



ZEN

20564
MICROFILMED
JAN 16 2001

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. *Sec 15 T2N36N R2E 5M*



Scale: 1 inch equals 1 mile *whole sheet on*

yellow area approx 24 acres.

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

Ms. L.W. Carbury Noakes
(Applicant)

REPROFILMED

JAN 16 2001

RECEIVED
A 25 1999
Department of Water Resources
FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 2047735
Receipt By: JM
Date Received: 1.20.00

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. 84-07300 Telephone No. 208-476-5998
2. Name(s) of Permit Holder(s): Loraine W. Noakes
3. Mailing Address: 3216 Upper Fords Crk Rd, Orofino Id 83544
4. Source of Water: 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): 10 horses
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 1 gal every minutes 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: \$ _____ (See Fee Schedule on back of the instructions for filing proof of beneficial use)
less than 0.04 CFS so fee not needed?
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Loraine W. Noakes Telephone Number 208-476-5998
Address: 3216 Upper Fords Crk Rd, Orofino Id 83544
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: Loraine W. Noakes Date: 8-23-99
(include your title, if on behalf of company or organization)
MICROFILMED
JAN 16 2001

RECEIVED
A 25 1999

FOR OFFICE USE ONLY
Amt. of Fee \$ 30.00
Receipt No. 047735
Receipt By: SM
Date Received: 1-12-00

COPY

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. 84-07300 Telephone No. 208-476-5998
2. Name(s) of Permit Holder(s): Loraine W. Noakes
3. Mailing Address: 3216 Upper Fords Crk Rd, Orofino Id 83544
4. Source of Water: 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): 10 horses

Irrigation (No. of acres): Other:

6. Total rate of diversion and/or volume for which proof is submitted: 1 gal every 4 minutes cfs OR acre feet
in hot weather 1 gal every 10 minutes, runs year around.
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly) 1-9-00
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete) Noakes

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: \$ (See Fee Schedule on back of the instructions for filing proof of beneficial use)
less than 0.04 CFS so fee not needed?
9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Loraine W. Noakes Telephone Number: 208-476-5998

Address: 3216 Upper Fords Crk Rd, Orofino Id 83544

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: Loraine W. Carbury - Noakes Date: 18 MAR - 99
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 84-07300

Proposed Priority: March 3, 1998

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **LORAIN W NOAKES**
3216 UPPER FORDS CREEK RD
OROFINO ID 83544

has applied for a permit to appropriate water from:
SPRING tributary of **SINKS**

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>
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.02 CFS
	Totals	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWSWSE , Sec. 15, Township 36N, Range 02E
CLEARWATER County

PLACE OF USE: STOCKWATER

TWN RGE SEC

36N 02E 15 SWSE

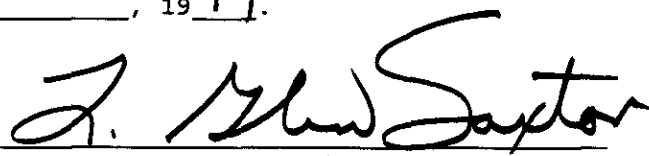
PLACE OF USE: DOMESTIC, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 2000.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. Stockwater use is for 10 horses.

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

22nd day of July, 1999.


Karl J. Dreher, Director
for

MICROFILMED

JAN 16 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

84-07300
Ident. No. ~~84-07296~~
84-07300
RECEIVED
MAR 03 1998

RECEIVED

JUL 16 1999

To appropriate the public waters of the State of Idaho

Department of Water Resources

Department of Water Resources

1. Name of applicant MS. LORAIN W. NOAKES Phone 208-476-5998
Post office address 3216 Upper Fords Crk Rd, Profins Id 83544
2. Source of water supply 2 springs which is a tributary of groundwater
SINKS
3. Location of point of diversion is SE 1/4 of SW 1/4 of SE 1/4, Govt. Lot
Sec. 15 Township 36N Range 2E B.M. Clearwater County; additional
points of diversion if any: ~~1/4 Sec. 15, T. 36N, R. 2E.~~
4. Water will be used for the following purposes:
Amount .02 for domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum) 05/22/89 ->
Amount .02 for (stock) horses purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum) 05/22/89
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) .04 cubic feet per second and/or (b) 28959 acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. DEVELOPED SPRINGS, PIPES
TO CISTERN & HOME.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity 100 gal (undetermined) acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - 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? no
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
1 yr years (minimum 1 year).

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JAN 16 2001

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. 10 horses
- c. Municipal; show name of municipality. Town #1812, Idaho, Clearwater Co. See 15
- d. Domestic; show number of households. 1 household
- e. Other; describe fully. _____

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	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
36N	2E	15																	2 springs
													D/S				D/S		

Total number of acres to be irrigated none

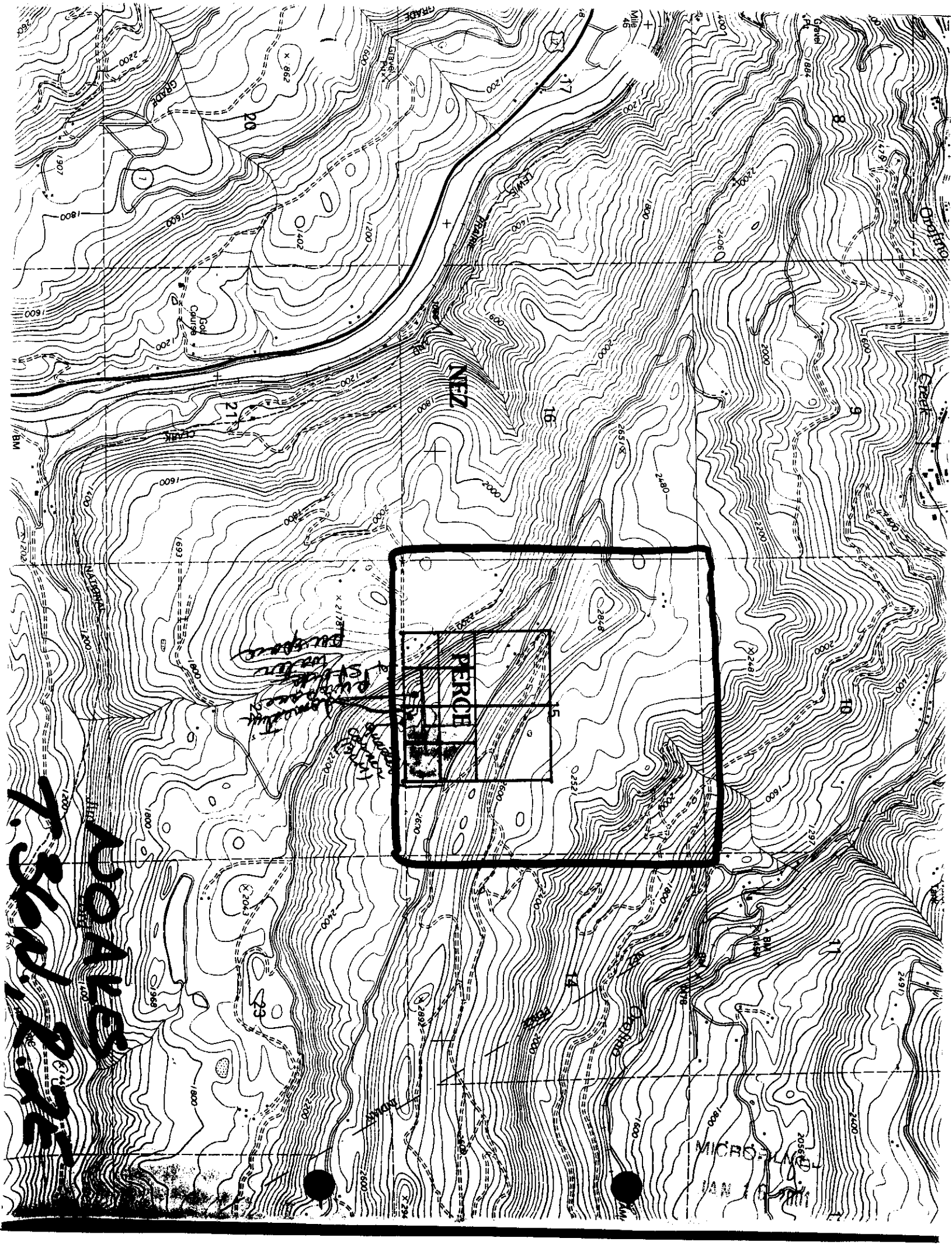
10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Ms. Lorraine W. Carbury-Hooker
- b. Who owns the land to be irrigated or place of use? Ms. Lorraine W. Carbury-Hooker
- 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: want to develop spring for domestic use
as well as for stock water

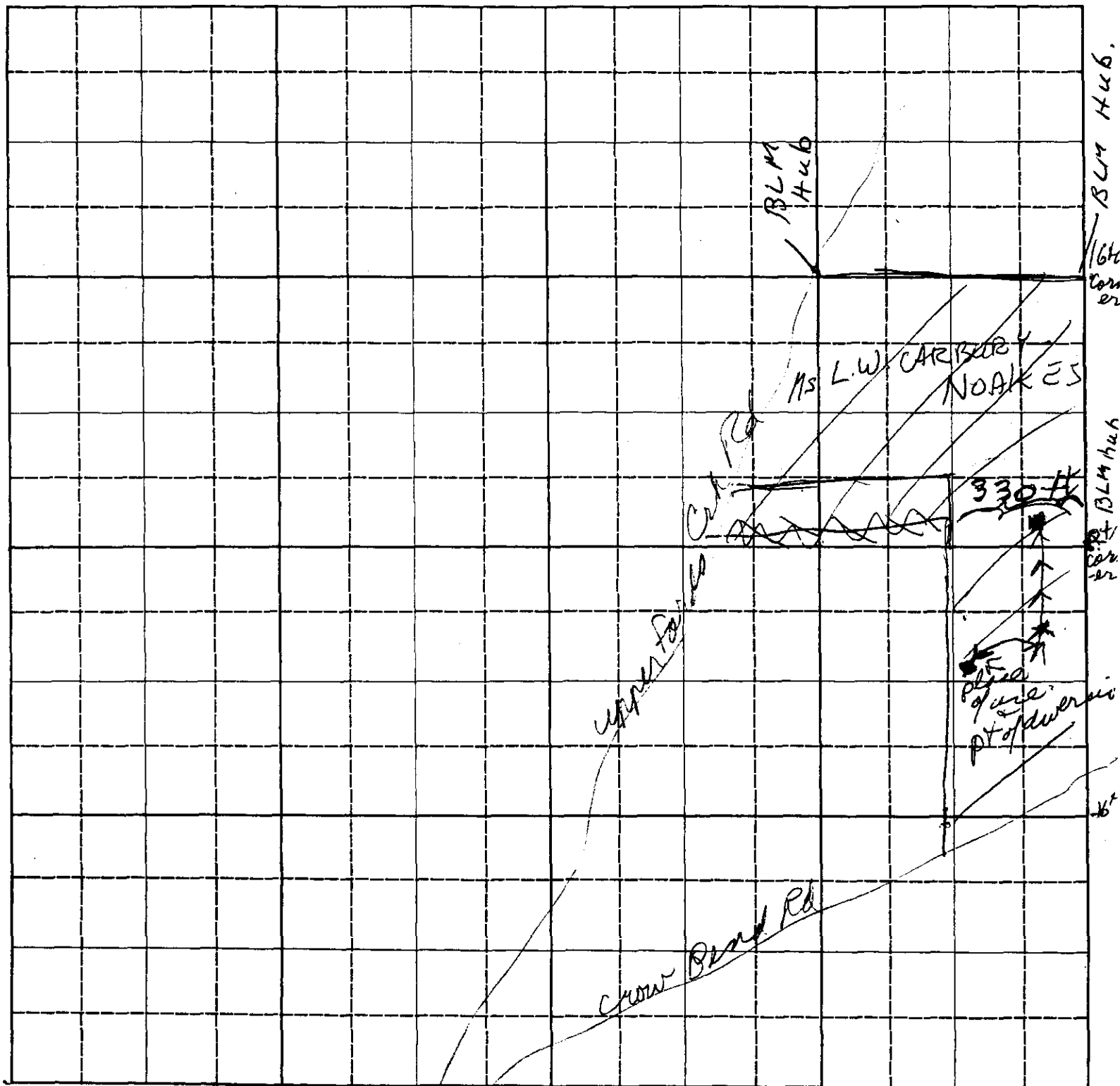
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JAN 16 2001



13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

Sec 15 T4N 36N R2E 3M



Scale: 1 inch equals 1 mile

yellow area approx 24 acres.

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

Ms. L.W. Carbury Noakes
(Applicant)

RECORDED

JAN 16 2001

db - 1/31/98 1150a w/ne map
Received by CF Date 3-3-98 Time 3:00 PM Preliminary check by _____
Fee \$ 50.00 Received by CF # N00307f Date 3/5/98
Publication prepared by db Date 4/8/98 Published in Oregonian Tribune 4/16/98
Publication approved db Date 5/9/98

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

MICROFILMED

JAN 15 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LORAIN W NOAKES
3216 UPPER FORDS CREEK RD
OROFINO ID 83544

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 84-07300

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
JAN 16 2001

Permit No. 84-07300 Reviewed by [Signature] Date 01-05-00

TYPES OF USE
Dom & St/A - 1

Correct Uses? yes

~~Required?~~

~~Installed?~~

~~Waiver requested?~~

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

~~50.00 fee paid~~
None - ock proof

New Address _____ Proof Made 1-12-2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

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

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

RECEIVED

JAN 12 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 5, 2000

LORAIN W NOAKES
3216 UPPER FORDS CREEK RD
OROFINO, ID 83544

RE: PERMIT NO. 84-07300

Dear Permit Holder:

Returned is a copy of the Proof of Beneficial Use statement you submitted in connection with the above referenced water right permit. The proof is not acceptable, since it was not accompanied by the required \$50.00 license examination fee.

Please return the copy of the proof form along with the \$50.00 license examination fee within **30 days** of receipt of this letter. **Please also address your correspondence to my attention.**

Feel free to contact me if you have questions regarding this matter.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region

*Note further
explanation
of potency of
spring !!*

MICROFILMED

JAN 10 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 5, 2000

LORAIN W NOAKES
3216 UPPER FORDS CREEK RD
OROFINO, ID 83544

RE: PERMIT NO. 84-07300

Dear Permit Holder:

Returned is a copy of the Proof of Beneficial Use statement you submitted in connection with the above referenced water right permit. The proof is not acceptable, since it was not accompanied by the required \$50.00 license examination fee.

Please return the copy of the proof form along with the \$50.00 license examination fee within **30 days** of receipt of this letter. **Please also address your correspondence to my attention.**

Feel free to contact me if you have questions regarding this matter.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

JAN 16 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

July 23, 1999

DIRK KEMPTHORNE
GOVERNOR

LORAIN W NOAKES
3216 UPPER FORDS CREEK RD
OROFINO ID 83544

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 84-07300

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.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

14N 16 2001

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of July, 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. 84-07300

LORAIN W NOAKES
3216 UPPER FORDS CREEK RD
OROFINO ID 83544


Kari Lynn Townsend
Secretary

MICROFILMED
JAN 15 2001

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

JAN 16 2006

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.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

No.: 84-07300 Name: Noakes Date: 7/20/99 Ad OK? ☒ / Gvmt Lts: by SCurtis

AREA OF CONCERN: - No/Yes: S/C 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 (✓ WDAQ3) - 046-P23
- In Basin 34? - 085
- irr. within WD - P05 (new well location)
- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067
- ≤ 0.24 cfs/5 acres - No MD
- WMD
- Supp irr use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
- Supp. irr + uses - 100-101
- > 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: Clearwater RESPONSE: NA
- IN/ABOVE MSF (✓ MAP) - *WB9
- IN-STREAM DEVELOPMENT - P62 (stream channel alteration)
- WD (✓ MAP & LISTING) - R04 (WD #)
- > 0.20 cfs - 01J-P08 (MD & LD)
- ≤ 0.20 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

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)-01H-P01 (LD)/01P, 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
- In restricted area? - 022, 075, 004 (+memo?)
- Irr., GW supp. to SW? - 102
- DOMESTIC
- Surface water - *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 - 128
- 42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓ Code) -
- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

0.4/1 home @ 3/10 horses
8/11/2000

** PARTIAL APPROVAL*
OF 84-07296

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
JUL 16 1999

APPLICATION # 84-7800

INITIAL REVIEW Department of Water Resources

APPLICANT: NOAKES BY: JB DATE: 3/3/99

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

PROCESSING

(Yes) (No) PRIORITY DATE: 3/3/98
X (Include Moratorium Remark)
X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: CLEARWATER 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>I</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>I</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>I</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>I</u>	Groundwater management area			
<u>I</u>	Critical ground water area			
<u>I</u>	Well Drilling Permit required			
<u>V</u>	Well Drilling Application and Fees received			
<u>I</u>	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
 - 5/4 Affidavit of publication received
 - 5/9 Application published correctly. If not, record action taken: Advertised as part of 84-7296 - Paper had # wrong B. Hayes said NOT to re-advertise.
 - 4/8 Publication dates and paper recorded on application | Sr. Agent initial _____
 - Protests received, Final protest date: 5/4/98
 - V Measuring device required
 - V Measuring port required
 - V Special conditions:
 - V Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: RYA Date: / /



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Dirk Kempthorne
Governor

KARL J. DREHER
Director

March 2, 1999

MEMO TO: FILES - 84-07296 and 84-07300

FROM: Dianne Ball / Bob Haynes

RE: Split of Water Right 84-07296

This Water Right has been split into two numbers, the original number 84-07296 and a new number 84-07300.

Right 84-07296 will include the ^{SESESW}~~SWSWSE~~ of Section 15, T36N R02E, Clearwater County, with one spring located thereon, with the place of use being within the SWSE.

Right 84-07300 will include the ^{SESESW}~~SESESW~~ of Section 15, T36N R02E, Clearwater County, with one spring located thereon, with the place of use being within the SESW.

Each of the above referenced rights will have .02 CFS for Domestic use and .02 CFS for Stockwater use, with a total diversion of .04 CFS.

These rights are both covered by the original advertising in the Clearwater Tribune on 4/16 and 23, 1998.

MICROFILMED

JAN 16 1999

December 7, 1998

RECEIVED

DEC 09 1998

IDWR/North

Mr. Allen Beardslee, Sr. Water Resource Agent
Dept of Water Resources
Northern Region, Suite No. 210
1910 Northern Blvd.
Coeur d' Alene Idaho 83814-2615

Dear Mr. Beardslee:

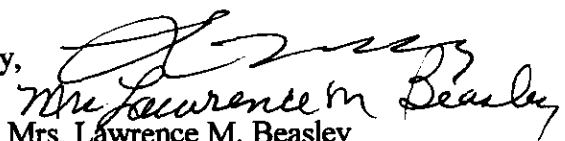
In reference to your letter of Dec. 4th, 1998. We do not hold any protest against the most easterly spring Ms. Noakes wishes to develop. A copy of our original protest states that clearly.

Also see no problem with the two springs being labeled as 84-07296A and 84-07296B

Thank you for all your time on this matter.

You and yours have a wonderful Holiday Season.

Sincerely,


Mr. and Mrs. Lawrence M. Beasley

SE There was no map with your letter
of 12-4-98.

MICROFILMED

JAN 16 2001

12-7-98

Page 1 of 5

Atten Mr Beardslee / Mr Haynes

Larry asked that I respond to your letter of 12-4-98 - He will sign the letter and I'll mail the original tomorrow. I'm not sure which letter out of the computer he sent as the original to you. Do you have you copy? protest

I know it's your job, but am sorry for any inconveniences we're causing.

Sincerely,
Eileen Beasley

MICROFILMED

JAN 16 2001

December 4, 1998

Mr. Lawrence Beasley
3215 Upper Fords Creek Rd
Orofino ID 83544

RE: Application for Permit Number 84-07296

Dear Mr. Beasley:

We are writing in regard to your protest to the above filing, which was submitted by Loraine Noakes.

Based on the outcome of our conference at Moscow, it's obvious that the dispute over the property line will need to be resolved in court for the spring located within T.36N., R.2E., Sec. 15, SE1/4 SE1/4 SW1/4 (westerly spring).

During the conference, you stated that you were not opposed to the Noake's developing the other spring on their Application for Permit. This spring is located within T.36N., R.2E., Sec. 15, SW1/4 SW1/4 SE1/4 (easterly spring).

It is possible that we could approve a portion of the Noake's filing for the easterly spring, which is not a matter in the protest. We could split their filing, assigning an "A" suffix to the easterly spring and a "B" suffix to the westerly spring. 84-07296A could be approved at this time and 84-07296B would be held until the property line issues were resolved.

In order for us to accomplish the above action, we would need you to withdraw your protest to the easterly spring. I have included a map that was submitted with the Noake's filing for you to review.

We appreciate your consideration of this possible solution to resolve a partial approval of the Noake's filing.

If you have any questions, please feel free to contact either myself, or Robert Haynes, at this office.

Sincerely,

Allen Beardslee
Sr. Water Resource Agent

MICROFILMED

JAN 16 2001

**ATTACHMENT TO
NOTICE OF PROTEST**

To: Director
Idaho Dept of Water Resources, Northern Region
1910 Northwest Blvd, Suite 210
Coeur d'Alene, Idaho 83814

From: Lawrence M. & Eileen A. Beasley

Subject: Permit Application # 84-07296

Please note that the attached notice appearing in the Clearwater Tribune has the wrong application number.

Item 6. Basis of protest

Note that this protest applies only to the spring in the SE quarter of the SW quarter of Section 15, T 36N, R 2E

The spring is not adequately identified on the application. Ms. Noakes owns only the south 330' of the of the SE of the SW. We believe that the spring in the application is one that has its source on our property and does not flow onto Ms. Noakes place. In 1997, Noakes moved the fence, without a survey, to include part of that spring. The matter is under protest and will be decided in District Court, probably this summer. We claim no land south of a line parallel to and 330' north of the south section line of Section 15.

For further information, please feel free to contact our lawyer:

Garry Jones
Jones, Brower & Callery
PO Box 854
Lewiston, Idaho 83501
Phone - 208-743-3591

Or ourselves

3215 Upper Fords Creek Rd.
Orofino, Id 83544
Phone - 208-476-4188

MICROFILMED

1998 1 6 7807

Page 2

Item 7. What would resolve your protest.

As stated above, we claim no land in the south 330' of the SE of the SW. Therefore, if Ms. Noakes will have the point of diversion of the water surveyed by a state licensed surveyor and that survey shows that the point of diversion is no more than 330' north of the south section line of Section 15, we have no protest. The survey must be registered in the Clearwater County court house.

MICROFILMED

JAN 15 2001

**ATTACHMENT TO
NOTICE OF PROTEST**

To:

From: Lawrence M. & Eileen A. Beasley

Subject: Permit Application # 84-07296

Item 6. Basis of protest

Note that this protest applies only to the spring in the SE quarter of the SW quarter of Section 15, T 36N, R 2E

The spring is not adequately identified on the application. Ms. Noakes owns only the south 330' of the SE of the SW. We believe that the spring in the application is one that has its source on our property and does not flow onto Ms. Noakes place. In 1997, Noakes moved the fence, without a survey, to include part of that spring. The matter is under protest and will be decided in District Court, probably this summer. We claim no land south of a line parallel to and 330' north of the south section line of Section 15.

For further information, please feel free to contact our lawyer:

Garry Jones
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PO Box 854
Lewiston, Idaho 83501
Phone - 208-743-3591

Or ourselves

3215 Upper Fords Creek Rd.
Orofino, Id 83544
Phone - 208-476-4188

Item 7. What would resolve your protest.

As stated above, we claim no land in the south 330' of the SE of the SW. Therefore, if Ms. Noakes will have the point of diversion of the water surveyed by a state licensed surveyor and that survey shows that the point of diversion is no more than 330' north of the south section line of Section 15, we have no protest. The survey must be registered in the Clearwater County court house.

MICRO FILM

JAN 15 2000

476-5998

May 28. 1998
3216 Upper Fords Crk Rd
Orofino, Id 83544

NORTHERN REGION
HMC

MAY 29 1998

RECEIVED

Director
Idaho Dept of Water Resources, Northern Region
1910 Northwest Blvd Suite 210
Coeur dAlene, Idaho 83814

Dear Sir: Re: Application 84-07296 Ms. L. W. Noakes

Enclosed herewith are two Affidavits as to the validity of my claim to the spring that the Beasleys are protesting.

Mr. Sheyl Tyler sold the land that I now own to Mr. Gene Johnson who stated to myself that he would not purchase from Mr. Tyler unless that spring was included in his purchase. That is why the long dog leg is part of this sale. To include the spring that is closer to the boundary between Beasleys and my piece of property.

Mr. Belding leased this piece (that now belongs to Beasleys from Sheryl Tyler and his Affidavit reaffirms the same. I am sending a copy of this to Beasleys attorney along with copies of these Affidavits.

Yours truly,

Loraine W. Carbury-Noakes

L. Carbury Noakes

MICROFILMED

JAN 15 2001

NORTHERN REGION
IDWR

MAY 29 1998

RECEIVED

I, Gene Johnson, of Grangeville Id

do solemnly swear that I had
Charles Cuddy survey the property I owned
(1st 1982 or 83) at 3216 Upper Fords Crk Rd. Arfino

and proceeded then to build my
wooden fences 1' inside the
property lines (NS + EW lines)

is approx. in 1982 or 3. The spring on the lower 330' is
Sheral Tyler told me that the spring was owned by Mrs. L.W. Carbury-Noraker
part of the land now owned by work done that fooled
at that time there was no bull doger change, the surveying of the spring
I understood the property to
contain 26 acres altogether.
a included the spring.

Signed this 14 day
of May, 1998 before a
Notary in & for the State of
Idaho - County of Idaho
Gene Johnson

Gene Johnson

my commission expires 2-26-99
MICROFILMED
JAN 15 2001

MAY 29 1998

RECEIVED

TO WHOM IT MAY CONCERN:

I, James Belding of Orofino, Id do solemnly state:
That I had the land leased now known as the Beasley
property at 1315 Upper Fords Crk Rd, Orofino, Idj
from 1988 to 1992 and the spring on the lower side of
the land belonging to Ms. L.W. Carbury-Noakes of 3216 Upper
Fords Crk Rd, Orofino is on her side of the line, within the 330
feet from the S Section line of sec. 15 twN 36N R 2E
and is well within her boundary.

I have it in my knowledge that mr. Sheral Tyler
who was the owner when I leased this land next to
Ms. Carbury-Noakes did work with a cat down by that
spring and may have somewhat altered it surfacing
however, it is to the best of my knowledge belonging
with the land now owned by MS. L. W. Carbury-Noakes.

I am ALSO AWARE THAT THE OWNER OF THE LAND NEXT TO THE
LAND I had leased, Mr. Gene Johnson has erected a wooden
fence between the two properties (The one now owned by Ms.
Carbury-Noakes and the Beasley property and that he did
this fencing in 1982 or 1983 and the land encompassed
within that fence has been part of the land owned by
Gene Johnson before Ms. Noakes and has been a part of
3216 Upper Fords Crk Rd Orofino, Id for at least 14 years.

The true surfacing of the spring in question was about
100 feet into the property now owned by Ms. L. W. Carbury-
Noakes.

Signed this 14 day of May 1998

before a Notary in and for the
County of Clearwater, State of
Idaho

Corrie Robinson

My commission expires 8-6-2003

Residing in: Orofino

James B. Belding
James Belding

MICROFILMED

JAN 15 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615

(208) 769-1450

RECEIVED
MAY 19 1998
NORTHERN REGION
IDWR

Fax (208) 769-1454

May 11, 1998

PHILIP E. BATT
Governor

KARL J. DREHER
Director

Lawrence M. & Eileen A. Beasley
3215 Upper Fords Creek Rd.
Orofino ID 83544

*Please let us know
date of hearing/conference
- we will let you
know if the issue is
resolved.*

Re: Application to Appropriate Public Waters No. 84-07296

Dear Mr. and Mrs. Beasley:

Matter is under legal proceeding - disputed land
Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Application for Permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
yes - is already drying up -
3. Is the application made in good faith or for delay or speculation?
not good faith attempt to prove land ownership
4. Has the applicant sufficient financial resources with which to complete the project? - *origin and possibly none of water is on applicants land.*
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

Robert G. Haynes

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/db

cc: Garry Jones, Attorney,
Jones, Brower & Callery, PO Box 854, Lewiston ID 83501

MICROFILMED

JAN 16 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

APR 30 1998

NORTHERN REGION
IDWR

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application 84-07296 MS. Nokes
2. Name of protestant Lawrence M. & Eileen A. Beasley
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 3215 Upper Fords Creek Rd.
Orofino, Idaho 83544
5. Service telephone no. 208-476-4188
6. Basis of protest (including statement of facts and law upon which the protest is based)

See Attachment

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? See Attachment

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 26 day of April, 19 98

[Signature]
PROTESTANT

Eileen A. Beasley

PROTESTANT'S REPRESENTATIVE

MICROFILM

100 16 7000

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

) ss.

County of Clearwater)

KATHERINE A. McKNIGHT

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE; that said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho, during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of:

APPLICATION FOR WATER RIGHTS

NOAKES, LORAIN W.

DEPT. OF WATER RESOURCES

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for a full period of two consecutive issues commencing on the 16th day of April and ending on the 23rd day of April, 1998.

Katherine McKnight
STATE OF IDAHO)

COUNTY OF CLEARWATER)

On this 23th day of April in the year of 1998, before me, a Notary Public, personally appeared

Katherine McKnight

known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Pamela B. Davis

Notary Public for Idaho
Resident at Orofino, Idaho
My commission expires: 11-20-2001

MICROFILM

JAN 16 2001

NOTICE OF APPLICATION FOR WATER RIGHT

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

84097296

84-07296

NOAKES, LORAIN W.

3216 UPPER FORDS CREEK ROAD

OROFINO, ID 83544

Source: SPRINGS

Tributary: SINKS

Diversion Pt. SESESW Sec 15, T 36N, R 02E in CLEARWATER County.

SWSWSE Sec 15, T 36N, R 02E in CLEARWATER County.

Use: STOCKWATER (0.020 CFS)

DOMESTIC (0.020 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 3/3/1998

In: CLEARWATER County T36N,

R02E, S15, SESW, SWSE

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 MAY 4, 1998

KARL J. DREHER, Director

4-16, 23c

*Bob Hayes says
ok - No need
to re-advertise*

RECEIVED

MAY 4 1998

NORTHERN REGION
IDWR

84-07296

NOAKES, LORAIN W
3216 UPPER FORDS CREEK ROAD
OROFINO, ID 83544

Source: SPRINGS

Tributary: SINKS

Diversion Pt: SESESW Sec 15 T 36N R 02E in CLEARWATER County.
 SWSWSE Sec 15 T 36N R 02E in CLEARWATER County.

Use: STOCKWATER (0.020 CFS)
 DOMESTIC (0.020 CFS)
 Total Diversion: (0.040 CFS)

Date Filed: 3/ 3/1998

In: CLEARWATER County
 T36N R02E S15 SESW SWSE

MICRO

JAN 16 2001