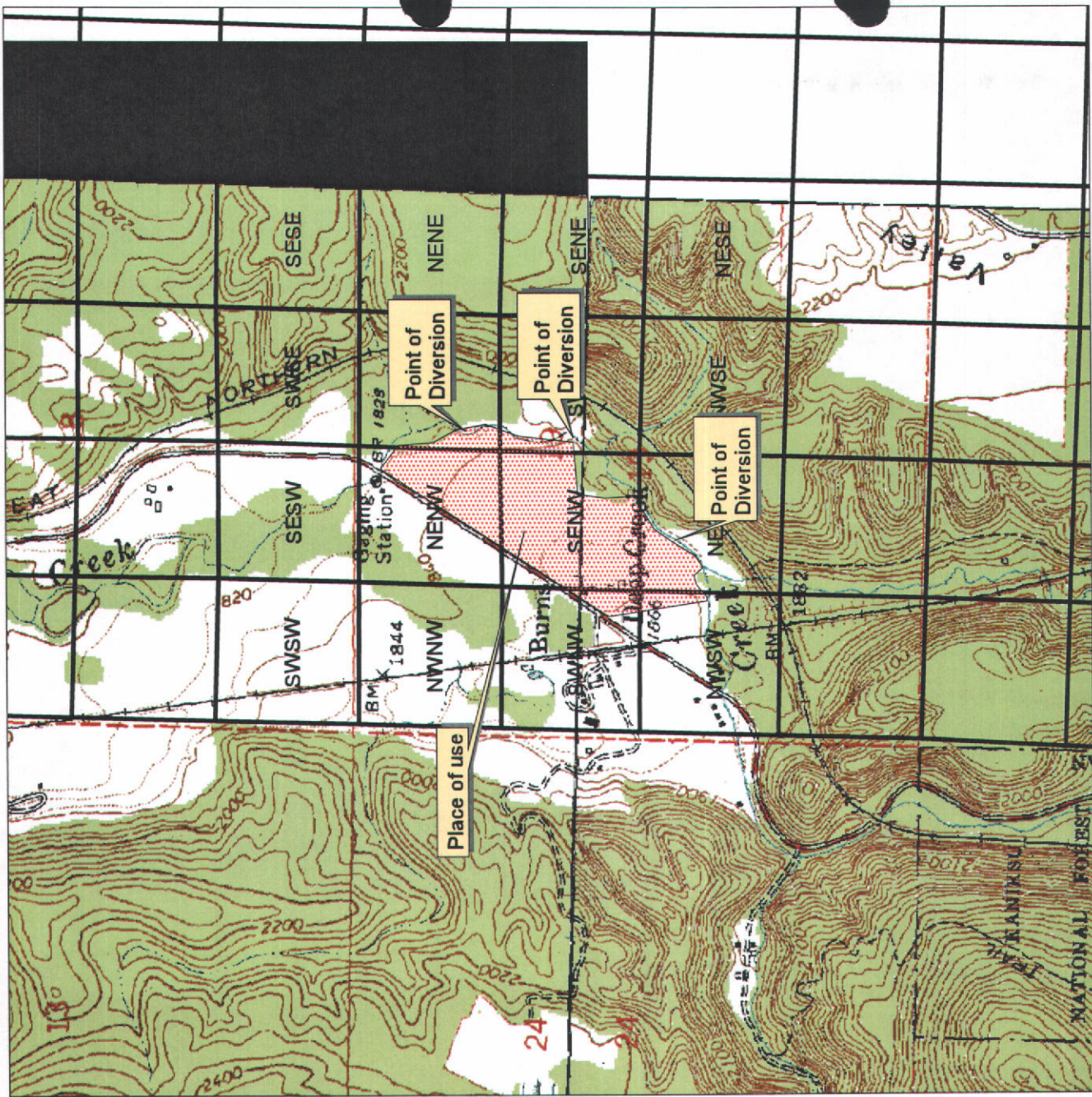




MICROFILMED
JAN 29 2003

☐ T61n01e.shp

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 98-07809

Priority: 11/02/2001

Maximum Diversion Rate: 1.58 CFS

This is to certify, that CARL COWART Or
ANN COWART
22233 S AUSTIN RD
RIPON CA 95366

has applied for a permit to appropriate water from:

Source: DEEP CREEK

Tributary: KOOTENAI 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>
IRRIGATION	04/01 to 10/31	1.58 CFS

LOCATION OF POINT(S) OF DIVERSION:

DEEP CREEK	NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 19, Twp 61N, Rge 01E, B.M.	BOUNDARY County
DEEP CREEK	SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 19, Twp 61N, Rge 01E, B.M.	BOUNDARY County
DEEP CREEK	NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 19, Twp 61N, Rge 01E, B.M.	BOUNDARY County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
61N	01E	19		5.0	5.0		20.0		5.0	25.0	12.0	7.0							79.0

Total Acres: 79

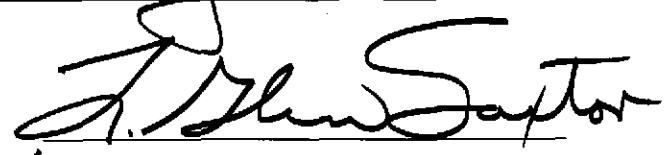
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before May 1, 2007.
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. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. A fish screen of $\frac{1}{4}$ inch or smaller mesh shall be installed and maintained at the point of diversion.
7. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 1st day of May, 2007.

MICROFILMED

JAN 29 2008


for KARL J DREHER, Director

69651

Ident. No. 98-7809

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APR 29 2002

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of Applicant Carl ⁰² Ann Lawant Phone 208-267-1645
209-599-2929

Mailing address HR 1 Box 332 E Naper St 83847 SEE ATTACHED

2. Source of water supply Deep Creek which is a tributary of Kootenai River

3. Location of point of diversion is Township 6N Range 1E Sec. 19 in the NW 1/4, NE 1/4, Govt. Lot BOUNDARY, B.M., BOUNDARY County;

additional points of diversion if any: SE 1/4, NE 1/4, T. 6N, R. 1E, S19

4. Water will be used for the following purposes:

Amount 1.58 for IRRIGATION purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.58 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source GRAVITY & PUMPS
IRRIGATION SYSTEM

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____;

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

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

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

MICROFILMED

JAN 29 2003

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
610	1E	19		5	5		20		5	25	12	7							79

Total number of acres to be irrigated 79

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? APPLICANT

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

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

12. Remarks: _____

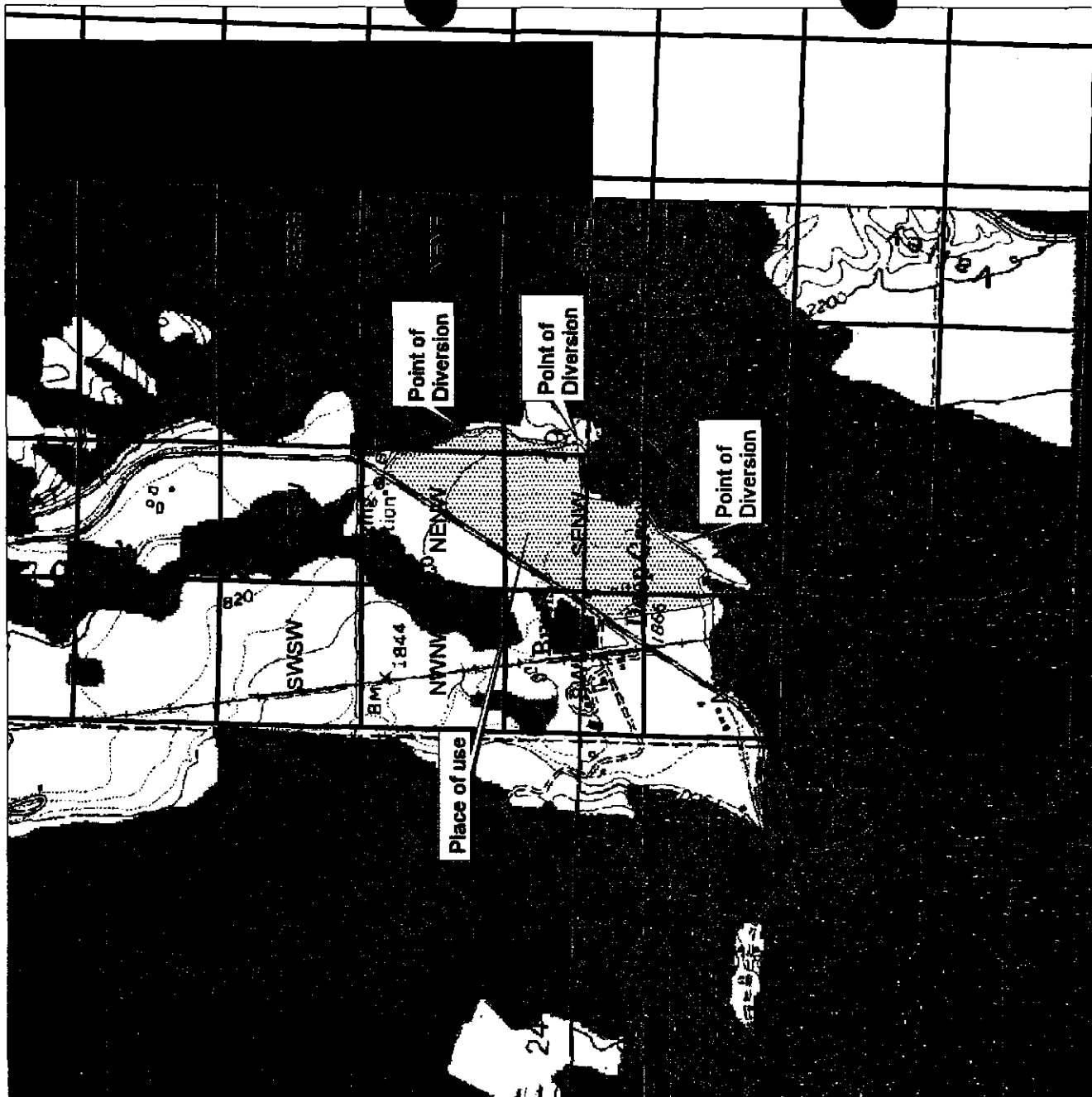
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

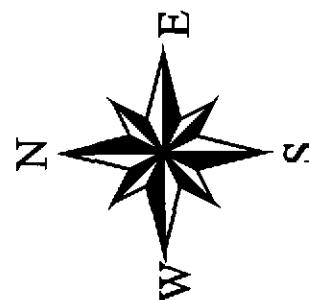
[Signature]
Signature of Applicant (and title, if applicable)

MICROFILMED
JAN 29 2003

Received by [Signature] Date 11-2-01 Time 11:00 Preliminary check by [Signature]
 Fee \$ 290- Received by [Signature] # 2014743 Date 11-2-01
 Publication prepared by [Signature] Date 1/31/02 Published in Boomerang Herald 2/6+13/02
 Publication approved [Signature] Date 3/20/02 3/7+14/02



T61n01e.shp



MICHO 16112
JAN 29 2013



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 2, 2002

CARL COWART
ANN COWART
22233 S AUSTIN RD
RIPON CA 95366

RE: Permit No. 98-7809

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources 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 the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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.

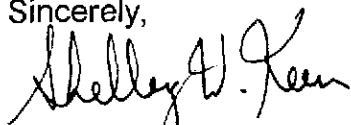
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least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

MICROFILMED
JAN 29 2003

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

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klf

Enclosure(s)

MICROFILMED

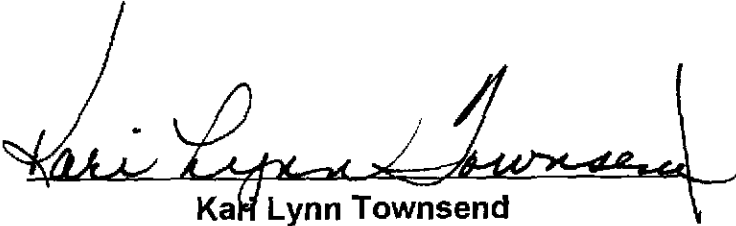
JAN 29 2005

CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 98-7809

**CARL COWART
ANN COWART
22233 S AUSTIN RD
RIPON CA 95366**


**Kari Lynn Townsend
Secretary**

MICROFILMED

MAY 2 4 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
JAN 29 2003

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

To: File 98-7809

From: Sharla

Date: April 30, 2002

Re: Fish & Game Comments

The IDFG representative who submitted comments has recommended adding conditions regarding the underwater excavation and pump/pipeline placements in the stream bed. These issues go beyond the scope of the water right application and fall instead under the jurisdiction of the Stream Channel Alteration section of this department and/or Dept. of Lands via an encroachment permit.

The standard conditions regarding the approach velocity and mesh screening will be placed on the permit, but the other issues above will not be addressed by the water right permit.

MICROFILMED

JAN 23 2003

IN THE DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 98-7809

APPLICATION ID # 69651
INITIAL REVIEW

ENT. 1/15/01 BCA 1/15/01 OK to Publish 6

APPLICANT: COWART BY: AB DATE: 1/14/02

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes)(No)

- ☒ Shape File Created Date 1-14-02 By: AB
- Field check: by _____
- Field report attached _____
- Analysis Supp. attached(>5cfs/500af) _____
- Water delivered by water master? Water District # _____

RECEIVED

APR 29 2002

Department of Water Resources

PROCESSING

(Yes)(No)

PRIORITY DATE: 11/2/01

(Include Moratorium Remark)

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

ADVERTISE IN: BANDANA 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:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y() N()
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y() N()
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y() N()

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- Notice of pending void order issued. Final order response date: _____
- Further information required from applicant _____
- Affidavit of publication received _____
- Application published correctly. If not, record action taken: Readjusted to correct POU - paper error
- Publication dates and paper recorded on application 3/25/02 | Sr. Agent initial _____
- Protests received, Final protest date: 3/25/02
- Measuring device required _____
- Measuring port required _____
- Special conditions: _____
- Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: _____ Date: _____

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Boundary, Carol Arthur

_____ being first duly sworn on oath
deposes and says that he/she is ad manager
of the Bonners Ferry Herald, a newspaper printed and
published at Bonners Ferry, Boundary County, Idaho; that
the said newspaper has been continuously and
uninterruptedly published in said Boundary County during
a period of 12 months prior to the first publication of the
hereto attached notice of publication in the case of:

4730 Notice of correction

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 7 day of March 20 02
and ending on the 14 day of March, 20 02
and that said notice was published in said newspaper.

On this 14 day of March in the year
of 2002, before me, a Notary Public, personally
appeared Carol A. Arthur,
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me
first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.

Joan E. Diel
Notary Public for Idaho

Residing at Bonners Ferry

My Commission expires: 7/22/2002

RECEIVED
MAR 20 2002
IDWR/North

NOTICE OF CORRECTION
NOTICE IS HEREBY GIVEN
THAT APPLICATION FOR PERMIT
NO. 98-7809 in the name of CARL
COWART or ANN COWART, 22233 S
AUSTIN RD, RIFON, CA 95386, was
incorrectly advertised on February 7
and 14, 2002.

The PLACE OF USE was incor-
rectly advertised as being in T61N
E01W A19, whereas correctly the
Place of Use should be identified as
being in T61N R01E S19.

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

Any protests against the approval
of the above-referenced correction
must be filed with the applicant and
with the Director, Dept. of Water
Resources, 1910 Northwest Blvd.,
Suite 210, Coeur d'Alene, Id. 83814,
together with a protest fee of \$25.00
on or before March 25, 2002.
KARL J. DREHER, Dir.
Legal BFH4730
March 7, 14, 2002

MICROFILMED
JAN 29 2003

Bonnerr's Ferry Herald
P.O. Box 539
Bonnerr's Ferry, ID 83805
Phone: (208) 267-5521

**ADVERTISING
 INVOICE/STATEMENT**

Statement		Agency/Client Name		
03/19/02		IDAHO DEPT OF WATER RESOURCES		
Total Amount Due		Terms of Payment		
0.00		net 19th		
Current Amount Due	1-30 Days	31-60 Days	61-90 Days	Over 90 Days
0.00	0.00	0.00	0.00	0.00

Page #	Billing Date	Billed Account #	Agency/Client Number	
1	03/19/02	50100586-000		
Billed Account Name & Address			Remittance Address	
IDAHO DEPT OF WATER RESOURCES 1910 NORTHWEST BLV SUITE 210 COEUR D' ALENE, ID 83814			Bonnerr's Ferry Herald P.O. Box 539 Bonnerr's Ferry, ID 83805	

RECEIVED
MAR 20 2002
 IDWR/North

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

Date	Reference #	Description-Other Comments/Charges	Type	Units	Runs	Rate	Amount	Total
		IDAHO DEPT OF WATER						
02/07/02	50552927-001	#4716 WATER RIGHT/COWART	DIS		1	UD	33.60	33.60
02/14/02	50553120-001	#4716 WATER RIGHT/COWART	DIS		1	UD	28.80	62.40
		Affidavit					3.00	65.40
03/06/02	50553120-001	115357152	PAY				-65.40	0.00
03/07/02	50554174-001	#4730 CORRECTION/COWART	DIS		1	ZZ	0.00	0.00
03/14/02	50554297-001	#4730 CORRECTION/COWART	DIS		1	ZZ	0.00	0.00
							Subtotal	31.80

*Paper error
 NO Charge*

MICROFILMED
 JAN 29 2003

Statement of Account Aging of Past Due Amounts

Current Amount Due	1-30 Days	31-60 Days	61-90 Days	Over 90 Days	Total Amount Due
0.00	0.00	0.00	0.00	0.00	0.00

Bonnerr's Ferry Herald
P.O. Box 539
Bonnerr's Ferry, ID 83805

Past due accounts are subject to finance charges of 1 1/2% per month, which is an annual percentage of 18%, applied to the previous balance.

Advertiser Information

Statement Date	Billed Account #	Agency/Client Number	Agency/Client Name
03/19/02	50100586-000		

DO THE ROBINS KNOW SOMETHING WE DON'T?

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 98-7809 in the name of CARL COWART or ANN COWART, 22233 S AUSTIN RD, RIPON, CA 95386, was incorrectly advertised on February 7 and 14, 2002.

The PLACE OF USE was incorrectly advertised as being in T61N E01W A19, whereas correctly the Place of Use should be identified as being in **T61N R01E S19**.

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

Any protests against the approval of the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, together with a protest fee of \$25.00 on or before March 25, 2002.

KARL J. DREHER, Dir.

Published in the Bonners Ferry Herald on March 7 and 14, 2002.

MICROFILMED

JAN 29 2003



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

February 26, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGAL NOTICE DEPARTMENT

BONNERS FERRY HERALD

PO BOX 539

BONNERS FERRY ID 83805

RE: Application for Permit No. 98-7809 - COWART

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal **Notice of Correction** which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department. Please send the affidavit to this office before 03/25/2002. Your cooperation is appreciated.

Please note that there should be no charge for this because the original legal notice was correct as submitted to you.

Thank you.

Sincerely

Dianne Ball
Administrative Assistant

Enclosure - Notice of Correction

MICROFILMED

128 2 4 2003

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Boundary, Carol Arthur

_____ being first duly sworn on oath

deposes and says that he/she is ad manager

of the Bonners Ferry Herald, a newspaper printed and published at Bonners Ferry, Boundary County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Boundary County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of:

4716 Water Right
Cowart

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 7 day of February 20 02 and ending on the 14 day of February 20 02 and that said notice was published in said newspaper.

On this 14 day of February in the year of 2002, before me, a Notary Public, personally appeared Carol A. Arthur,

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

Jean E. Diehl
Notary Public for Idaho

Residing at Bonners Ferry

My Commission expires: 7/22/2002

RECEIVED

FEB 19 2002

IDWR/North

NOTICE OF APPLICATION
FOR WATER RIGHT

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

98-7809
CARL COWART
ANN COWART
22233 S AUSTIN RD
RIPON CA 95386
Point(s) of Diversion NWNE
SWNE NESE S19 T61N R01E
BOUNDARY County
Source DEEP CREEK Tributary to
KOOTENAI RIVER
Use: IRRIGATION 03/15 TO 11/15
1.58CFS
Total Diversion: 1.58CFS
Date Filed: 11/02/2001
Place of Use: IRRIGATION
T61N E01W A19 NWNE SWNE
NENW SWNW SENW NESW NWSW
Number of Acres 79

Permits will be subject to all prior water rights. protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 02/25/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Legal BFH4716
February 7, 14, 2002

Ball, Dianne

From: RAY HENNEKEY [rhenneke@IDFG.STATE.ID.US]
Sent: Wednesday, February 06, 2002 9:47 AM
To: dball@idwr.state.id.us
Cc: GREG TOURTLOTTE; GREGG SERVHEEN; SCOTT GRUNDER; TERRY VERNHOLM;
TRACEY TRENT
Subject: Cowart water right app

February 6, 2002

Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd, S 210
Coeur d'Alene, ID 83814

Via email to Diane Ball:

REFERENCE: #98-7809 COWART

We have no specific objections or comments about the above application to withdraw 1.58 cfs from Deep Creek for irrigation of 79 acres. However, water lines and pumps are an encroachment in streams that can be detrimental to fish and fish habitat.

We recommend that applicant be required to install lines beneath the streambed during low water to minimize underwater excavation. Dug materials should be side-cast to only one side and the bottom contour and substrate restored. Any unburied sections of the line should be anchored on the bottom. Disturbed shoreline areas should be restored to natural contours and replanted with native vegetation.

The applicant should also provide a smooth cover for the pump. It would be preferable to place pumps on land rather than in the water. Water intakes should be screened to prevent entrainment or impingement of fish. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.

Applicants should obtain necessary encroachment permits from Idaho Department of Lands prior to installing water lines or pumps in waters of a river or stream.

Thank you for the opportunity to comment.

Ray Hennekey
Environmental Staff Biologist
IDFG Region 1

C: NRPB Boise; Greg Tourtlotte, Region 1; file

MICROFILMED
JAN 20 2003

FAX

January 31, 2002

To: Dianne Ball - IDWR - Northern Regional Office
Fax # (208) 769-1454

From: Lin Buck - BLM - Idaho State Office
Fax # (208) 373-3805

Re: Application for Permit No. 98-07809 for Carl and Ann Cowart

Hi Dianne:

Our office reviewed the above water right application for permit from the IDWR New Water Rights filing report dated January 22, 2002 (copy attached).

Our MTP (copy attached) shows:

POU: T61N R01E S19 SWNW and NWSW may be missing lot #s.

BLM does not have a problem with this claim, we are just providing this for your information.

Thank you.

Have a nice day!!



cc: Craig Johnson - BLM - Cottonwood Field Office
Fax # (208) 962-3275

Pages 4 (includes cover sheet)

MICROFILMED
JAN 29 2002

Jan 31 02 05:16p

BLM-ISO IRC

208-373-3899

p.2

IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS

DATE: 01/22/02

Application for Permit No. 98-7809

Name: CARL COWART

ANN COWART

Diversion Pt NWNE	Sec 19 T 61N R 01E	BOUNDARY County	Source DEEP CREEK
Diversion Pt SWNE	Sec 19 T 61N R 01E	BOUNDARY County	Source DEEP CREEK
Diversion Pt NESE	Sec 19 T 61N R 01E	BOUNDARY County	Source DEEP CREEK
Use: IRRIGATION	03/15 To 11/15 1.58 CFS		

Total Diversion: 1.58 CFS

Date Filed: 11/02/2001

Place Of Use: IRRIGATION

T61N R01E S19 NWNE SWNE NENW SWNW SENW NESW NWSW

Number of Acres 79

MICROFILMED

163 7 0 3083

PARTIALLY SURVEYED TOWNSHIP 61 NORTH RANGE 1 EAST OF THE BOISE MERIDIAN, IDAHO

BOUNDARY COUNTY
COLEMAN DISTRICT

46201-1230

4/20/1983
- 2000 650
- 2000 650

52 A. 1

22-2

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDSMT PLAT[illegible]

6/23/1992 RFO SS Paul Wernkepolis & Wernke
By approved
Sec 8: 1013.1.45

Sec 7 31/12/1 6/5/1 50/1/1
Sec 8 1/1/1 1/1/1 1/1/1

5069	5070	5071	5072	5073	5074	5075	5076	5077	5078	5079	5080	5081	5082	5083	5084	5085	5086	5087	5088	5089	5090	5091	5092	5093	5094	5095	5096	5097	5098	5099	5100	5101	5102	5103	5104	5105	5106	5107	5108	5109	5110	5111	5112	5113	5114	5115	5116	5117	5118	5119	5120	5121	5122	5123	5124	5125	5126	5127	5128	5129	5130	5131	5132	5133	5134	5135	5136	5137	5138	5139	5140	5141	5142	5143	5144	5145	5146	5147	5148	5149	5150	5151	5152	5153	5154	5155	5156	5157	5158	5159	5160	5161	5162	5163	5164	5165	5166	5167	5168	5169	5170	5171	5172	5173	5174	5175	5176	5177	5178	5179	5180	5181	5182	5183	5184	5185	5186	5187	5188	5189	5190	5191	5192	5193	5194	5195	5196	5197	5198	5199	5200	5201	5202	5203	5204	5205	5206	5207	5208	5209	5210	5211	5212	5213	5214	5215	5216	5217	5218	5219	5220	5221	5222	5223	5224	5225	5226	5227	5228	5229	5230	5231	5232	5233	5234	5235	5236	5237	5238	5239	5240	5241	5242	5243	5244	5245	5246	5247	5248	5249	5250	5251	5252	5253	5254	5255	5256	5257	5258	5259	5260	5261	5262	5263	5264	5265	5266	5267	5268	5269	5270	5271	5272	5273	5274	5275	5276	5277	5278	5279	5280	5281	5282	5283	5284	5285	5286	5287	5288	5289	5290	5291	5292	5293	5294	5295	5296	5297	5298	5299	5300	5301	5302	5303	5304	5305	5306	5307	5308	5309	5310	5311	5312	5313	5314	5315	5316	5317	5318	5319	5320	5321	5322	5323	5324	5325	5326	5327	5328	5329	5330	5331	5332	5333	5334	5335	5336	5337	5338	5339	5340	5341	5342	5343	5344	5345	5346	5347	5348	5349	5350	5351	5352	5353	5354	5355	5356	5357	5358	5359	5360	5361	5362	5363	5364	5365	5366	5367	5368	5369	5370	5371	5372	5373	5374	5375	5376	5377	5378	5379	5380	5381	5382	5383	5384	5385	5386	5387	5388	5389	5390	5391	5392	5393	5394	5395	5396	5397	5398	5399	5400	5401	5402	5403	5404	5405	5406	5407	5408	5409	5410	5411	5412	5413	5414	5415	5416	5417	5418	5419	5420	5421	5422	5423	5424	5425	5426	5427	5428	5429	5430	5431	5432	5433	5434	5435	5436	5437	5438	5439	5440	5441	5442	5443	5444	5445	5446	5447	5448	5449	5450	5451	5452	5453	5454	5455	5456	5457	5458	5459	5460	5461	5462	5463	5464	5465	5466	5467	5468	5469	5470	5471	5472	5473	5474	5475	5476	5477</
------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	--------

10/17/1962 AFB St Paul Minneapolis & Montreal

NY 66-10360-
 Ser 10: 20 Feb 1958

1 GILLES COT IN 157 TAD OF CONG 7/22/1951
Completed 8/9/1960. All Wf surface bags of USF

10/15/51 Car # 167 (Ag 1 of Cong 7/23/1955).
Comp (10/29/51) 9/28/1956. All PD surface mount by

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
DIRECT, ALTERNATE, AND ASSOCIATE

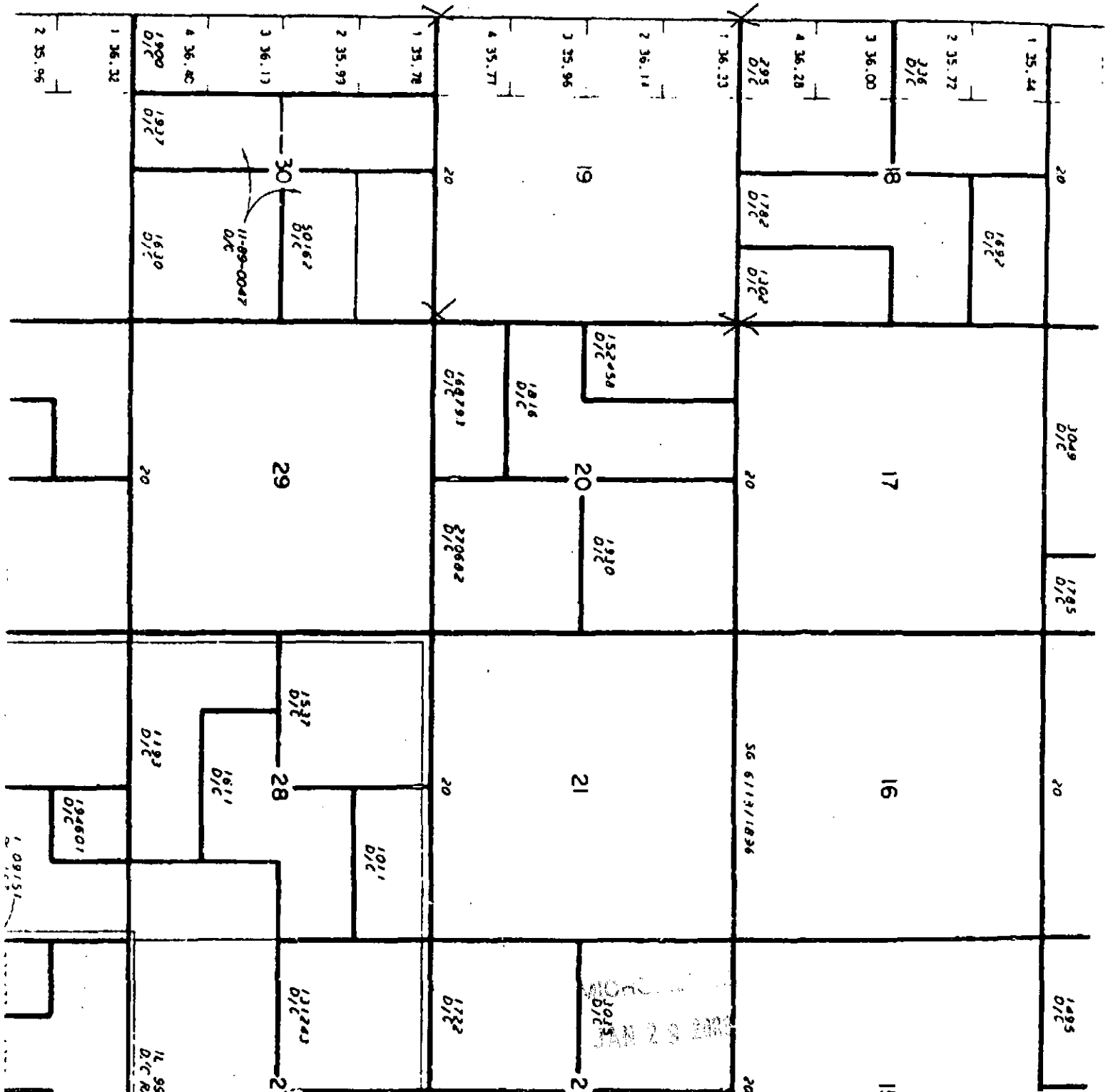
SECRET

CURRENT TO	CURRENT TO

COPIES

100 2 2 2000

TCAN
RATE
519





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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 31, 2002

Legal Notice Department
BONNERS FERRY HERALD
PO BOX 539
BONNERS FERRY ID 83805

FAXED TO 208-267-5523

January 31, 2002

by Dianne Ball

2 pages

RE: Application for Permit No. 98-7809

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 02/25/2002. Your cooperation is appreciated.

Thanks & C.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

MICROFILMED

JAN 29 2002

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

98-7809

CARL COWART
ANN COWART
22233 S AUSTIN RD
RIPON CA 95366

Point(s) of Diversion NWNE SWNE NESE S19 T61N R01E BOUNDARY County
Source DEEP CREEK Tributary To KOOTENAI RIVER
Use: IRRIGATION 03/15 To 11/15 1.58 CFS
Total Diversion: 1.58 CFS

Date Filed: 11/02/2001

Place Of Use: IRRIGATION

T61N R01E S19 NWNE SWNE NENW SWNW SENW NESW NWSW

Number of Acres 79

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 02/25/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on February 6 and 13, 2002.

MICROFILMED

FEB 24 2002



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 31, 2002

CARL COWART
ANN COWART
22233 S AUSTIN RD
RIPON CA 95366

RE: Application for Permit No 98-7809

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Bonners Ferry Herald on February 6 and 13, 2002. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely, _____

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) Receipt No. N014743

MICROFILMED

JAN 29 2003

COWART APPLICATION OF 11-2-01
ADDRESS CHANGE -

JAN. 14, 2002

MRS. COWART CALLED AND ASKED
ME TO SEND CORRESPONDENCE
FOR THIS FILE TO HER ADDRESS
IN CA:

CARL COWART
22233 S. AUSTIN RD
RIPON CA 95366

MICROFILMED

JAN 23 2003



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

January 15, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RAY HENNEKEY
IDAHO DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

**FAXED TO MR. HENNEKEY
JANUARY 15, 2002
AT APPROXIMATELY 3:25 PM**

Application to Permit No. 98-7809

Dear Ray:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within two weeks.

If you plan to protest this application, final date for receipt of protests in our office, together with a \$25.00 fee, will be February 13, 2002.

Please feel free to contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne'.

Dianne Ball
Administrative Assistant

Enclosure(s)

MAILED 1/15/02

JAN 16 2002