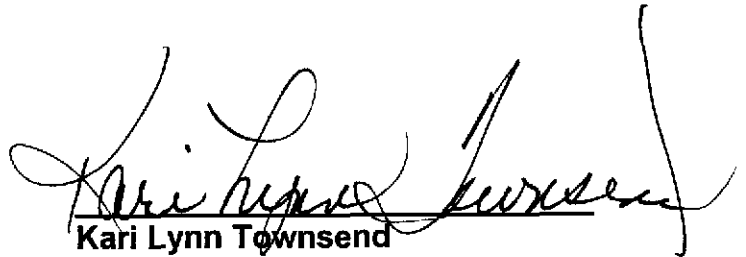
I hereby certify that on **February 21, 2003**, I mailed a true and correct copy, certified, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

RE: Transfer 69217

**DALTON GARDENS IRRIGATION DISTRICT
6360 N 4TH ST
DALTON GARDENS ID 83815**

**HAYDEN LAKE IRRIGATION DISTRICT
PO BOX 162
HAYDEN ID 83835-0162**

**BOB HAYNES, MANAGER
IDWR NORTHERN REGION OFFICE**


**Kari Lynn Townsend
Secretary**

MICROFILMED

MAY 24 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

MAR 2 11 2000

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES RECEIVED
TRANSFER ANALYSIS SHEET FEB 1 5 7 52

INITIAL REVIEW BY: B

#69217

Department of Water Resources

1. Right number 95-00467 95-00467A Applicant DACTON IRRIGATION DIST.
2. Type of right: ☒ Decrees ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Other chg period of use
chg in nature of use
4. Check:
- a. ☒ Source ☐ Priority ☐ Amount ☐ Purpose ☐ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
- a. ☒ All of right.
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments Final date of protest should be 11/19/01 12/24/01
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
- j. ☐ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? HAYDEN LAKE - 95A IN

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

Advertised in:
CDA Press 11/1+8/01 ok 11/13
Lewiston Trib 11/1+8/01 ok 11/13
Times News 11/1+8/01 ok 11/13
Post Register 11/1+8/01 ok 11/20
Idaho Statesman 11/1+8/01 paper error
must readvertise on 12/6+13 12/17/01

4. By _____ Date _____

MEMORANDUM

To: Files 95-467 & 95-467A

From: Bob Haynes

Date: February 15, 2002

Subject: Forfeiture of right

On two occasions we requested information to substantiate that the above referenced water rights had been used prior to December 1, 2000. I believe the information supplied by Dalton Irrigation District indicates that this use of the water did not occur before then and therefore the rights should be considered forfeited

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MAR 2 11 2003

**HAYDEN LAKE IRRIGATION
DISTRICT**

PO BOX 162 ♦ 2160 W. Dakota Ave.
Hayden, Idaho 83835-0162
24 hr (208) 772-2612 ♦ FAX (208) 772-5348

RECEIVED
JAN 14 2002
IDWR/North

January 10th, 2002

Allen Beardslee
Dept. of Water Resources
Northern Region
Suite #210
1910 Northwest Blvd.
Coeur d' Alene, Idaho 83814-2615

Subject: Application for Transfer of Water Rights 95-00467 & 95-00467A

Dear Allen Beardslee,

I am writing in regards to the transfer of our water rights on Hayden Lake to Dalton Irrigation District. Hayden Lake Irrigation District has been maintaining our lake pumping facility as an alternate point of delivery. We have in the past held that facility as a backup source as well as for potential future use through a treatment facility. Due to increased regulation on potable water systems and the cost of developing the necessary treatment facility The Board of Directors has made the determination that this would be cost prohibitive. Upon that determination and the request from Dalton Irrigation we felt it was in the best interest to both organizations to transfer our water rights to Dalton.

Respectfully,



Brain Marcus
Chairman



Dennis Hart
Watermaster

Djs

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MAR 26 2002

Dalton Gardens Irrigation District
6360 North 4th Street
Dalton Gardens, ID 83815

January 14th, 2002

Allen Beardslee
Dept. of Water Resources

RECEIVED
JAN 14 2002
IDWR/North

Re. Application for Transfer of Water Rights 95-00467 & 95-00467A

Dear Mr. Beardslee,

You requested more information regarding past usage of the Water Rights which we are applying to have transferred from Hayden Lake Irrigation District to the Dalton Gardens Irrigation District. Our research shows that the water has not been used for the purposes of Irrigation for at least the last five years. However, the system, pumps, and pump house have been well maintained by the Hayden Lake Irrigation District in the hope that at some point they could have been used as a supplemental or alternative source of water for their system. The pumps have been run every year in order to maintain them in good working order, but the water could not be pumped into their water system because of the restrictions on mixing irrigation water with potable water.

The Dalton Gardens Irrigation District has been trying to acquire the Water Rights from the Hayden Lake Irrigation District for approximately the last seven years. That was when we first made them a Standing Offer to acquire their Water Rights. It was not until the recent completion of a Long Term Engineering Study by the Hayden Lake Irrigation District that they decided that it would not be possible to incorporate the old Pumps, Pump House, or Water Rights into their current system. The cost would be prohibitive due to the various requirements by State and Federal Agencies. That is when they decided to accept the Seven Year Old Standing Offer from the Dalton Gardens Irrigation District to acquire those Water Rights. They notified us verbally of their intention to accept our offer sometime in September of 2001. By the time our respective Boards of Directors had met to finalize the details, it was October. The Hayden Lake Irrigation District then notified the Department of Water Resources of their intention to transfer the water rights.

Both Boards were aware that there was a deadline for the expiration of the Water Rights in December. We had also researched to find out what was involved in the transfer of Water Rights between Irrigation Districts. We did our best to comply with everything. We were unaware of the requirement that the new user must actually pump and use the water before the expiration of the Water Rights took place. Unfortunately, the agreement to transfer the Water Rights was finalized shortly after the end of Dalton Gardens Irrigation Districts pumping season ended in mid October. Because of that we were unable to comply with that provision. Had we been aware of the provision, it would have been a relatively straightforward matter to have finalized all details before October in order to comply.

It is the hope of both Boards of Directors that you will take into consideration that this has been a seven year long process to accomplish this transfer, and that you will grant the transfer despite the fact the we failed to meet the provision that the Dalton Gardens Irrigation District must actually pump

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MAR 28 2002

some of the water before the expiration date of the Water Rights. We cannot run our system past mid October because of the freezing temperatures we encounter.

Dalton Gardens has also completed a Long Term Engineering Study, and one of the problems we encounter is that we cannot bring on any New Users because of the limit to the amount of water we are allowed to pump from our existing Water Rights. This in turn limits the improvements we can make to our System. We are currently only providing Irrigation Water to approximately two thirds of the City of Dalton Gardens, even though the entire City is within our boundaries. Many of the people who are not currently receiving Irrigation Water from us have petitioned to join our system. We are currently unable to accommodate them because of the limit to our existing Water Rights.

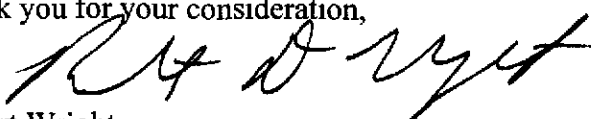
Our Long Term Study points out that the best alternative to pay for long term improvements on our System would be to bring on more Users to help pay for them. That would spread out the cost, and allow us to improve the System much sooner than we could without the New Users.

Bringing additional Users onto our System would have many other benefits as well, some directly, and others which are harder to quantify. A direct benefit would be the fact that we would be able to build a new pump house on other property we own nearer to our Reservoir. This would cut our pumping costs considerably. Additionally, we would be able to turn our existing Pump House and the property on which it sits over to the City of Hayden. This would in turn allow the to expand their only public access beach. It would also save the Dalton Gardens Irrigation District over \$300,000 that it would take to replace the main pipe going to that property. An additional benefit is that those new Users would no longer be using water from the Aquifer for Irrigation purposes. This would in turn cut down on the long term load on the Aquifer. While that may not be critical at this point in time, we do not know what the future holds.

Dalton Gardens Irrigation District has been very active in encouraging all of our current users to conserve water. As fields are converted to Residential use, and more gardens, yards, and trees are planted, the demand for water has increased. We have made it a priority for the last ten years to teach and encourage people to use the water wisely, not wastefully. Some of our long term goals, such as better and more efficient pumps, and other improvements to improve service throughout our District, will take far longer without additional New Users to share the cost.

Please take all of this into consideration and grant the transfer of the Hayden Lake Irrigation District Water Rights to the Dalton Garden Irrigation District. It would be a tremendous benefit to our entire Irrigation District, which is why we have pursued this issue for so long.

Thank you for your consideration,



Robert Wright
Chairman

Dalton Gardens Irrigation District

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MAR 26 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 2, 2002

Mr. Robert Wright
Dalton Irrigation District
6360 N. 4th Street
Dalton Gardens ID 83815

RE: Application for Transfer of Water Rights 95-00467 & 95-00467A

Dear Mr. Wright:

We are writing to follow up on a letter that was sent to Dalton Irrigation District on October 24, 2001, seeking additional information regarding the historical use of water for the above listed water rights. As of the date on this letter, we have not received a response.

The additional information that we are seeking from you is to support the validity of the water rights that your Application for Transfer is based on. Supporting evidence, such as electrical records for pumps, water usage records, and/or personal affidavits could be used to substantiate that there had not been a period of five years of non-use of either of the above water rights.

We will be forwarding your Application for Transfer to our State Office on January 15, 2002, for final review. Without the additional information supporting the validity of your water rights, your Application for Transfer may be denied.

If you have any questions, or if I can be of further assistance, please feel free to contact me at this office.

Sincerely,

Allen Beardslee
Sr. Water Resource Agent

File Copy

MICROFILMED

JAN 10 2002

Ball, Dianne

From: RAY HENNEKEY [rhenneke@IDFG.STATE.ID.US]
Sent: Friday, November 16, 2001 4:18 PM
To: dball@idwr.state.id.us
Cc: GREG TOURTLOTTE; TRACEY TRENT
Subject: Water rights comments



IDWR # IDWR # 97-7413 IDWR # 96-9080
STROM EMAIL FINABELSON EMAIL F..KREIDLER EMAIL ...

Diane -- Comment letters for several water rights apps attached.

In addition to those, we have reviewed the Dalton Irrigation District request for transfer #69217 of water right numbers 95-467A and 95-467. We have no comments regarding this application.

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MAR 26 2003 1

The Idaho Statesman

RECEIVED

DEC 17 2001

IDWR/North

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	a	Identification	Amount:
100631	570868	PROPOSED CHANGE OF WATER RIGHT NO. 95-467 AND 95-467A - TRANSFER NO. 69217	\$0.00
Ordered by:	P.O. #	Rate	Run Dates
DIANNE BALL		NT	DECEMBER 6, 13, 2001
STATE OF IDAHO DEPARTMENT OF WATER RESOURCES NORTHERN REGION, SUITE NO 210 1910 NORTHWEST BLVD COEUR D'ALENE, ID 83814-2615			Number of Lines 44x2
			Affidavit 1
			Legal # 12076

See Reverse

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended for: TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

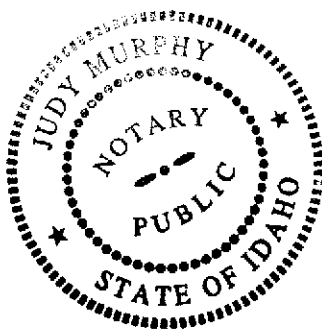
beginning with the issue of: DECEMBER 6, 2001
and ending with the issue of: DECEMBER 13, 2001

Janice Hildreth

STATE OF IDAHO)
)ss

COUNTY OF ADA

On this 13 day of DECEMBER in the year of 2001
before me, a Notary Public, personally appeared before me Janice Hildreth
known or identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that the state-
ments therein are true, and acknowledged to me that she executed the same.



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 11/6/04

MICROFILMED

MAR 2 1 2002

**LEGAL NOTICE
NOTICE OF CORRECTION FOR
PROPOSED CHANGE OF WATER RIGHT
NO. 95-467 AND 95-467A**

NOTICE IS HEREBY GIVEN that the Notice of Proposed Change of Water Rights No. 95-467 and 95-467A, Dalton Irrigation District whose address is 6360 N 4th Street, Dalton Gardens, ID 83815, was incorrectly advertised on 11/01 and 11/08-2001.

THE DESCRIPTION OF RIGHTS(S) OR PORTION THEREOF SHOWING HOW RIGHT NO. 95-467 EXISTED BEFORE THE CHANGE, WAS INCORRECTLY ADVERTISED AS FOLLOWS:

Point of Diversion	SNEW S18 T51N R03W
Place of Use	S11 T41N R04W
	14 T41N R04
	15 T41N R04
	16 T41N R04
	21 T41N R04
	22 T41N R04
	27 T41N R04

ok

CORRECTLY IT SHOULD READ AS FOLLOWS:

Point of Diversion	SENW S18 T51N R03W
Place of Use	S11 T51N R04W
	S14 T51N R04W
	S15 T51N R04W
	S16 T51N R04W
	S21 T51N R04W
	S22 T51N R04W
	S27 T51N R04W

Any protest against the approval of the above-referenced correction must be filed with the Department of Water Resources, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before December 24, 2001, to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub. Dec. 6, 13, 2001

12076

See reverse

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APR 2 1982

The Idaho Statesman

P.O. Box 40 Boise, Idaho 83707
Ph. (208) 377-6200



672

IDAHO DEPT WATER RESOURCES-NR
NORTHERN REGION
1910 NORTHWEST BLVD STE 210
COEUR D ALENE ID 83814-2676

7	CUSTOMER NO.	3	INVOICE NO.
	100631		0001129376
6	DUE DATE	AMOUNT DUE	
	01/19/02	.00	
5	FOR THE PERIOD	THRU	
	12/03/01	12/30/01	

10	DATE	EDT	11	CLASS	13	DESCRIPTION	15	COL	15	DEPTH	16	TIMES RUN	17	TOTAL SIZE	18	RATE	20	AMOUNT
						***** PREVIOUS BALANCE *****												.00
						1206DLY 008012076				4	44.00	2		352.00				

THANK YOU FOR ADVERTISING WITH THE IDAHO STATESMAN.
IF YOU HAVE QUESTIONS REGARDING YOUR BILL, PLEASE CALL OUR
BILLING OFFICE AT 208-377-6221 OR 208-377-6473.

No Charge

22	CURRENT	24	OVER 30 DAYS	OVER 60 DAYS	OVER 90 DAYS	OVER 120 DAYS	25	TOTAL DUE
	.00		.00	.00	.00	.00		.00
29	CONTRACT TYPE	CONTRACT QUANTITY	EXPIRATION DATE	CURRENT USAGE	TOTAL USED	QUANTITY REMAINING	SALES PERSON	
							HILDRETH	

A MONTHLY SERVICE CHARGE OF 1.5%, 18% ANNUAL, WILL BE CHARGED ON THE BALANCE DUE 28 DAYS FROM THE THRU DATE

Please detach and return
with remittance to:

THE IDAHO STATESMAN
P.O. Box 40, Boise, ID 83707

Thank You. *APR 2 2002*

26	CUSTOMER NUMBER	27	NAME	INVOICE NUMBER	AMOUNT PAID
	100631		IDAHO DEPT WATER RESOURCES-NR	0001129376	

01/19/02

The Idaho Statesman

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	a	Identification	Amount:
100631	570868	PROPOSED CHANGE OF WATER RIGHT NO. 95-467 AND 95-467A - TRANSFER NO. 69217	\$0.00
Ordered by:	P.O. #	Rate	Run Dates
DIANNE BALL		NT	DECEMBER 6, 13, 2001
STATE OF IDAHO DEPARTMENT OF WATER RESOURCES NORTHERN REGION, SUITE NO 210 1910 NORTHWEST BLVD COEUR D'ALENE, ID 83814-2615		Number of Lines	
		44x2	
		Affidavit	Legal #
		1	12076

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended for: TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning with the issue of: DECEMBER 6, 2001

and ending with the issue of: DECEMBER 13, 2001

Janice Hildreth

STATE OF IDAHO)
)ss

COUNTY OF ADA

On this 13 day of DECEMBER in the year of 2001
before me, a Notary Public, personally appeared before me Janice Hildreth
known or identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that the state-
ments therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: _____

MICROFILMED
MAR 26 2003

**LEGAL NOTICE
NOTICE OF CORRECTION FOR
PROPOSED CHANGE OF WATER RIGHT
NO. 95-467 AND 95-467A**

NOTICE IS HEREBY GIVEN that the Notice of Proposed Change of Water Rights No. 95-467 and 95-467A, Dalton Irrigation District whose address is 6360 N 4th Street, Dalton Gardens, ID 83815, was incorrectly advertised on 11/01 and 11/08-2001.

THE DESCRIPTION OF RIGHT(S) OR PORTION THEREOF SHOWING HOW RIGHT NO. 95-467 EXISTED BEFORE THE CHANGE, WAS INCORRECTLY ADVERTISED AS FOLLOWS:

Point of Diversion	SNEW S18 T51N R03W
Place of Use	S11 T41N R04W
	14 T41N R04
	15 T41N R04
	16 T41N R04
	21 T41N R04
	22 T41N R04
	27 T41N R04

CORRECTLY IT SHOULD READ AS FOLLOWS:

Point of Diversion	SENE S18 T51N R03W
Place of Use	S11 T51N R04W
	S14 T51N R04W
	S15 T51N R04W
	S16 T51N R04W
	S21 T51N R04W
	S22 T51N R04W
	S27 T51N R04W

Any protest against the approval of the above-referenced correction must be filed with the Department of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before December 24, 2001, to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub. Dec. 6, 13, 2001

12076

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MAY 2 8 2003

NOTICE OF CORRECTION FOR PROPOSED CHANGE OF WATER RIGHT NO. 95-467 and 95-467A

TRANSFER NO. 69217

NOTICE IS HEREBY GIVEN that the Notice of Proposed Change of Water Rights No. 95-467 and 95-467A, Dalton Irrigation District whose address is 6360 N 4th Street, Dalton Gardens, ID 83815, was incorrectly advertised on 11/01 and 11/08/2001.

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	15 T41N R04
	16 T41N R04
	21 T41N R04
	22 T41N R04
	27 T41N R04

CORRECTLY IT SHOULD READ AS FOLLOWS:

Point of Diversion	SENW S18 T51N R03W
Place of Use	S11 T51N R04W
	S14 T51N R04W
	S15 T51N R04W
	S16 T51N R04W
	S21 T51N R04W
	S22 T51N R04W
	S27 T51N R04W

Any protest against the approval of the above referenced correction must be filed with the Idaho Department of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, together with a protest fee of \$25.00, on or before DECEMBER 24, 2001, to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Dir.

Published in The Idaho Statesman on 12/06 & 12/13/2001

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MAR 26 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 28, 2001

LEGAL NOTICES DEPARTMENT
THE IDAHO STATESMAN
PO BOX 40
BOISE ID 83707-0040

FAXED TO 208-377-6309 - 11/28/01

Re: Notice of Correction - Proposed Change of Water Right No. 95-467 AND 95-467A - Transfer No. 69217

Dear Legal Notices Department:

Enclosed you will find a legal Notice of Correction which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send the Affidavit of Publication to this office before December 24, 2001. *Thanks D*

There should be NO CHARGE for this publication because the notice was correct as originally submitted.

Thank you.

Sincerely,

Dianne Ball

Dianne Ball
Administrative Assistant

Enclosure

MICROFILMED

DEC 2 1 2001

Proof of Publication

The Post Register

RECEIVED
NOV 19 2001
IDWR/North

State of Idaho
County of Bonneville

I, ~~Danae Jacobsen~~ or Robert Park, first being duly sworn, depose and say: That I am the ~~Production Supervisor or Asst. Prod. Supervisor~~ of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 1ST day of NOVEMBER, 2001, last publication having been made on the 8TH day of NOVEMBER 2001 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Robert Park

Subscribed and sworn to before me, this 14TH day of NOVEMBER 2001

Cathy von Borstel
Notary Public

My commission expires January 10, 2003
March 5, 2002

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MAR 26 2003

**NOTICE OF
PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 69217**

DALTON IRRIGATION DISTRICT
6360 N 4TH ST
DALTON GARDENS ID 83815, has
filed Application No. 69217 for
changes to the following water rights
within KOOTENAI County:

Right No. 95-467A

Priority 5/1/1958

Source HAYDEN LAKE

Use DOMESTIC (0 acres)

6.00 CFS 1,288.0 AFA

IRRIGATION (1144 acres)

Total Amount

6.00 CFS 1,288.0 AFA

Point(s) of Diversion

SENW S18 T51N R03W

Place of Use

S11 T51N R04W

S14 T51N R04W

S15 T51N R04W

S16 T51N R04W

S21 T51N R04W

S22 T51N R04W

S27 T51N R04W

Right No. 95-467

Priority 6/27/1906

Source HAYDEN LAKE

Use IRRIGATION (1144 acres)

14.00 CFS 3,765.0 AFA

DOMESTIC (0 acres)

Total Amount

14.00 CFS 3,765.0 AFA

Point(s) of Diversion

SENW S18 T51N R03W

Place of Use

S11 T51N R04W

S14 T51N R04W

S15 T51N R04W

S16 T51N R04W

S21 T51N R04W

S22 T51N R04W

S27 T51N R04W

The purpose of the transfer is to
change a portion of the above rights
as follows:

Proposed Right No. 95-467

Priority 6/27/1906

Source HAYDEN LAKE

Use IRRIGATION

14.00 CFS 3,765.0 AFA

Total Amount

14.00 CFS 3,765.0 AFA

Point(s) of Diversion

L2 SENW S19 T51N R03W

L5 NESW S19 T51N R03W

Place of Use

Remark: Place of use is within the
boundaries of Dalton Gardens Irriga-
tion District.

Proposed Right No. 95-467A

Priority 5/1/1958

Source HAYDEN LAKE

Use IRRIGATION

Total Amount

6.00 CFS 1,288.0 AFA

Point(s) of Diversion

L2 SENW S19 T51N R03W

L5 NESW S19 T51N R03W

Place of Use

Remark: Place of use is within the
boundaries of Dalton Gardens Irriga-
tion District.

Protests may be submitted based on
the criteria of Sec 42-222, Idaho
Code.

Any protest against the proposed
change must be filed with the

Department of Water Resources,
Northern Region, 1910 Northwest
Blvd, Suite 210, Coeur D'Alene ID
83814 together with a protest fee of
\$25.00 for each application on or
before November 19, 2001. The
protestant must also send a copy of
the protest to the applicant.

KARL J DREHER, Director
Published: November 1, 8, 2001

RECEIVED
NOV 19 2001
IDWR/North

MICROFILM

NOV 26 2001

Proof of Publication

The Post Register

RECEIVED
NOV 19 2001
IDWR/North

State of Idaho
County of Bonneville

I, ~~Danae Jacobsen or~~ Robert Park, first being duly sworn, depose and say: That I am the ~~Production~~
~~Supervisor or~~ Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho,
publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post
Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register,
established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the
First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly,
prior to consolidation, for more than twelve consecutive months and said Post Register having been published
continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of
notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said
Post Register for 2 consecutive (days) weeks, first publication having been made on the 1ST day of NOVEMBER,
2001, last publication having been made on the 8TH day of NOVEMBER 2001 at the said notice was published in the
regular and entire issue of said paper on the respective dates of publication, and that such notice was published in
the newspaper and not in a supplement.

Robert Park.....

Subscribed and sworn to before me, this 14TH day of NOVEMBER 2001

Cathy von Borstel.....
Notary Public

My commission expires January 10, 2003

March 5, 2002

MICROFILMED
MAR 2 2 2002

The Idaho Statesman

RECEIVED
NOV 13 2001
IDWR/North

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount:
100631	554647 558620	TRANSFER OF WATER RIGHTS	\$258.50
Ordered by:	P.O. #	Rate	Run Dates
DIANNE BALL		NT	NOVEMBER 1, 8, 2001
IDAHO DEPT. WATER RESOURCES NORTH 1910 NORTHWEST BLVD., STE. 210 COEUR D'ALENE, IDAHO 83814			Number of Lines 73 X 2
			Affidavit 1
			Legal # 11869

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended for: TWO

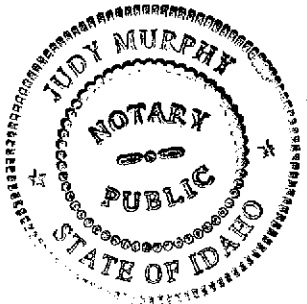
☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning with the issue of: NOVEMBER 1, 2001
and ending with the issue of: NOVEMBER 8, 2001

Janice Hildreth

STATE OF IDAHO)
)ss
COUNTY OF ADA)

On this 8 day of NOVEMBER in the year of 2001
before me, a Notary Public, personally appeared before me Janice Hildreth
known or identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that the state-
ments therein are true, and acknowledged to me that she executed the same.



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 1/6/04

Judy Murphy

MICROFILMED
MAR 26 2003

**LEGAL NOTICE
PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 69217**

DALTON IRRIGATION DISTRICT

6360 N 4TH ST
DALTON GARDENS ID 83835, has filed Application No. 69217 for changes to the following water rights within KOOTENAI County
Right No. 95-467A

Priority 5/1/1958
Source HAYDEN LAKE
Use DOMESTIC (0 acres) 6.00 CFS 1,288.0 AFA
IRRIGATION (1144 acres)

Total Amount 6.00 CFS 1,288.0 AFA

Point(s) of Diversion SENW S18 T51N R03W
Place of Use S11 T51N R04W
S14 T51N R04W
S15 T51N R04W
S16 T51N R04W
S21 T51N R04W
S22 T51N R04W
S27 T51N R04W

RIGHT NO. 95-467

PRIORITY 6/27/1906
Source HAYDEN LAKE
Use IRRIGATION (1144 acres) 14.00 CFS 3,765.0 AFA
DOMESTIC (0 acres)

Total Amount 14.00 CFS 3,765.0 AFA

Point(s) of Diversion ~~SENW~~ SENEW S18 T51N R03W
Place of Use S11 T41N R04W
14 T41N R04W
15 T41N R04W
16 T41N R04W
21 T41N R04W
22 T41N R04W
27 T41N R04W

T51N

The purpose of the transfer is to change a portion of the above rights as follows:

Proposed Right No. 95-467
Priority 6/27/1906
Source HAYDEN LAKE
Use IRRIGATION 14.00 CFS 3,765.0 AFA

TOTAL AMOUNT 14.00 CFS 3,765.0 AFA

Point(s) of Diversion L2 SENW S19 T51N R03W
L5 NESW S19 T51N R03W

Place of use

Remark: Place of use is within the boundaries of Dalton gardens Irrigation District.

Proposed Right No. 95-467A
Priority 5/1/1958
Source HAYDEN LAKE
Use IRRIGATION 6.00 CFS 1,288.0 AFA

Total Amount 6.00 CFS 1,288.0 AFA

Point(s) of Diversion L2 SENW S19 T51N R03W
L5 NESW S19 T51N R03W

Place of Use

Remark: Place of use is within the boundaries of Dalton Gardens Irrigation District.

Protests may be submitted based on the criteria of Sec. 42.222, Idaho Code. Any protest against the proposed change must be filed with the Department of Water Resources, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before November 19, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub. Nov. 1,8, 2001

11869

RECEIVED
NOV 13 2001
IDWR/North

*Must readjust
to correct
errors.*
b

MICROFILMED

MAY 2 8 2003

The Idaho Statesman

RECEIVED
NOV 13 2001
IDWR/North

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account # 100631	DTI# 554647 558620	Identification TRANSFER OF WATER RIGHTS	Amount: \$258.50
Ordered by: DIANNE BALL	P.O. #	Rate NT	Run Dates NOVEMBER 1, 8, 2001
IDAHO DEPT. WATER RESOURCES NORTH 1910 NORTHWEST BLVD., STE. 210 COEUR D'ALENE, IDAHO 83814			Number of Lines 73 X 2
			Affidavit 1
			Legal # 11869

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended for: TWO

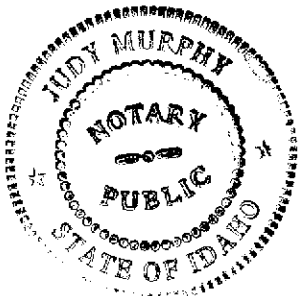
☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning with the issue of: NOVEMBER 1, 2001
and ending with the issue of: NOVEMBER 8, 2001

Janice Hildreth

STATE OF IDAHO)
)ss
COUNTY OF ADA)

On this 8 day of NOVEMBER in the year of 2001
before me, a Notary Public, personally appeared before me Janice Hildreth
known or identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that the state-
ments therein are true, and acknowledged to me that she executed the same.



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 1/6/04

Judy Murphy

MICROFILMED
MAR 26 2002

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 69217**

DALTON IRRIGATION DISTRICT

6360 N 4TH ST

DALTON GARDENS ID 83815, has filed Application No.
69217 for changes to the following water rights within
KOOTENAI County:

Right No. 95-467A

Priority 5/1/1958
Source HAYDEN LAKE
Use Domestic (0 acres) 6.00 CFS 1,288.0 AFA
Irrigation (1144 acres)

Total Amount 6.00 CFS 1,288.0 AFA

Point(s) of Diversion SENW S18 T51N R03W

Place of Use S11 T51N R04W

S14 T51N R04W

S15 T51N R04W

S16 T51N R04W

S21 T51N R04W

S22 T51N R04W

S27 T51N R04W

Right No. 95-467

Priority 6/27/1906

Source HAYDEN LAKE

Use Irrigation (1144 acres) 14.00 CFS 3,765.0 AFA
Domestic (0 acres)

Total Amount 14.00 CFS 3,765.0 AFA

Point(s) of Diversion SENW S18 T51N R03W

Place of Use S11 T51N R04W

S14 T51N R04W

S15 T51N R04W

S16 T51N R04W

S21 T51N R04W

S22 T51N R04W

S27 T51N R04W

The purpose of the transfer is to change a portion of the
above rights as follows:

Proposed Right No. 95-467

Priority 6/27/1906

Source HAYDEN LAKE

Use Irrigation 14.00 CFS 3,765.0 AFA

Total Amount 14.00 CFS 3,765.0 AFA

Point(s) of Diversion L2 SENW S19 T51N R03W

L5 NESW S19 T51N R03W

Place of Use

Remark: Place of use is within the boundaries of Dalton
Gardens Irrigation District.

Proposed Right No. 95-467A

Priority 5/1/1958

Source HAYDEN LAKE

Use Irrigation

Total Amount 6.00 CFS 1,288.0 AFA

Point(s) of Diversion L2 SENW S19 T51N R03W

L5 NESW S19 T51N R03W

Place of Use

Remark: Place of use is within the boundaries of Dalton
Gardens Irrigation District.

Protests may be submitted based on the criteria of
Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed
with the Department of Water Resources, Northern
Region, 1910 Northwest Blvd., Suite 210, Coeur D'Alene,
ID 83814 together with a protest fee of \$25.00 for each
application on or before November 19, 2001. The protes-
tant must also send a copy of the protest to the applicant.
KARL J. DREHER, Director

PUBLISH: November 1 and 8, 2001

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } SS.

I, Ruby Aydenheide being first duly sworn upon oath, depose
and say that I am principal clerk of the TIMES-NEWS, published daily at,
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping
attached, was published in the regular and entire issue of said newspaper, and not in any supplement
thereof, for two consecutive weeks,
commencing with the issue dated November 1, 2001,
and ending with the issue dated November 8, 2001.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily
except Monday, both of which newspapers prior to consolidation had been published under said names in said city and
county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at
which time said newspaper began daily publication under said name in said city and county continuously and unin-
terruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to
be issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO

COUNTY OF TWIN FALLS

On this 8th day of November in the year 2001, before me,

a Notary Public, personally appeared Ruby Aydenheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

LINDA CAPPS-MCGUIRE
NOTARY PUBLIC
STATE OF IDAHO

Linda Capps McGuire
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5-19-03

MICROFILMED

MAR 28 2001

RECEIVED

NOV 13 2001

IDWR/North

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Kootenai,

ss,

Jennifer Standridge 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 Legal Notice

of which the annexed is a printed copy, was published in the regular issue of said newspaper for 2 consecutive Thursday Weeks commencing on the 1 day of November 20 01 and ending on the 8 day of November 20 01 and such publication was made as often during said period as said 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.

Personally appeared before me this 8 day of November 20 01

Regina Mason

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

MY COMMISSION EXPIRES 6/18/03

RECORDED

MAR 26 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 69217

DALTON IRRIGATION DISTRICT

6360 N 4TH ST

DALTON GARDENS ID 83815, has filed Application No. 69217 for changes to the following water rights within KOOTENAI County:

Right No. 95-467A

Priority	5/1/1958		
Source	HAYDEN LAKE		
Use	DOMESTIC (0 acres)	6.00 CFS	1,288.0 AFA
	IRRIGATION (1144 acres)		
Total Amount		6.00 CFS	1,288.0 AFA

Point(s) of Diversion	SENW S18 T51N R03W
Place of Use	S11 T51N R04W

S14 T51N R04W
S15 T51N R04W
S16 T51N R04W
S21 T51N R04W
S22 T51N R04W
S27 T51N R04W

Right No. 95-467

Priority	6/27/1906		
Source	HAYDEN LAKE		
Use	IRRIGATION (1144 acres)	14.00 CFS	3,765.0 AFA
	DOMESTIC (0 acres)		
Total Amount		14.00 CFS	3,765.0 AFA

Point(s) of Diversion	SENW S18 T51N R03W
Place of Use	S11 T51N R04W

S14 T51N R04W
S15 T51N R04W
S16 T51N R04W
S21 T51N R04W
S22 T51N R04W
S27 T51N R04W

The purpose of the transfer is to change a portion of the above rights as follows:

Proposed Right No. 95-467

Priority	6/27/1906		
Source	HAYDEN LAKE		
Use	IRRIGATION	14.00 CFS	3,765.0 AFA
Total Amount		14.00 CFS	3,765.0 AFA
Point(s) of Diversion	L2 SENW S19 T51N R03W		
	L5 NESW S19 T51N R03W		

Place of Use

Remark: Place of use is within the boundaries of Dalton Gardens Irrigation District.

Proposed Right No. 95-467A

Priority	5/1/1958		
Source	HAYDEN LAKE		
Use	IRRIGATION	6.00 CFS	1,288.0 AFA
Total Amount		6.00 CFS	1,288.0 AFA
Point(s) of Diversion	L2 SENW S19 T51N R03W		
	L5 NESW S19 T51N R03W		

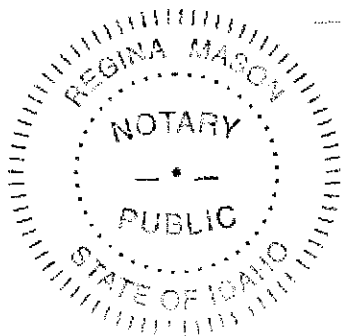
Place of Use

Remark: Place of use is within the boundaries of Dalton Gardens Irrigation District.

Protests may be submitted based on the criteria of Sec. 42-222, Idaho Code. Any protest against the proposed change must be filed with the Department of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814 together with a protest fee of \$25.00 for each application on or before November 19, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Legal 60
Nov. 1, 8, 2001



TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 11/08/2001

INVOICE NO. 279119

RECEIVED
NOV 13 2001
IDWR/North

Account No. 964750

Description 279119NOTICE OF PROPOS

Times 2

Lines 63

Tab. Lines

\$ 202.86

**LEGAL ADVERTISING
INVOICE**

SOLD TO: ID DEPT. OF WATER RESOURCES
1910 NORTHWEST BLVD. STE 210
COEUR D'ALENE ID 83814

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 69217**

279119

DALTON IRRIGATION DISTRICT
6360 N 4TH ST
DALTON GARDENS ID 83815
has filed Application No. 69217 for changes in the following water
rights within KOOTENAI County

Right No. 95-467A
Priority 5/1/1958
Source HAYDEN LAKE
Use DOMESTIC (0 acres) 6.00 CFS 1,288.0 AFA
IRRIGATION (1144 acres)

Total Amount 6.00 CFS 1,288.0 AFA
Point(s) of Diversion SENW S18 T51N R03W
Place of Use S11 T51N R04W
S14 T51N R04W
S15 T51N R04W
S16 T51N R04W
S21 T51N R04W
S22 T51N R04W
S27 T51N R04W

Right No. 95-467
Priority 6/27/1906
Source HAYDEN LAKE
Use IRRIGATION (1144 acres) 14.00 CFS 3,765.0 AFA
DOMESTIC (0 acres)

Total Amount 14.00 CFS 3,765.0 AFA
Point(s) of Diversion SENW S18 T51N R03W
Place of Use S11 T51N R04W
S14 T51N R04W
S15 T51N R04W
S16 T51N R04W
S21 T51N R04W
S22 T51N R04W
S27 T51N R04W

The purpose of the transfer is to change a portion of the above rights
as follows:

Proposed Right No. 95-467
Priority 6/27/1906
Source HAYDEN LAKE
Use IRRIGATION 14.00 CFS 3,765.0 AFA
Total Amount 14.00 CFS 3,765.0 AFA

Point(s) of Diversion L2 SENW S19 T51N R03W
L5 NESW S19 T51N R03W
Place of Use Remark: Place of use is within the boundaries of Dalton
Gardens Irrigation District.

Proposed Right No. 95-467A
Priority 5/1/1958
Source HAYDEN LAKE
Use IRRIGATION 6.00 CFS 1,288.0 AFA
Total Amount 6.00 CFS 1,288.0 AFA

Point(s) of Diversion L2 SENW S19 T51N R03W
L5 NESW S19 T51N R03W
Place of Use Remark: Place of use is within the boundaries of Dalton
Gardens Irrigation District.

Protests may be submitted based on the criteria of Sec 42-222, Idaho
Code.

Any protest against the proposed change must be filed with the Depart-
ment of Water Resources, Northern Region, 1910 Northwest Blvd, Suite
210, Coeur d'Alene, ID 83814 together with a protest fee of \$25.00 for
each application on or before 11/19/2001. The protestant must also send
a copy of the protest to the applicant.

KARL J. DREHER, Director

Published on 11/01 and 08/01

AFFIDAVIT OF PUBLICATION

Karen Lewis, being duly sworn, deposes and
says, I am the Legal Clerk of the Tribune
Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho,
publishers of the LEWISTON MORNING TRIBUNE, a news-
paper of general circulation published at Lewiston, Nez Perce
County, Idaho; That the said Lewiston Morning Tribune is
an established newspaper and has been published regularly
and issued regularly at least once a day for more than 21
consecutive years next immediately preceding the first
publication of this notice, and has been so published
uninterrupted for said period; that the 279119NOTICE OF
attached hereto and which is made a part of this affidavit
was published in the said Lewiston Morning Tribune,
2 time(s). Publication being on
11/01, or once a WEEK
for 2 consecutive WEEK
the first publication thereof being on the 11/01/2001,
and the last publication thereof being on the 11/08/2001,
and said 279119NOTICE OF was so published in the
regular and entire issue of said newspaper and was not in a
supplement thereof and was so published in every issue and
number of the said paper, during the period and times of
publication as set forth above.

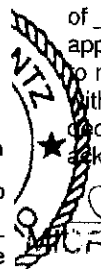
Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 9th day of Nov in the year
of 2001, before me, a Notary Public, personally
appeared Karen J Lewis, known or identified
to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledged to me that he executed the same.



Sherel M Lentz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires June 4, 03

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 11/08/2001

INVOICE NO. 279119

RECEIVED

NOV 13 2001

IDWR/North

Account No. 964750

Description 279119NOTICE OF PROPOS

Times 2

Lines 63

LEGAL ADVERTISING
INVOICE

Tab. Lines _____

SOLD TO: ID DEPT. OF WATER RESOURCES
1910 NORTHWEST BLVD. STE 210
COEUR D AL ID 83814

\$ 202.86

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 279119NOTICE OF attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 11/01, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 11/01/2001, and the last publication thereof being on the 11/08/2001, and said 279119NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

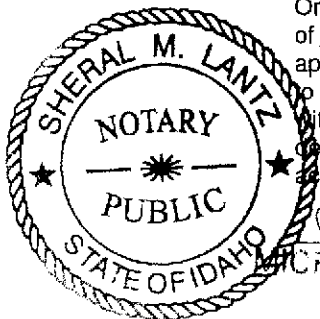
Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 9th day of Nov in the year of 2001, before me, a Notary Public, personally appeared Karen J Lewis, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Sheral M Lantz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires June 4, 03

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 69217

DALTON IRRIGATION DISTRICT

6360 N 4TH ST

DALTON GARDENS ID 83815, has filed Application No. 69217 for changes to the following water rights within KOOTENAI County:

Right No. 95-467A

Priority 5/1/1958

Source HAYDEN LAKE

Use DOMESTIC (0 acres) 6.00 CFS 1,288.0 AFA
IRRIGATION (1144 acres)

Total Amount 6.00 CFS 1,288.0 AFA

Point(s) of Diversion SENW S18 T51N R03W

Place of Use S11 T51N R04W
S14 T51N R04W
S15 T51N R04W
S16 T51N R04W
S21 T51N R04W
S22 T51N R04W
S27 T51N R04W

Right No. 95-467

Priority 6/27/1906

Source HAYDEN LAKE

Use IRRIGATION (1144 acres) 14.00 CFS 3,765.0 AFA
DOMESTIC (0 acres)

Total Amount 14.00 CFS 3,765.0 AFA

Point(s) of Diversion SENW S18 T51N R03W

Place of Use S11 T51N R04W
S14 T51N R04W
S15 T51N R04W
S16 T51N R04W
S21 T51N R04W
S22 T51N R04W
S27 T51N R04W

The purpose of the transfer is to change a portion of the above rights as follows:

Proposed Right No. 95-467

Priority 6/27/1906

Source HAYDEN LAKE

Use IRRIGATION 14.00 CFS 3,765.0 AFA

Total Amount 14.00 CFS 3,765.0 AFA

Point(s) of Diversion L2 SENW S19 T51N R03W
L5 NESW S19 T51N R03W

Place of Use

Remark: Place of use is within the boundaries of Dalton Gardens Irrigation District.

Proposed Right No. 95-467A

Priority 5/1/1958

Source HAYDEN LAKE

Use IRRIGATION

Total Amount 6.00 CFS 1,288.0 AFA

Point(s) of Diversion L2 SENW S19 T51N R03W
L5 NESW S19 T51N R03W

Place of Use

Remark: Place of use is within the boundaries of Dalton Gardens Irrigation District.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before November 19, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 11/01 and 08/2001.

MICROFILMED

MAR 26 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

October 23, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

FAXED TO 208-664-0212 - 10/24/01

RE: Transfer No. 69217
Water Right No(s). 95-467A 95-467

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/19/2001. Your cooperation is appreciated.

Sincerely



Dianne Ball
Administrative Assistant

MICROFILMED

MAR 2 6 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

October 23, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGAL NOTICE DEPARTMENT
LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

FAXED TO 208-746-7341 - 10/24/01

RE: Transfer No. 69217
Water Right No(s). 95-467A 95-467

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/19/2001. Your cooperation is appreciated.

Sincerely

Thanks to you

Dianne Ball

Dianne Ball
Administrative Assistant

MICROFILMED

MAR 28 2003

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 69217

DALTON IRRIGATION DISTRICT
6360 N 4TH ST

DALTON GARDENS ID 83815, has filed Application No. 69217 for changes to the following water rights within KOOTENAI County:

Right No. 95-467A

Priority 5/1/1958

Source HAYDEN LAKE

Use DOMESTIC (0 acres) 6.00 CFS 1,288.0 AFA
IRRIGATION (1144 acres)

Total Amount 6.00 CFS 1,288.0 AFA

Point(s) of Diversion SENW S18 T51N R03W

Place of Use S11 T51N R04W
S14 T51N R04W
S15 T51N R04W
S16 T51N R04W
S21 T51N R04W
S22 T51N R04W
S27 T51N R04W

Right No. 95-467

Priority 6/27/1906

Source HAYDEN LAKE

Use IRRIGATION (1144 acres) 14.00 CFS 3,765.0 AFA
DOMESTIC (0 acres)

Total Amount 14.00 CFS 3,765.0 AFA

Point(s) of Diversion SENW S18 T51N R03W

Place of Use S11 T51N R04W
S14 T51N R04W
S15 T51N R04W
S16 T51N R04W
S21 T51N R04W
S22 T51N R04W
S27 T51N R04W

The purpose of the transfer is to change a portion of the above rights as follows:

Proposed Right No. 95-467

Priority 6/27/1906

Source HAYDEN LAKE

Use IRRIGATION 14.00 CFS 3,765.0 AFA

Total Amount 14.00 CFS 3,765.0 AFA

Point(s) of Diversion L2 SENW S19 T51N R03W
L5 NESW S19 T51N R03W

Place of Use

Remark: Place of use is within the boundaries of Dalton Gardens Irrigation District.

*Original hard
to read - too small
Enlarged
per request
of Linda @
Leavenworth Tribune
b*

MICROFILMED

MAR 25 2003

Proposed Right No. 95-467A

Priority 5/1/1958

Source HAYDEN LAKE

Use IRRIGATION

Total Amount 6.00 CFS 1,288.0 AFA

Point(s) of Diversion L2 SENW S19 T51N R03W
L5 NESW S19 T51N R03W

Place of Use

Remark: Place of use is within the boundaries of Dalton Gardens Irrigation District.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources,
Northern Region, 1910

Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each
application on or before

November 19, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 11/01 and 08/2001.

*Pg 2 of
Transfer*

MICROFILM

MAR 25 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

October 23, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

FAXED TO 208-377-6309 - 10/24/01

RE: Transfer No. 69217
Water Right No(s). 95-467A 95-467

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/19/2001. Your cooperation is appreciated.

Sincerely



Dianne Ball
Administrative Assistant

MICROFILMED
MAR 26 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 Fax (208) 769-1454

October 23, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGAL NOTICE DEPARTMENT
POST-REGISTER
PO BOX 1800
IDAHO FALLS ID 83402

FAXED TO 208-529-3142 - 10/24/01

RE: Transfer No. 69217
Water Right No(s). 95-467A 95-467

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/19/2001. Your cooperation is appreciated.

Sincerely

Dianne Ball
Administrative Assistant

MICROFILMED

MAR 26 2002



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

October 23, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303

FAXED TO 208-734-5538 - 10/24/01

RE: Transfer No. 69217
Water Right No(s). 95-467A 95-467

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/19/2001. Your cooperation is appreciated.

Thanks & U

Sincerely

Dianne Ball

Dianne Ball
Administrative Assistant

MICROFILMED
MAR 26 2003

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 69217

DALTON IRRIGATION DISTRICT
6360 N 4TH ST

DALTON GARDENS ID 83815, has filed Application No. 69217 for changes to the following water rights within KOOTENAI County:

Right No. 95-467A

Priority 5/1/1958

Source HAYDEN LAKE

Use DOMESTIC (0 acres) 6.00 CFS 1,288.0 AFA
IRRIGATION (1144 acres)

Total Amount 6.00 CFS 1,288.0 AFA

Point(s) of Diversion SENW S18 T51N R03W

Place of Use S11 T51N R04W
S14 T51N R04W
S15 T51N R04W
S16 T51N R04W
S21 T51N R04W
S22 T51N R04W
S27 T51N R04W

Right No. 95-467

Priority 6/27/1906

Source HAYDEN LAKE

Use IRRIGATION (1144 acres) 14.00 CFS 3,765.0 AFA
DOMESTIC (0 acres)

Total Amount 14.00 CFS 3,765.0 AFA

Point(s) of Diversion SENW S18 T51N R03W

Place of Use S11 T51N R04W
S14 T51N R04W
S15 T51N R04W
S16 T51N R04W
S21 T51N R04W
S22 T51N R04W
S27 T51N R04W

The purpose of the transfer is to change a portion of the above rights as follows:

Proposed Right No. 95-467

Priority 6/27/1906

Source HAYDEN LAKE

Use IRRIGATION 14.00 CFS 3,765.0 AFA

Total Amount 14.00 CFS 3,765.0 AFA

Point(s) of Diversion L2 SENW S19 T51N R03W
L5 NESW S19 T51N R03W

Place of Use

Remark: Place of use is within the boundaries of Dalton Gardens Irrigation District.

Proposed Right No. 95-467A

Priority 5/1/1958

Source HAYDEN LAKE

Use IRRIGATION

Total Amount 6.00 CFS 1,288.0 AFA

Point(s) of Diversion L2 SENW S19 T51N R03W
L5 NESW S19 T51N R03W

Place of Use

Remark: Place of use is within the boundaries of Dalton Gardens Irrigation District.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before November 19, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 11/01 and 08/2001.

MICROFILMED

MAR 26 2003

*Bob + [unclear]
471*

FAX

October 31, 2001

To: Dianne Ball- IDWR - Northern Regional Office
Fax # (208) 769-1454

From: Lin Buck - BLM - Idaho State Office
Fax # (208) 373-3805

Re: Transfer #69217, for Dalton Irrigation District

Hi Dianne:

Our office reviewed the above water right transfer from the IDWR New Water Rights Filing Report dated 10-29-2001 (copy attached).

After reviewing the Master Title Plat (copy attached) it appears that POU: T51N R04W S16, on both Right No. 95-00467A and Right No. 95-00467 may be State land. *New POD w/in service area of Dalton Irrigation. Old POD not applicable anymore, as I see it.*

Also, on new proposed POD, our MTP indicates that POD: T51N R03W S19 SENW Lot #2 may be in error. Our MTP indicates that Lot #2 in SWNW. *appears to be so from map we have & also from one they sent. Do we Adv.?*

BLM does not have a problem with this claim, we are just providing this for your information.

Thank you.

Have a nice day!!!

[Signature]

HAPPY HALLOWEEN



MICROFILMED
MAR 26 2003

Please return file
to me - I have
to re-advertise-
Idaho Statesman
messed up ad.
P

IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS

DATE: 10/29/01

Transfer No 69217

Water Right No(s) 95-467A 95-467

Name: DALTON IRRIGATION DISTRICT

Right No. 95-467APriority 5/1/1958Source HAYDEN LAKEUse DOMESTIC 6.00 CFS 1,288.0 AFA
IRRIGATION (1144 acres)Total Amount 6.00 CFS 1,288.0 AFAPoint(s) of Diversion SENW S18 T51N R03W KOOTENAI CountyPlace of Use S11 T51N R04WS14 T51N R04W
S15 T51N R04W
S16 T51N R04W
S21 T51N R04W
S22 T51N R04W
S27 T51N R04WRight No. 95-467Priority 6/27/1906Source HAYDEN LAKEUse IRRIGATION (1144 acres) 14.00 CFS 3,765.0 AFA
DOMESTICTotal Amount 14.00 CFS 3,765.0 AFAPoint(s) of Diversion SENW S18 T51N R03W KOOTENAI CountyPlace of Use S11 T51N R04WS14 T51N R04W
S15 T51N R04W
S16 T51N R04W
S21 T51N R04W
S22 T51N R04W
S27 T51N R04W

The purpose of the transfer is to change a portion of the above rights as follows:

Proposed Right Nos. 95-467, 95-467APoint(s) of Diversion L2 SENW S19 T51N R03W KOOTENAI County
L5 NESW S19 T51N R03W KOOTENAI County

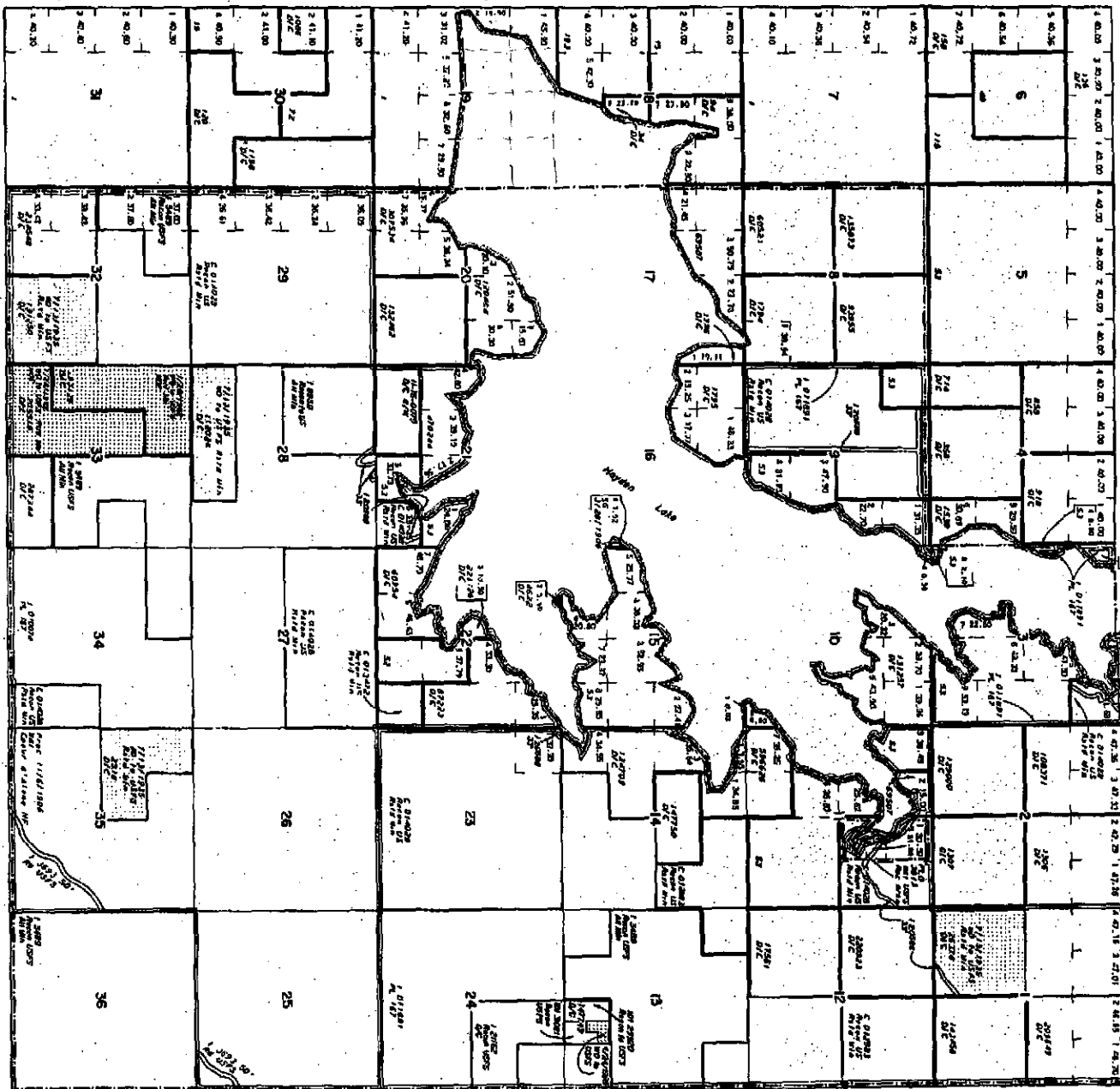
Remarks: Place of use is within the boundaries of Dalton Gardens Irrigation District.

MICROFILMED
MAR 26 2003

WATERHOLE C RANCH TRACT 3 WEST OF THE BUDE MERIDIAN, IDAHO

KOOTENAI COUNTY 035

GREEN R. MADE DISTRICT



SCALE IN CHAINS
0 10 20 30 40

This plat is the Bureau's showing of the land and should be used only as a general guide. It is not a warranty of title. The actual location of the boundaries and the location of the waterhole ranch should be determined by a survey of the original plat. The historical index for the date of the original plat is shown on the bottom right of the plat.

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

INDEX TO SEPARATED TRACTS			
TRACT NO.	1	2	3
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36

1. 01074 Plat A, 1st 1st of Com. 7/23/1951.
Completed 4/11/52. All the surface right in 1955.
L. 01181 Plat B, 1st 1st of Com. 7/23/1951.
Completed 7/23/1952. All the surface right in 1955.
D. 01208 Plat C, 1st 1st of Com. 7/23/1951.
Completed 7/23/1952. All the surface right in 1955.
D. 01209 Plat D, 1st 1st of Com. 7/23/1951.
Completed 7/23/1952. All the surface right in 1955.

MICROFILMED
MAR 26 2003

FOR OWNERS EFFECTING DISPOSAL ON USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS	
CONVEY TO	CONVEY TO
1. 1. 1.	1. 1. 1.
2. 2. 2.	2. 2. 2.
3. 3. 3.	3. 3. 3.
4. 4. 4.	4. 4. 4.
5. 5. 5.	5. 5. 5.
6. 6. 6.	6. 6. 6.
7. 7. 7.	7. 7. 7.
8. 8. 8.	8. 8. 8.
9. 9. 9.	9. 9. 9.
10. 10. 10.	10. 10. 10.

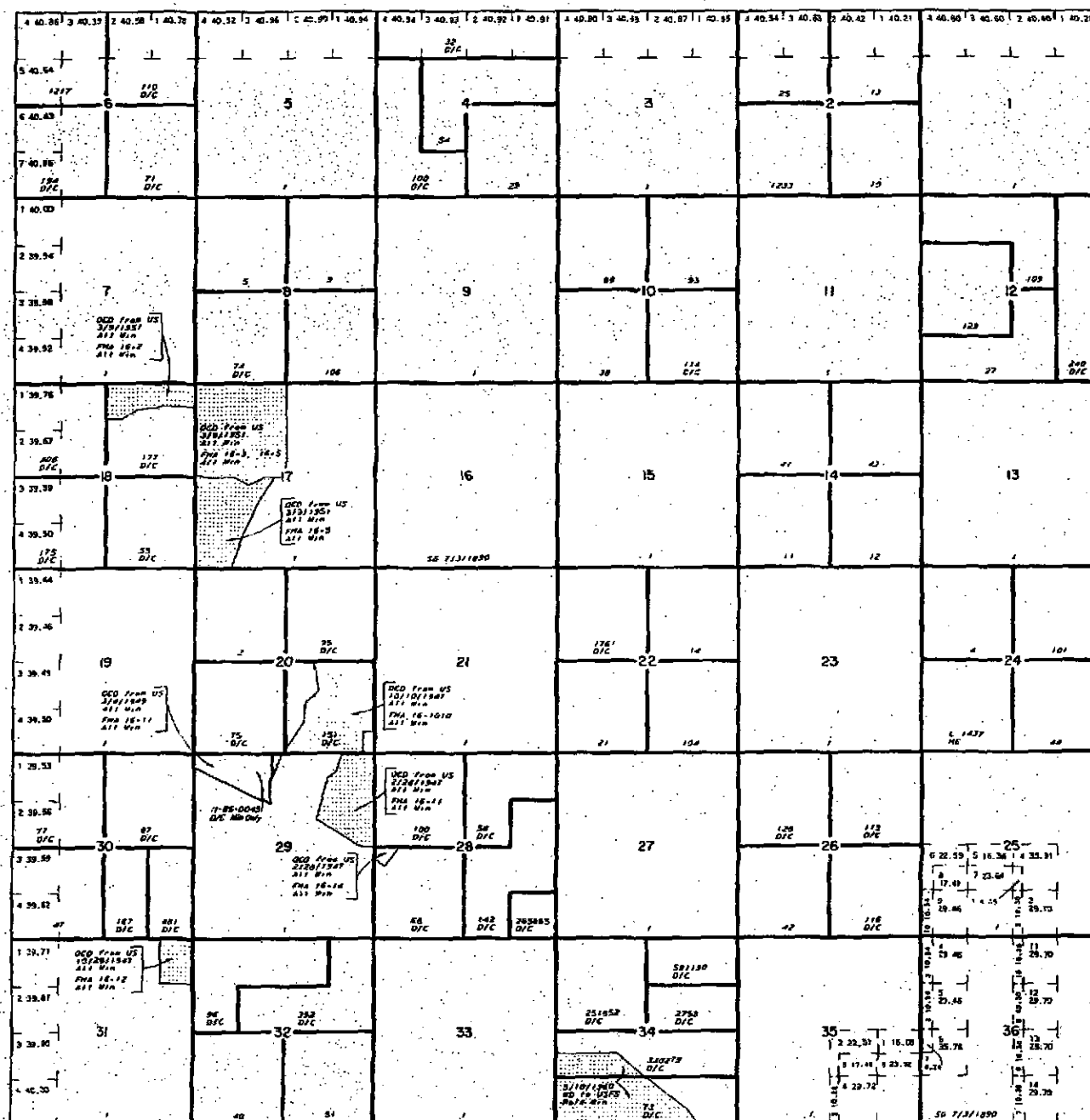
THE LOCATION SHOWN ON THIS PLAT IS THE LAST ACTION TAKEN BY THE BUREAU OF LAND MANAGEMENT. THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL MOUNTAIN PLAT.

COLIER D'ALENE DISTRICT

MT PLAT

[illegible]

PL 760 (64 Stat 769) Trd vism to FNA Acq Min
interest to Set of Int effective 9/6/1957



FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO RIDES OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO
AUG 7 1973	

USE PLAT 3

Lat 48°03'N
Long 115°46'W

SCALE in Chains

WARNING STATEMENT

This plot is the Bureau's Record of Tides, and should be used only as a graphic display of the low-water survey data. Records herein do not reflect tide changes which may have been effected by lateral movements of rivers or other bodies of water.

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-

Boise Mer
T. 5L9

005

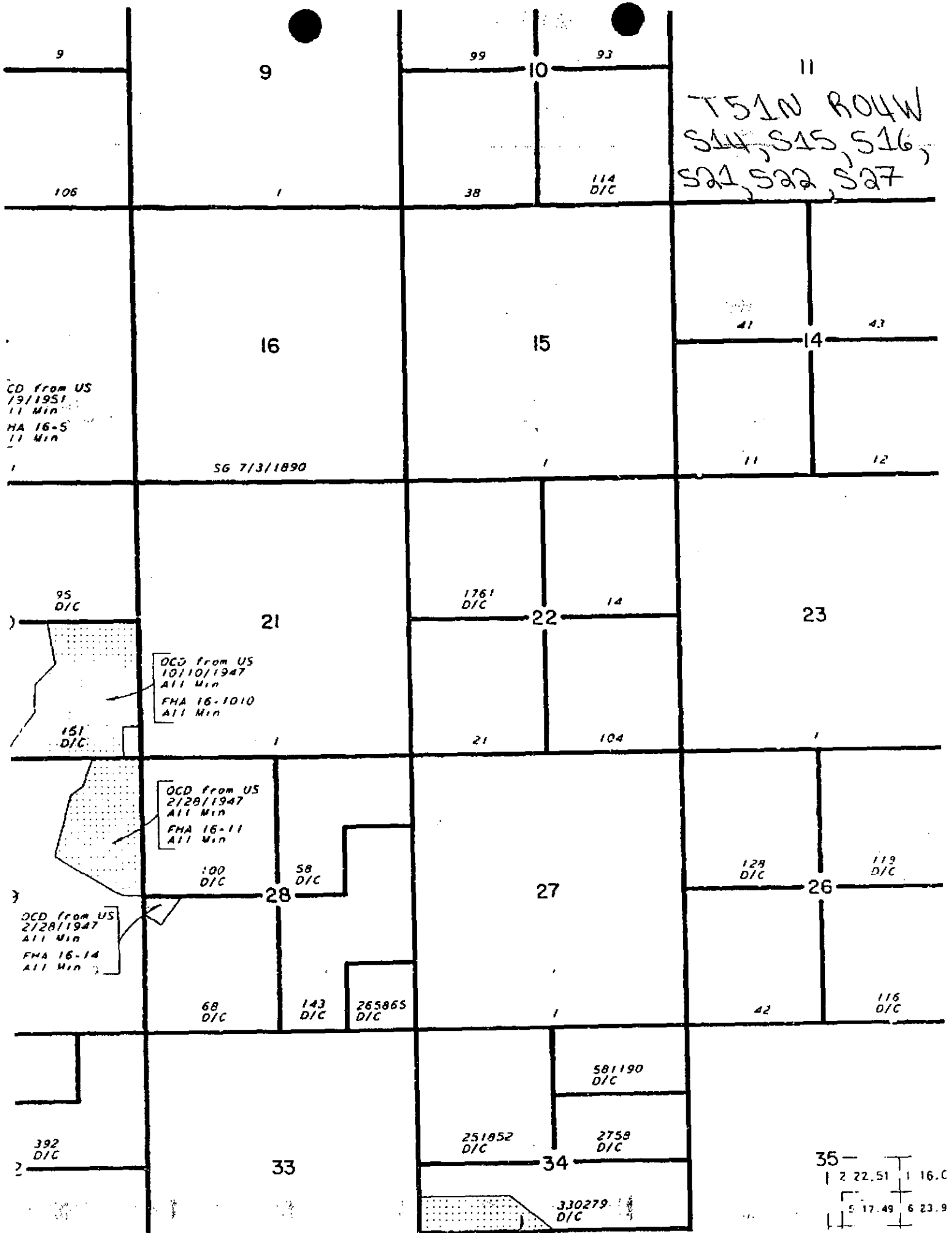
BLM WF&W STAFF

2083843083

10/31/01 12:56

MICROSCOPE

2000





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

10/26/2001

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

RE: Application for Transfer 69217
Water Right Number(s) 95-467A 95-467

Dear IDF&G:

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

This office can complete the processing of an unprotested application as soon as the protest period is past; therefore, your prompt response to this request is appreciated. If your agency desires to file a formal protest against the approval of this application, your written protest along with a \$25.00 filing fee must be received in this office by November 19, 2001.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne'.

Dianne Ball
Administrative Assistant

Enclosure(s)

MICROFILMED
OCT 26 2001

Ball, Dianne

From: Skaggs, Pam
Sent: Wednesday, October 24, 2001 7:38 AM
To: Ball, Dianne
Subject: Transfer Advertisement

Hi Dianne,

Sharla & I looked over the advertisement you sent & it looks fine.

Good work. Pam.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 24, 2001

Mr. Robert Wright
Dalton Irrigation District
6360 N. 4th Street
Dalton Gardens ID 83815

RE: Application for Transfer of Water Rights 95-00467 & 95-00467A

Dear Mr. Wright:

We are writing to request additional information for the two water rights listed above, on which you have submitted a Transfer of Water Rights to add a point of diversion and change the place of use.

Part of our review of a Transfer is making sure it is a valid water right. One of the ways that a water right can be forfeited is if it goes five continuous years without being used. From the information that was submitted with your Transfer, an Extension of Time to Avoid Forfeiture was filed in 1995, which states that the last day water was put to use was 4-15-1990. The Resumption of Beneficial Use filed 11-30-2000 states that the right will be resumed by Dalton Irrigation District.

Please provide our Department any evidence that you may have regarding the use of water from the two rights from 4-15-1990. If the pumps were turned on power records would be one method of documenting that the water had been used.

Your filing is currently being advertised as part of the initial processing and the final date of protest will be November 19, 2001. Please provide this additional information by that date.

If you have any questions, or if I can be of further assistance, please feel free to contact either myself, or Bob Haynes at our office.

Sincerely,

Allen Beardslee
Sr. Water Resource Agent

MICROFILMED

MAR 26 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

October 23, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DALTON IRRIGATION DISTRICT
6360 N 4TH ST
DALTON GARDENS ID 83815

RE: Application for Transfer No 69217
Water Right No(s) 95-467A 95-467

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right transfer application. Please refer to the above referenced transfer number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Coeur d'Alene Press, Lewiston Morning Tribune; Times News; Post Register and the Idaho Statesman, on November 1 and 8, 2001. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

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

Preliminary review of the application indicates that additional information is required. Separate letter will provide details provided regarding the required information. **Please submit this information to our office before November 19, 2001.** The Department cannot complete the processing of this application until the requested information is submitted.

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

Sincerely,

Allen Beardslee
Senior Water Resource Agent

MICROFILMED
MAR 26 2003

Ball, Dianne

From: Skaggs, Pam
Sent: Tuesday, October 23, 2001 8:15 AM
To: Haynes, Bob; Beardslee, Allen
Cc: Ball, Dianne
Subject: Application for Transfer 69217/Dalton Irrigation District

Hi All,

Diane sent a copy of this transfer application so that I could look at the database effort. It looks good except I would enter the total volume & identify the total acre limit under these rights.

Looking at the application & file raised the question of forfeiture. I talked with Glen & he agrees that from the evidence in the file, the rights appear forfeited & the transfer would be denied. Extension of time to Avoid Forfeiture filed in 1995 states that the last day water was put to use was 4-15-1990 for both rights. The Resumption of Beneficial Use filed 11-30-2000 states that the right will be resumed by Dalton Gardens Irrigation District. (Should the applicant's name include "Gardens"?) It would appear that a period greater than 5 years of non-use has passed unless there is other evidence of use.

Please request by letter evidence of use of these rights since 1990 and document the file with both the letter & any response. It is standard to request additional information when questions arise in the preliminary review, allowing the applicant notice & opportunity to respond. Once the application proceeds through advertising they have lost their application fee. If they choose to proceed regardless of the response, then we have a record of the request for evidence having been made.

If you already have additional information in the transfer file, than just forget my suggestion.

Happy Transfers, Pam

MICROFILMED

MAR 26 2003

Dalton Gardens Irrigation District
6360 North 4th Street
Coeur d'Alene, Idaho 83814

Robert Wright Chairman
Paul Montreuil
Mel Mc. Kay

RECEIVED
MAR 28 2001
IDWRVNorth

MICROFILMED

MAR 28 2001

Idaho Department of Water Resources Receipt

Receipt ID N014238

Payment Amount **\$1,010.00** Date Received **3/29/01 1:32:58 PM** Region **Northern** Status ☐
Payment Type **Check** Check Number **4127**

Payer **DALTON GARDENS IRRIGATION DISTRICT**
Comment **Water Right Transfer re WR 95-00467 and 95-00467A**

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$1,010.00	TRANSFERS	0229	21	65105	1155

Signature Line (Dept. Representative)

MICROFILMED

MAR 26 2003

MEMORANDUM

To: File 95-00467 and 95-00467A
From: L. Glen Saxton *LS*
RE: TELEPHONE CALL
Date: July 9, 2001

On this date, Mal Dymkoski, representing Dalton Gardens Irrigation District called me in connection with the above water right files. He was interested to know the subject matter of my past conversations with Donna Atwood of Hayden Lake Irrigation District. I recalled that I had talked with Ms. Atwood on at least two occasions. I could not recall exactly what was discussed, but it involved the water rights of Hayden and resumed use of the water.

In order to refresh my memory, I pulled the files, reviewed the content and called Mr. Dymkoski back and chronologically went through the correspondence with him starting with the September 29, 2000, Notice to Resume Water Use. I advised him that we could provide copies of information in the file if he wants it.

MICROFILMED

MAR 26 2003

MEMORANDUM

To: File 95-00467 and 95-00467A
From: L. Glen Saxton *LS*
RE: RESUMPTION OF USE - 95-00467 and 95-00467A
Date: February 14, 2001

On this date, I discussed the above referenced water right files with Bob Haynes, the manager of the Department's northern regional office in Coeur d'Alene. Since the rights have been used in the past by Hayden Lake Irrigation District as part of a Public Water Supply, and since the Department of Environmental Quality has not allowed the water to be used for that use, we question whether use of the rights has been resumed as represented by the Resumption of Beneficial Use documents filed by Hayden Lake Irrigation District.

c: IDWR - Bob Haynes

MICROFILMED

MAR 26 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 30, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Donna Atwood
Secretary/Treasurer
Hayden Lake Irrigation District
P.O. Box 162
Hayden Lake, ID 83835-0162

Re: Extension of Time to Avoid Forfeiture for Water Right Nos.
95-00467 and 95-00467A

Dear Ms. Atwood:

I acknowledge receipt of a faxed copy of the Resumption of Use for water right 95-00467 in the name of Hayden Lake Irrigation District. Please forward the original signed Resumption of Use form for this right to me for filing.

Additionally, regarding the Resumption of Use you filed for water right 95-00467, you stated that this water right will be "transferred to Dalton Gardens Irrigation District" ("DGID"). Please inform DGID that they will need to file with the department either a Change of Ownership, or an Application for Transfer of Water Right if there are changes to the place of use, point of diversion, season of use, or nature of use of the water right so the right will conform with the anticipated use. (IDWR's Northern Office will be able to assist DGID with this process.)

However, I have not received a Resumption of Beneficial Use for Hayden Lake Irrigation District's water right no. 95-00467A. This water right is generally described as follows:

Identification No.:	95-00467A
Source:	Hayden Lake
Priority:	May 1, 1958
Rate of diversion:	6.0 cfs
Volume:	1,288 AFA
Point of Diversion:	SE1/4NW1/4 Section 18, T51N, R3W, B.M.
Use:	Irrigation of 1,144 acres
Season of Use:	May 15 to October 1 - Irrigation
	Year-round - Domestic
Resumption of Use:	December 1, 2000

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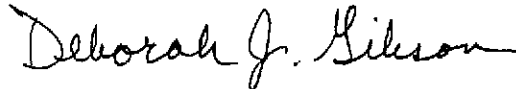
JAN 18 2001

Please contact me immediately and inform me as to the status of water right no. 95-00476A. I may be able to extend the deadline for filing the Resumption of Use form for water right no. 95-00467A for an additional **ten (10) days**, if I can hear from you within the next few days as to the status of this right. Please file the Resumption of Use for this water right, if that is appropriate, prior to the deadline, to avoid forfeiture of this portion of your right.

If you have delays in the sale or transfer of these water rights, or if these rights are unable to be resumed at this time, you may offer the right(s) to the Water Supply Bank, which is managed by the Idaho Water Resource Board. The Water Supply Bank is a means by which a water right, that is not being used, can be rented to another water user(s) with a payment to the owner of the right. The Idaho statutes provide that a water right in the Water Supply Bank, is not subject to forfeiture. If you would like to have more information about this procedure and forms to apply, please contact Glen at (208)327-7955.

If you have any questions regarding any of the above information, please contact me at (208)327-7953.

Sincerely,



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Cc: Northern Regional Office

bcc: faxed copy to (208)772-5348.

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JAN 18 2001

* P. 01 *
* TRANSACTION REPORT *
* NOV-30-00 THU 10:40 AM *
*
* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# *
* NOV-30 10:35 AM 912087725348--80935 1'27" 3 SEND OK *

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JAN 18 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208)327-7900 FAX: (208)327-7866 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE

Governor

KARL J. DREHER

Director

FAX TRANSMITTAL COVER SHEET

DATE: 11/30/00

TO: Donna Atwood

FROM: Deborah Gibson

(208) 772-5348

DOCUMENT DESCRIPTION: Letter re: Extension of
Time to Avoid Forfeiture for 95-00467 &
95-00467(A).

COMMENTS: _____

COVER SHEET + 2 PAGES

PLEASE CONTACT Debbie - 327-7953
IF YOU DO NOT RECEIVE THIS ENTIRE DOCUMENT

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JAN 18 2001

Form 3-222
12/00STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RESUMPTION OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the water right holder(s) has/have resumed the use of water for the water right identified below. This form must be returned to the department or the water right will revert to the state of Idaho.

Water Right Number(s) 95-00467Name of Water Right Holder(s) HAYDEN LAKE IRRIGATION DISTRICTMailing Address P.O. Box 162, Hayden Lake, ID 83835Telephone Number (208) 772-2612Source of Water (Groundwater/Surface) Surface from lake @ 14 cubic feet per secondExtent of Use: Domestic Included (number of households)

Stockwater (number and type of stock)

Irrigation 1,144 (number of acres irrigated)

Other/Remarks

Total rate and/or volume of use 14 cfs 1,144 acre feetShow the date water use will be or was resumed under this water right 12/1/00

This water right is being transferred to Dalton Gardens Irrigation Dist., and it will be resuming beneficial use of the water right.

Person to contact to accompany the Department representative if a field examination is conducted:

Name Donna Atwood Telephone No. (208) 772-2612Address P.O. Box 162, Hayden Lake, ID 83835-0162

The above information is my true statement of the extent to which diversion and use of the above described water right has been resumed.

Date 11-22-00 Signature Donna Atwood, Sec/Treas.

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JAN 18 2001

Dalton Gardens Irrigation District

6360 North Fourth Street
Dalton Gardens, ID 83815

November 27th, 2000

Brian Marcus
Chairman, Board of Directors
Hayden Lake Irrigation District

Re. Hayden Water Rights

Dear Mr. Marcus,

The Dalton Gardens Irrigation District would like to offer \$5000 for the Hayden Lake Water Rights currently owned by the Hayden Lake Irrigation District. Thank you.

Sincerely,



Robert D. Wright
Chairman
Dalton Gardens Irrigation Board of Directors.

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JAN 18 2001

HAYDEN LAKE IRRIGATION DIST.

FACSIMILE TRANSMITTAL SHEET

TO: *Dubbie* FROM: *Hayden Lake Irrigation*
COMPANY: *208 327 7866* DATE: *11/28/00*
FAX NUMBER: TOTAL NO. OF PAGES INCLUDING COVER:
PHONE NUMBER: SENDER'S REFERENCE NUMBER:
RE: YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Re: Water Rights

MICROFILMED
JAN 18 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 23, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Donna Atwood
Hayden Lake Irrigation District
P.O. Box 162
Hayden Lake, ID 83835-0162

Re: Extension of Time to Avoid Forfeiture for Water Right Nos. 95-00467 and
95-00467A

Dear Ms. Atwood:

Enclosed are copies of the Applications for Extensions of Time to Avoid Forfeiture of a Water Right for the referenced water rights, which Mr. Glen Saxton spoke to you about during the course of your telephone conversation with him today.

If you have any additional questions, or need assistance in this matter, please don't hesitate to contact Mr. Saxton or me.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

OCT 18 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 11, 2000

Brian Marcus
Hayden Lake Irrigation District
P.O. Box 162
Hayden Lake, ID 83835-0162

RE: INQUIRY ABOUT SALE OF WATER RIGHT NO. 95-00467

Dear Mr. Marcus:

In your recent letter to the department, you inquired about the potential sale of the above referenced water right. I have reviewed water right records of the department which show that the water right is decreed and authorizes the diversion of 14 cubic feet per second of water from Hayden Lake to be used for domestic purposes and for the irrigation of 1,144 acres of land in T51N, R4W, B.M. The priority of use is June 27, 1906.

A water right can be bought and sold in a manner similar to real estate. Any water right can also be forfeited through 5 consecutive years of non-use. If a right is forfeited, the water reverts to the state for allocation to other users. Section 42-222, Idaho Code, provides a mechanism where a right holder can file an Application for Extension of Time to Avoid Forfeiture of a Water Right. Such an application must be filed before the end of the 5-year period of non-use and if approved will prevent forfeiture of the right for up to an additional five years.

If you have additional questions, or need assistance in filing an application, please contact our Northern Regional office at 1910 NW Boulevard, Suite 210, in Coeur d'Alene, phone (208) 769-1450.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: IDWR – N. Region

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JAN 18 2001

HAYDEN LAKE IRRIGATION DISTRICT

PO BOX 162 ♦ 375 W. Lacey Avenue
Hayden Lake, Idaho 83835-0162
24 hr (208) 772-2612 ♦ FAX (208) 772-5348

October 4, 2000

RECEIVED

OCT 10 2000

State of Idaho
Dept. of Water Resources
Attn: Ms. Deborah Gibson
P O Box 83720
Boise, Idaho 83720-0098

Department of Water Resources

RE: Water Right No. 95-00467

Dear Ms. Gibson:

The Board of Director of Hayden Lake Irrigation District would like to know if this Water Right is something that could be sold? We have had inquires in the past regarding purchasing this particular Water Right from us. If this is not possible and we forfeit this Water Right does your department then reallocate it? If this Water Right were not something that we could sell, then the Board would let the water revert back to the state, as it would not be feasible to resume use of the lake water through our current water system.

If you have any question please give the office a call at (208) 772-2612.

Will look forward to your response.

Sincerely,

Brian K. Marcus.

Brian Marcus, *da*
Chairman of the Board
Hayden Lake Irrigation

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JAN 18 2001

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

HAYDEN LAKE IRRIGATION DIST
PO BOX 162
HAYDEN LAKE ID 83825

4a. Article Number

70993220000626884028

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

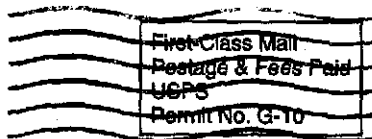
10/3/88

95-00467 (Resumption)

5. Received By: (Print Name)**8. Addressee's Address (Only if requested and fee is paid)****6. Signature: (Addressee or Agent)**

X

UNITED STATES POSTAL SERVICE



• Print your name, address, and ZIP Code in this box •

DEBORAH GIBSON
DEPARTMENT OF WATER RESOURCES
1301 N. ORCHARD ST.
BOISE, ID 83706-2237

RECEIVED

MICROFILMED

JAN 18 2001

OCT 5 - 2000

Department of Water Resources



CERTIFIED MAIL RECEIPT

Domestic Mail Only; No Insurance

Article Sent To:

Hayden Lake Irreg. Dist.

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

MICROFILMED 1/29/00
JAN 29 2001

Postmark
Here

Name (Please Print Clearly) (To be completed by mailer)

Street, Apt. No.; or PO Box No.

City, State, ZIP+4

P.O. Box 162
Hayden Lake, Id. 83835

7097 3220 0006 9000 2688 4028

Certified Mail Provides:

- A mailing receipt
- A unique Identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is not available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and return address.

IMPORTANT: Save this receipt and present it when making an inquiry.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 29, 2000

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

HAYDEN LAKE IRRIGATION DISTRICT
PO BOX 162
HAYDEN LAKE ID 83835

Re: Water Right No. 95-00467

Dear Applicant:

NOTICE TO RESUME WATER USE

On December 14, 1995, the department approved your Application for Extension of Time to Avoid Forfeiture of a Water Right as submitted to the department. One condition of approval was that diversion and use of water must resume on or before December 1, 2000. Failure to resume use of the water and to notify the department of the resumed use will be cause for the water to revert back to the state and again be subject to appropriation.

Therefore, I am enclosing a form to notify the department of the resumption of use of the water right. Please complete the form and return it to my attention at the above address.

If you have questions, please feel free to contact me at (208)327-7953.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson".

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.
c: Region

MICROFILMED

JAN 18 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 14, 1995

Hayden Lake Irrigation District
P.O. Box 162
Hayden Lake, ID 83835

RE: License Nos. 95-00467 & 95-00467A

Dear License Holder:

Enclosed are copies of the approved Applications for Extension of Time to Avoid Forfeiture of a Water Right. Please note that resumption of use of the water for a beneficial use of both rights must occur on or before December 1, 2000.

Please notify the Department as soon as you resume use. If you have not notified the Department, 60 days prior to December 1, 2000, the Department will notify you by certified mail of the need to do so.

If you have any questions, or if I can be of any assistance, please feel free to contact me at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

RECEIVED
JAN 31 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 Fax (208) 769-1454

PHILIP E. BATT
Governor

KARL J. DREHER
Director

August 9, 1995

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

COPY
Adv. ok
ok
8/25/95

Re: 95-00467 & 95-00467A

Gentlemen:

Enclosed you will find a legal Notice of Application for Extension of Time to Avoid Forfeiture of Water Right Nos. 95-00467 and 95-00467A, which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send the Affidavit of Publication, and the bill, to this office before September 5, 1995.

Thank you.

Sincerely,

Dianne Ball
Senior Secretary

Enclosure

JAN 31 1996

NOTICE OF APPLICATION FOR EXTENSION OF TIME
TO AVOID FORFEITURE OF A WATER RIGHT

Pursuant to Section 43-222 of the IDAHO CODE, notice is hereby given that HAYDEN LAKE IRRIGATION DISTRICT, P O BOX 162, HAYDEN LAKE, ID, 83835, has filed with the Department of Water Resources on April 24, 1995, an Application for Extension of Time to Avoid Forfeiture of Water Right Nos. 95-00467 and 95-00467A.

Water Right No. 95-00467, as licensed, is for 14.0 cfs &/or 3765.0 AF/Ann of water, with a priority date of 6/27/1906; and Water Right No. 95-00467A, as licensed, is for 6.0 cfs &/or 1288.0 AF/Ann of water, with a priority date of 5/1/1958; both from Hayden Lake, tributary to Sinks, with a point of diversion in the SENW, Sec. 18, T51N, R03W, Boise Meridian, Kootenai County, used for Domestic purposes from 1/1 to 12/31, and for irrigation purposes from 4/1 to 10/31. The place of use for both of the above Water Rights is located in SW1/4 T51N, R04W, SEC 11; NE1/4, NW1/4, and SW 1/4, T51N, R04W, SEC 14; SWSW, SESW, NESE, SWSE, and SESE, T51N, R04W, SEC 15; SESW, T51N, R04W, SEC 16; NE1/4, NESE, SWSE, and SESE, T51N, R04W, SEC 21; NENE, NWNE, SENE, NENW, NWNW, NESE, SWSE, SESE, T51N, R04W, SEC 22; NENE, NWNE, NENW, NWNW, and SWNW, T51N, R04W, SEC 27, KOOTENAI County, FOR A TOTAL OF 1144.0 ACRES.

The last date when water was applied to a beneficial use under both Water Right No. 95-00467 and Water Right No. 95-00467A was 4/15/90.

The applicants now wish an extension of time of 5 years in which to apply the water to a beneficial use because they were required by the State of Idaho to come off Hayden Lake as a use of drinking water due to contamination. The

JAN 31 1996

applicants wish to retain these water rights for use of the lake water as a source for emergencies if their well system were to go down, or for emergency fire flow within the District, and if other systems were down in the area, in order to provide emergency water from their lake pumping stations. The applicants require additional time to lay a separate water line to serve the irrigation needs within the District, and applicants would use the water from Hayden Lake for these purposes, believing they will be able to apply them to beneficial use in the future.

Any protest to the proposed extension of time may be filed with the Idaho Department of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814, on or before September 5, 1995.

KARL J. DREHER, Director

Published in the Coeur d Alene Press on 8/17-24/95.

JAN 31 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 22, 1995

Hayden Lake Irrigation District
P.O. Box 162
Hayden Lake, ID 83835

RE: Permit Nos. 95-00467 & 95-00467A

Dear Permit Holder:

I am in receipt of the two (2) requests for Extension of Time to Avoid Forfeiture submitted to our office in connection with the above referenced permits. The current fee for an Extension of Time to Avoid Forfeiture is \$100.00. Before the department can continue processing the extensions, you will need to submit an additional \$50.00 for each extension.

Please submit the additional \$100.00 fee within thirty (30) days of receipt of this letter. Please address any correspondence directly to my attention.

If you have any questions or if I can be of any assistance, please feel free to contact me at (208) 327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

RECEIVED

JAN 31 1996

WR0749NP
No. 95-00467

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/02/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HAYDEN LAKE IRRIGATION DISTRICT	06/27/1906	IRRIGATION DOMESTIC	04-01 10-31 01-01 12-31	14.000 CFS 14.000 CFS	3765.00 AFA 3765.00 AFA
TOTAL DIVERSION:					14.000 CFS	3765.00 AFA

Water Source: HAYDEN LAKE

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T51N R03W S18 SENW

KOOTENAI County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
51N	04W	11									40	40	37	40					157.0
51N	04W	14	32	40	30	34	24	38	38	25	21	21	38	29					370.0
51N	04W	15											16	12	29		20	39	116.0
51N	04W	16												18					18.0
51N	04W	21	24	15	01	10									20		39	39	148.0
51N	04W	22	38	10		22	20	20							39		39	40	228.0
51N	04W	27	31	20			10	37	09										107.0
TOTAL ACRES																			1144.0

Place of use Legal Description for: DOMESTIC

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	
51N	04W	15									D	D				D			
51N	04W	21														D			
51N	04W	22			D														

Pou County: KOOTENAI

Other Rights: 95-0467A.

Other Water Rights with Same Point(s) of Diversion and Source:
95-00465A 95-00465B 95-00467A

Other Water Rights Listing Overlapping Place(s) of use:
95-00467A 95-02180 95-07602 95-07776 95-07800 95-07825 95-08273 95-08581

Remarks: ACTUAL IRRIGATED ACRES = 1,401.8.
PURSUANT TO WATER LICENSE NO. 2129.
QUANTITY PER YEAR AND MAXIMUM RATE OF DIVERSION LIMITED BY
CAPACITY OF PUMPS AND ACREAGE IRRIGATED IN 1922 RECONSTRUCTION.

Dates: App. Received: Priority Date: 06/27/1906
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:

WR0749NP
No. 95-00467

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/02/95
PAGE: 2

Misc: Water District Number: 95A Field Exam Fee:

Audit: 12/28/85 05/14/88 CONVERT 07/11/89 CURTIS

WR0749NP
No. 95-00467A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/02/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HAYDEN LAKE IRRIGATION DISTRICT	05/01/1958	IRRIGATION DOMESTIC	04-01 10-31 01-01 12-31	6.000 CFS 6.000 CFS	1288.00 AFA 1288.00 AFA
TOTAL DIVERSION:					6.000 CFS	1288.00 AFA

Water Source: HAYDEN LAKE

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T51N R03W S18 SENW

KOOTENAI County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
51N	04W	11	:											40	40	37	40			:	157.0
51N	04W	14	:	32		40		30		34		24		38		38		25		:	370.0
51N	04W	15	:													16		12		:	116.0
51N	04W	16	:															18		:	18.0
51N	04W	21	:	24		15		01		10										:	148.0
51N	04W	22	:	38		10				22		20		20						:	228.0
51N	04W	27	:	31		20						10		37		09				:	107.0
TOTAL ACRES																				:	1144.0

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
51N	04W	15	:											D		D				:	
51N	04W	21	:																D	:	
51N	04W	22	:					D												:	

Pou County: KOOTENAI

Other Rights: 95-0467.

Other Water Rights with Same Point(s) of Diversion and Source:
95-00465A 95-00465B 95-00467

Other Water Rights Listing Overlapping Place(s) of use:
95-00467 95-02180 95-07602 95-07776 95-07800 95-07825 95-08273 95-08581

Remarks: ACTUAL IRRIGATED ACRES = 1,401.8.

Dates: App. Received: Priority Date: 05/01/1958
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 95A Field Exam Fee:

WR0749NP
No. 95-00467A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/02/95
PAGE: 2

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Audit: 01/15/86 05/14/88 CONVERT 07/11/89 CURTIS

HAYDEN LAKE IRRIGATION DISTRICT

Post Office Box 162
Hayden Lake, Idaho 83835-0162

RECEIVED

APR 24 1995

Department of Water Resources

April 10, 1995

State Of Idaho
Department Of Water Resources
Statehouse
Boise, Idaho 83720

RE: Application For Extension Of Time To Avoid Forfeiture
Of Water Rights On Hayden Lake

Dear Sirs:

Regarding the enclosed applications for Extension Of Time Of Water Rights. These applications were previously filed in November of 1993, however; we have been unable (as has your office) to locate any record of that filing.

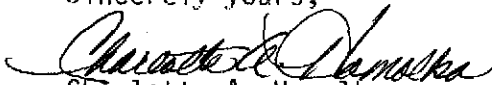
We are concerned that our water rights would become forfeit and feel it is vital to our District and the community that we retain our rights of priority on Hayden Lake.

As stated on the applications the several reasons for our need to retain the water rights. The future extension of lines, emergency water if systems were to fail and emergency fire flow for the community if a major fire were to happen within the area.

Please give all consideration to assisting us in retaining our water rights.

If additional information is required please contact the District office at 208/772-2612.

Sincerely yours,


Charlotte A. Homolka
Secretary/Treasurer
HLID

APR 24 1995

JAN 31 1996