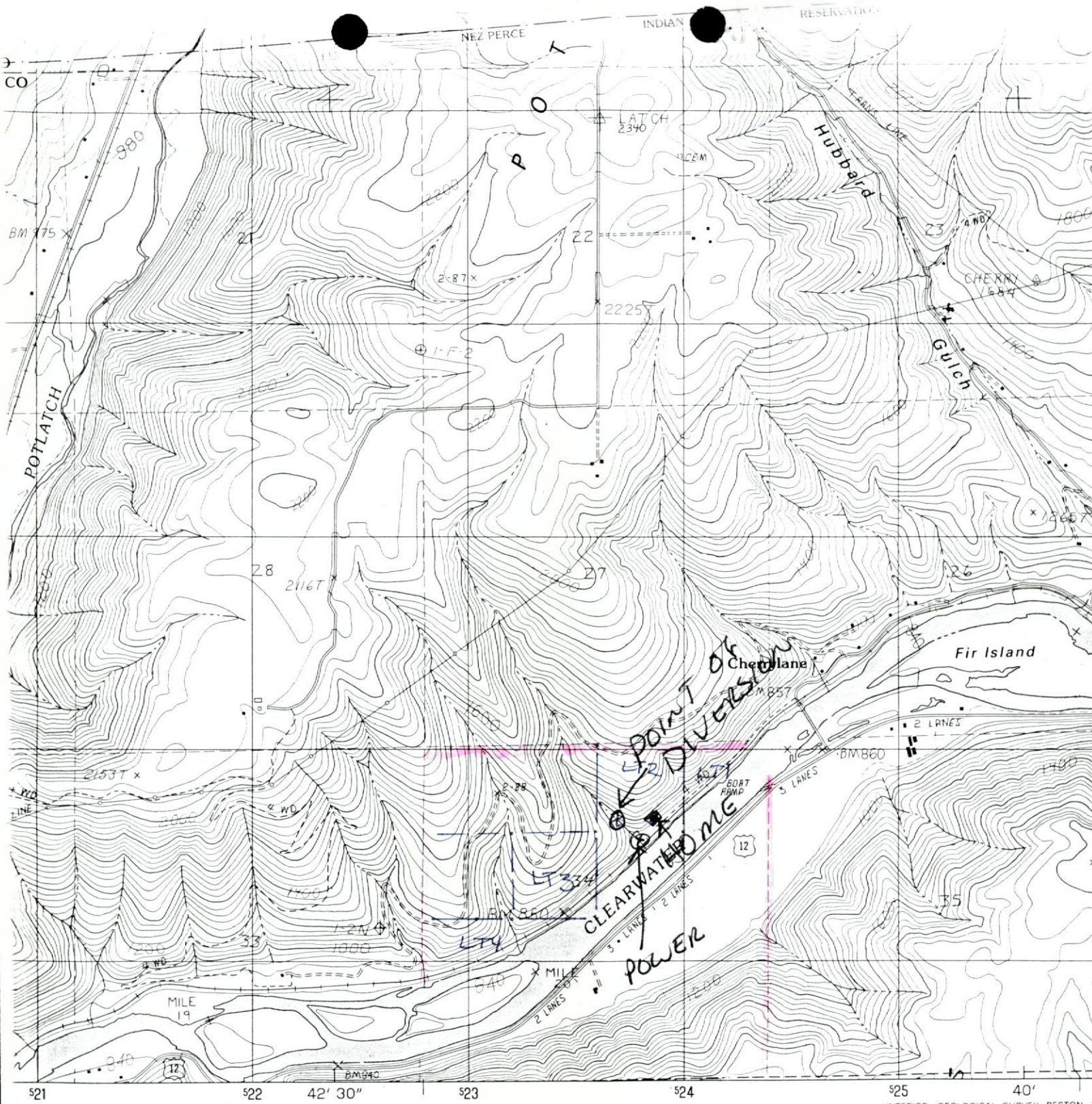
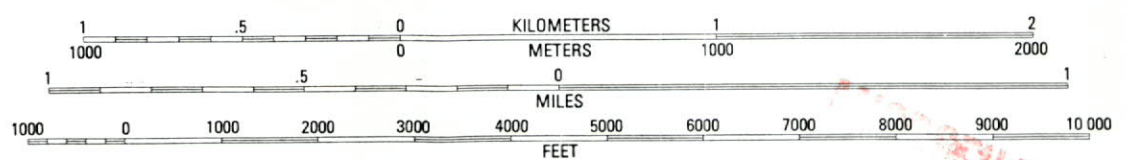




NORTH ↑

SCALE 1:24 000



CONTOUR INTERVAL 40 FEET
SUPPLEMENTARY CONTOUR INTERVAL 20 FEET

To convert meters to feet multiply by 3.2808
To convert feet to meters multiply by .3048

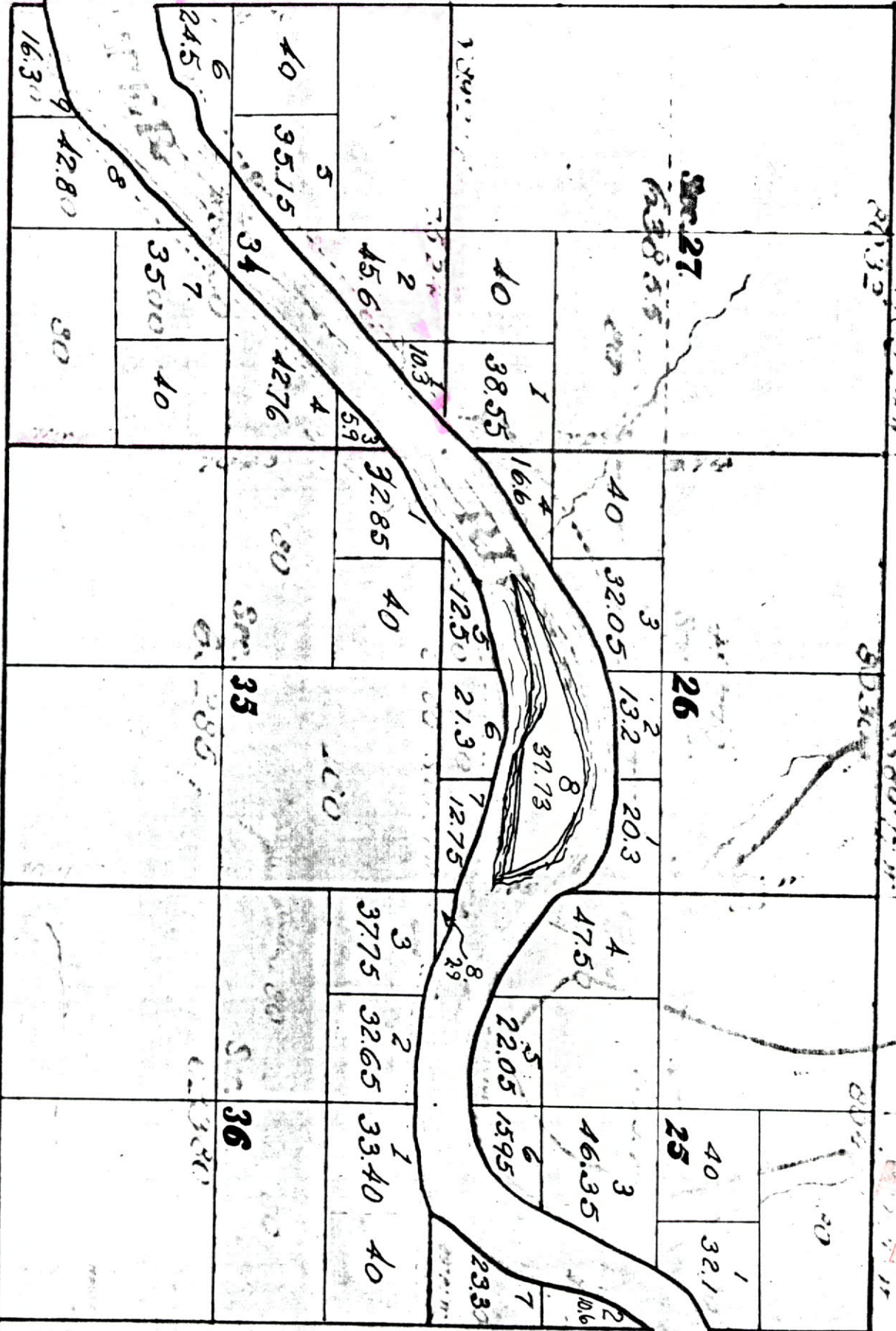
DEC 07 1994

PROVISIONAL MAP
Produced from original manuscript drawings. Information shown as of date of field check.

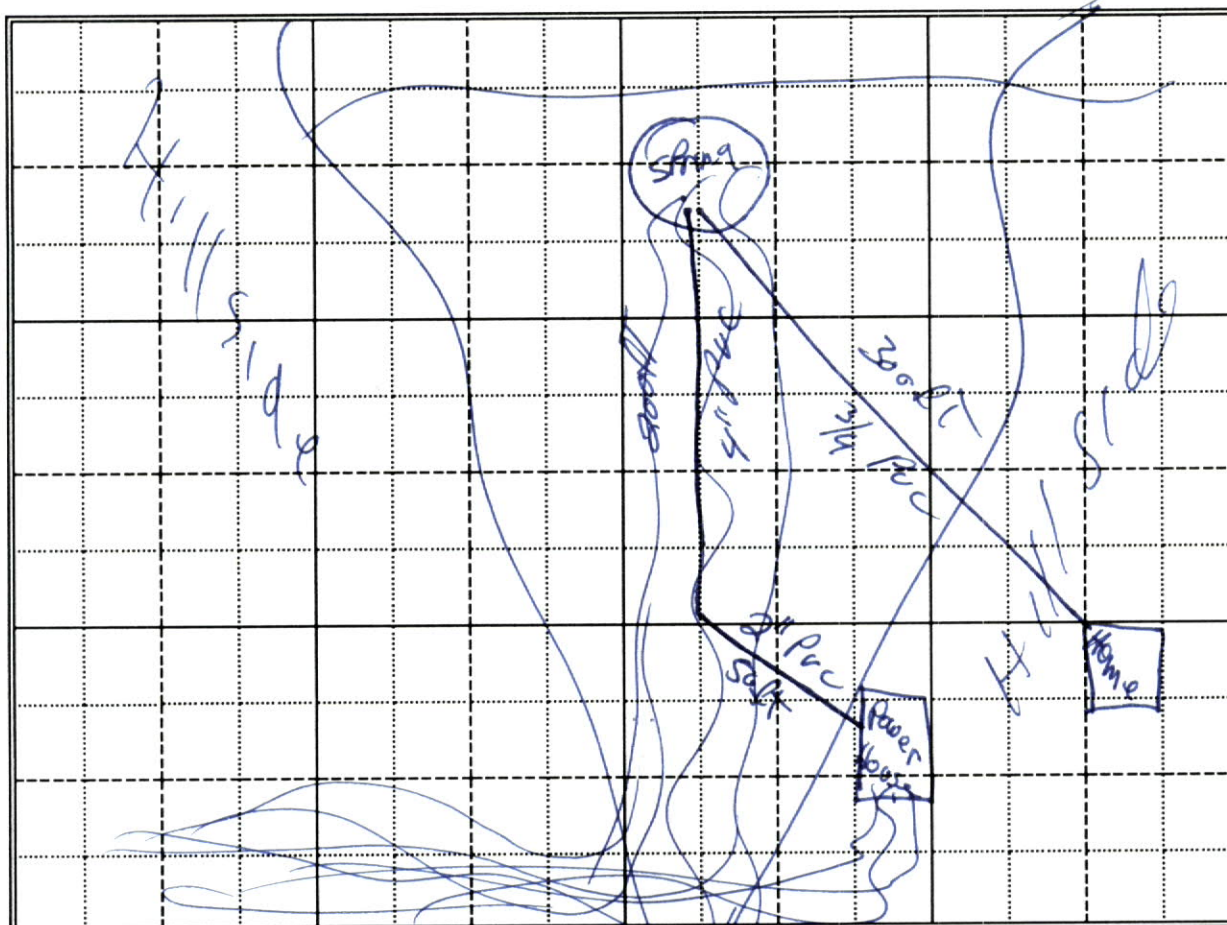
THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY
DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092

RTWNE

DEC 07 1994



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



Scale: 1" = 100 ft

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

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

____ Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____

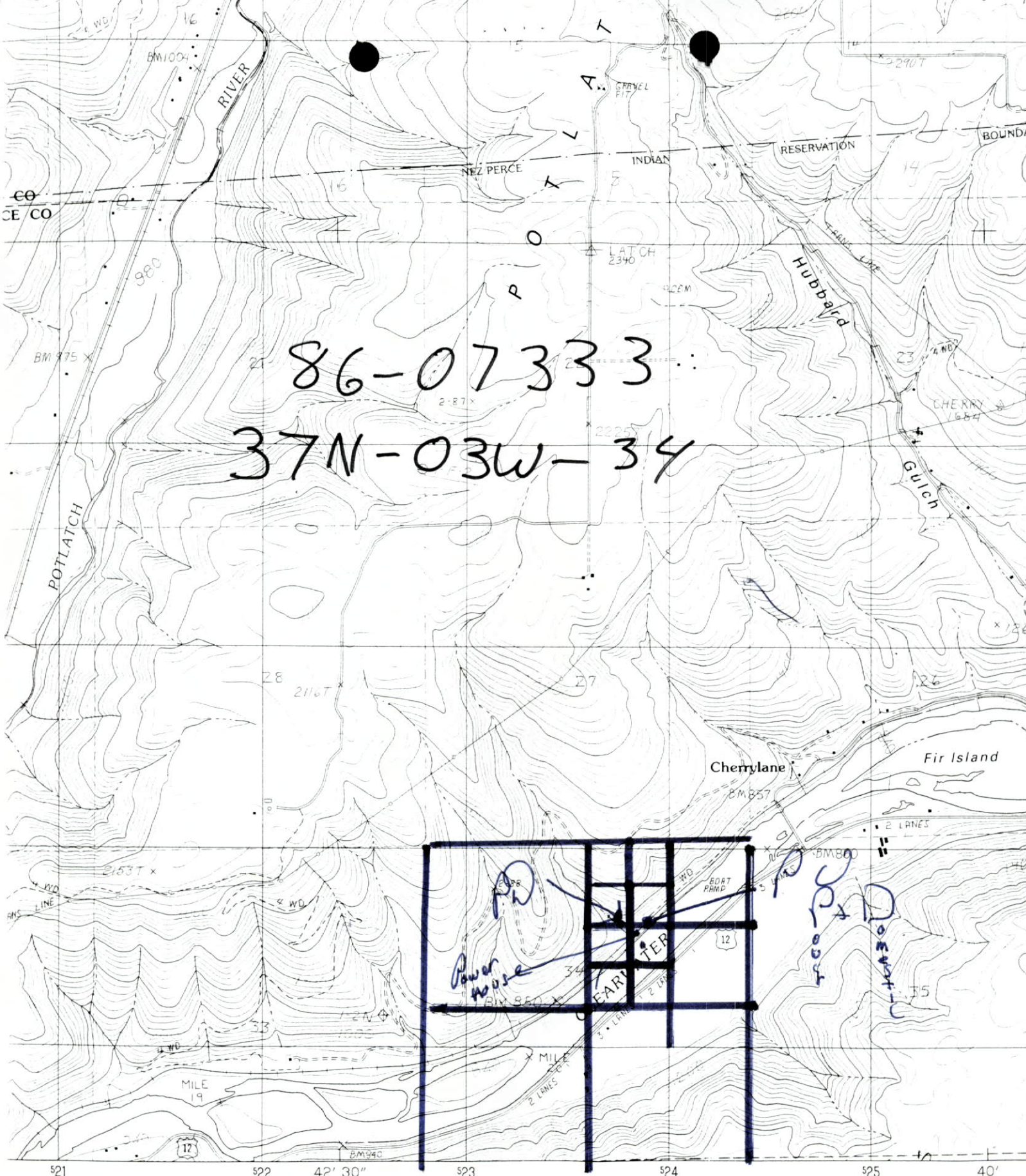
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APR 14 1999

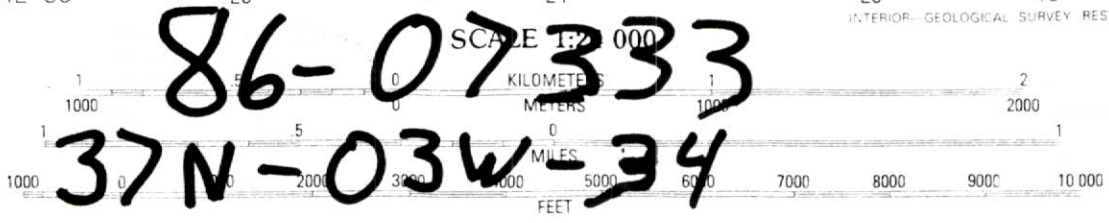
PD other photos lost.



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CONTOUR INTERVAL 40 FEET

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 86-07333

Priority: September 12, 1994

Maximum Diversion Rate:

0.19 CFS

Maximum Diversion Volume:

131.3 AF

This is to certify, that SONJA M PEER
TIM D PEER

RR 1 BOX 41B

JULIAETTA ID 83535

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 26, 1994; and has submitted Proof of Beneficial Use on December 18, 1997. An examination indicates that the works have a diversion capacity of 0.190 cfs of water from:

SPRING

tributary to **CLEARWATER RIVER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	0.18 CFS	130.1 AF
DOMESTIC	01/01 to 12/31	0.01 CFS	1.2 AF
	Totals	0.19 CFS	131.3 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNWNE , Sec. 34, Township 37N, Range 03W
NEZ PERCE County

PLACE OF USE: POWER

TWN RGE SEC

37N 03W 34

SWNE

PLACE OF USE: DOMESTIC

TWN RGE SEC

37N 03W 34

NWNE

CONDITIONS OF APPROVAL AND REMARKS

1. The water right confirmed in this license 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 license 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 license.
2. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

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APR 14 1999

State of Idaho
Department of Water Resources

Water Right License

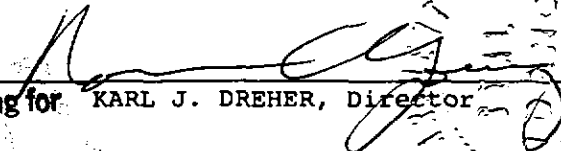
WATER RIGHT NO. 86-07333

CONDITIONS OF APPROVAL AND REMARKS

3. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
4. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after January 1, 2007. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
5. Use of water under this right for power purposes shall be non-consumptive.
6. Domestic use is for 1 home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 30th day of

DECEMBER, 1978.

Acting for  KARL J. DREHER, Director

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APR 14 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 86-07333	)	ORDER OF
	)	
IN THE NAME OF TIM D. & SONJA M. PEER	)	REINSTATEMENT

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 December 1, 1997; and,

WHEREAS, the Department notified the permit holder on September 30, 1997, 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; and,

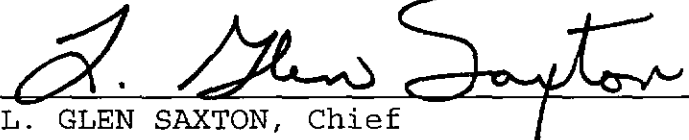
WHEREAS, the permit lapsed on December 2, 1997, since an acceptable proof of beneficial use or extension of time request had not been received; and,

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 an acceptable proof of beneficial use on December 18, 1997;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 86-07333 is **REINSTATED** with an advance in priority to **September 12, 1994**.

DATED this 24th day of February, 1998.



L. GLEN SAXTON, Chief
Water Allocation Bureau

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APR 28 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 18 1997

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 86-07333 Telephone No. 208-276-7044
2. Name(s) of Permit Holder(s): TIM D Peer SANJA M Peer
3. Mailing Address: Rt 1 Box 41B Juliaetta Idaho 83535
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): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.20 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 <u>X</u>
	Has the measuring device been installed?	Yes _____ or No <u>X</u>
Flow-Measurement Port:	Is a flow-measurement port required?	Yes <u>X</u> or No _____
	Has the measurement port been installed?	Yes <u>X</u> or No _____
8. Fee Enclosed: \$ _____ (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: TIM Peer Telephone Number: 208-276-7044
Address: Rt 1 Box 41B Juliaetta, Idaho 83535
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: Tim Peer Date: 12-1-97
(include your title, if on behalf of company or organization)

APR 28 1998

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 86-07333

Proposed Priority: August 26, 1994

Maximum Diversion Rate:

0.20 CFS

This is to certify, that **TIM D PEER**
SONJA M PEER
RT 1 BOX 41B
LEWISTON ID 83535
has applied for a permit to appropriate water from:

SPRING

tributary of **CLEARWATER RIVER**

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>
POWER	01/01 to 12/31	0.20 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNWNE , Sec. 34, Township 37N, Range 03W
NESWNE , Sec. 34, Township 37N, Range 03W
NEZ PERCE County

PLACE OF USE: POWER

TWN RGE SEC

37N 03W 34

NWNE

SWNE

PLACE OF USE: DOMESTIC, same as POWER use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **December 1, 1997**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the right holder contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.

DEC 07 1994

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 86-07333

CONDITIONS/REMARKS:

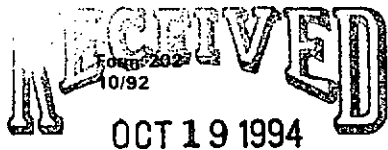
5. This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.
6. The water right acquired under this permit for 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 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.
7. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
8. Use of water under this right shall be non-consumptive.
9. The right holder shall either install a measuring device or a flow measurement port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.
10. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
11. The Director retains jurisdiction of this right in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.
12. 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 November, 1994.

R. Keith Higginson
for R. Keith Higginson, Director

DEC 07 1994



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 86-7333

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of applicant Tim O. and Sonja M. Peer *per conversation w/ Mrs. Peer 9/21 JH* Phone 208-276-7044
Post office address RR1 Box 41B *Julietta* Idaho 83535
2. Source of water supply SPRING which is a tributary of CLEARWATER RIVER
3. Location of point of diversion is NE SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot 2
Sec. 34 Township 37N Range 3W B.M. NEZ PORCE County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.04 for DOMESTIC purposes from $\frac{1}{4}$ to $\frac{12}{31}$ (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.20 for POWER purposes from $\frac{1}{4}$ to $\frac{12}{31}$ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.20 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. GRAVITY FLOW TO HOME, IN-STREAM PELTON WHEEL FOR POWER.
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ 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? _____
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 3 years (minimum 1 year).

DEC 07 1994

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. 1 HOME
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
37N	36W	34		P	P														

Total number of acres to be irrigated _____

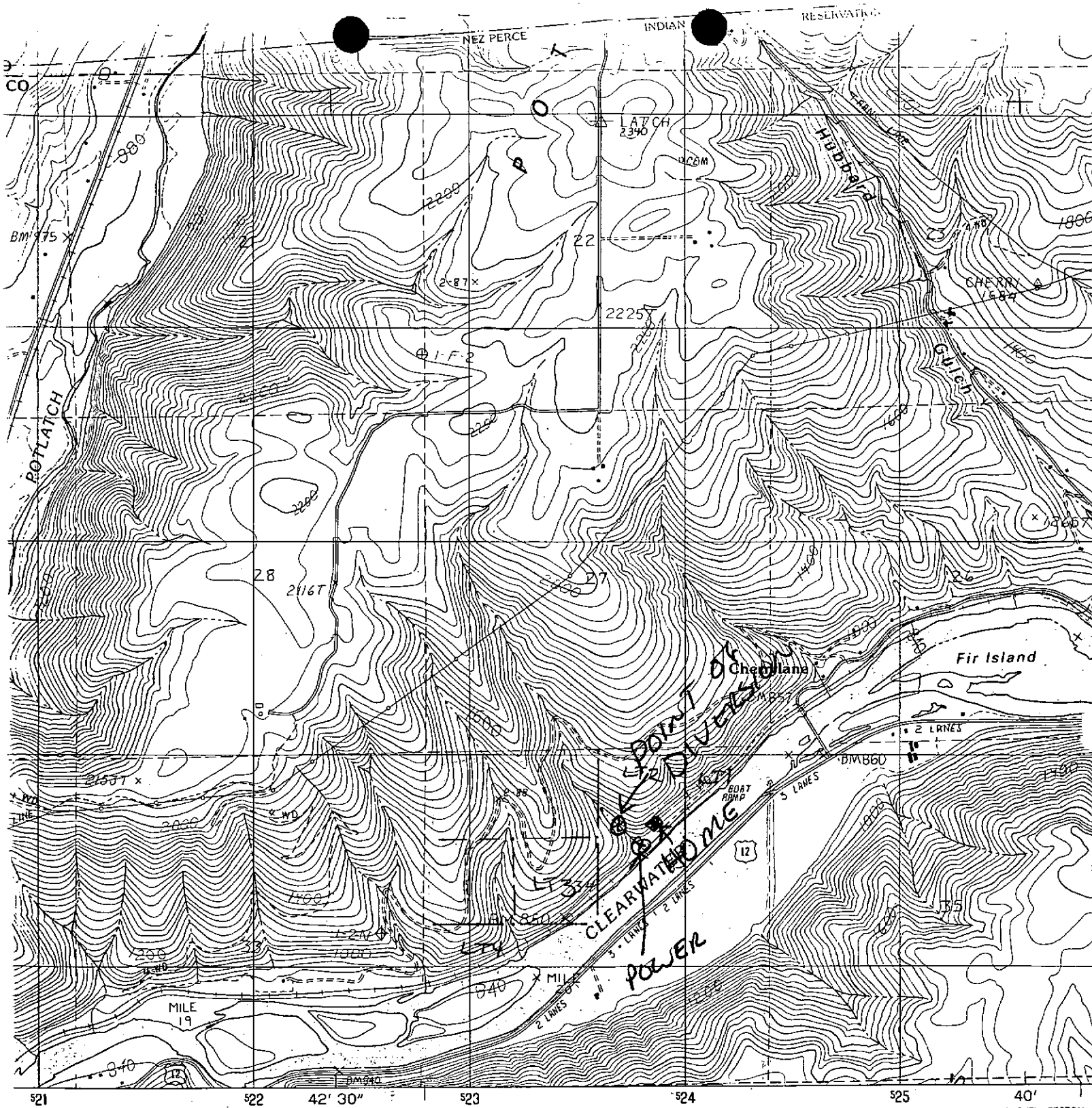
10. Describe any other water rights used for the same purposes as described above. N/A

- Who owns the property at the point of diversion? APPLICANT
- Who owns the land to be irrigated or place of use? APPLICANT
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

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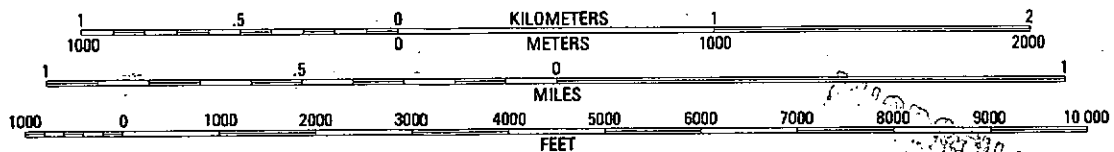
DEC 07 1994



SCALE 1:24 000

INTERIOR—GEOLOGICAL SURVEY, RESTON, VA

NORTH



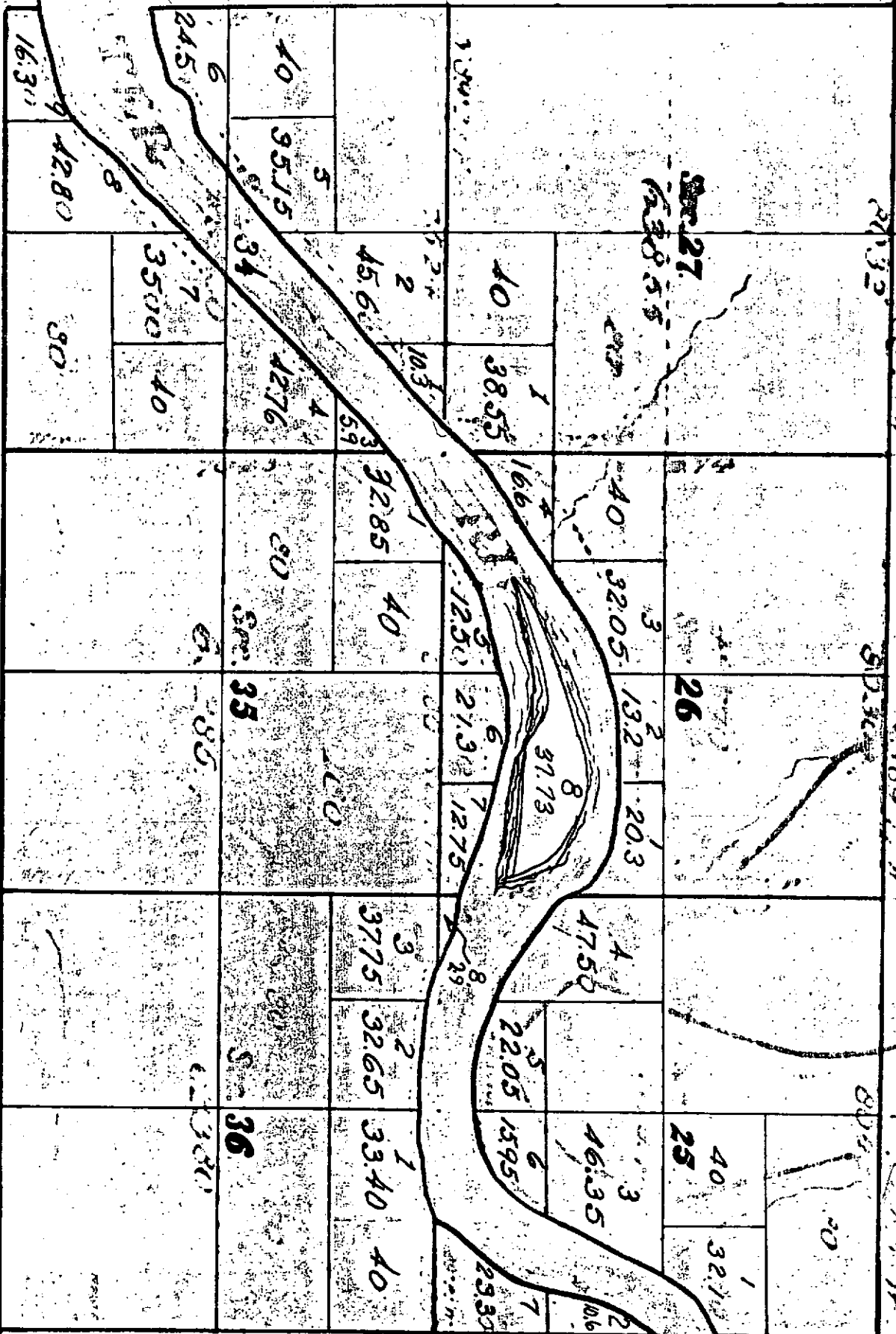
CONTOUR INTERVAL 40 FEET
SUPPLEMENTARY CONTOUR INTERVAL 20 FEET

To convert meters to feet multiply by 3.2808
To convert feet to meters multiply by .3048

DEC 07 1994

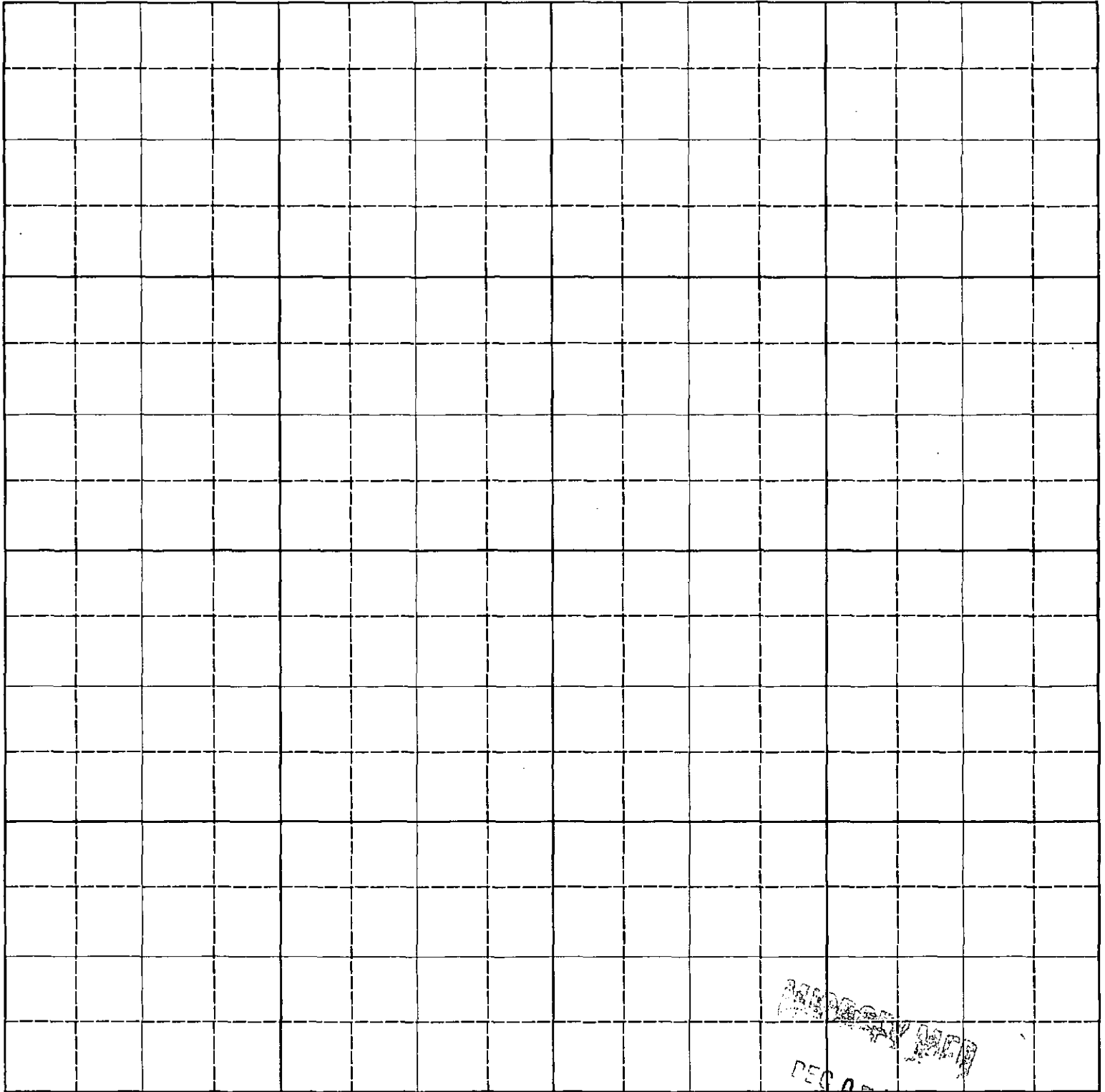
PROVISIONAL MAP
Produced from original manuscript drawings. Information shown as of date of field check.

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY
DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092



R32NF

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



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Scale: 2 inches equal 1 mile.

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.

X Tim Peer
(Applicant)

Received by AB Date 8/26/94 Time 9:10 Preliminary check by AB
Fee \$ 50 100 Received by AB # N-8127 Date 8/26/94
Publication prepared by RNL Date 9/8/94 Published in heaverton Tribune 9/15 & 22/94
Publication approved RNL Date 9/29/94

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:

RECEIVED WFO

DEC 07 1994



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

December 9, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SONJA M PEER
TIM D PEER
RR 1 BOX 41B
JULIAETTA ID 83535

RE: WATER RIGHT NO. 86-07333

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as 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 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 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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.

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APR 14 1999

ORAL ARGUMENT

If the Department grants a petition to review the 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.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the 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.

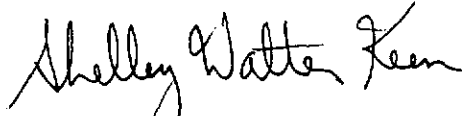
MICROFILMED

2 APR 14 1999

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.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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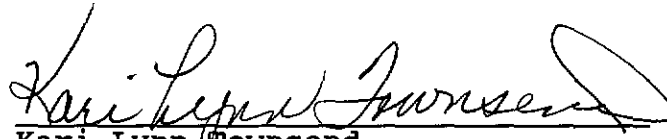
APR 14 1999

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of December, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 86-07333

SONJA M PEER
TIM D PEER
RR 1 BOX 41B
JULIAETTA ID 83535


Kari Lynn Townsend
Secretary

MICROFILMED
APR 14 1999

MEMORANDUM

TO: File 86-07333

FROM: Sharla

DATE: November 24, 1998

RE: Power Use/Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit No. 86-07333 are as follows:

C. DIVERSION AND DELIVERY SYSTEM

2. Place(s) of Use:

T37N, R3W, S34 - NWNE

H. RECOMMENDATIONS

Power	1/1 - 12/31	0.18 cfs	130.1 afa
Domestic	1/1 - 12/31	0.01 cfs	1.2 afa
	TOTALS	2.02 cfs	131.3 afa

~~The powerhouse is part of the diversion system - it is not a place of use.~~ *S.W.K. 11/24/98*
The powerhouse is where the beneficial use of the water occurs.
Power volume and has been calculated based on continuous use ($.18 \times 365 \times 1.98 = 130.1$ af).

Power use is for an individual facility to provide power for the domestic home. Individual power facilities do not require licensing from FERC. Since power is solely used by the right holder and is not sold, there is no power purchase contract. Therefore, the term of years to be listed on the license is not pre-determined by the above. As set forth in Section 42-203B(7), the term of years (once determined) is calculated as commencing at the time of the proof of beneficial use filing. Previously issued licenses falling in this category have had a term set for 10 years. Term expiration will be listed as January 1, 2007.

Examiner: Wayne Baldwin
Exam Date: June 19, 1998

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APR 14 1999

LICENSE REVIEW CHECKLIST

PERMIT NO.

86-07333

DATE

11/23/98

REVIEWER: SHARLA

NAME

Change/OK

Address

SOURCE

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

POINT OF DIV

OK Change (P39 /P47)

Add (P45/P42)

Feds - P40

W32 (multiple in 1/4)

W36 (overlap)

W59 (subd. desc)

Overlaps:

Right(s):

File reviewed Profile reports printed

PLACE OF USE

OK Change (P41/P47)

Add (P41/P42)

Feds - P43

W60 (subd. desc)

W27 (ppu acre limit)

Overlaps:

Right(s):

File reviewed Profile reports printed

PD & PU amend (P37) Feds - P48

RATE OF DIV

Permitted Rate .20 cfs

Fee limit .20 cfs \$5000

Measured cfs

Theoretical cfs

Recommended Total Div Rate cfs

WATER USES

Change (P46)

Lower .18 cfs 130.1 af

Dom. .01 cfs 1.2 af

cfs af

cfs af

cfs af

TOTALS .19 cfs 131.3 af

Irrig -

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

supp. gw (WB7/065/079)

overlap spec. combined rts (W35)

<1acre (W31)

Domestic

(W01/WB5/070/071/075)

Power

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

Fish (042)

Fire (077)

Wtr Quality (081) (087)

Flow rate .18 cfs X 365 days X 1.98 = 130.1 af

REMARKS

ADD'L CONDITIONS

Watermaster Control WD#

GW Measurement/Measuring Device

Others Trust (052/R55 - remove 051)

Non-trust (048/049)

Advance Priority yes ☒ no

SRBA Claim NA

Adjust Memo Amend letters

term
volume/pu

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUL 06 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 86-07333

1. Owner: Tim D. & Sonya M. Peer Phone No. (208) 276-7044

Current Address: RR1 Box 413 Julieth Id 83535

2. Accompanied by: Tim Peer EXAM DATE: 6-19-98

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: Spring tributary to Clearwater River

B. OVERLAP REVIEW

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

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	NW	NE	34	37N	03W	NEZPERCE	U.S.G.S 7.5min Quad

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
37N	03W	34		P	P	3													
				D															

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APR 14 1999

[illegible]

Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

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~~APR 14 1999~~

E. NARRATIVE/REMARKS/COMMENTS

The spring surfaces in a draw and flows overland eventually to the Clearwater River. A 4" pvc line in spring then steps down to 2" pvc where it turns a petton wheel. A separate line 3" pvc carries domestic water to house. Both of these lines originate at the same source but take different paths. After the water turns the petton wheel it discharges through the bottom of power house and runs along a little channel where it later rejoins the overland flow from spring

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

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F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

Domestic 5 gal bucket 5 gal in 1 min.

$$\frac{5 \times 1.33681}{60} = .1114 \text{ cfs}$$

Paver Polysonic 809pm

$$\frac{80 \times 1.33681}{60} = .178 = .18$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

$$\frac{809 \text{ pm} \times 1440 \text{ m} \times 365}{325850} = 129$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Paver</i>	<i>01-01</i>	<i>12-31</i>	<i>.18</i>	<i>129</i>
<i>Domestic</i>	<i>01-01</i>	<i>12-31</i>	<i>.01</i>	<i>1.2</i>
Totals:			<i>.19</i>	<i>130.2</i>

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name *Wayne Balch* Date *7-1-98*

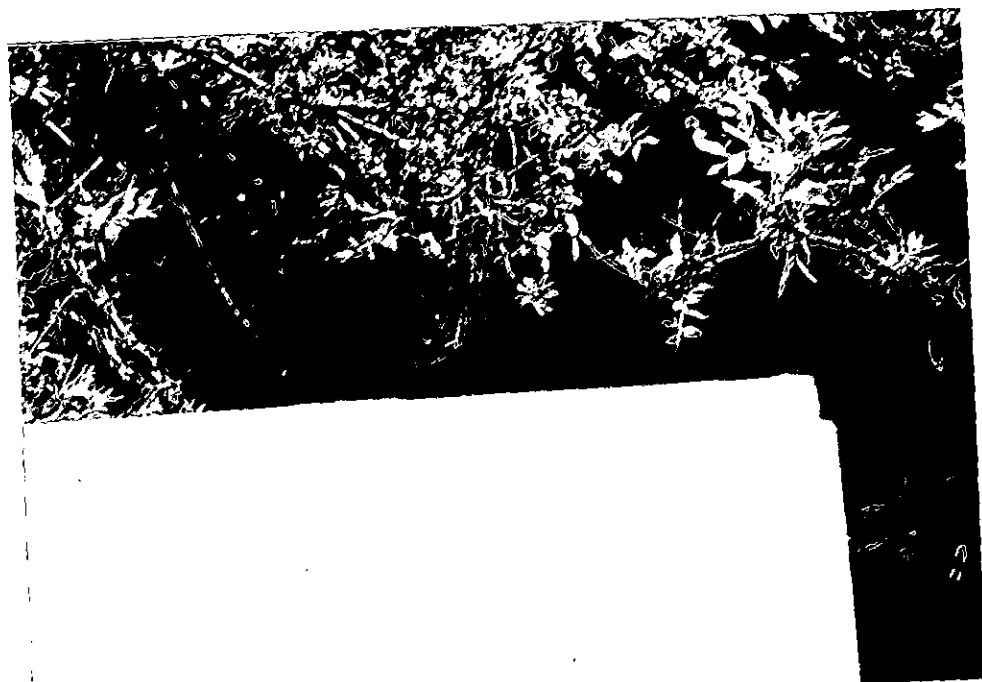
Reviewer _____ Date _____

SEAL

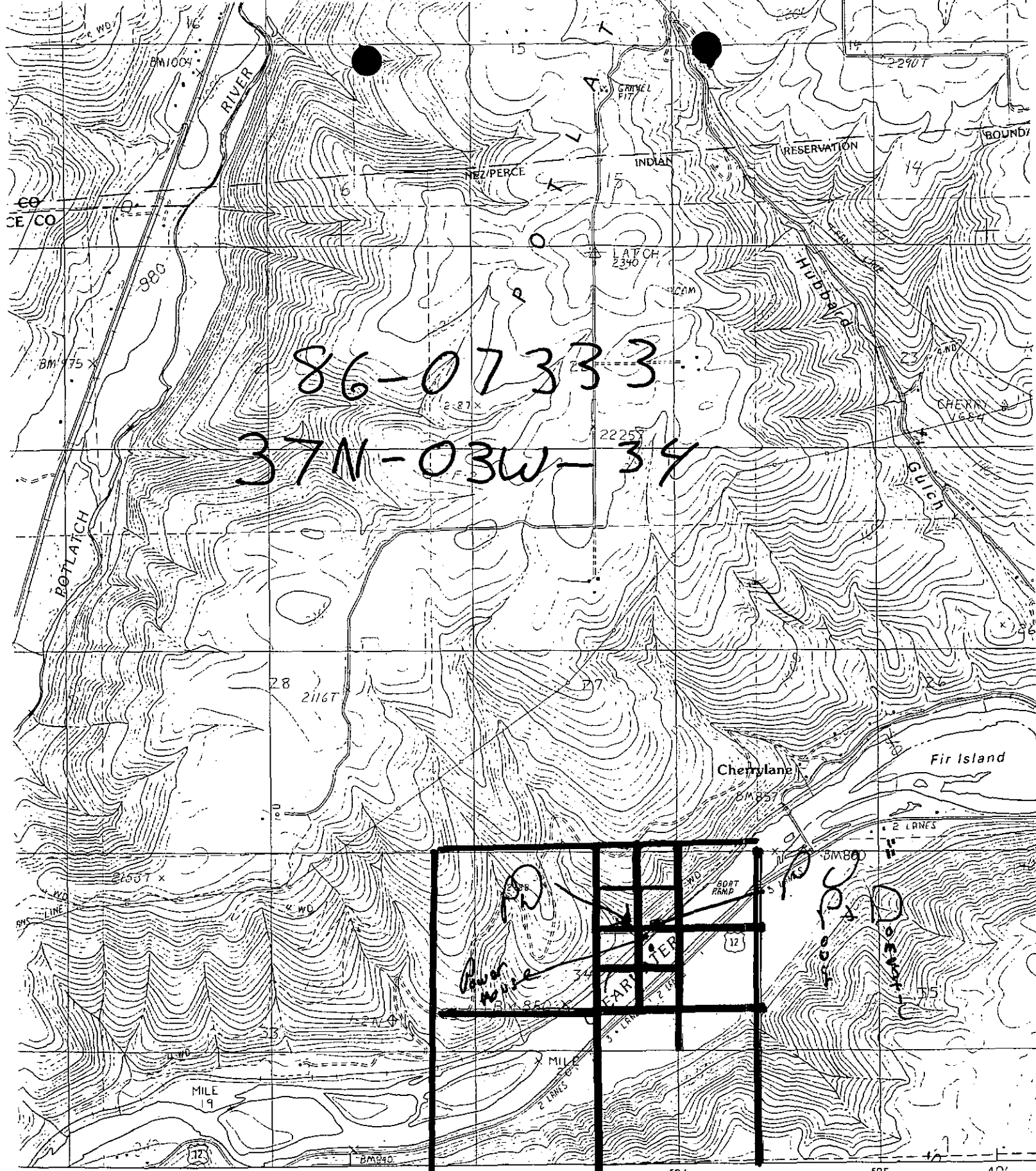
MICROFILMED

APR 14 1999

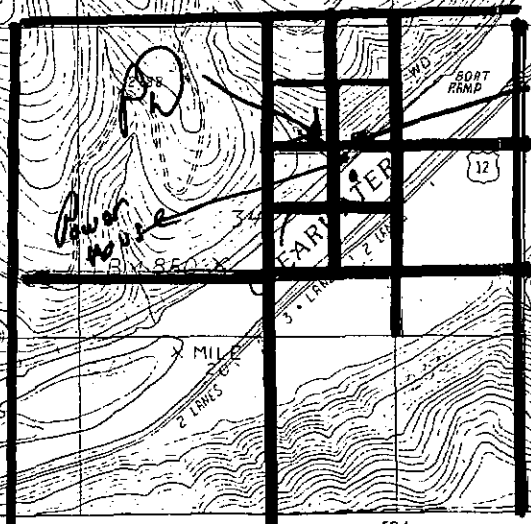
PD other photos lost.



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APR 14 1999

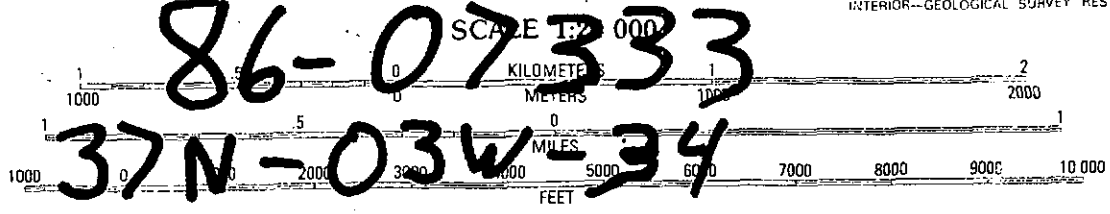


86-07333
37N-03W-34



MICROFILMED
APR 14 1999

86-07333
37N-03W-34



CONTOUR INTERVAL 40 FEET

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 86-07333 Reviewed by Jay Date 2-19-98

GENERAL CONSIDERATIONS

TYPES OF USE

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

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

MEASURING DEVICE

yes Required?
50- Amount Submitted
yes Correct?
no Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received 12-18-97
Date proof due 12-1-97 -
No. of days late 17 = 17 > 9-12-94
Priority Date 8-26-94 + 238
New Priority Date 9-12-94 255

DEFICIENCIES OR ACTION ITEMS

Reinstate + advance priority to Sept. 12, 1994.
Proof acceptable

DATA ENTRY

New Address X Proof Made 12-18-97



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 24, 1998

Tim & Sonja Peer
Rt 1 Box 41 B
Juliaetta ID 83535

PROOF ACKNOWLEDGMENT LETTER

RE: Permit No. 86-07333

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and supporting information submitted for the above referenced permit.

Enclosed is an order reinstating the permit since proof was submitted after the proof due date. Note that the priority date has been advanced to September 12, 1994, as provided in Section 42-218a.2, Idaho Code.

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, you may contact the **Northern** Regional Office of the department in Coeur d'Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED
APR 28 1998

September 30, 1997

TIM D PEER
SONJA M PEER
RR 1 BOX 41B
JULIAETTA ID 83535

PROOF DUE NOTICE

RE: PERMIT NO. 86-07333

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 December 1, 1997.

(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.

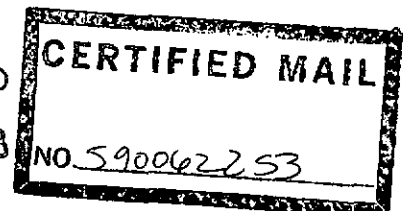
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
APR 28 1998





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 22, 1994

TIM D PEER
SONJA M PEER
RT 1 BOX 41B
LEWISTON ID 83535

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 86-07333

Dear Permit Holder(s):

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port, or to provide a certified measurement or computation of flow based upon the design of the system to be prepared by a professional engineer.

Please be advised that water quality is subject to regulations of the Idaho Department of Health and Welfare. We suggest that you check with them before starting construction.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

DEC 07 1994

by Cindy Zimmerman

Correct Fee?

GWMA Trust/Non-trust

COMMENTS:

DATE: 11/15/94
PAGE: 1

- Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the right holder contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
- This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.
- The water right acquired under this permit 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 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.
- This right does not constitute Idaho Public Utilities Commission

Conditions of Approval:

- or Federal Energy Regulatory Commission approval that may be required.
- 027 - Use of water under this right shall be non-consumptive.
- 01F - The right holder shall either install a measuring device or a flow measurement port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.
- 09E - Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
- 17M - The Director retains jurisdiction of this right in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.

Remarks: Domestic use is for 1 home.

Dates: App. Received: 08/26/1994 Priority Date: 08/26/1994
Proof Due Date: 12/01/1997 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 08/29/1994 User-ID: RCHILD Subject: DIVERSION DESCRIPTION
Gravity flow to home, in-stream pelton wheel for power.

Audit: 11/15/94 CZIMMERM

No. a
4/87-06/92n

HO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

APPLICATION # 86-7333

***** INITIAL REVIEW *****

APPLICANT: PEEL BY: AS DATE: 8/26/94

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

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

PROCESSING

- Yes No PRIORITY DATE: 8/26/94
- ☒ (Include Moratorium Remark)
- ☒ Statewide Avertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: NEZ PERCE 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 *****

- (Yes) (No)
- ☒ Groundwater management area
- ☒ Critical ground water area
- ☒ Well Drilling Permit required
- ☒ Well Drilling Application and Fees received
- ☒ Well Drilling Application approved?
- Well Drilling Application Number _____
- Checked by: _____ Date: ____/____/____
- Remarks: _____

***** FINAL REGIONAL PROCESSING/REVIEW *****

- (Yes) (No)
- ☒ Notice of pending void order issued. Final order response date: ____/____/____
- ☒ Further information required from applicant
- ☒ Affidavit of publication received
- ☒ Application published correctly, If not, record action taken: _____
- ☒ Publication dates and paper recorded on application
- ☒ Protests received. Final protest date: 10/3/94
- ☒ Measuring device required
- ☒ Measuring port required
- ☒ Special conditions: _____
- ☒ Special conditions of approval supplement and/or cover letter attached: _____
- Sr. Agent initial AS

RECEIVED

Approval Recommended by: AS Date: 10/14/94

Department of Water Resources

TRIBUNE PUBLISHING COMPANY, INC.

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

Date 09/22/94

INVOICE NO. 511638

Account No. 964750

Description 511638NOTICEOFAPPLICAT

**LEGAL ADVERTISING
INVOICE**

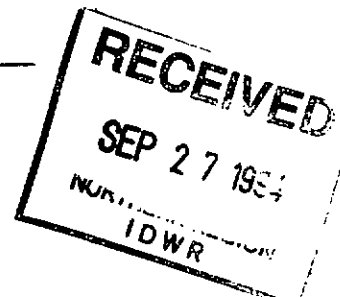
Times 2

Lines 55

Tab. Lines _____

\$ 61.88

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



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

511638
**NOTICE OF APPLICATION FOR
WATER RIGHT**
The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:
85-07608
MC CLERE, CECIL J
P O BOX 34
PECK, ID 83545
Source: LITTLE CANYON CREEK
Tributary: CLEARWATER RIVER
Diversion Pt:
SWNE Sec 13 T 36N R 01W in NEZ
PERCE County
SENE Sec 13 T 36N R 01W in NEZ
PERCE County
Use: DOMESTIC (.040 CFS)
Total Diversion (.040 CFS)
Date filed: 8/30/1994
IN: NEZ PERCE County
T36N R01W S13 NENE
86-07333
PEER, TIM D
PEER, SONJA M
RR-1 BOX 41B
LEWISTON, ID 83501 83.535
Source: SPRING
Tributary: CLEARWATER RIVER
Diversion Pt:
SWNE Sec 34 T 37N R 03W in
NEZ PERCE County
NESWNE Sec 34 T 37N R 03W in
NEZ PERCE County
Use: POWER (.200 CFS)
DOMESTIC (.040 CFS)
Total Diversion (.200 CFS)
Date filed 8/26/1994
In: NEZ PERCE County
T37N R03W S34 NWNE SWNE
For additional information concern-
ing the property location, call the
Northern Regional Office at (208) 769-
1450.
The permit(s) will be subject to all
prior water rights. Protests must be
filed with the applicant and with the
Director, Dept. of Water Resources,
Northern Region, 1910 Northwest
Blvd., Suite 210, Coeur d'Alene, Idaho
83814, together with a protest fee of
\$25.00 on or before **OCTOBER 3,**
1994.
R. KEITH HIGGINSON, Director
Published: 9/15/1994 & 9/22/1994

Julia
OK
per
BH
9/29

AFFIDAVIT OF PUBLICATION

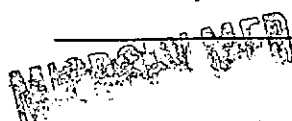
STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am
the Legal Clerk of the Tribune Publishing Company, a corporation
organized and existing under and by virtue of the laws of the
State of Idaho, publishers of the LEWISTON MORNING TRIBUNE,
a newspaper of general circulation published at Lewiston, Nez Perce County,
Idaho; That the said Lewiston Morning Tribune is an established newspaper
and has been published regularly and issued regularly at least once a day
for more than 21 consecutive years next immediately preceding the first
publication of this notice, and has been so published uninterrupted for
said period; that the 511638NOTICEOFA attached hereto and which is made
a part of this affidavit was published in the said Lewiston Morning Tribune,
for 2 time(s). Publication being on 09/15, or once a WEEK
for 2 consecutive WEEKS the first publication thereof being on
the 09/15/94, and the last publication thereof being on
the 09/22/94, and said 511638NOTICEOFA was so published in the
regular and entire issue of said newspaper and was not in a supplement
thereof and was so published in every issue and number of the said
paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 22nd

day of September 1994



DEC 07 1994

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 7/97



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

September 8, 1994

R. KEITH HIGGINSON

Director

Tim D. and Sonja M. Peer
RR 1, Box 41B
Lewiston, ID 83535

Re: Water Appropriation Application No. 86-07333.

Dear Mr. and Mrs. Peer:

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 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. 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. However 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.

If your application is for groundwater and unless you are using a well that was constructed prior to July 1, 1987, it will be necessary for you to apply for a well drilling permit upon approval of the appropriation application. Well drilling permits can be issued by this office only to holders of approved appropriation permits.

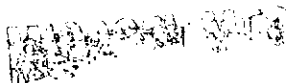
If you have any questions, or if I can be of any assistance, please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE

Senior Water Resources Agent

AB/rjc



DEC 07 1994

100

PEER, TIM D
PEER, SONJA M
RR 1 BOX 41B
LEWISTON, ID 83535

Source: SPRING

Tributary: CLEARWATER RIVER

Diversion Pt: SWNWNE Sec 34 T 37N R 03W in NEZ PERCE County.
 NESWNE Sec 34 T 37N R 03W in NEZ PERCE County.

```

Use: POWER          ( .200 CFS)
    DOMESTIC        ( .040 CFS)
        Total Diversion: ( .200 CFS)

```

Date Filed: 8/26/1994

In: NEZ PERCE County
T37N R03W S34 NWNE SWNE

...and the

DEC 07 1994