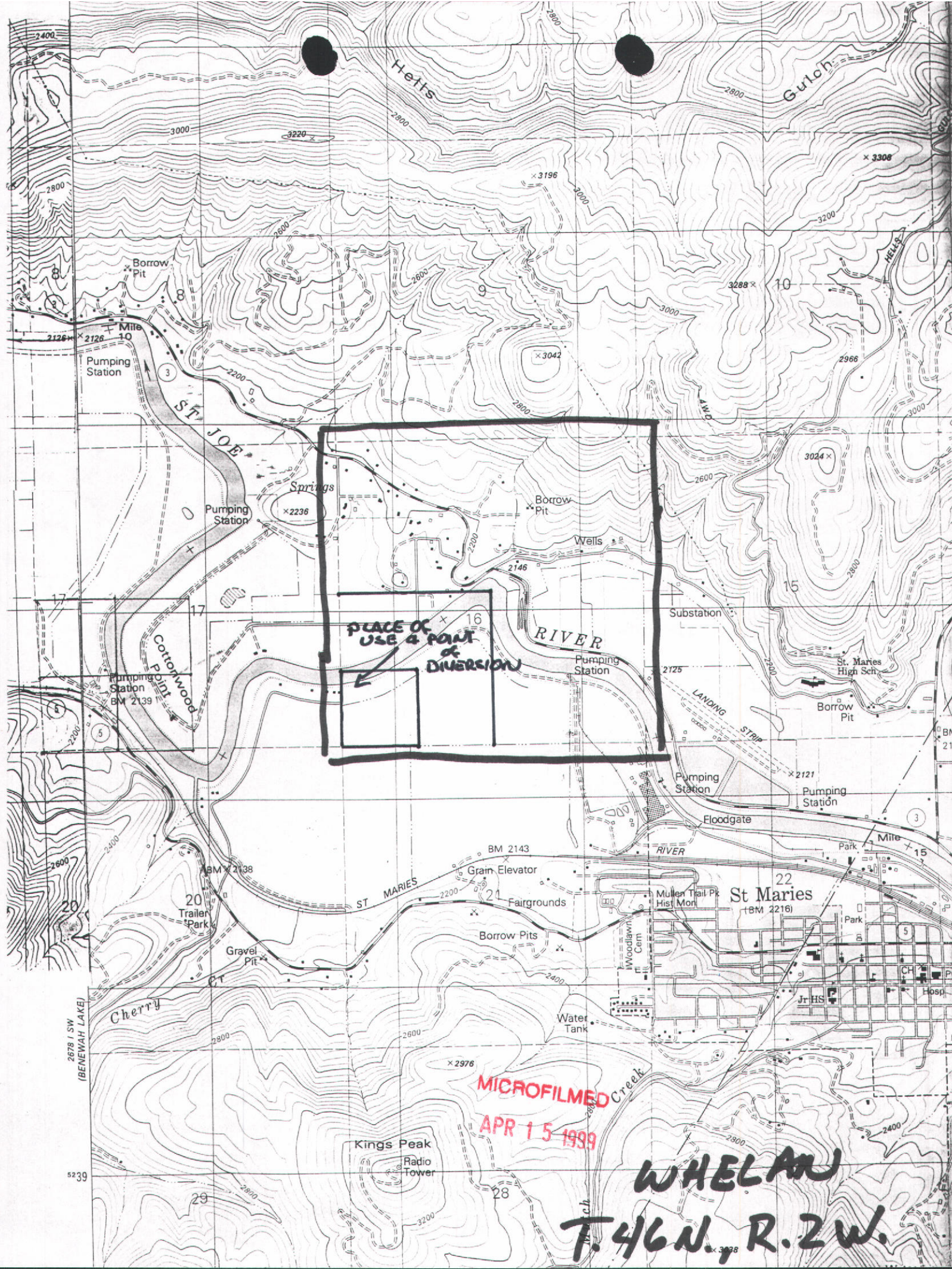
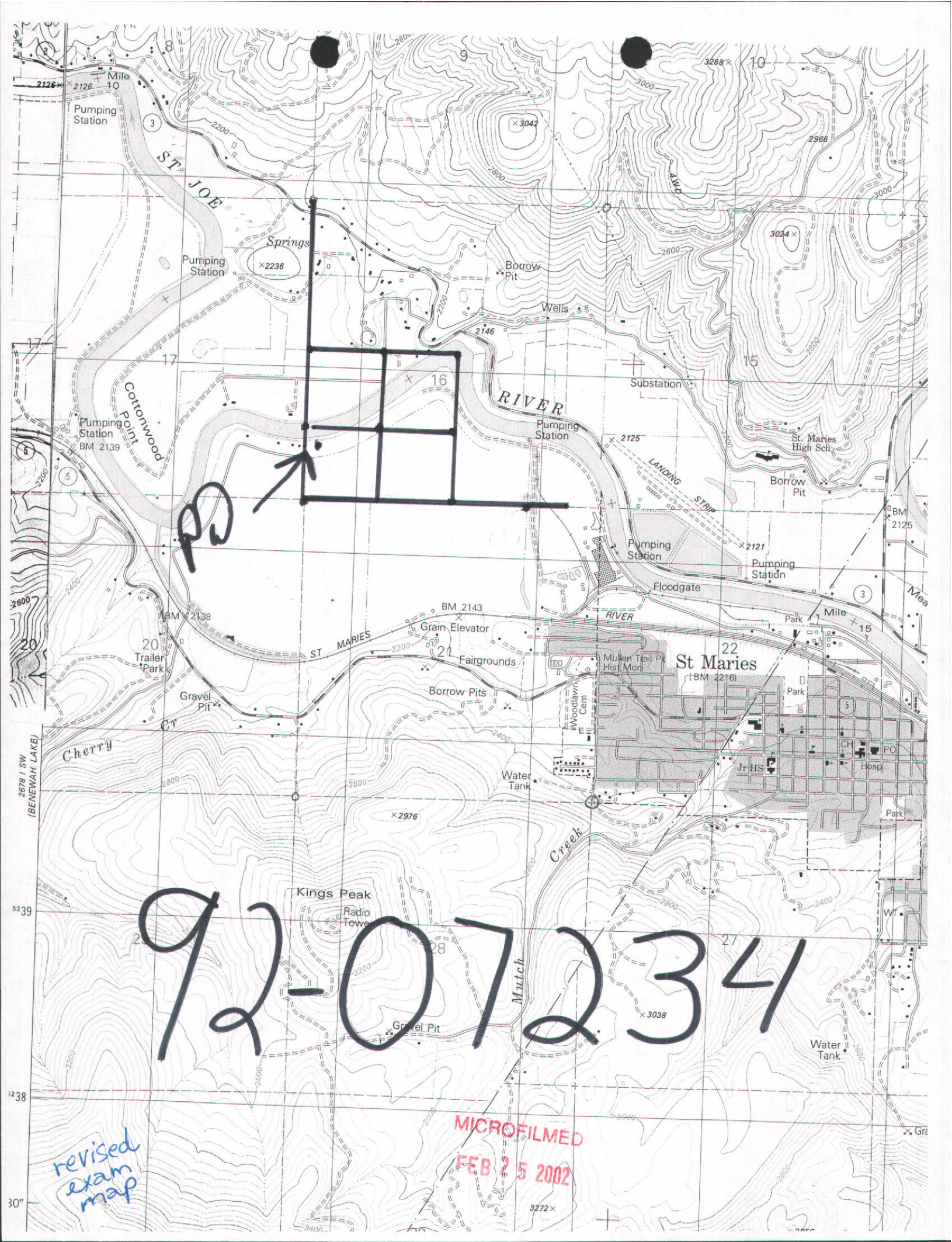




PLACE OF
USE & POINT
OF
DIVERSION

MICROFILMED
APR 15 1999

WHELAN
T. 46N., R. 2W.



2126 x 2126
Pumping Station
Mile 1.0

ST JOE

Springs

Pumping Station

RIVER

Substation

St. Maries High Sch.

Borrow Pit

Pumping Station

Floodgate

St. Maries

(BM 2216)

Grain Elevator

Fairgrounds

Borrow Pits

Water Tank

Kings Peak

Radio Tower

x 2976

Gravel Pit

Creek

Mutch

x 3038

Water Tank

MICROFILMED
FEB 25 2002

3272 x

2678 J SW
(BENEWAH LAKE)

5239

1238

30"

revised
exam
map



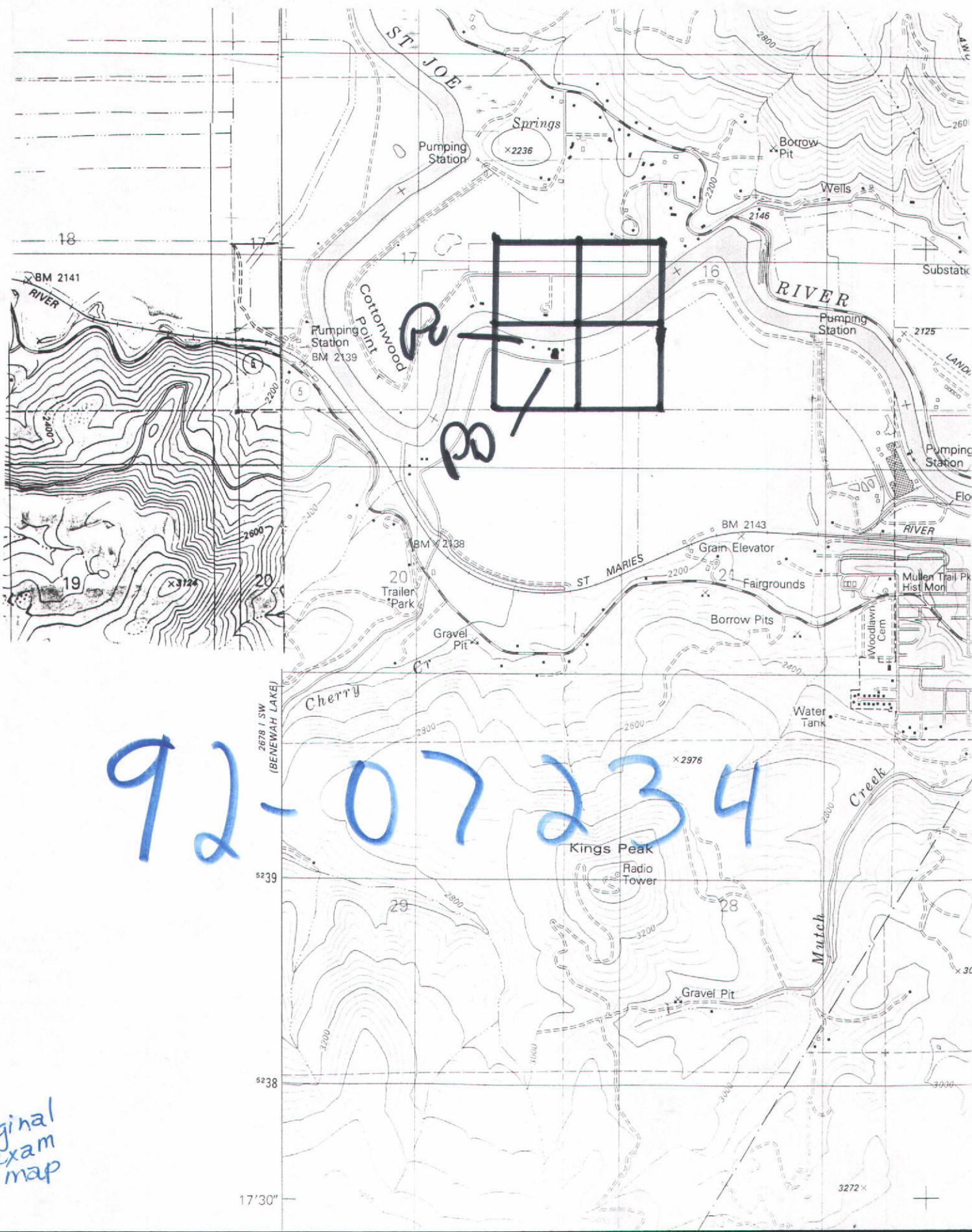
92



92

92-07234

MICROFILMED
FEB 25 2002



92-07234

original
exam
map

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 92-07234

Priority: November 06, 1998

Maximum Diversion Rate: 0.05 CFS
Maximum Diversion Volume: 0.6 AF

It is hereby certified that ROBERT J WHELAN Or PATRICIA WHELAN
HC 1 BOX 280 SR
SAINT MARIES ID 83861 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated November 06, 1998; and have
submitted Proof of Beneficial Use on January 14, 2000. An examination indicates that the works have a
diversion capacity of 0.05 cfs of water from:

SOURCE

SAINT JOE RIVER

Tributary: COEUR D'ALENE LAKE

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.05 CFS	0.6 AF

LOCATION OF POINT OF DIVERSION:

SAINT JOE RIVER L9 SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, Twp 46N, Rge 02W, B.M., BENEWAH County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N 02W 16																	

CONDITIONS OF APPROVAL

1. Place of use is located within Lot 56, Shadowy St. Joe Lagoon 1st Addition.
2. Domestic use is for external use for lawn.
3. Approval of this right does not grant a right-of-way or easement upon or across land not owned by the right holder, including the bed of any navigable waters.

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 used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 23rd day of NOVEMBER, 2001.

MICROFILMED

Acting for

KARL J. DREHER
Director

FEB 25 2002

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEC 22 1999

PROOF OF BENEFICIAL USE

Department of Water Resources

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.

1. Permit No. 92-07234 Telephone No. 208-245-3079

2. Name of Permit Holder(s): Robert J. & Patricia Whelan

3. Mailing Address: HC 1 Box 280SR

City St. Maries State Idaho Zip 83861-9711

4. Source of Water: St. Joe River If **GROUNDWATER** (well), Date Drilled: mo. NA / yr. NA

a. Well Driller: NA Drilling Permit Number: NA - NA - NA - NA

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

Domestic (No. of households): 1 Stockwater (No. and type of stock): NA

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

X 6. Total rate of diversion and/or volume for which proof is submitted: 0.06 cfs OR NA acre feet

X 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 NA or No ✓

Has the measuring device been installed?

Yes NA or No ✓

X 8. Fee Enclosed: \$ NA (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: Robert J. Whelan Telephone Number: 208-245-3079

Address: HC 1 Box 280SR St. Maries, Idaho 83861-9711

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

Signature of permit holder: Patricia L. Whelan Date: Dec. 20, 1999
(include your title, if on behalf of company or organization)

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FEB 03 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 92-07234

Proposed Priority: November 6, 1998

Maximum Diversion Rate:

0.06 CFS

This is to certify, that ROBERT J WHELAN
PATRICIA WHELAN
HC 1 BOX 280 SR
ST MARIES ID 83861

has applied for a permit to appropriate water from:

ST. JOE RIVER

tributary of COEUR D ALENE LAKE

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	0.06 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: Lot 9 (SWSW), Sec. 16, Township 46N, Range 02W
BENEWAH County

PLACE OF USE: DOMESTIC

TWN RGE SEC

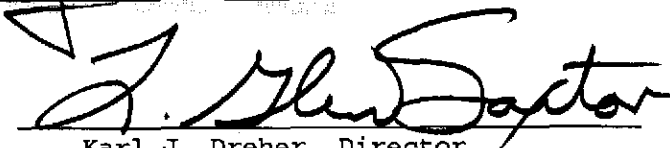
46N 02W 16 Lot 9 (SWSW)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 2000.
2. Subject to all prior water rights.
3. Place of use is located within Lot 56, Shadowy St. Joe Lagoon 1st Addition.
4. Domestic use is for 1 home.
5. Approval of this right does not grant a right-of-way or easement upon or across land not owned by the right holder, including the bed of any navigable waters.

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

25th day of January, 1999.


Karl J. Dreher, Director
for

MICROFILMED

APR 15 1999

Ident. No. 92-07234

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JAN 13 1999

DEPARTMENT OF WATER RESOURCES

PATRICIA

1. Name of Applicant ROBERT J OR PATRICIA WHELAN Phone 208/245/3079
Mailing address AC1, Box 280 SR, ST MARIES ID 83861
2. Source of water supply ST. JOE RIVER which is a tributary of LAKE COBODAINE
3. Location of point of diversion is Township 46N Range 2W B.M. Sec. 16 in the SW 1/4,
SW 1/4, 1/4, Govt. Lot 9, B.M., Benewah County;
additional points of diversion if any: Lot 56, Shadowy St. Joe Lagoon 1st Add Parcel #
4. Water will be used for the following purposes: Domestic RP004500200560A
Amount 0.06 for LAWN IRRIGATION purposes from MARCH to NOV (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) ? 0.06 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 1 HP PUMP WITH
2" SUCTION LINE
 - b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total
reservoir capacity NA acre-feet
 - c. Proposed well diameter is NA inches; proposed depth of well is NA feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? NO; Drilling firm NA
Well was drilled for (well owner) NA; Drilling Permit No. NA
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
 - e. Other; describe fully. _____

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APR 15 1999

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below. See Remarks
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N	2W	16											D						
													G.L.						
													9						

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? WHELAN FAMILY

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

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

12. Remarks:

WATER IS USED TO SPINKLE LAWN & FLOWER
BEDS ONLY IN LOT 56 ST. JOE RIVER SHEPARD
TRACTS - 3 TIMES WEEKLY - ON EXTRA HOT
MONTHS POSS JULY & AUGUST

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

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APR 15 1999

D. J. Whelan
Signature of Applicant (and title, if applicable)

Received by db Date 11/6/98 Time 12:03p Preliminary check by _____
Fee \$ 50.00 Receipted by db # N012507 Date 10/30/98
Publication prepared by db Date 11/24/98 Published in Simmons Gazette 12/29/98
Publication approved db Date 12/17/98

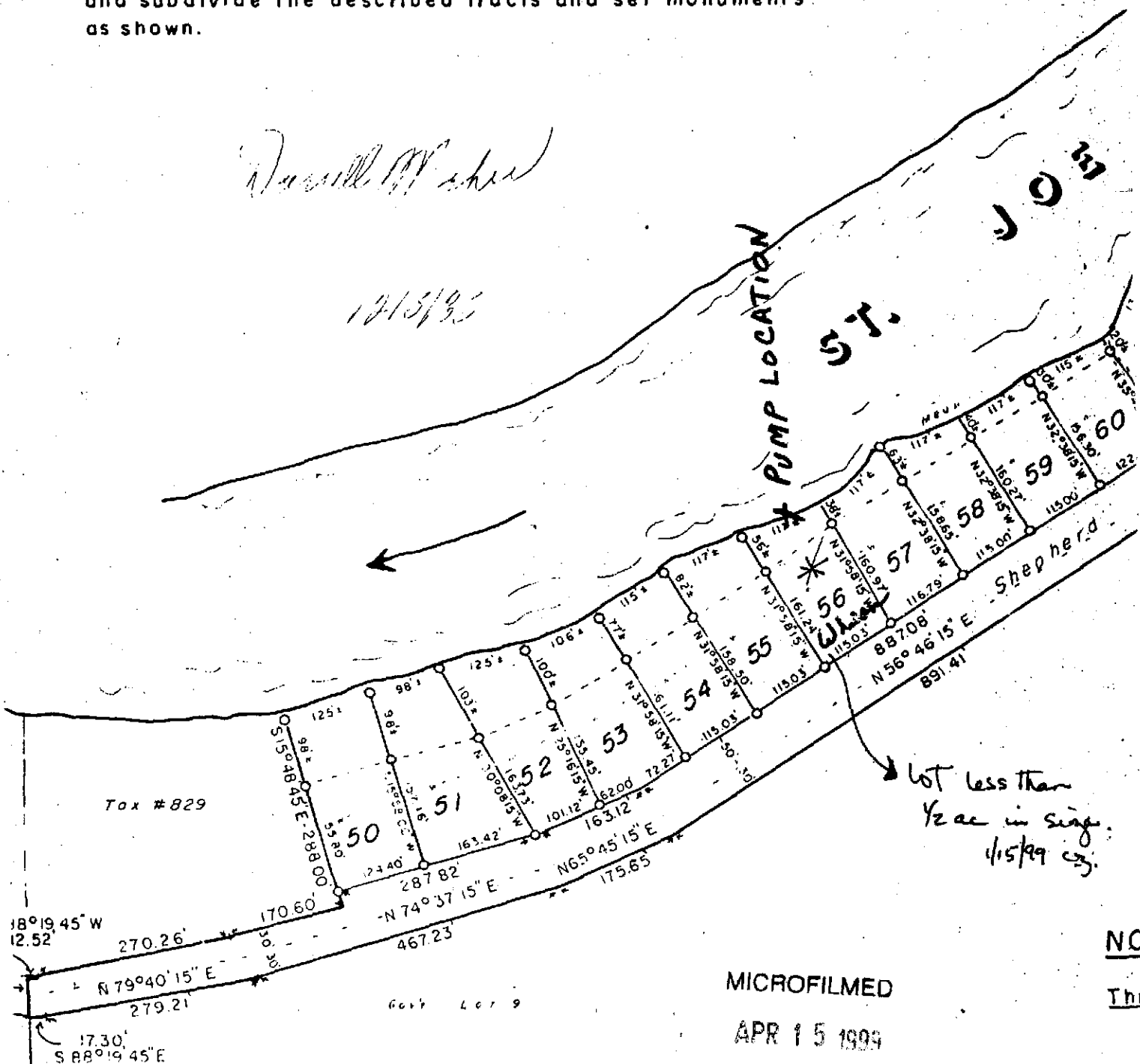
Township 46N
Range 2W
SW, SW, Sec. 16

SURVEYOR'S CERTIFICATE

I, Darrell G. Maher, a Registered Land Surveyor in and for the State of Idaho, do hereby certify that I did, during the months of July - October, 1983, survey and subdivide the described tracts and set monuments as shown.

Darrell G. Maher

12/3/95

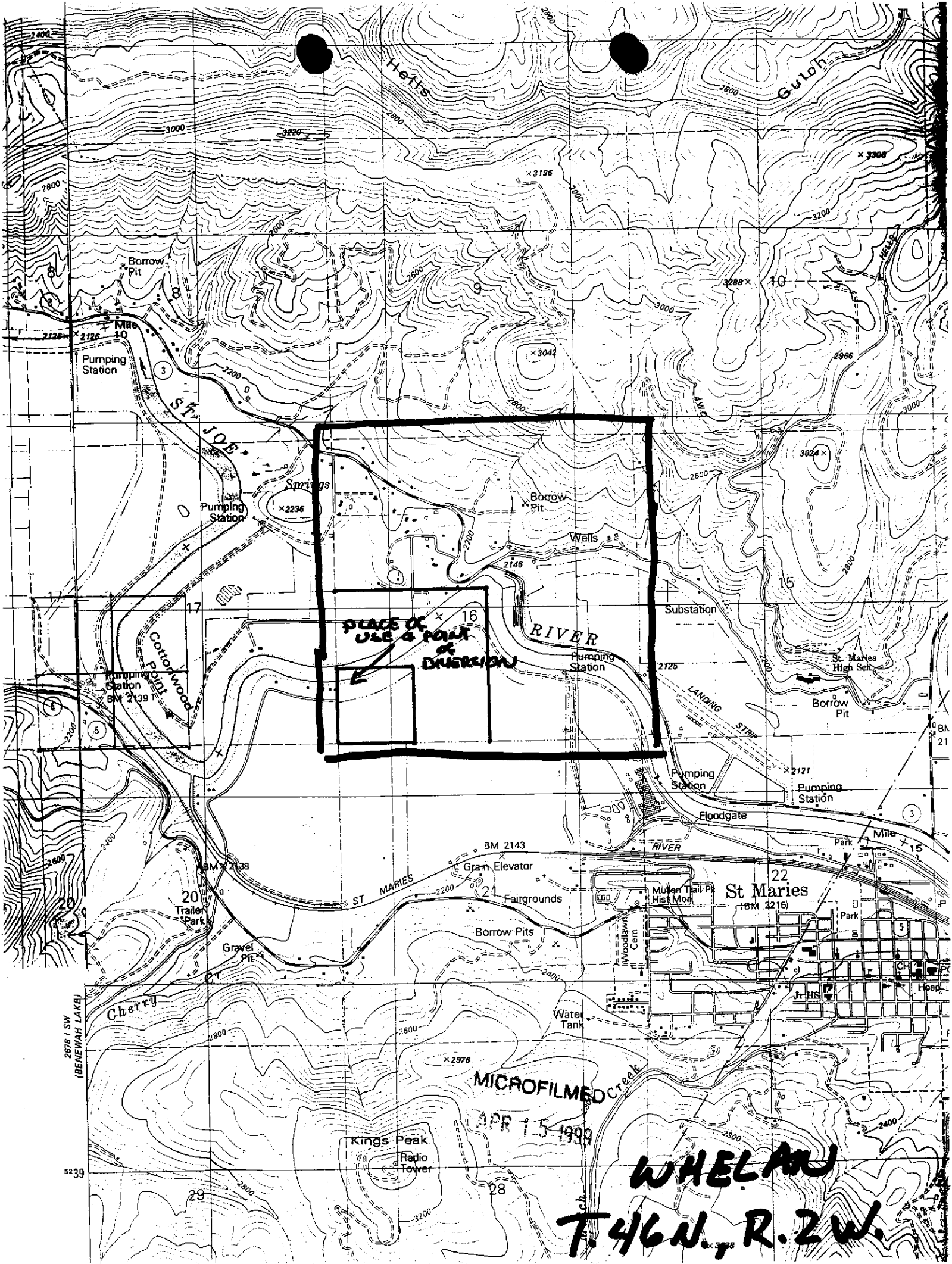


MICROFILMED

APR 15 1994

NO

Thr



PLACE OF
USE & POINT
OF DIRECTION

MICROFILMED

APR 15 1999

WHELAN
T. 46N., R. 2W.



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

November 26, 2001

ROBERT J WHELAN
PATRICIA WHELAN
HC 1 BOX 280 SR
SAINT MARIES ID 83861

RE: License No. 92-7234 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:kit

Enclosure(s)

REPROFILMED

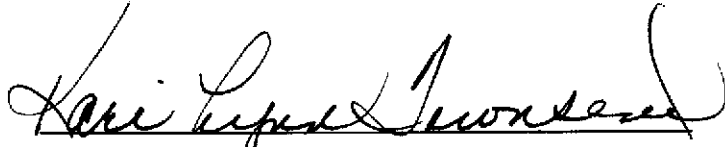
NOV 25 2002

CERTIFICATE OF MAILING

I hereby certify that on November 26, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 92-7234

**ROBERT J WHELAN
PATRICIA WHELAN
HC 1 BOX 280 SR
SAINT MARIES ID 83861**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

FEB 25 2002

**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).

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.

LICENSE REVIEW CHECKLIST

Permit No. 92-7234

Date: 11-20-01 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK
Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): _____
File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.06 cfs
Fee Limit 0.20 cfs
Measured 0.05 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 0.05

Water Uses OK

Change (P46)

Season of Use per new Standards N/A

Irrigation _____ cfs _____ af
Stockwater _____ cfs _____ af
Domestic 0.05 cfs 0.10 af
_____ cfs _____ af
_____ cfs _____ af
Total 0.05 cfs 0.10 af

~~Irrigation - overlap (R58-R61, R62-R65, R66-R69)~~
~~supp. Gw (WB7/065/104)~~
~~overlap spec combined rts (W35)~~
~~>1 acre (W31)~~
~~Domestic (W01/wb5/070/071/075)~~
~~Power (W42 or W43/025/027/R22 or R23)~~
~~Fish (042)~~
~~Fire (077)~~
~~Water Quality (081/R07)~~
~~Payette - (W22/047/27A)~~
~~Stockwater for US (R37)~~

Volume Determination

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: _____

Additional Conditions _____ Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
Trust (052/R55 - remove 051)
Non-trust (048/049)

GW Dist? _____
Water Msrmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? yes

Advance Priority? yes If yes, explain why below.
no

SRBA Claim? N/A

Adjust memo _____

Amend Letters _____ P87, S06

Second Amendment Notice _____ S06

RECEIVED

OCT 3 - 2001

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

OCT 18 2000

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 92-072341. Owner: Robert J. & Patricia Whelan Phone No. (208) 245-3079Current Address: Hwy 1 Box 280 SR St. Maries Id 838612. Accompanied by: Robert Whelan EXAM DATE: 9-26-00Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: St. Joe River tributary to Coeur d'Alene Lake

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
	09		SW	SW	16	46N	02W	Beneviah	USGS 7.5 min Quad

2. Place(s) of Use:

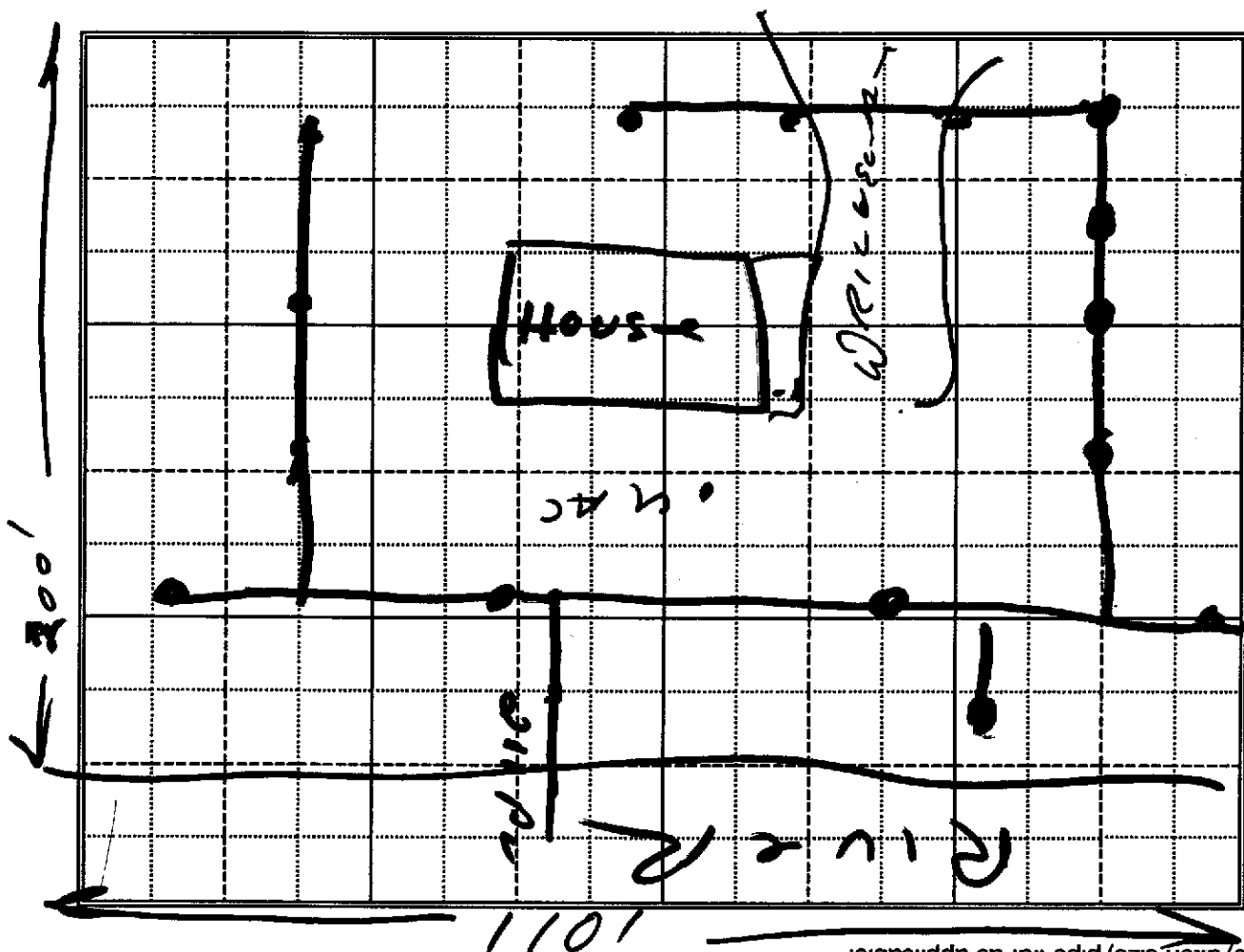
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
													09						

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FEB 25 2002

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



Scale: 1" = _____
 _____ 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
	STAR	1	98915-	STAR	1 1/4"

*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

2. Measurements:

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SEP 25 2002

[illegible]

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FEB 25 2002

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

$$\begin{aligned} &10 \text{ heads} \times 2.5 \text{ gpm} = 25 \text{ gpm} \\ &\frac{25 \times 1.3368}{60} = .05 \text{ cfs} \end{aligned}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Domestic (outside)</i>	<i>01-0</i>	<i>12-31</i>	<i>.05</i>	<i>.6</i>
Totals:			<i>.05</i>	<i>.6</i>

2. Recommended Amendments

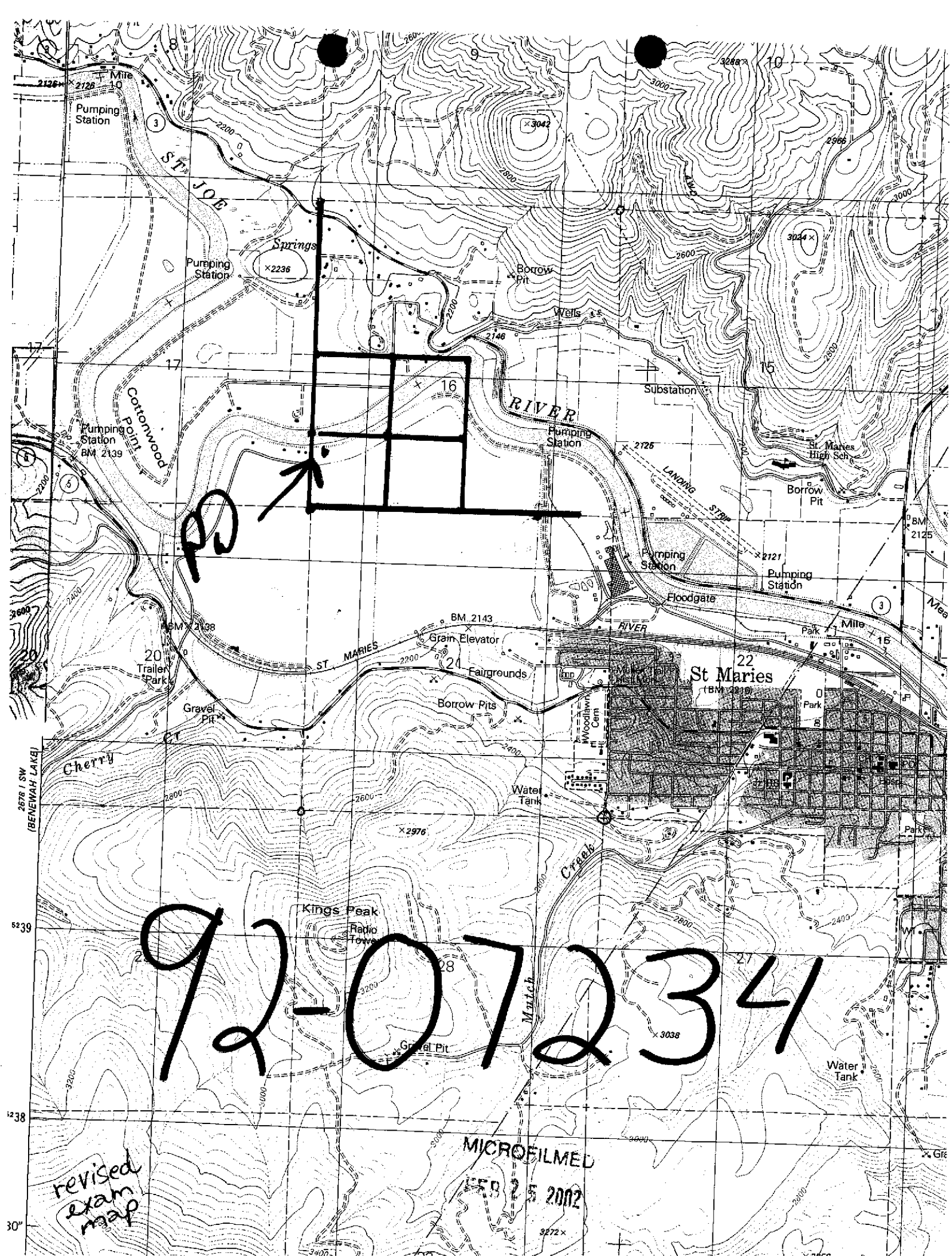
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Wayne Baldi Date 10-12-00

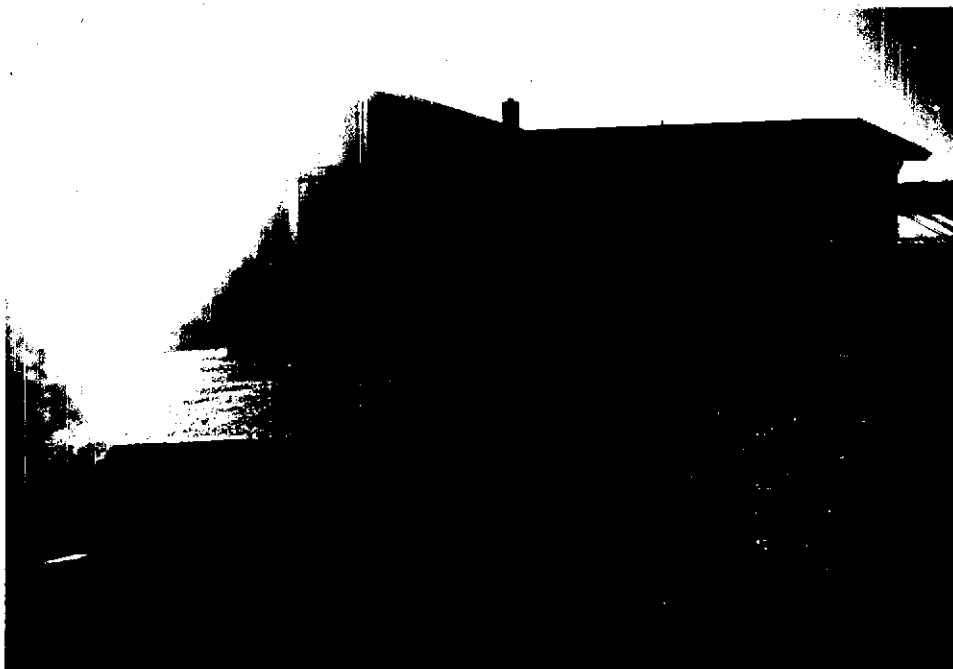
Reviewer _____ Date _____

SEAL
MICROFILMED
FEB 28 2002





92



92

92-072341

MICROFILMED
SEP 25 2002

MEMORANDUM

TO: SHELLEY KEEN *sk*

FROM: KAY WALKER *KW*

RE: Attached Northern Region Exams

Date: December 29, 2000

.....

In an attempt to license some "easy" field exams this last week I found that some of the exams sent in by Northern Region were not correct. Below are some of the problems I found while reviewing these exams.

92-07234

The examiner has misplaced his section lines on the map he attached to his exam. In looking at the map prepared by the examiner I found the point of diversion and place of use would be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17 rather than the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16 as noted by the examiner on his recommendations under item C. The map attached to application for permit shows the use to be in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16 as applied for. *Which legal is correct?*

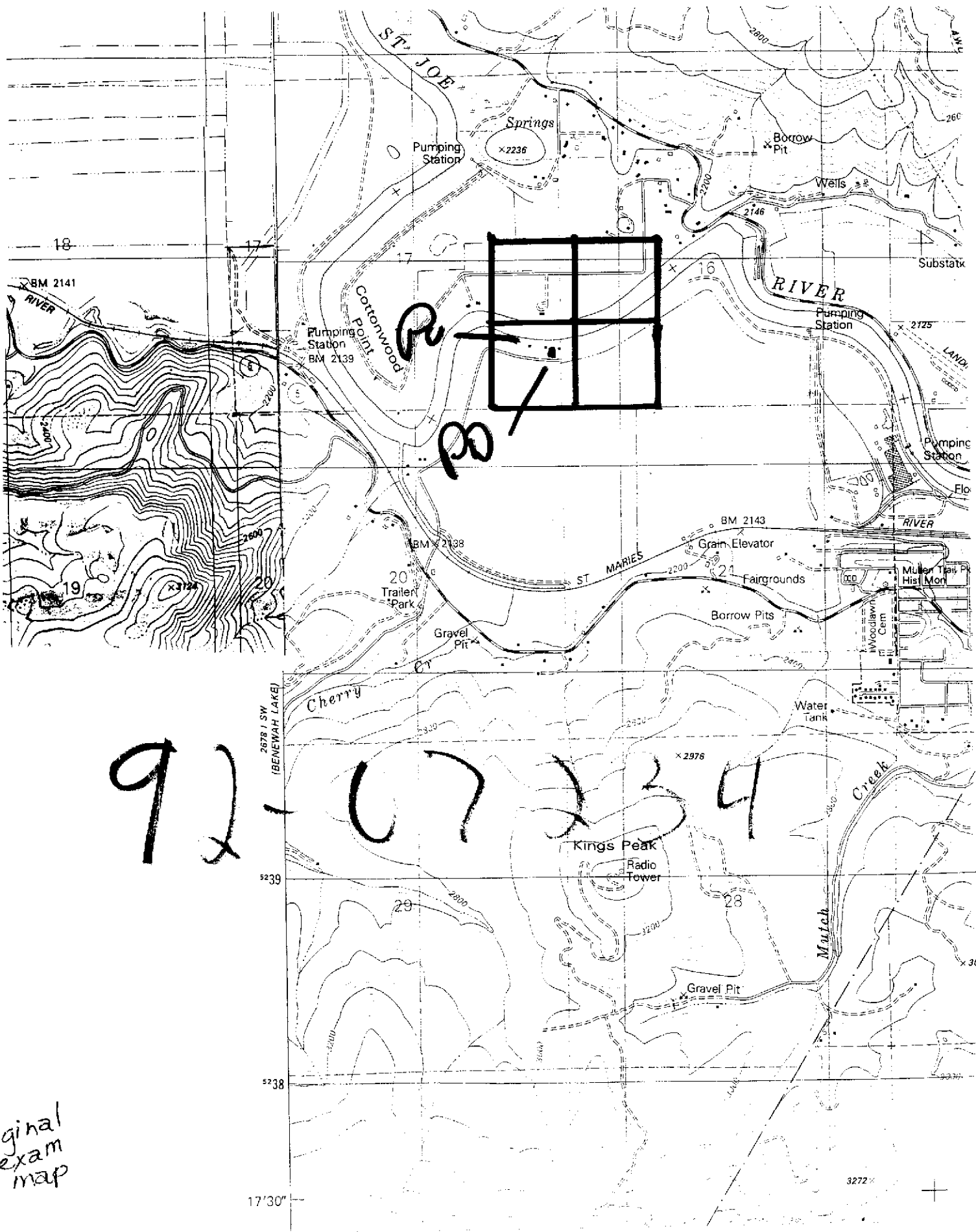
95-08916

This exam is not complete enough to license. The application for permit and proof of beneficial use describe domestic use for 2 homes. Examiner has not said anywhere on exam how many homes he found but on the map he drew he shows just one home. I am reluctant to limit the right to one home until we have more information.

95-08984

The examiner has misplaced his section lines on the map he used to identify the point of diversion and place of use locations. If we used the location he identified on map the legal descriptions would be in Sec. 6 and across the bay from original point of diversion and place of use identified on map attached to application for permit. Examiner has identified p/d and p/u same as permitted under item C on exam. *Which legal is correct?*

*Al,
Here are the three
exams we talked about.
Thanks for offering to take
another look.
Shelley*



original
exam
map



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

January 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERT J WHELAN
PATRICIA WHELAN
HC 1 BOX 280SR
ST MARIES ID 83861-9711

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 92-07234

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,

Kari Lynn Townsend
Secretary

c: IDWR - Regional Office

MICROFILMED

FEB 03 2000



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

January 7, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Robert J. Whelan
HC 1, Box 280SR
St. Maries, ID 83861-9711

RE: PERMIT NO. 92-07234

Dear Mr. Whelen:

I have reviewed the proof of beneficial use which you submitted to the department on December 22, 1999. The proof is not acceptable until it is accompanied by a license examination fee in the amount of \$50. The fee is a different fee than the \$50 application fee which you submitted on November 6, 1998 to pay for the advertisement of the application.

Upon your submittal of the fee, the department will schedule a field examination of your system at a time suitable to you. This examination should be conducted during the summer when the system is in operation. Our office in Coeur d'Alene will schedule and conduct the examination. If you have questions about the examination, you can call that office at (208) 769-1450.

Within fourteen days of the date of this letter, please submit the \$50 fee to my attention. The fee should be payable to the Department of Water Resources. Also show the permit number in your correspondence for proper credit of the fee.

If you have questions, please feel free to contact me.

Sincerely,

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

c: IDWR - Regional Office

MICROFILMED
FEB 03 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 92-07234 Reviewed by LYA Date 1-06-00

GENERAL CONSIDERATIONS

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

TYPES OF USE

Dom - 1
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

☒ Well log in the file?

☒ Correct?

LICENSE EXAMINATION FEE

yes Required?
Amount Submitted
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 _____

DEFICIENCIES OR ACTION ITEMS

Request 50' per sec's
none - ack. proof

DATA ENTRY

New Address _____

Proof Made 1-14-2000

RECEIVED

DEC 22 1999

Department of Water Resources

December 20, 1999
HC 1 Box 280SR
St. Maries, ID 83861

State of Idaho
Department of Water Resources
P O Box 83720
Boise, Idaho 83720-0098

Dear Sir or Madam:

Please find enclosed a form "Proof Of Beneficial Use" which we have completed as much as we are able. I called your office last week and spoke to a Secretary. She was going to have someone return my call who could answer our questions. We never heard back.

From your letter we are supposing that someone must come and inspect our installation. Is this correct? How do we get someone to come? Must we pay another \$50.00 fee? The system was put in use in the summer of 1998 and used again in the summer of 1999. However, if someone came to make an inspection during the winter months they would not find the pump in place because it is removed to be out of harm's way when the water raises during the spring runoff. The pump could be viewed stored in our shop building.

We will appreciate your advise to help us comply with your request for Proof of Beneficial Use. May we hear from you soon and Merry Christmas and Happy Year to you.

Sincerely,
Patricia L. Whelan
Patricia L. Whelan
Phone 208-245-3079

Encl:

MICROFILMED
FEB 03 2000

November 30, 1999

ROBERT J WHELAN
PATRICIA WHELAN
HC 1 BOX 280 SR
ST MARIES ID 83861

PROOF DUE NOTICE

RE: PERMIT NO. 92-07234

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 2000.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

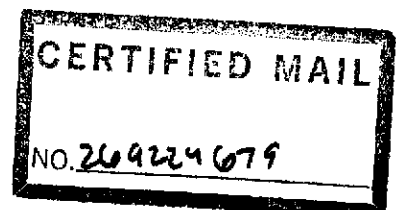
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

FEB 03 2000





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

January 26, 1999

DIRK KEMPTHORNE
GOVERNOR

ROBERT J & PATRICIA WHELAN
HC 1 BOX 280 SR
ST MARIES ID 83861

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT 92-07234

Dear Mr. & Mrs. Whelan:

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 with special attention to number 5.

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.

IDWR wishes to draw your attention to the recent federal district court decision in United States of America and Coeur d'Alene Tribe v. State of Idaho, No. CV 94-328-N-EJL (D. Idaho, July 29, 1998). The decision quiets title in the United States, as trustee for the Coeur d'Alene Tribe of Idaho, to the bed and banks of the Coeur d'Alene Lake and the St. Joe River lying within the current boundaries of the Coeur d'Alene Indian Reservation. The decision currently is on appeal before the Ninth Circuit Court of Appeals. No. 98-35831 (9th Cir. Appeal filed Aug. 18, 1998).

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.

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

Sincerely,

Shelley Walter Keen
Water Right Supervisor

SWK:klt
Enclosures

MICROFILMED

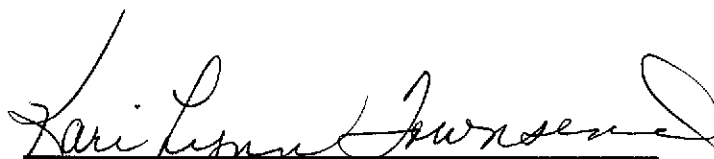
APR 15 1999

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of January, 1999, 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. 92-07234

ROBERT J WHELAN
PATRICIA WHELAN
HC 1 BOX 280 SR
ST MARIES ID 83861


Kari Lynn Townsend
Secretary

MICROFILMED

APR 15 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.

03/11/99 10:00

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.

MICROFILMED

APR 15 1999

6/15/99

Additional Condition for Permit No. 92-07234

5. Approval of this permit does not grant a right-of-way or easement upon or across land not owned by the permit holder, including the bed of any navigable waters.

The letter transmitting the preliminary order issuing the permit should draw attention to this condition. The letter should also draw attention to the recent federal district court decision in United States of America and Coeur d'Alene Tribe v. State of Idaho, No. CV 94-328-N-EJL (D. Idaho, July 28, 1998). The decision quiets title in the United States, as trustee for the Coeur d'Alene Tribe of Idaho, to the bed and banks of the Coeur d'Alene Lake and the St. Joe River lying within the current boundaries of the Coeur d'Alene Indian Reservation. The decision currently is on appeal before the Ninth Circuit Court of Appeals. No. 98-35831 (9th Cir. *Appeal filed* Aug. 18, 1998).

It has been suggested that we send a copy of letter and the permit to the Coeur d'Alene Tribe. I suggest that we prepare the permit and the letter and then I will visit with Clive Strong on whether he agrees a copy should be sent to the tribe.

Phil
1/22/99

MICROFILMED
APR 15 1999

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*

No.: 92-7234 Name: Whelan Date: 1/15/99 Ad OK? / / Gvmt Lts: /

AREA OF CONCERN: - No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust cdA Ind. Res.

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year - 26A-P17

≤ 1 year/no proof P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT:

All wells (✓ WDQ3) - 046-P23

In Basin 34? - 085

Irr. within WD - P05 (new well location)

WMD (✓ MAP) - North / East / West

> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres - No MD

WMD Supplemental use - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

> 0.24 cfs/5 acres - 01M (report when notified)

≤ 0.24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED: - YES / NO; WHEN: _____? RESPONSE: None per A.B.

IN/ABOVE MIN. STR. FLOW (✓ MAP) - *WB9

WD (✓ MAP & LISTING) - R04 (WD # _____)

> 0.10 cfs - 01J-P08 (MD & LD)

≤ 0.10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres - No MD

In-stream dev. - P52 (stream channel alteration)

RIVER BASINS: (*Surface water):

Snake R (01) - *W22 -P04, NA

(02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's) - 029 (fish screens), NA

Weiser R (67) - 086, 087

USE:

Storage (✓ 3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

Irr ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Stockwater - R37 (BLM/USFS); NA

Mining - 054(req) -081-P10

Fish Propagation - 029(70's only)-007-042(req)-081 (WQ)-P10

Heating/Cooling - R07 (injection well)

Power - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)

Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

>1 in rest. area - 071-070

Fire Protection - 077

LOCATION:

Boise Front LoGeo - 058 (<85° GW temp only)

Mitigation - 120

42-248 area - P84 (in 20/30/40/50/60/70/80 (8Z) basin)

SWAN FALLS FLAG (See Code Chart) -

Trust - 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP: - 004 (PD/PU)

OTHER CONDITIONS: -

STANDARD REMARKS: - ① W601/1/Ext. ② W600 ③ Phil's remark.

BENEFICIAL USE DUE: - 2-11-2000

COMMENTS: -

MEMORANDUM

DATE: January 19, 1999
TO: File No. 92-07234
FROM: Cindy Zimmerman 
SUBJECT: High rate of diversion

Per telecon today with Patricia Whelan, this application is for exterior use for 1 home. The lawn will be watered using several sprinkler zones. The applicant calculated the gallons per minute required of the largest sprinkler zone to determine the maximum required rate of flow.

MICROFILMED
APR 15 1999

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

RECEIVED WRI
WRA
JAN 13 1999
BCAI

APPLICATION # 92-01234

DEPARTMENT OF WATER RESOURCES

..... INITIAL REVIEW

APPLICANT: WHELAN BY: AS DATE: 11 / 6 / 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
 - (x) Fee (Amt, receipt, acknowledgement)

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

ADDITIONAL INFORMATION

(Yes) (No)

- x Field check: by _____
- Field report attached
- Analysis Supp. attached (>5cfs/500af)
- Water delivered by water master?
- Water District # _____

PROCESSING

(Yes) (No) PRIORITY DATE: 11 / 6 / 98

 x (Include Moratorium Remark)

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

ADVERTISE IN: BENELWAH County

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	Type:	Fees	Receipt No.	Upgrade Needed?
<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y () N ()
<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y () N ()
<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	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
- Affidavit of publication received
- Application published correctly. If not, record action taken:

12/17 Publication dates and paper recorded on application | Sr. Agent initial

12/17 Protests received, Final protest date: 12 / 21 / 98

 Measuring device required

 Measuring port required

 Special conditions:

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

Approval Recommended by: RWA Date: / /

Affidavit of Publication

RECEIVED
DEC 17 1998
IDWR/North

STATE OF IDAHO

County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of the notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 2nd day of Dec, 1998 and the last on the 9th day of Dec, 1998.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Dated this 15th day of Dec, 1998

Cynthia Ann Hammes

STATE OF IDAHO)

COUNTY OF BENEWAH)

On this 15th day of Dec, in the year of 1998 before me, a Notary Public, personally appeared Cynthia Ann Hammes, known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Sharon D. Blackburn

Notary Public for Idaho
Residing at St. Maries, Idaho
My commission expires:

Water right application NOTICE OF APPLICATION FOR WATER RIGHT

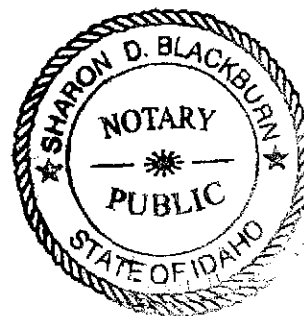
The following application(s) have been filed to appropriate the public waters of the State of Idaho:

92-07234
WHELAN, ROBERT J.
WHELAN, PATRICIA
HC1 BOX 280 SR
ST. MARIES, ID 83861
Source: ST. JOE RIVER
Tributary: COEUR D'ALENE LAKE
Division Pt: LOT 9 (SWSW) Sec 16 T
46N R 02W in BENEWAH County
Use: DOMESTIC (0.060 CFS)
Total Diversion: (0.060 CFS)
Date Filed: 11/6/1998
In: BENEWAH County
T46N R02W S16 Lot 9(SWSW)

For additional information concerning 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 DECEMBER 21, 1998.

KARL J. DREHER, Director
4226-Dec. 2-9



MICROFILMED

DEC 15 1998

92-07234

WHELAN, ROBERT J
WHELAN, PATRICIA
HC1 BOX 280 SR
ST MARIES, ID 83861

Source: ST. JOE RIVER

Tributary: COEUR D ALENE LAKE

Diversion Pt: LOT 9 (SWSW) Sec 16 T 46N R 02W in BENEWAH County.

Use: DOMESTIC	(	0.060 CFS)
Total Diversion:	(	0.060 CFS)

Date Filed: 11/ 6/1998

In: BENEWAH County
T46N R02W S16 Lot 9(SWSW)

MICROFILMED

APR 15 1999

November 25, 1998

Robert J or Patricia Whelan
HC1 Box 280 SR
St Maries ID 83861

Re: Water Appropriation Application No. 92-07234

Dear Mr. or Mrs. Whelan::

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. Enclosed for your file is Receipt Number N012507.

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

APR 15 1999



STATE OF IDAHO

DEPARTMENT OF LANDS

STATEHOUSE, BOISE, IDAHO 83720

STANLEY F. HAMILTON
DIRECTOR

ENCROACHMENT PERMIT NO. L-95-S-3059

Permission is hereby granted to ROBERT J. & PATRICIA L. WHELAN
of 1725 W. Main, St. Maries, ID 83861 to construct and maintain
Three 8' x 11' dock sections and an 8' x 5' ramp and three piling
to be located as follows: Lot 56, Sec. 16, T46N, R2W, B.M., Benewah County - St. Joe River

1. All applicable provisions of the Rules for Regulation of Beds, Waters and Airspace over Navigable Lakes and Streams in the State of Idaho, are incorporated herein by reference and made a part hereof.
2. Construction will follow details and specifications shown on the approved drawings and data provided by the applicant. Should such information and data prove to be materially false, incomplete and/or inaccurate, this authorization may be modified, suspended or revoked upon notice and hearing as provided for in the adopted rules.
3. This permit does not convey the State's title to or jurisdiction or management of lands lying below the natural or ordinary high water mark.
4. Acceptance of this permit constitutes permission by the Permittee for representatives of the Department of Lands to come upon Permittee's lands at all reasonable times to inspect the encroachment authorized by this permit.
5. The Permittee assumes all liability for damages which may result from the exercise of this permit.
6. This permit does not relieve the Permittee from obtaining additional local or Federal permits as required.
7. This permit is not valid until the number assigned is displayed in letters not less than three inches in size upon the dock or piling.
8. The construction of the above-listed encroachment is authorized for a period of three years. From the 30th day of May, 1986, to the 30th day of May, 1989. Applicant may apply for an extension if the project is not completed in the specified time period.

- PLEASE SEE ATTACHED FOR SPECIAL TERMS CONCERNING ST. JOE RIVER -

FOR THE DIRECTOR

By:

L. Robert Schneider
L. ROBERT SCHNEIDER

MICROFILMED

May 30, 1986

Title: Navigable Waters Specialist

APR 15 1989



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

November 2, 1998

Mr. Robert J. Whelan
HC1 Box 280 S R
St. Maries ID 83861

RECEIVED
NOV 06 1998
IDWR/North

RE: Application for Permit

Dear Mr. Whelan:

We are returning your Application for Permit, along with Receipt Number N012507, for the amount of \$50.00.

Please review the following items on your filing:

Item 3. The legal description for the Point of diversion (where your pump will be located) must be described by listing it to the nearest 40 acre tract (1/4 1/4). Item 9. must also be listed the same, using the tabulation. A map with section lines should be returned with your filing that has been marked where your point of diversion and place of use are on it. We can provide you a copy of a map, if you give us the Township, Range and Section of your property. Township 46N, R2W, Sec. 16, SW $\frac{1}{4}$, SW $\frac{1}{4}$. Lot 56, Shadowy St. Joe Lagoon 1st Add. Parcel # RP004500200560A

Item 4. If you are irrigating more than 1/2 acre of lawn and garden that will be irrigated, then "Irrigation" should be listed as the use and the number of acres listed under Item 9. If not, "Domestic" use should be listed and the letter "D" in the corresponding 40 acre tract on item 9. "D"

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

Please see attached. Hopefully this will fulfill your requirements.

MICROFILMED
APR 15 1999