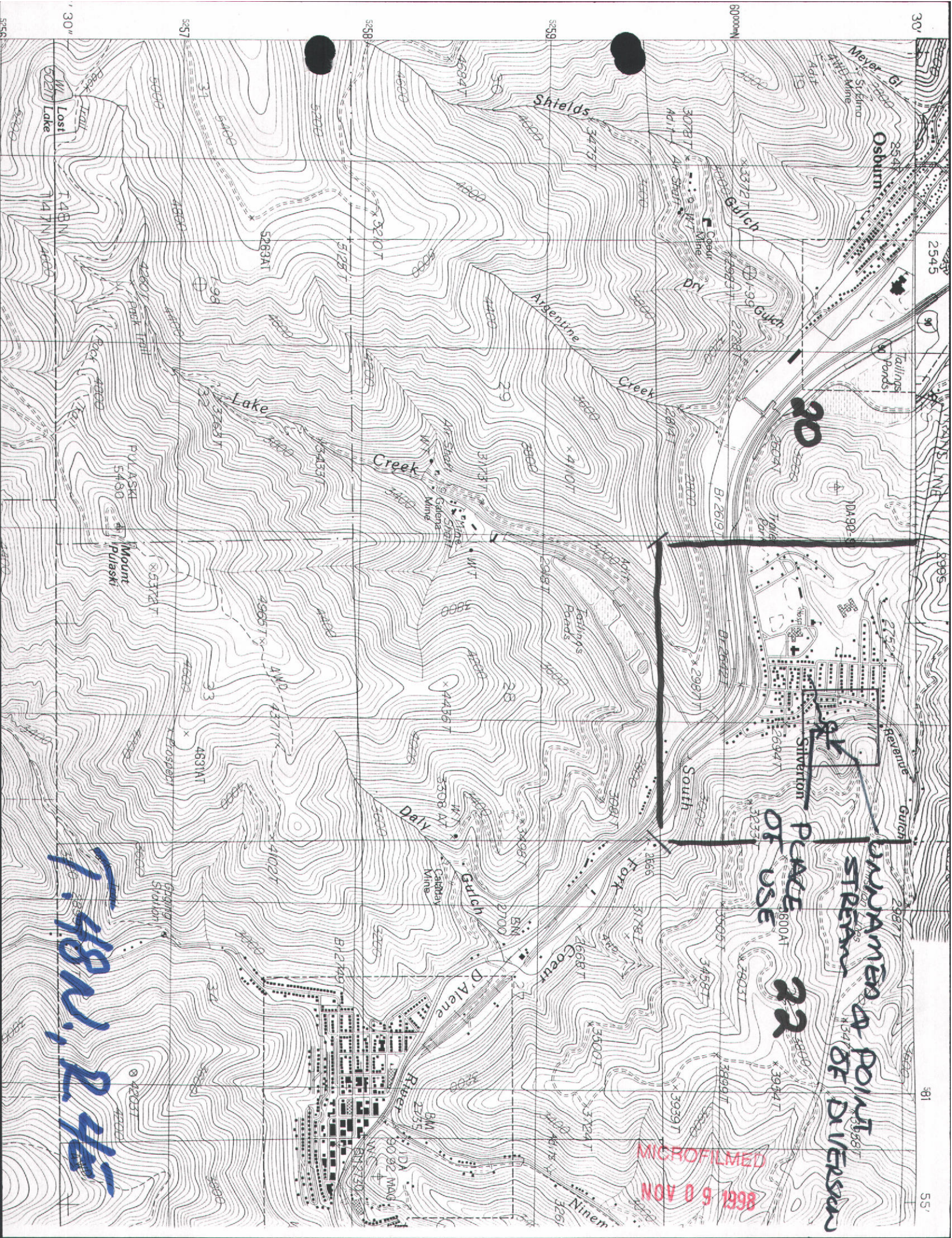




PART
GE

41 30'

5260000N

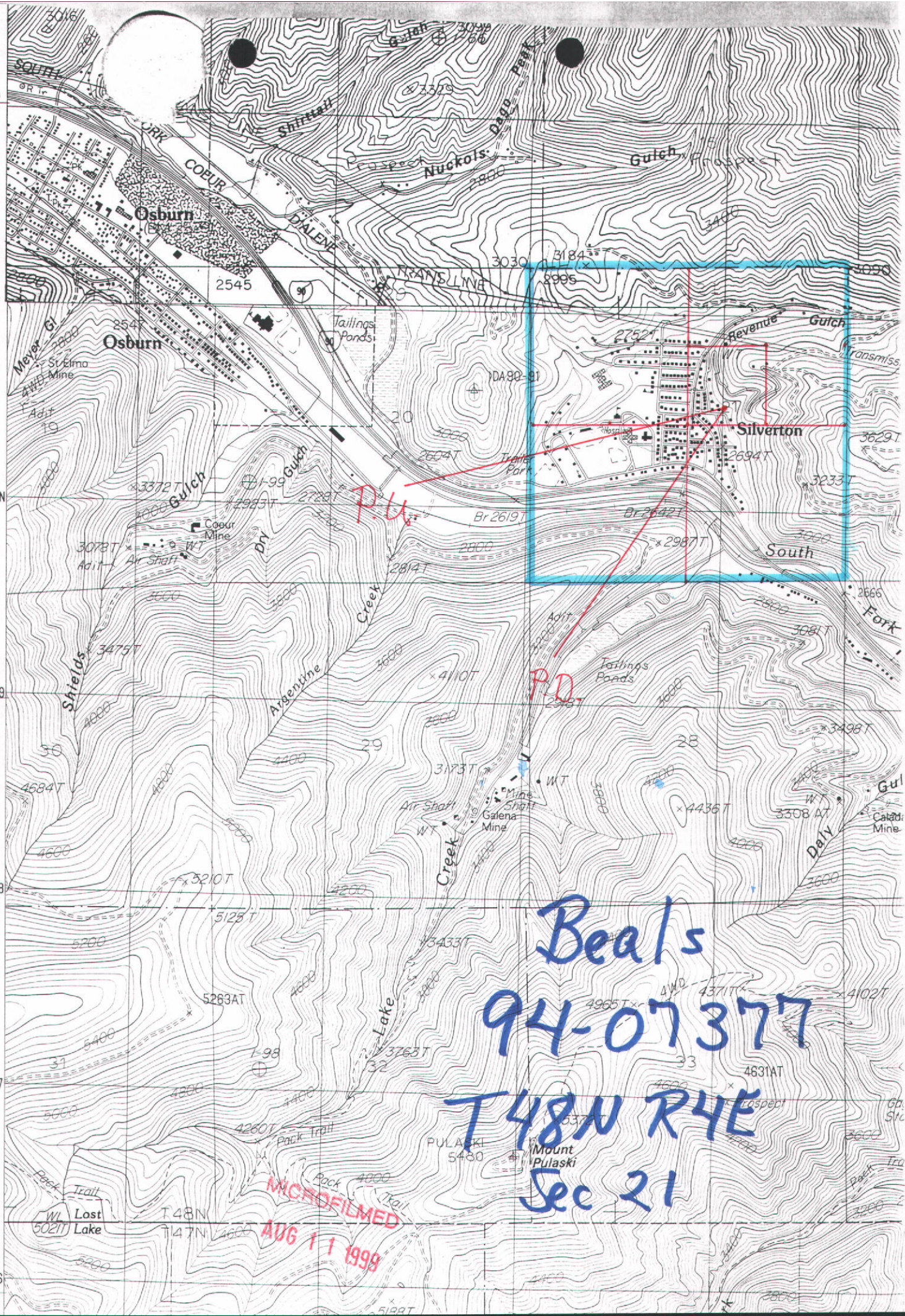
5259

5258

5257

27' 30"

5256





Point
of
Diversion

94-07377

System
Over Flow



94-07377



Place
of
Use

MICROFILMED
AUG 11 1999

94-07377

'99 2 4

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 94-07377

Priority: July 20, 1998

Maximum Diversion Rate:
Maximum Diversion Volume:

0.02 CFS
1.2 AF

This is to certify, that NED C BEALS
PO BOX 231

SILVERTON ID 83867-0231 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 20, 1998; and has submitted Proof of Beneficial Use on November 20, 1998. An examination indicates that the works have a diversion capacity of 0.020 cfs of water from:

UNNAMED STREAM tributary to COEUR D ALENE RIVER, S. FORK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 21, Township 48N, Range 04E
SHOSHONE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

48N 04E 21

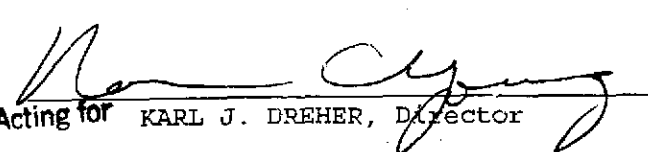
SWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Water shall not be diverted under this right when flows in the South Fork of the Coeur d'Alene River are below established minimum flow amounts.
2. Domestic use is for 1 home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 28TH day of

April, 1999.


Acting for KARL J. DREHER, Director

MICROFILMED

AUG 11 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 27 1998

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 94-07377 Telephone No. 1-208 752 9313

2. Name(s) of Permit Holder(s): Ned E Naomi Beals

3. Mailing Address: P.O. Box 231 SILVERTON, IDAHO 83867

4. Source of Water: UNNAMED STREAM If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____

a. Well Driller: _____ Drilling Permit Number: ____ - ____ - ____

b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 Stockwater (No. and type of stock): NONE

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes ____ or No ✓

Has the measuring device been installed? Yes ____ or No ✓

Flow Measurement Port: Is a flow measurement port required? Yes ____ or No ✓

Has the measurement port been installed? Yes ____ or No ✓

8. Fee Enclosed: \$ 50 - (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Ned C. Beals on Naomi Telephone Number: 208 752 9313

Address: 302 VESTER VISTA SILVERTON, IDAHO

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho

MICROFILMED

Signature of permit holder: Ned C Beals JAN 04 1999 Date: 11/20/98
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 94-07377

Proposed Priority: July 20, 1998 Maximum Diversion Rate: 0.04 CFS

This is to certify, that **NED C BEALS**
PO BOX 231

SILVERTON ID 83867-0231

has applied for a permit to appropriate water from:

UNNAMED STREAM tributary of **COEUR D ALENE RIVER, S. FORK**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 21, Township 48N, Range 04E
SHOSHONE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

48N 04E 21

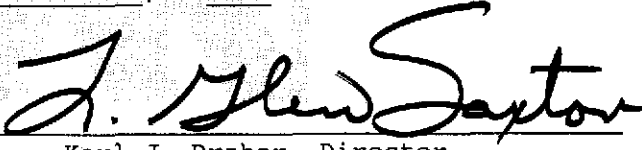
SWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **October 1, 1999**.
2. Subject to all prior water rights.
3. Water shall not be diverted under this right when flows in the Coeur d'Alene River, South Fork, are below established minimum stream flows.
4. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

23rd day of September, 1998.


for Karl J. Dreher, Director

MICROFILMED

NOV 5 9 1998

Ident. No. 94-07377

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

SEP 02 1998

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Ned C. Beals Phone 208 252 9313
Mailing address P.O. Box 237 Silverton, ID 83867
2. Source of water supply UNNAMED STREAM which is a tributary of SOUTH FORK COEUR D'ALENE RIVER
3. Location of point of diversion is Township 45N Range 4E Sec. 21, in the SW 1/4, NE 1/4, Govt. Lot Shoshone, B.M., Shoshone County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.04 for DOMESTIC purposes from 4 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source GRAVITY FLOW
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 1 Home
 - e. Other; describe fully. _____

MICROFILMED

NOV 09 1998

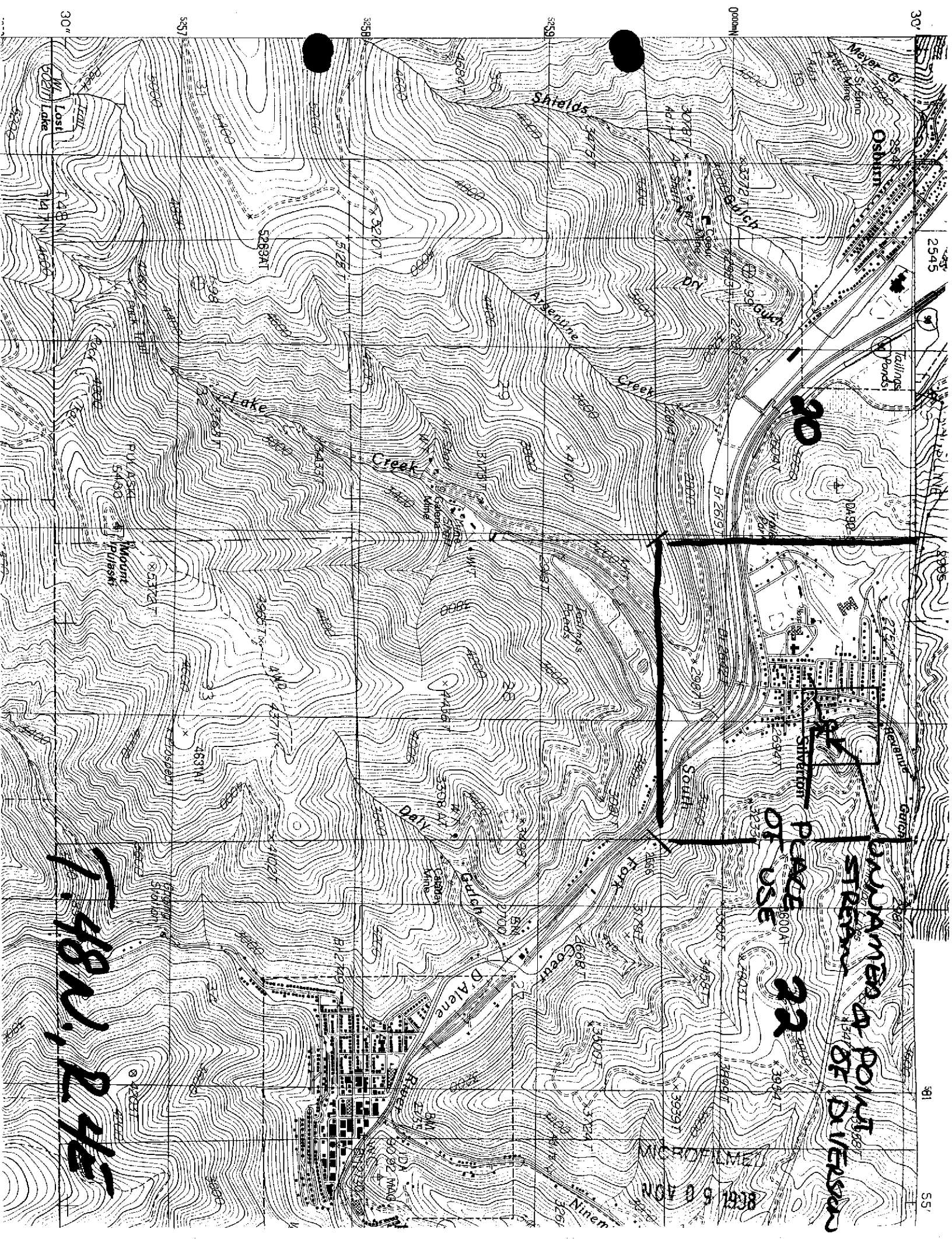


PLATE 22
D. 48N, P. 4E

T. 48N, P. 4E



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

April 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

NED C BEALS
PO BOX 231
SILVERTON ID 83867-0231

RE: WATER RIGHT NO. 94-07377

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 or files an exception and/or brief as described in the enclosed information sheet.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

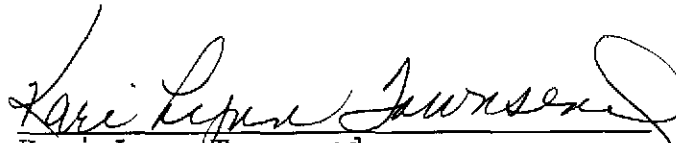
MICROFILMED
AUG 11 1999

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of April, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 94-07377

NED C BEALS
PO BOX 231
SILVERTON ID 83867-0231


Kari Lynn Townsend
Secretary

MICROFILMED
AUG 11 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED
AUG 11 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

MEMORANDUM

TO: File 94-07377

FROM: Sharla

DATE: April 21, 1999

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 94-07377 are as follows:

H. RECOMMENDATIONS

Domestic	1/1 – 12/31	0.02 cfs	1.2 afa
----------	-------------	----------	---------

There is nothing noted in the file about the domestic use being entirely indoor or entirely outdoor use; thus the volume is 1.2 af to cover inside and outdoor use. The measurement was taken from "the overflow discharge" thus possibly shorting the permit holder if the license were issued for only 0.01 cfs. For a 1½" pipe even with a velocity of only 2 fps, the rate is 0.02 cfs.

Exam Date: February 8, 1999
Examiner: Dave Pagel

MICROFILMED

AUG 11 1999

LICENSE REVIEW CHECKLIST

PERMIT NO.

94-07377

DATE

4/21/99

 REVIEWER: SHARLA

NAME

Change/OK

Address

SOURCE

OK

Does change clarify orig. intended source? If no, Void permit

POINT OF DIV

OK

Change (P39 /P47)

Add (P45/P42)

Feds - P40

W32 (multiple in 1/4)

W36 (overlap)

W59 (subd. desc)

Overlaps:

Right(s):

File reviewed Profile reports printed

PLACE OF USE

OK

Change (P41/P47)

Add (P41/P42)

Feds - P43

W60 (subd. desc)

W27 (ppu acre limit)

Overlaps:

Right(s):

File reviewed Profile reports printed

PD & PU amend (P37) Feds - P48

RATE OF DIV

 Permitted Rate .04 cfs

Fee limit

.20 cfs \$4,000

Measured

.01 cfs

Theoretical

.01 cfs

 Recommended Total Div Rate .02 cfs

pipeflow @ $V = 5 \text{ fps}$ $1\frac{1}{2}'' = .06$
 $V = 2 \text{ fps} = .02$ cfs

overflow - not an actual representa-
 tion of cap. from stream to

home
 allow .04 cfs

WATER USES

Dom
OK

Change (P46)

.04 cfs

1.2 af

1.2 af

1.2 af

1.2 af

1.2 af

1.2 af

TOTALS

Irrig -

overlap (R58-R61, R62-R65, R66-R69)

supp. gw (WB7/065/079)

overlap spec. combined rts (W35)

<1acre (W31)

Domestic

(W01/WB5/070/071/075)

Power

(W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Wtr Quality (081/R07)

 Flow rate .04 cfs X 365 days X 1.98 = 14.5 af

REMARKS

spec MSF cond.

ADD'L CONDITIONS

Watermaster Control WD#

GW Measurement/Measuring Device

Others Trust (052/R55 - remove 051)

Non-trust (048/049)

 Advance Priority yes ☒ no

 SRBA Claim N/A

Adjust Memo

Amend letters

vol.
 rate rounded up
 /

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 11 1999

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 94-07377

1. Owner: Ned C. Beals Phone No. (208) 752-9313

Current Address: P.O. Box 231 Silverton Idaho 83867-0231

2. Accompanied by: Ned Beals EXAM DATE: Feb 4, 1999

Address: Same Phone No. _____

Relationship to Permit Holder: Self

3. Source: unnamed stream tributary to S. Fork Coeur d'Alene River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	NE	21	48N	4E	Shoshone	USGS 7.5' Quad.

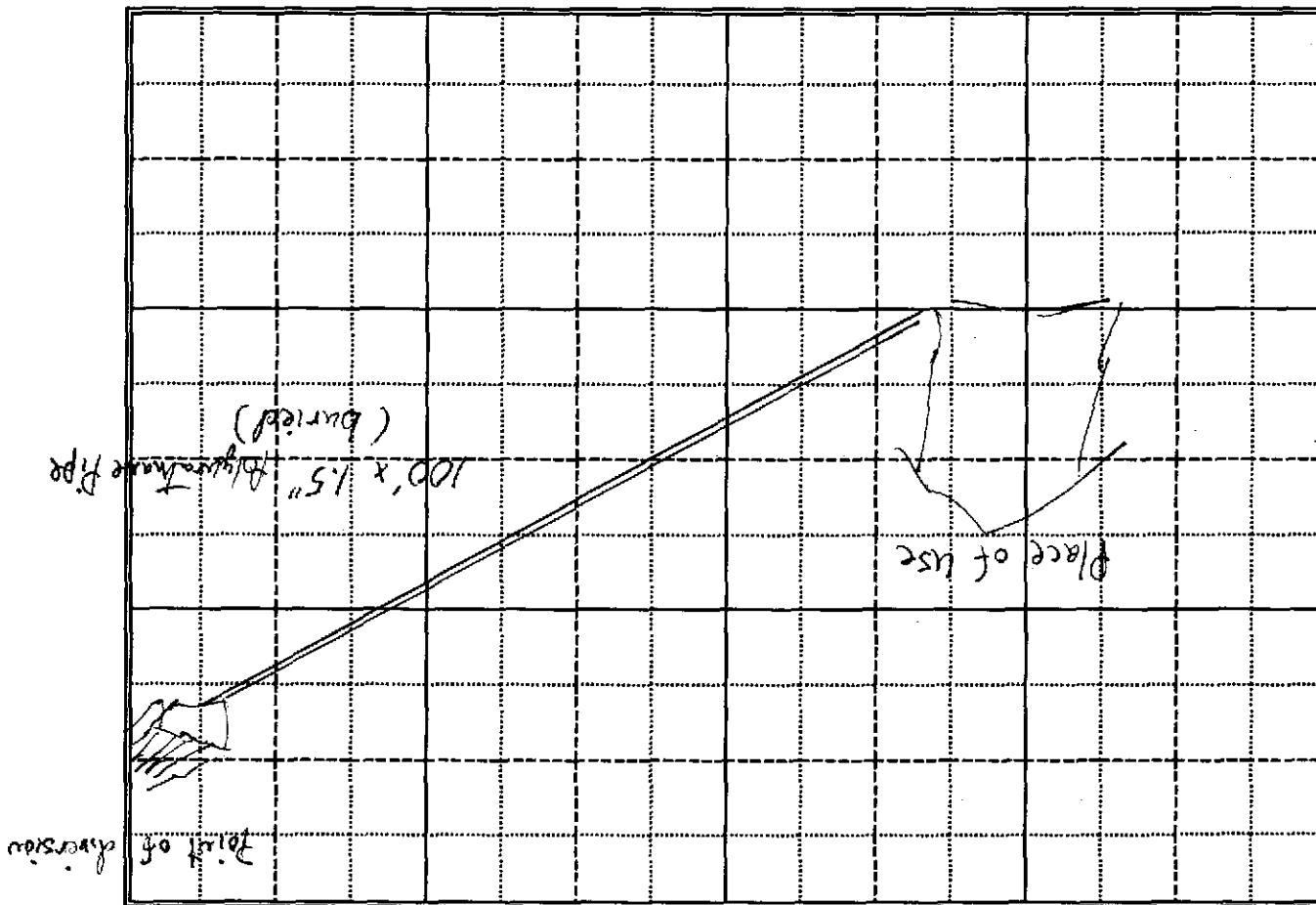
2. Place(s) of Use:

Indicate Method of Determination USGS 7.5' Quad.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
48N	4E	21			D														

UNRECORDED
FEB 11 1999

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.d. as applicable.



Scale: 1" = 1/4"

✓ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

✓ Aerial Photo Attached (required for irrigation of 10+ acres)

✓ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Bucket / stopwatch					4 gal.	

2. Measurements: 4 gallons in 89 seconds MICROPIPETE

E. NARRATIVE/REMARKS/COMMENTS

Water is being diverted For domestic use. a gravity flow system utilizing an underground cistern directed into a 1.5" x 100' polyurethane pipe to the place of use.

My recommendation of .006 cfs is based on the measurement obtained from the overflow discharge (see flow calculations).

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
AUG 11 1999

PART
GE

41' 30"

52° 50' 00" N

100
EET

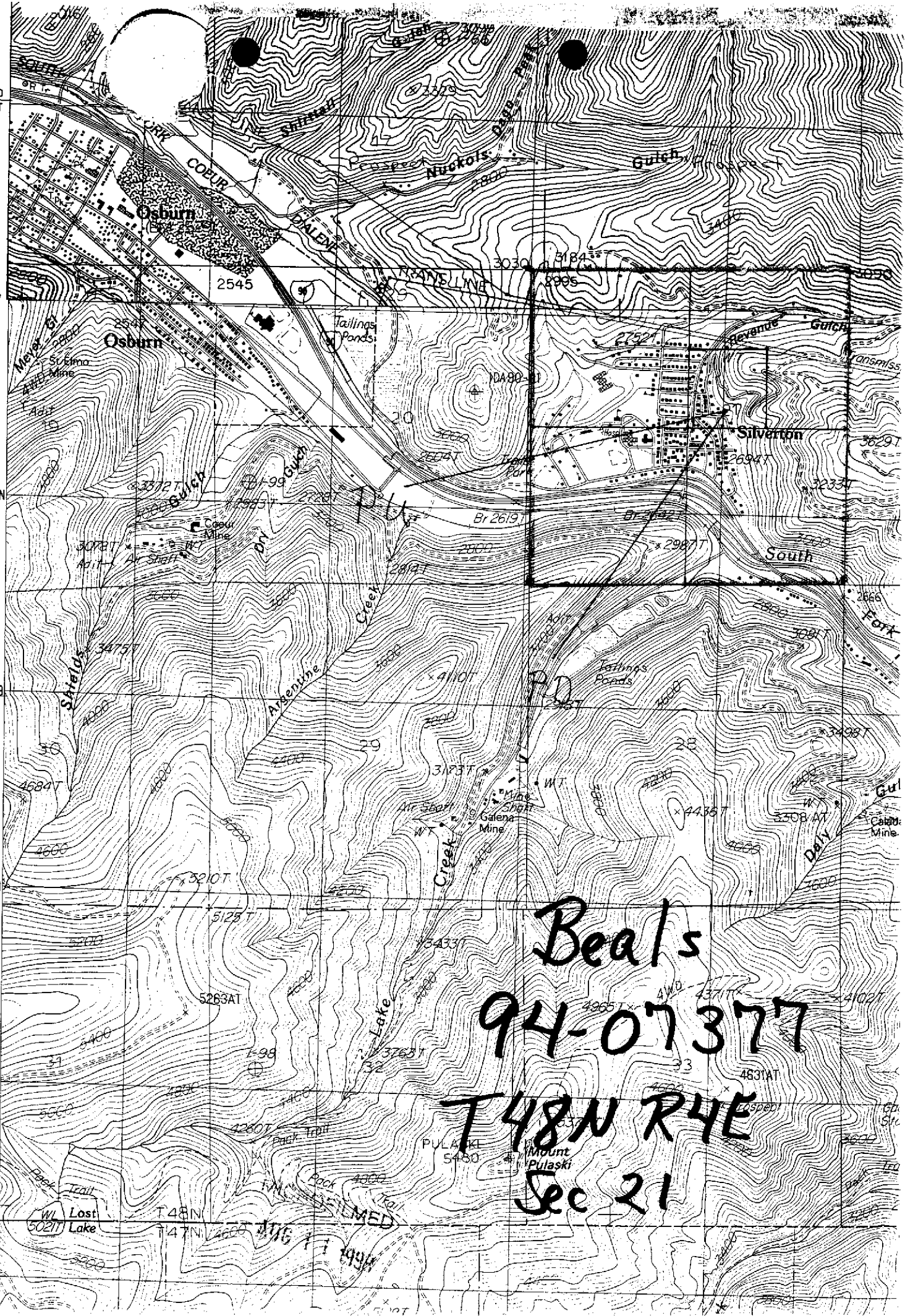
52° 50'

52° 58'

52° 57'

27' 30"

52° 56'



Beals
94-07377
T48N R4E
Sec 21

Point
of
Diversion

94-07377

System
Overflow

94-07377

Place
of

USE

AUG 11 1999

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 94-07377 Reviewed by [Signature] Date 12-3-98

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

dom.

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

_____ Correct?

☐ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

50- Amount Submitted

yes Correct?

MEASURING DEVICE

NO Required?

☐ Installed?

☐ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	_____
No. of days late	_____	_____
Priority Date	_____	_____
New Priority Date	_____	_____

[Handwritten calculation: Date proof received + No. of days late = Priority Date]

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address [Crossed out]

Proof Made 11-20-98



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

PHILIP E. BATT
GOVERNOR

December 7, 1998

KARL J. DREHER
DIRECTOR

Ned C Beals
PO Box 231
Silverton ID 83867

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 94-07377

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **NORTHERN** Regional Office of the department in Coeur d'Alene at (208)769-1450.

Sincerely,

A handwritten signature in black ink. The signature is cursive and appears to read 'Julie L. Yarbrough'. The first letter 'J' is large and loops around the first part of the name.

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
JAN 04 1999



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

September 25, 1998

PHILIP E. BATT
GOVERNOR

NED C BEALS
PO BOX 231
SILVERTON ID 83867-0231

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 94-07377

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED

NOV 09 1998

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of **September, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 94-07377

**NED C BEALS
PO BOX 231
SILVERTON ID 83867-0231**


Kari Lynn Townsend
Secretary

MICROFILMED
NOV 09 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

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ORAL ARGUMENT

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MICROFILMED

NOV 09 1998

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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

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

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

September 3, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Idaho Dept. of Fish & Game
Panhandle Region
2750 Kathleen Ave
Coeur d'Alene ID 83814

RE: Application for Permit No. 94-07377

To Whom It May Concern:

The Department of Water Resources (IDWR) is preparing to issue a water appropriation permit for the above application. Before proceeding, IDWR would appreciate receiving your comments, if any, on the proposed diversion and use of surface water. I have enclosed copies of the application for your review. Please respond with your comments by September 18, 1998. If I have not heard from you by then, I will assume you have no comment and will proceed with issuing the permit.

If you have any questions, you may contact me directly at (208) 327-7944 or by electronic mail at czimmerm@idwr.state.id.us.

Respectfully,

Cindy Zimmerman
Water Resource Agent

Enclosure

No Response received. 9/23/98 g.

MICROFILMED

NOV 19 1998

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

WRI
WRA
DC

APPLICATION # 94-07377

SEP 02 1998

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: BEALS

BY: AB

DATE: 7/20/98

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity
(X) Nature of Proposed Use
(X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other water Rights
11. (X) Ownership
12. (X) Map
(X) Signature
() Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

- (Yes) (No)
- / Field check: by _____
- / Field report attached
- / Analysis Supp. attached (>5cfs/500af)
- / Water delivered by water master?
- / Water District # _____

PROCESSING

(Yes) (No) PRIORITY DATE: 7/20/98

(Include Moratorium Remark)

Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: Shoshone County

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
- () Power Information () Other: _____

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other: _____

GROUNDWATER SECTION

WD Permit No.'s:	Type:	Fees	Receipt No.	Upgrade Needed?
<u>/</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>/</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>/</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()

- / Groundwater management area
- / Critical ground water area
- / Well Drilling Permit required
- / Well Drilling Application and Fees received
- / Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- / Notice of pending void order issued. Final order response date: _____
- / Further information required from applicant
- 8/28 / Affidavit of publication received
- 8/28 / Application published correctly. If not, record action taken: _____

7/28 / Publication dates and paper recorded on application

/ Protests received, Final protest date: 8/24/98

/ Measuring device required

/ Measuring port required

/ Special conditions:

Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: AB

Date: 8/31/98

PROOF OF PUBLICATION

RECEIVED
AUG 28 1998
NORTHERN REGION
IDWR

) Idaho Department Of Water Resources
) Northern Region, Suite #210
) 1910 Northwest Blvd
) Coeur d'Alene, Idaho 83814-2615

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

94-07377

BEALS, NED C
PO BOX 231
SILVERTON, ID 83867
Source: UNNAMED STREAM
Tributary: COEUR D'ALENE RIVER,
S. FO
Diversion Pt: SWNE
Sec 21 T 48N R 04E in SHOSHONE
County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 7/20/1998
In: SHOSHONE County
T48N R04E S21 SWNE

For additional information concern-
ing the property location, call
the Northern Regional Office at (208)
769-1450.

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the applicant and with the
Director, Dept. of Water Resources,
Northern Region, 1910 Northwest
Blvd., Suite 210, Coeur d'Alene, Idaho
83814, together with a protest fee of
\$25.00 on or before AUGUST 24, 1998.

KARL J. DREHER, Director

Legal #SHO 486
2 x 8-5/12/1998

s/ Daniel C. Drewry, being first duly sworn deposes and says:
SHOSHONE NEWS-PRESS, a daily newspaper of general circulation in said
county, published in the city of Kellogg, in the County of Shoshone and
the State of Idaho, and which has been published continuously in said
county for a period of 78 weeks immediately prior to the publication of this
notice hereinafter described, and that the

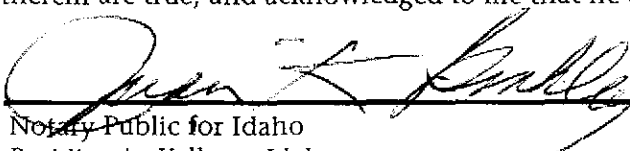
LEGAL NOTICE

of which the annexed is a true copy, was published in each regular
weekly/daily issue of said newspaper, and not in supplement thereto, for
a period of two (2) consecutive weeks/days, the first
publication thereof being in the issue dated 8/5/98-8/12/98

STATE OF IDAHO

COUNTY OF Shoshone

On this 13th day of August in the year of 1998
before me a Notary Public, personally appeared Daniel C. Drewry 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.


Notary Public for Idaho
Residing in Kellogg, Idaho
My Commission expires:
10/17/2000

94-07377

BEALS, NED C
PO BOX 231
SILVERTON, ID 83867

Source: UNNAMED STREAM

Tributary: COEUR D ALENE RIVER, S. FO

Diversion Pt: SWNE Sec 21 T 48N R 04E in SHOSHONE County.

Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 7/20/1998

In: SHOSHONE County
T48N R04E S21 SWNE

MICROFILMED

NOV 09 1998

July 29, 1998

Ned C. Beals
PO Box 231
Silverton ID 83867

Re: Water Appropriation Application No. 94-07377

Dear Mr. Beals:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

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

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

MICROFILMED
NOV 09 1998