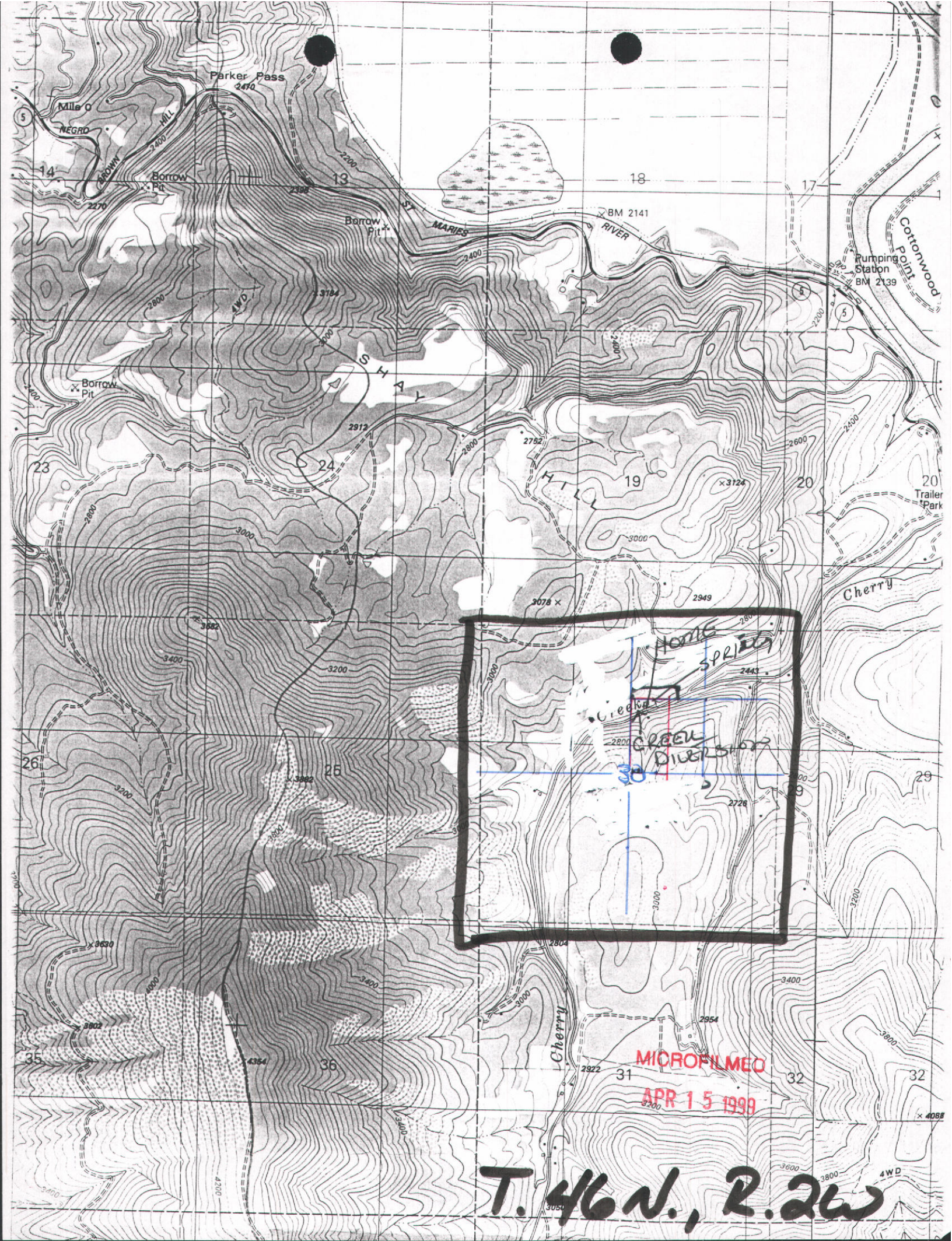
Parker Pass
2410
Mile 0
NEGRO
HILL
BROWN
2400
2200
14
Borrow Pit
2270
2398
13
Borrow Pit
ST MARIES
RIVER
BM 2141
18
17
Cottonwood Point
Pumping Station
BM 2139
4WD
3184
2800
3000
SHAY
Borrow Pit
2913
2752
24
23
19
HILL
×3124
20
Trailer Park
3078 ×
2949
Cherry
3682
3400
3200
HOME SPRING
2443
Creek
GREEN DIVERSION
30
26
25
×3992
2728
29
×3630
3602
4354
35
36
2804
2954
Cherry
2922
31
32
MICROFILMED
APR 15 1999
×4088
T. 46 N., R. 24 W.

DOCUMENTS
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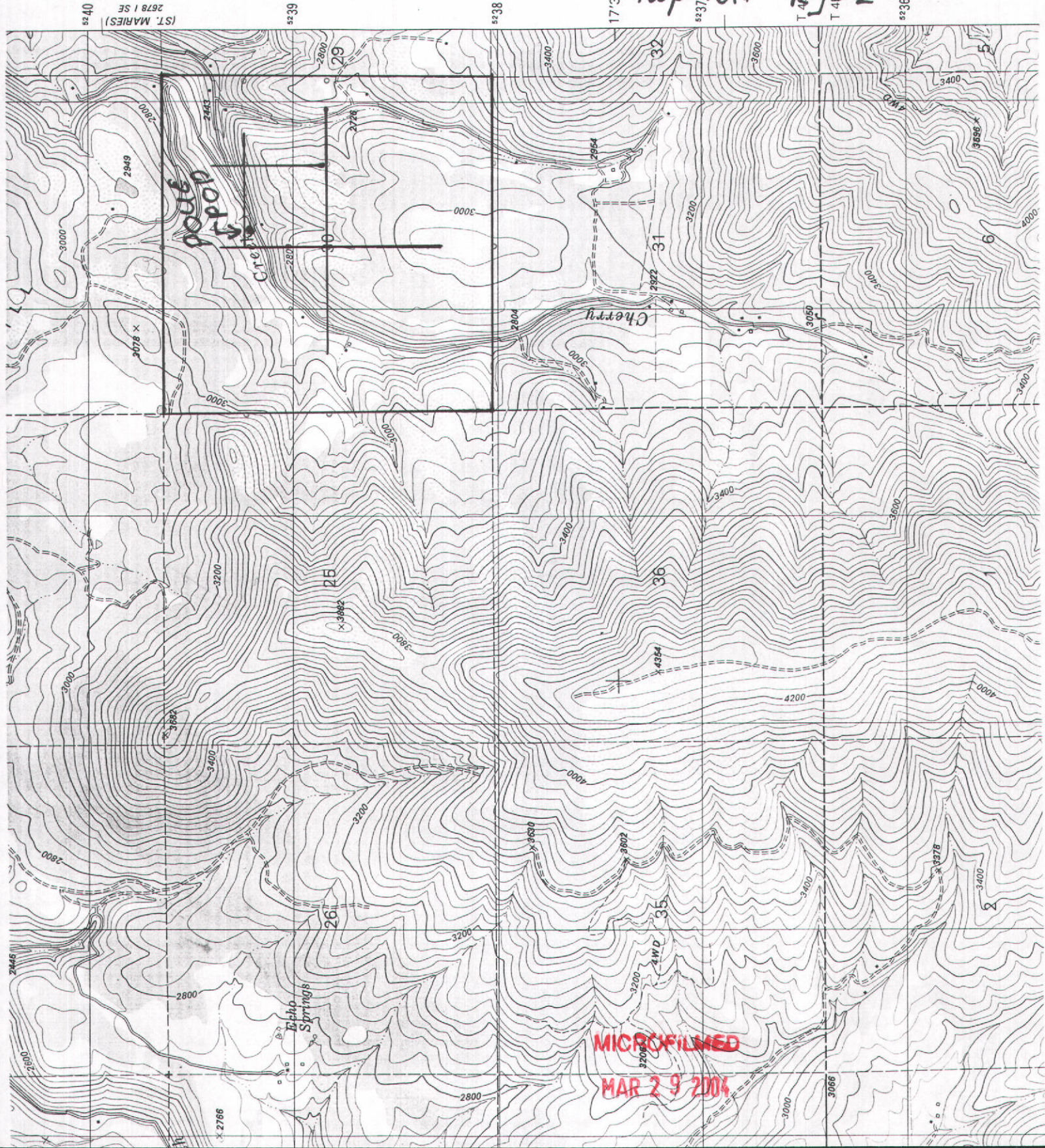
92-07232

Benewah Lake Quad.

SW, NE Sec. 30 Twp 46N Rge 2 W.



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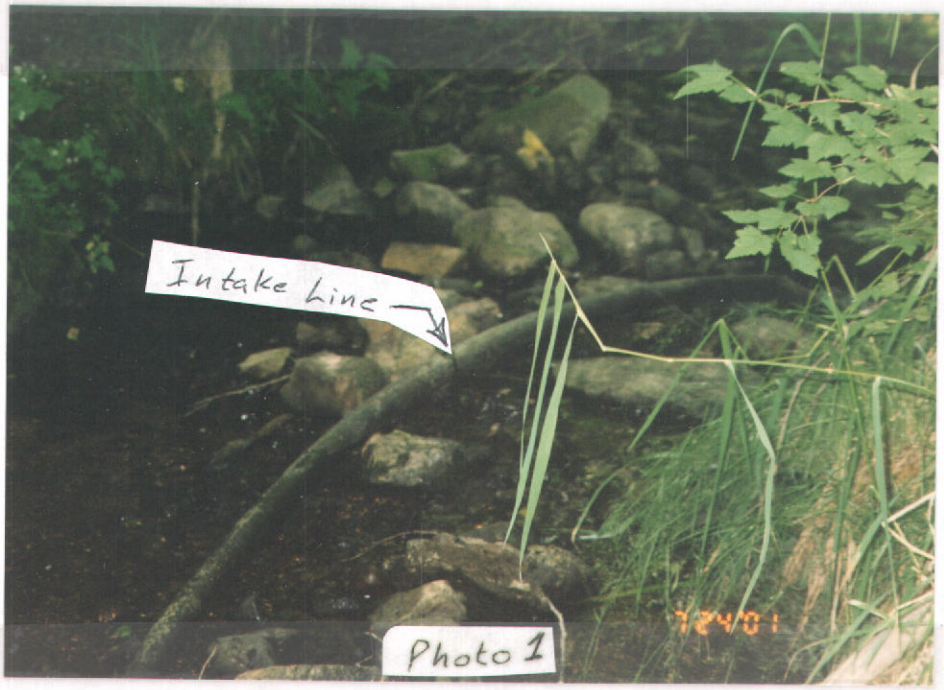

Photo 1. Showing Point of Diversion (POD).

Photo 2. Showing Interior of Storage Tank.

MICROFILMED

MAR 2 9 2004

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 92-07232

Priority: September 20, 1998

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that WILLIAM D AITON SR
HC 1 BOX 216A
ST MARIES ID 83861-9713 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 04, 1998; and has submitted Proof of Beneficial Use on February 16, 2000. An examination indicates that the works have a diversion capacity of 0.04 cfs of water from:

SOURCE
CHERRY CREEK **Tributary:** ST JOE RIVER

and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL DIVERSION VOLUME
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:
CHERRY CREEK SW¼NE¼ Sec. 30, 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 30			X														

CONDITIONS OF APPROVAL

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

Signed and sealed this 20th day of October, 2003.

for KARL J. DREHER
Director

MICROFILMED
MAR 2 9 2004

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 92-07232 IN THE NAME OF WILLIAM D. AITON, SR.	))))	**REINSTATEMENT ORDER**

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before February 1, 2000, and,

WHEREAS, the Department notified the permit holder on November 30, 1999 by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

WHEREAS, the Department sent the permit holder a lapse notice on February 2, 2000, since the department had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on February 16, 2000;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 92-07232 is **REINSTATED** with an advance in priority to **September 20, 1998.**

DATED this 27th day of April, 2000.

L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

JAN 18 2001

Form No. 217
7/94

FOR OFFICE USE ONLY
Amt. of Fee $: 50.00
Receipt No: C048122
Receipt By: JM
Date Receipted: 2-16-00

RECEIVED
FEB 16 2000
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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. # 92-07232 Telephone No. 208- 245-4079

2. Name(s) of Permit Holder(s): William D. Aiton Sr.

3. Mailing Address: HC1 Box 216A St Maries ID 83861

4. Source of Water: Cherry Creek Spring 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): _____

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

6. Total rate of diversion and/or volume for which proof is submitted: .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: $ 50.00 (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: William D. Aiton Sr. (Bill) Telephone Number: 208-245-4079

Address: HC1 Box 216A St Maries ID 83861

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.

Signature of permit holder: William D Aiton Sr Date: 2-14-00
(include your title, if on behalf of company of organization)

MICROFILMED

JAN 18 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 92-07232

Proposed Priority: September 4, 1998 Maximum Diversion Rate: 0.04 CFS

This is to certify, that **WILLIAM D AITON SR**
314 S 6TH
ST MARIES ID 83861
has applied for a permit to appropriate water from:

CHERRY CREEK	tributary of	**ST. JOE RIVER**
SPRING	tributary of	**CHERRY CREEK**

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

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

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 30, Township 46N, Range 02W
NWSWNE , Sec. 30, Township 46N, Range 02W
BENEWAH County

PLACE OF USE: DOMESTIC

TWN	RGE	SEC	
46N	02W	30	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 **February 1, 2000.**
2. Subject to all prior water rights.
3. 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

21st day of January, 1999.

L. Glen Saxton
for Karl J. Dreher, Director

MICROFILMED
APR 15 1999

FORM 202
2/96

Ident. No. 92-7232

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

1. Name of Applicant William D. Aiton Sr. Phone 208-245-4079
   Mailing address 314 S. 6th St. Maries ID 83861
2. Source of water supply SPRING CREEK which is a tributary of ST. MARIES RIVER ~~SOUTH FORK~~ ST. CHERRY CREEK
3. Location of point of diversion is Township 46N. Range 2W Sec. 30, in the ____ 1/4, SW 1/4, NE 1/4, Govt. Lot ____, B.M., BENEWAH County;
   additional points of diversion if any: SPRING - NW¼ SW¼ NE¼, SEC. 30, T. 46N., R2W.
4. Water will be used for the following purposes:

Amount 0.04 (cfs or acre-feet per annum)	for DOMESTIC	purposes from	1/1	to	12/31 (both dates inclusive)
Amount ____ (cfs or acre-feet per annum)	for ____	purposes from	____	to	____ (both dates inclusive)
Amount ____ (cfs or acre-feet per annum)	for ____	purposes from	____	to	____ (both dates inclusive)
Amount ____ (cfs or acre-feet per annum)	for ____	purposes from	____	to	____ (both dates inclusive)
Amount ____ (cfs or acre-feet per annum)	for ____	purposes from	____	to	____ (both dates inclusive)
Amount ____ (cfs or acre-feet per annum)	for ____	purposes from	____	to	____ (both dates inclusive)

5. Total quantity to be appropriated is (a) 0.04 cubic feet per second and/or (b) ____ acre feet per annum
6. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source PUMP IN SPRING & CREEK
   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. ____

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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.

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	
46	2W	30			D														

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? APPLICANT

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

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

12. Remarks: _____

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.

X William D Carter 2.
Signature of Applicant (and title, if applicable)

Received by Ken Date 9/4/98 Time 11:00A Preliminary check by _____
Fee $ 50.00 Receipted by Ken #8 ~~76800~~ 12300 Date 9/4/98
Publication prepared by db/cc Date 9/9/98 9/23 Published in St Maries Gazette 9/16 & 23/98
Publication approved _____ Date _____ 10/7 & 14/98

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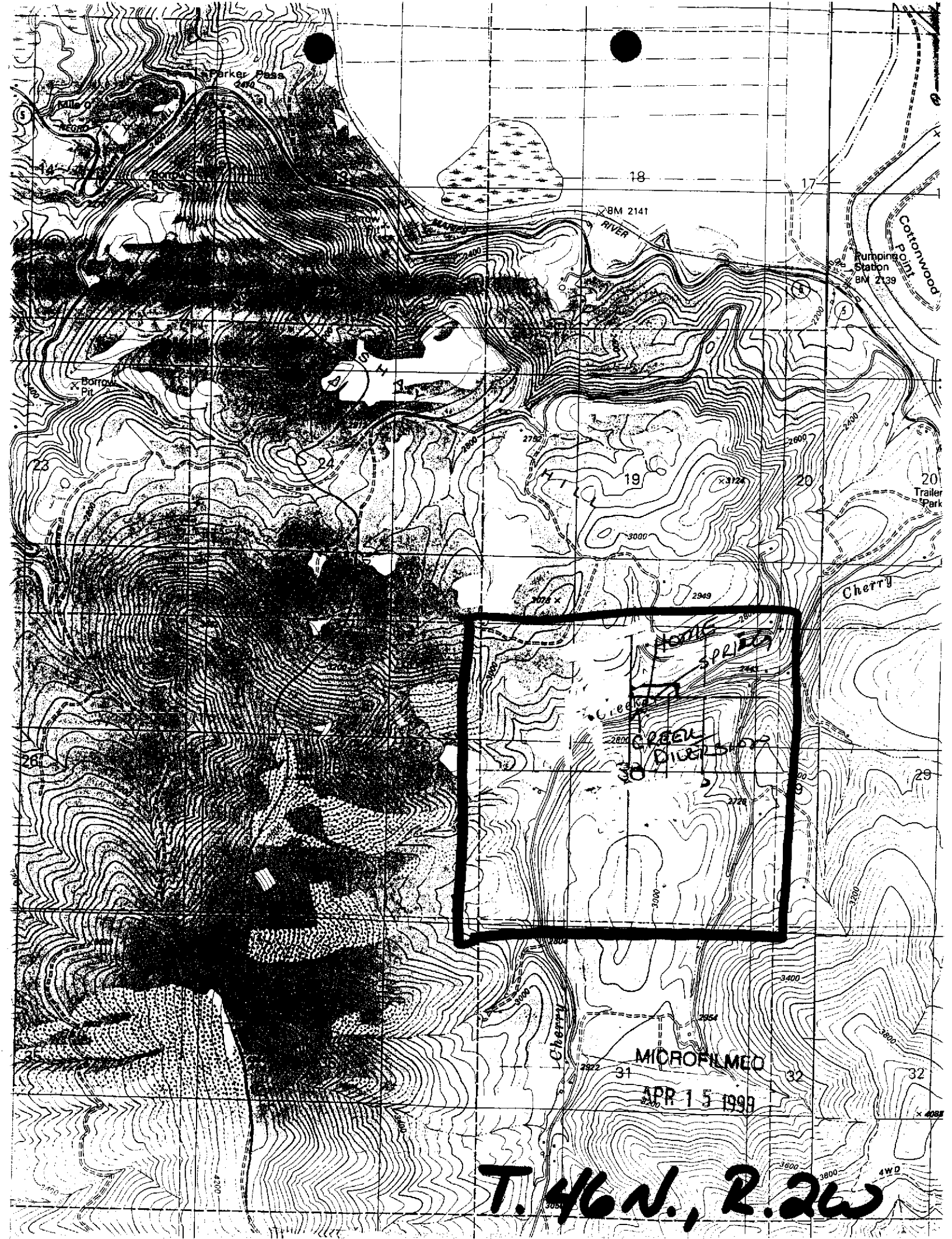
APR 15 1999


Parker Pass
Borrow Pit
BM 2141
RIVER
Cottonwood Point
Pumping Station
BM 2139
Trailer Park
Cherry
Cherry
MICROFILMED
APR 15 1998
T. 46 N., R. 24 W.

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

October 20, 2003

WILLIAM D AITON SR
HC 1 BOX 216A
ST MARIES ID 83861-9713

RE: License No. 92-7232 - 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:klt

Enclosure(s)

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MAR 2 9 2004

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2003 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. 92-7232

WILLIAM D AITON SR
HC 1 BOX 216A
ST MARIES ID 83861-9713

Kari Lynn Townsend
Secretary

MICROFILMED
MAR 2 9 2004

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).

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MAR 2 9 2004

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.

MICROFILMED
MAR 2 9 2004

MEMORANDUM

Date: October 14, 2003

To: Water Right File 92-7232

From: Shelley Keen

Re: Issuance of License

Review of the field report and data entry for preparation of the license were completed by Shelley Keen and Jim Zokan on 10/14/2003.

DIVERSION RATE -- Field examiners measurement was not useful. However, given the diameter of the pipeline from the creek, it is likely that the right holders are capable of diverting at or near 0.04 cfs during high flow periods. Therefore, the license will be issued for 0.04 cfs, which is standard for domestic uses.

MICROFILMED

MAR 2 9 2004

Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 13 2003
Department of Water Resources

A. GENERAL INFORMATION

Permit No. **92-07232**

1. Owner: William D. Aiton Sr.

Phone No. (208) 245-4079

Current Address: HC 1 Box 216A
St. Maries, ID 83861

2. Accompanied by: Permit Holder

EXAM DATE: July 24, 2001

Address: See Above

Phone No. See Above

Relationship to Permit Holder: Permit Holder

3. Source: Cherry Creek

tributary to: St. Joe River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
NA			SW	NE	30	46N	02W	Benewah	USGS 7½ minute topographical map

2. **Place(s) of Use:** Indicate Method of Determination: USGS 7½ minute topographical map

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	30			D														

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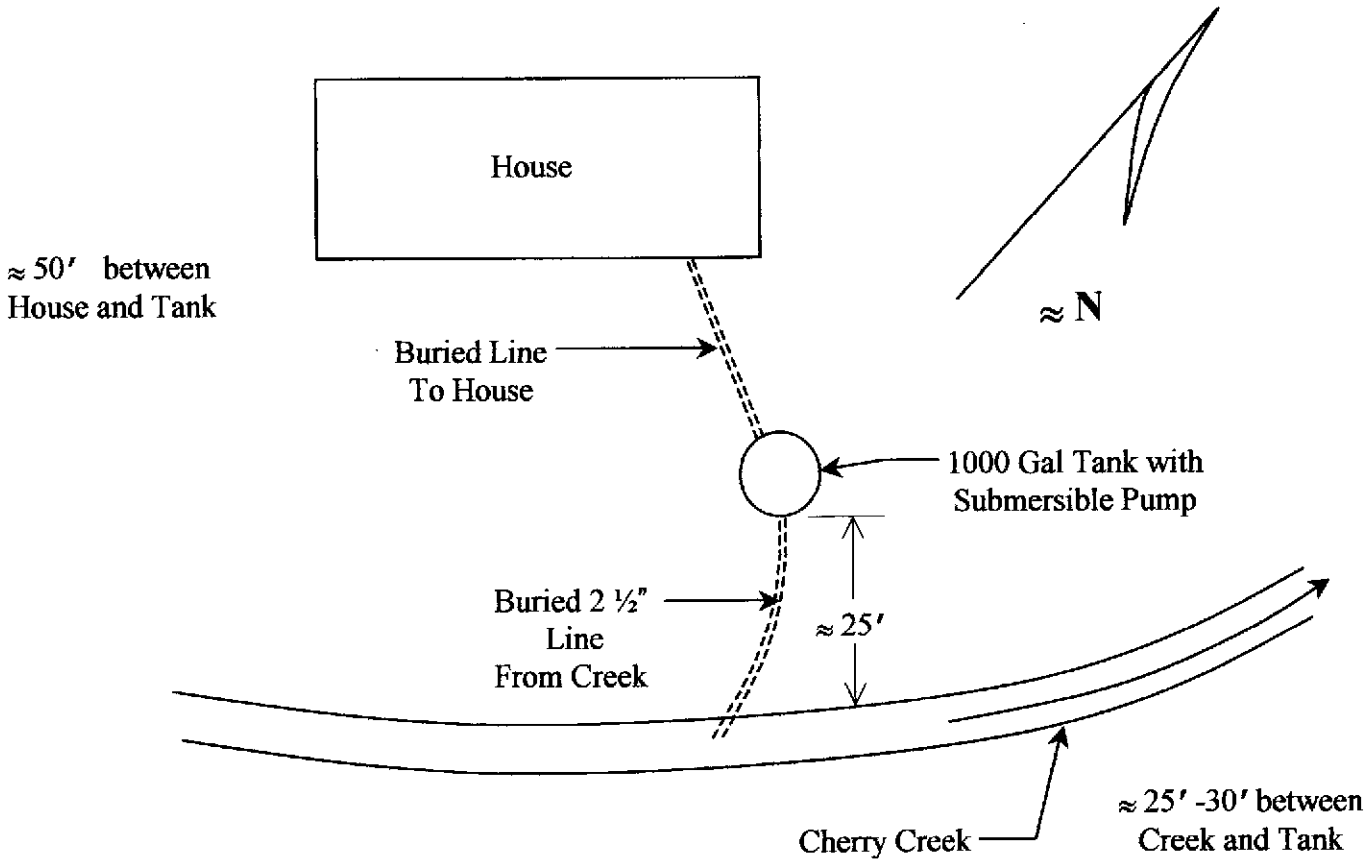
MAR 2 3 2004

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



Scale: 1" = Not to Scale

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

No Aerial Photo Attached

Yes Photo of Diversion and System Attached (required for irrigation of 10+ acres)

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
NA	Unkn	1 ½	Unkn	Unkn	Unkn

**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
Orange Peel						

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MAR 2 9 2004

2. Measurements:

Flow measurements of Cherry Creek were taken at the Point of Diversion (POD) using the Orange Peel Method. The creek at this point had a rounded bottom and measured three and one-half feet (3½') wide and four inches (4") deep at the deepest point. The length of run for the orange peel was ten feet (10'). Three measurements were taken.

	Measurement	Time (sec.)
	1	145
	2	182
	3	136
Total		**463**

$$\textbf{Average} = \frac{463}{3} \approx \textbf{154 sec./10ft.}$$

E. NARRATIVE/REMARKS/COMMENTS

A screened two and one-half inch (2½") poly line extending upstream into Cherry Creek (*Photo 1*) passively fills a buried one thousand (1000) gallon storage tank (*Photos 2*). The water level in the tank is therefore subject to the water level in Cherry Creek. The storage tank is about twenty-five feet (25') from Cherry Creek.

A submersible pump in the storage tank supplies the house. The house is across a driveway and about fifty feet (50') from the storage tank.

The permit lists a spring as being a source of water. Cherry Creek is the only source of water and the spring should be excluded as a source on this permit.

Have conditions of permit approval been met? **X** Yes no

F. FLOW CALCULATIONS

Domestic (Single Home) = **0.04** ***cfs***

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) =

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 =

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ =

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MAR 2 9 2004

2. Volume Calculations for Other Uses:

Domestic (Single Home) = 1.2 AFA

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Domestic	1/1	12/31	0.04	1.2
		Totals:	**0.04**	**1.2**

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name: Jim Zimmerman Date: August 5, 2001

Signature

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MAR 2 9 2004

DOCUMENTS
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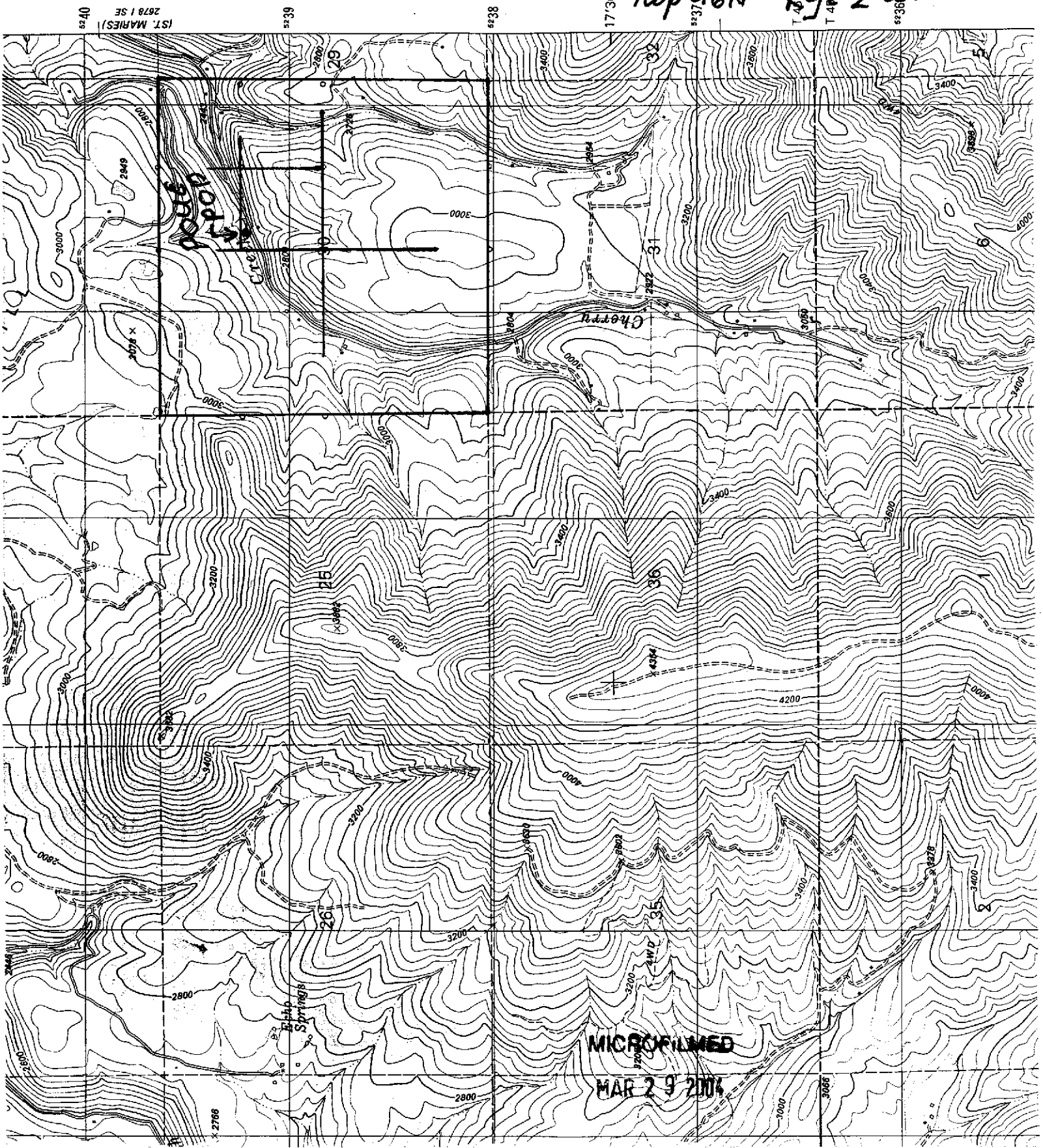
UNIVERSITY OF

92-07232

Benewah Lake Quad.

SW, NE Sec. 30 Twp 46N Rge 2 W.



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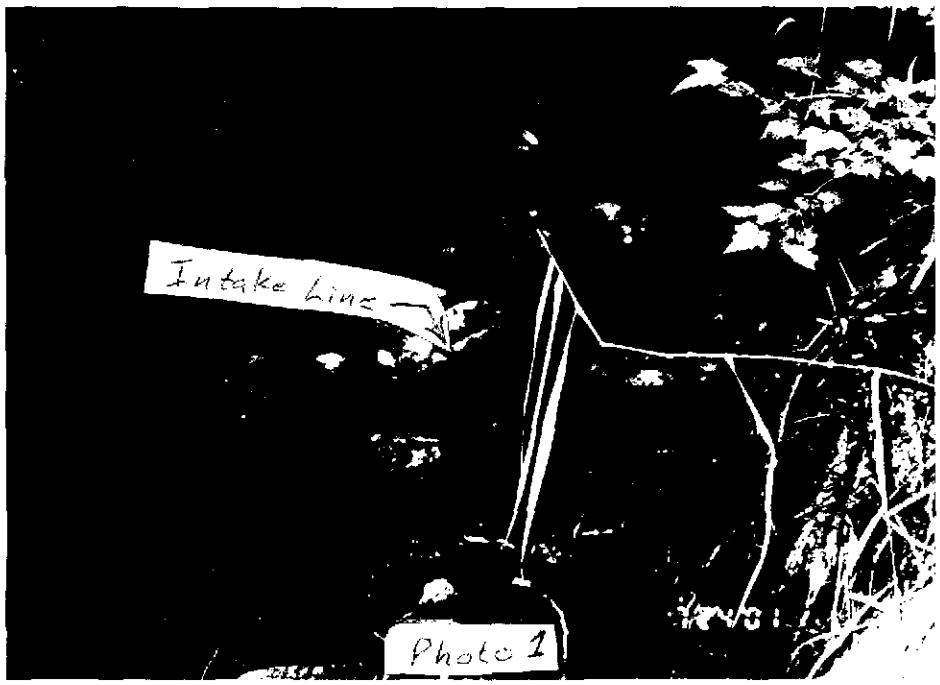


Photo 1. Showing Point of Diversion (POD).

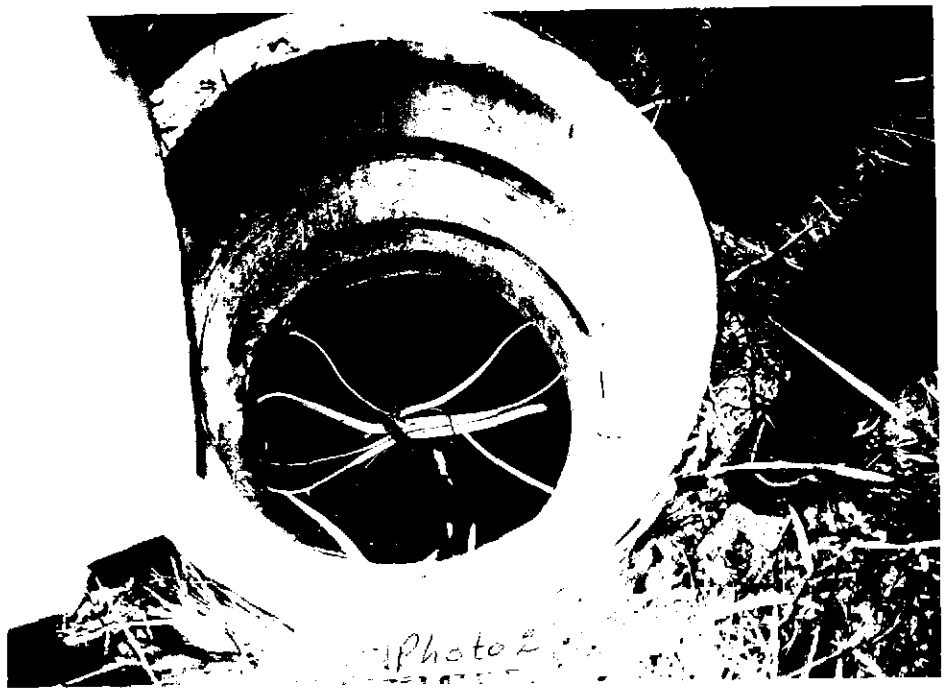


Photo 2. Showing Interior of Storage Tank.

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 27, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM D AITON SR
HCI BOX 216A
ST MARIES ID 83861

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 92-07232

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order reinstating the permit since proof was submitted after the proof due date.

Please 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.

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. 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,

Deborah Drew-Ellis

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Enclosure
c: IDWR - Region

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 92-07232 Reviewed by D. Ellis Date 4/27/00

GENERAL CONSIDERATIONS

Yes Name same as permit?
No Address same as permit?
No Proof timely received? Correct Uses? Yes
If not, complete calculation below.

TYPES OF USE

Domestic

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	2/16/00	
Date proof due	2/1/00	-
No. of days late	16	=
Priority Date	9/4/98	+
New Priority Date	9/20/98	

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof & advance priority date.

DATA ENTRY

New Address HCI Box 216A
St. Maries, Id. 83861

Proof Made 2/16/00

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:
0048122

Date:
Time: 2/16/2000
15:46:47

Received
From: AITON SR. WILLIAM D

Type of Payment	Program Acct		Amount
BENEFICIAL USE #92-07232	56104	229 21 1155	50.00

Total $ 50.00

CHECK 2682

Region: STATE

Signature: Jean Mann

MICROFILMED
JAN 18 2001

INTER-DEPARTMENT MEMO--1

FROM Glen

DATE 92-07232

TO File

~~SUBJECT~~ - on this date, I talked to the permit holder who says he has filed proof. He will file proof again.

MICROFILMED
JAN 18 2001

SIGNATURE

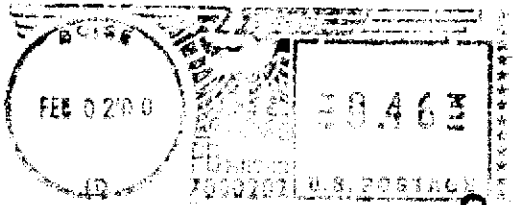
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
[redacted] North Orchard Street
Boise, Idaho 83706-2237

RETURN SERVICE REQUESTED

PRESORTED FIRST CLASS

92-07232

2 lots WR2 updated 4 Mail request Rec'd



RECEIVED
FEB 10 2000
Department of Water Resources

MICROFILMED
JAN 16 2001

AITO314 838612005 1C98 06 02/06/00
FORWARD TIME EXP RTN TO SEND
AITON SR
HC 1 BOX 216A
SAINT MARIES ID 83861-9713

RETURN TO SENDER

838612232 2884 1

519

SW A

February 2,2000

WILLIAM D AITON SR
314 S 6TH
ST MARIES ID 83861

LAPSE NOTICE

RE: PERMIT NO. 92-07232

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated November 30, 1999. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar ($50.00) fee.

Enclosures form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

MICROFILMED
JAN 1 8 2001

2/2/00

November 30, 1999

WILLIAM D AITON SR
314 S 6TH
ST MARIES ID 83861

PROOF DUE NOTICE

RE: PERMIT NO. 92-07232

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
JAN 18 2001

CERTIFIED MAIL
NO. 20922678

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 25, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM D AITON SR
314 S 6TH
ST MARIES ID 83861

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 92-07232

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 Walter Keen

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED
APR 15 1999

CERTIFICATE OF MAILING

I hereby certify that on the **25th** 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. 92-07232

WILLIAM D AITON SR
314 S 6TH
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.

MICROFILMED
APR 15 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.

MICROFILMED
APR 15 1999

08/98

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

by Cindy Low

No.: 92-7232 Name: Aiton Date: 1/20/99 Ad OK? ✓ ✓ Gvmt Lts: ✓

AREA OF CONCERN: - No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

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/5acres - No MD

~~WMD~~ Supplemental use - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- > 0.24 cfs/5acres - 01M (report when notified)
- ≤ 0.24 cfs/5acres - No MD

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

FISH & GAME CONTACTED: - YES / No; WHEN: ? RESPONSE: None

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/5acres - 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/5acres - 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 (~~87~~) 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: - ① 000/1 _____

BENEFICIAL USE DUE: - 2-11-2000

COMMENTS: - _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
JAN 13 1999
DEPARTMENT OF WATER RESOURCES

WRI
BCAI
WRA

APPLICATION # 92-7232

INITIAL REVIEW

APPLICANT: AITON BY: [redacted] DATE: 9/4/98

ITEM	REQUIRED INFORMATION	PROCESSING
1.	(✓) Name and Address	(Yes)(No) PRIORITY DATE: 9/4/98
2.	(✓) Source	
3.	(✓) Point of Diversion & County	
4.	(✓) Quantity	
	(✓) Nature of Proposed Use	
	(✓) Period of Use	
5.	(✓) Total Quantity	
6.	(✓) Description of diverting works	
7.	(✓) Time required for b/u	
8.	(✓) Proposed use	
9.	(✓) Place of use or acres irrigated	
10.	(✓) Other water Rights	
11.	(✓) Ownership	
12.	(✓) Map	
	(✓) Signature	
	(✓) Fee (Amt, receipt, acknowledgement)	

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

__ X (Include Moratorium Remark)

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

sm | wd | ok

ADVERTISE IN: BENEWAH County

LETTERS SENT REQUESTING:

( ) Dam Information ( ) Fish Information

( ) Power Information ( ) Other: N/A

ADDITIONAL INFORMATION

(Yes)(No)

__ X Field check: by _____

__ | Field report attached

__ | Analysis Supp. attached(>5cfs/500af)

__ | Water delivered by water master?
Water District # _____

INFORMATION RECEIVED:

( ) Dam Information ( ) Fish Information

( ) Power Information ( ) Other: N/A

GROUNDWATER SECTION

D Permit No.'s:	Type:	Fees	Receipt No.	Upgrade Needed?
__ __ __ __	Dom.___ Non-Dom.___	Paid $_____	_____	Y ( ) N ( )
__ | __ __ __	Dom.___ Non-Dom.___	Paid $_____	_____	Y ( ) N ( )
__ | __ __ __	Dom.___ Non-Dom.___	Paid $_____	_____	Y ( ) N ( )

__ | Groundwater management area
__ | Critical ground water area
__ | Well Drilling Permit required
__ | Well Drilling Application and Fees received
__ V 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

9/24 __ Affidavit of publication received

10/5 9/24 Application published correctly. If not, record action taken: Readvertise to correct tributary of Cherry Creek to St Joe

9/24 9/30 Publication dates and paper recorded on application | Sr. Agent initial

__ __ Protests received, Final protest date: 10/5/98 10/26/98

__ __ Measuring device required

__ ✓ Measuring port required

__ ✓ Special conditions:

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

Approval Recommended by: [redacted] Date: 10/26/98

Memorandum to File

Date: December 28, 1998

From: Beardslee

File: 92-07232

RE: Fish and Game review of surface water Application for Permit

---

The Idaho State Fish and Game Department was given the opportunity to review this filing, in addition to our notification of new water right filings list.

Northern Region was given no negative response to the approval of this filing.

MICROFILMED
APR 15 1999

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

RECEIVED
OCT 15 1998
NORTHERN REGION
IDWR

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 7th day of Oct., 19 98 and the last on the 14th day of Oct., 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 14th day of Oct., 19 98

Cynthia Ann Hammes

STATE OF IDAHO)
COUNTY OF BENEWAH)

On this 14th day of Oct., 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: NOV. 4, 1998

Notice of correction

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 92-07232 in the name of WILLIAM D. AITON SR., 314 S. 6th, ST. MARIES, ID 83861, was incorrectly advertised on September 16 and 23, 1998.

The SOURCE of the water was incorrectly advertised as Cherry Creek, tributary to St. Maries River, and a Spring, tributary to Cherry Creek, whereas correctly it should read Cherry Creek, tributary to ST. JOE RIVER, and a Spring, tributary to Cherry Creek.

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

Any protests against the approval of the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814, together with a protest fee of $25.00 on or before October 26, 1998.

KARL J. DREHER, Dir.

4184-Oct. 7-14

MICROFILMED
APR 15 1999

September 30, 1998

St Maries Gazette Record
Legal Notices Department
127 S Seventh Street
St Maries ID 83861

Re: Water Right No. 92-07232

Gentlemen:

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, and the bill, to this office before October 26, 1998.

Thank you.

Sincerely,

Dianne Ball
Senior Secretary

Enclosure

MICROFILMED

APR 15 1999

NOTICE OF CORRECTION

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The SOURCE of the water was incorrectly advertised as Cherry Creek, tributary to St Maries River, and a Spring, tributary to Cherry Creek, whereas correctly it should read **Cherry Creek, tributary to ST JOE RIVER**, and a Spring, tributary to Cherry Creek.

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

Any protests against the approval of the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, together with a protest fee of $25.00 on or before October 26, 1998.

KARL J. DREHER, Dir.

Published in the St Maries Gazette on October 7 & 14, 1998.

MICROFILMED

APR 15 1999

RECEIVED
SEP 24 1998
NORTHERN REGION
IDWR

Affidavit of Publication

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 16th day of Sept., 19 98 and the last on the 23rd day of Sept., 19 98.

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 23rd day of Sept., 19 98

Cynthia Ann Hammes

STATE OF IDAHO)
COUNTY OF BENEWAH)

On this 23rd day of Sept., 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. Klaetsch
Notary Public for Idaho
Residing at St. Maries, Idaho
My commission expires: Nov. 4, 1998

MICROFILMED
APR 15 1999

Should be St Joe

Public notice
NOTICE OF APPLICATION FOR WATER RIGHT

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

91-07141
CHASE, CYRIL C.
305 LINCOLN AVENUE
ST. MARIES, ID 83861
Source: ST. JOE RIVER
Tributary: Coeur d'Alene River
Diversion Pt: NESE
Sec. 7 T 46N R 02W in BENEWAH COUNTY.
Use: IRRIGATION (0.170 CFS)
Total Diversion: (0.170 CFS)
Date Filed: 8/27/1998
In: BENEWAH County
T46N R02W S07 NESE
5.5 ACRES TOTAL

92-07232
AITON JR., WILLIAM D.
314 S. 6TH
ST. MARIES, ID 83861
Source: Cherry Creek
Tributary: St. Maries River
Source: SPRING
Tributary: CHERRY CREEK
Diversion Pt: SWNE Sec. 30 T 46N R 02W in BENEWAH County.
NWSWNE Sec. 30 T 46N R 02W in BENEWAH County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 9/4/1998
In: BENEWAH County T46N R02W S30 SWNE

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 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 OCTOBER 5, 1998.

KARL J. DREHER, Director

4167-Sept. 16-23

92-07232

AITON JR, WILLIAM D
314 S 6TH
ST MARIES, ID 83861

Source: CHERRY CREEK Tributary: ST ~~MARIES RIVER~~ Joe River
Source: SPRING Tributary: CHERRY CREEK

Diversion Pt: SWNE Sec 30 T 46N R 02W in BENEWAH County.
NWSWNE Sec 30 T 46N R 02W in BENEWAH County.

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

Date Filed: 9/ 4/1998

In: BENEWAH County
T46N R02W S30 SWNE

MICROFILMED

APR 15 1999

September 9, 1998

William D. Aiton, Sr.
314 S 6th
St Maries ID 83861

Re: Water Appropriation Application No. 92-07232

Dear Mr. Aiton::

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

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