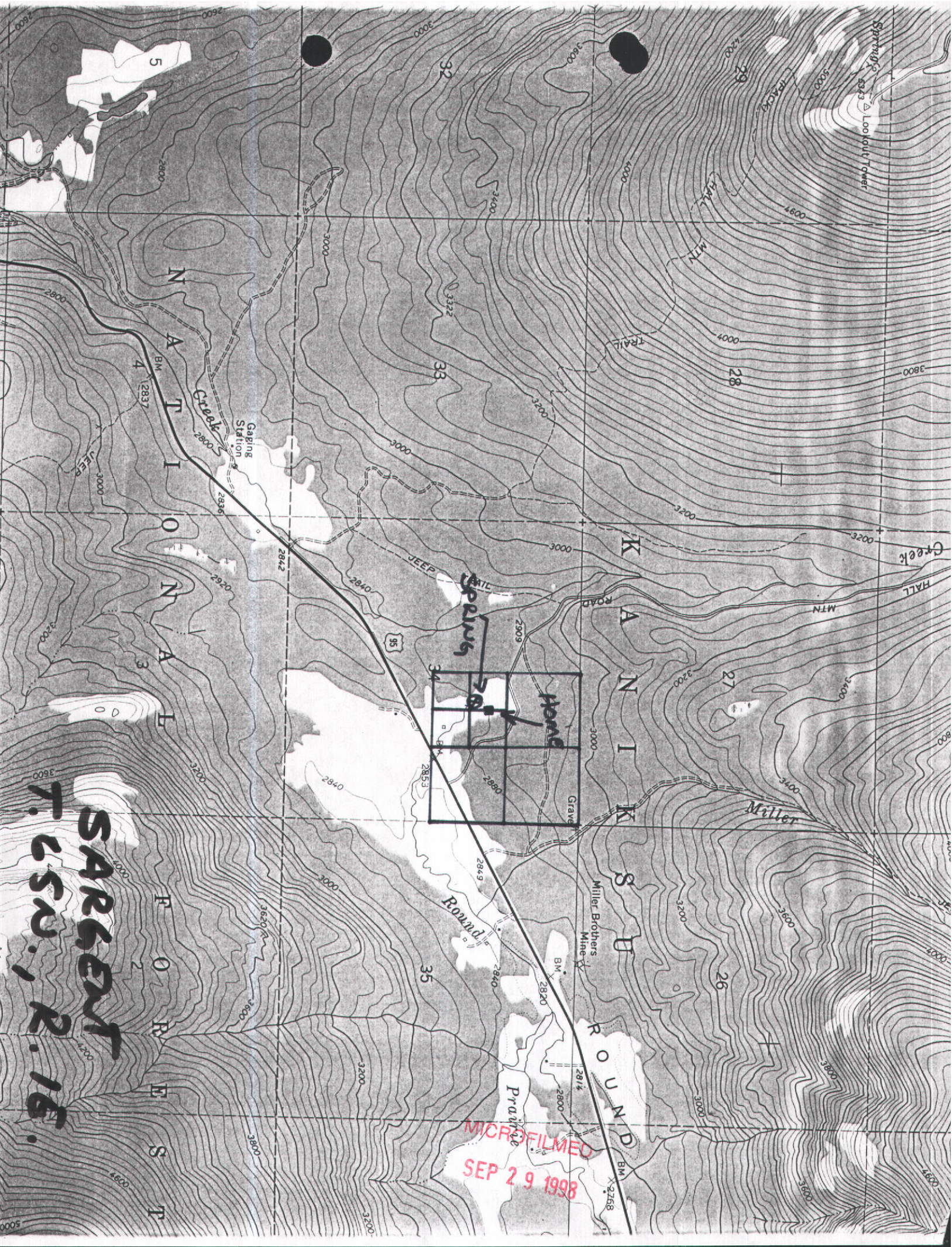
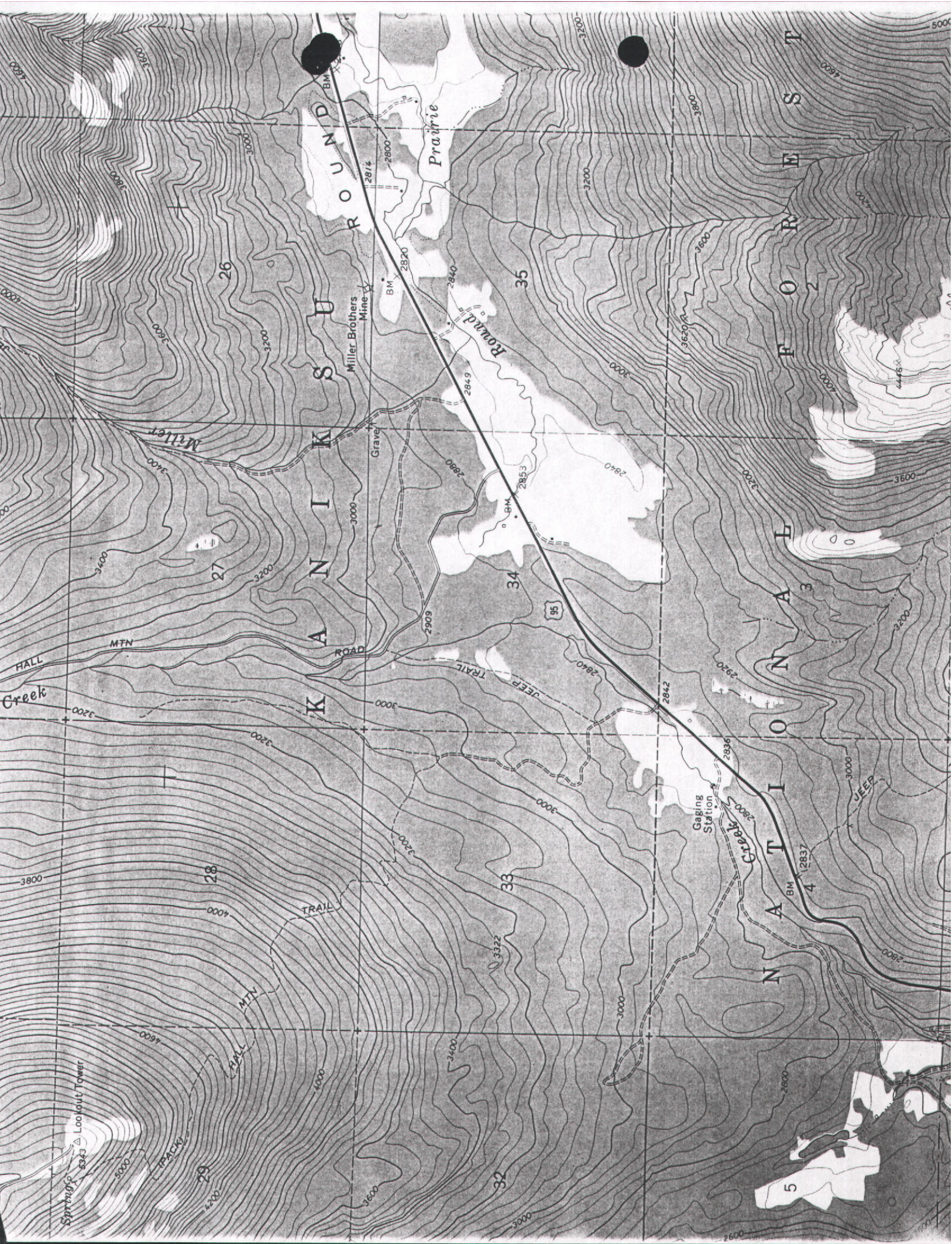




SARCENT
TCSN, R. 18.



MICROFILMED
SEP 29 1998



E. NARRATIVE/REMARKS/COMMENTS

WATER IS PUMPED FROM SPRING BY 3/4 H.P. PUMP.
WATER IS USED FOR 1 HOME, LAWN & GARDEN.



↑
HOME + LAWN

↑
SPRING & CULVERT CASING

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

MICROFILMED

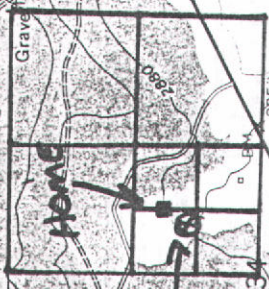
APR 15 1999



K A N I K S U R O U N D

N A T I O N A L F O R E S T

SARGENT
T. CSN. R. 16.



MICROFILMED
APR 15 1997

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 98-07788

Priority: June 30, 1998

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that CHERYL SARGENT

HC 61 BOX 146B

BONNERS FERRY ID 83805

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 30, 1998; and has submitted Proof of Beneficial Use on October 30, 1998. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from:

SPRING

tributary to ROUND PRAIRIE CREEK

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>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSWNE , Sec. 34, Township 65N, Range 01E
BOUNDARY County

PLACE OF USE: DOMESTIC

TWN RGE SEC

65N 01E 34

SWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Domestic use is for 1 home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 22ND day of

JANUARY, 1999.

Acting for

KARL J. DREHER, Director

MICROFILMED

APR 15 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 04 1998

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. 98-07788 Telephone No. 208-267-5925
2. Name(s) of Permit Holder(s): Cheryl Sargent; Angela, Daniel, Michael, Russell
Sally Symons
3. Mailing Address: HCR 61 Box 146B Bonners Ferry, ID. 83805
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): 0
Irrigation (No. of acres): 1/2 Other: ____
6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR ____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
- | | | | |
|-------------------------------|--|----------|----------------|
| Measuring Device: | Is a measuring device required? | Yes ____ | or No <u>✓</u> |
| | Has the measuring device been installed? | Yes ____ | or No <u>✓</u> |
| Flow Measurement Port: | Is a flow measurement port required? | Yes ____ | or No <u>✓</u> |
| | Has the measurement port been installed? | Yes ____ | or No <u>✓</u> |
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Cheryl Sargent Telephone Number: 208-267-5925
Address: HCR 61 Box 146B, Bonners Ferry, ID. 83805
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: Cheryl Sargent
(include your title, if on behalf of company or organization)

Date: 9/28/98

NOV 27 1998

work 263-4671
4761

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 98-07788

Proposed Priority: June 30, 1998

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **CHERYL SARGENT**
HC 61 BOX 146B

BONNERS FERRY ID 83805

has applied for a permit to appropriate water from:

SPRING

tributary of **ROUND PRAIRIE CREEK**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWSWNE , Sec. 34, Township 65N, Range 01E
BOUNDARY County

PLACE OF USE: DOMESTIC

TWN RGE SEC

65N 01E 34

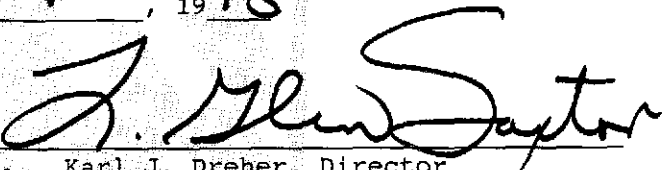
SWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1999.**
2. Subject to all prior water rights.
3. Domestic use is for 1 home.

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

11 day of September, 1998


Karl J. Dreher, Director
for

MICROFILMED

SEP 29 1998

Ident. No. 98-07788

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

RECEIVED
AUG 10 1998

Department of Water Resources

1. Name of Applicant Cheryl Sargent Phone 208-267-5925
Mailing address HCR 61 Box 146 B Bonners Ferry, Idaho 83805
2. Source of water supply Spring which is a tributary of * Round Prairie Creek
~~Thission Creek~~
3. Location of point of diversion is Township 65N Range 1E Sec. 34 in the NW 1/4.
SW 1/4, NE 1/4, Govt. Lot Boundary, B.M., Boundary County;
additional points of diversion if any: CENTER OF SW 1/4 NE 1/4, SEC. 34, T.65N., R. 1E.
4. Water will be used for the following purposes:
Amount 0.04 for Domestic purposes from 1/1 to 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 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 Spring
Culvert in spring; pump & water line.
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 12' feet
d. Is ground water with a temperature of greater than 85° F being sought? no
e. If well is already ^{aug}drilled, when? yes; Drilling firm _____
^{aug}Well was drilled for (well owner) Cheryl Sargent; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. 1 home & lawn/garden
e. Other; describe fully. _____

MICROFILMED

* per map. 9/10/98 cz.

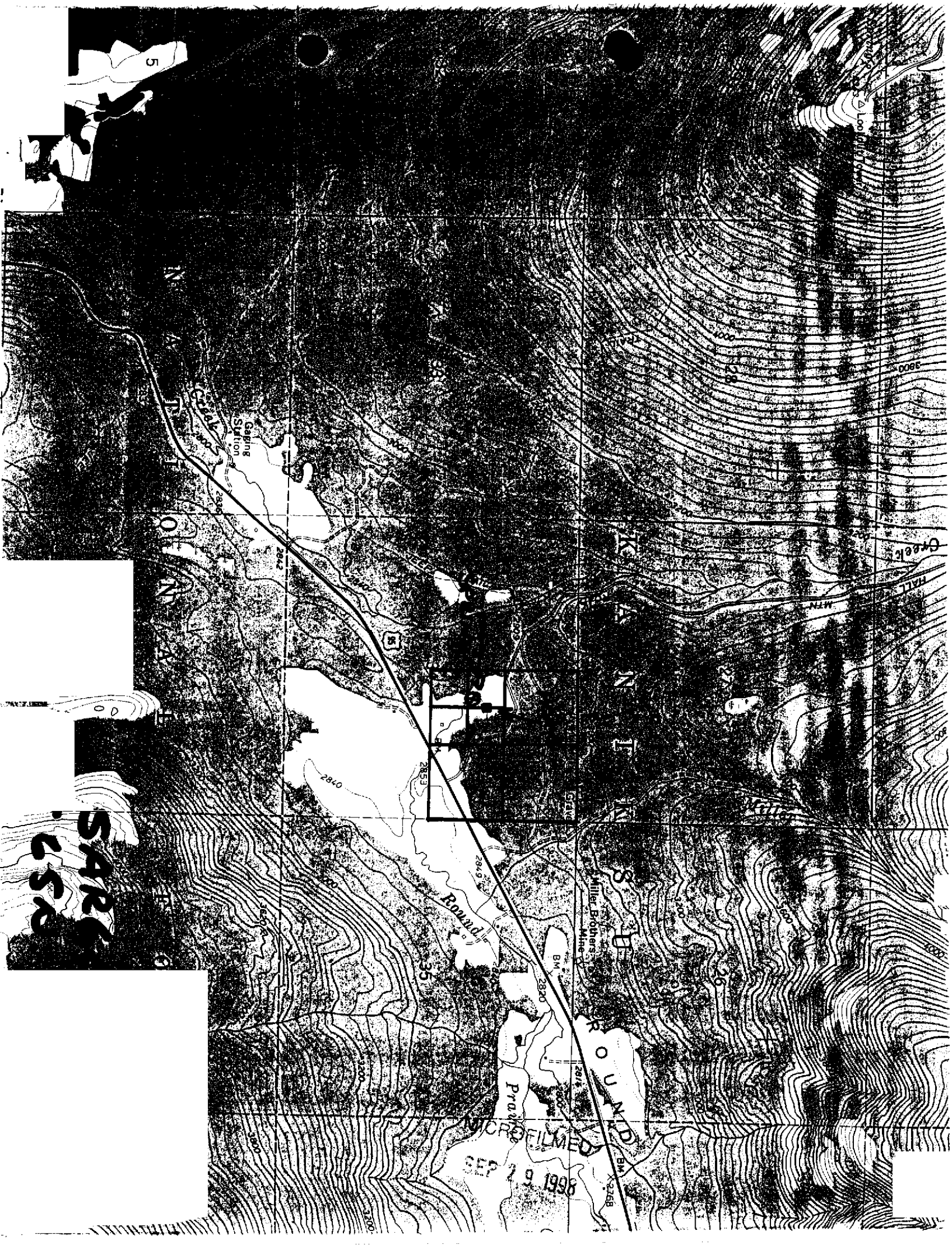
SEP 29 1998

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																	TOTALS
65N	1E	34	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	S E





AGREEMENT FOR THE DIVISION OF REAL PROPERTY,
WELL OR SPRING AND ESTABLISHMENT OF PROPERTY LINE
AND EASEMENTS

Thomas A. Sargent and Cheryl Hadford Sargent, formerly husband and wife, and by reason of divorce are now both single persons, are the owners of certain real property situated in Boundary County, Idaho described as follows:

A tract of land all in parts of the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Thirty-four (34), Township Sixty-five (65) North, Range One (1) East, B.M., lying south of the Mission Creek road, commencing at the north quarter corner of Section Thirty-four (34), Township Sixty-five (65) North, Range One (1) East, B.M., and South 00 degrees 03' East 1259.0 feet to the south side of Mission Creek road right of way which is point of beginning, thence continue South 00 degrees 03' east 1381.0 feet to the southwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Thirty-four (34), thence North 00 degrees East 941.8 feet, thence North 00 degrees 03' west 1370.0 feet to the south right of way line of Mission Creek Road, thence North 73 degrees 30' west 269.3 feet, thence North 84 degrees west 68.0 feet, thence south 72 degrees west 488.0 feet, thence north 89 degrees 30' west 75.0 feet, thence north 63 degrees 20' west 110.9 feet to the point of beginning.

SUBJECT TO

RESERVING unto the grantor a 20 foot easement for the maintenance of a water pipe line, the center line thereof being the presently existing pipe line located in the bottom of the west branch of Round Prairie Creek as it flows easterly across the end just north of the south line of the above described property as shown of record as Instrument Number 0138297, recorded in Book 43 of Instruments, page 222, recorded in Boundary County, Idaho.

To divide the foregoing premises between them and to provide for the perpetual right of access or uses herein described, each does convey, release, remise and forever quitclaim unto the other all interests in the premises hereinafter designated to the other to be held by the other his or her heirs and assigns as their sole and separate property.

SEP 29 1998

To Cheryl Hadford Sargent, a parcel in the Northwest corner of said premises with the South boundary being two hundred and sixty feet (260') long and perpendicular to the East and West boundaries which are parallel to one another and two hundred and sixty feet (260') apart. The West boundary shall be four hundred and fifty feet (450') long with the northern terminus end being the Northwest corner of the above described premises, and the East boundary is of sufficient length to intersect the North and South boundaries. The North boundary being that portion of the North boundary of the above described premises which is between the East and West boundaries.

To Thomas A. Sargent, all of the rest and remainder of the premises not above conveyed to Cheryl Hanford Sargent.

Spring or Well: There exists a well or spring at or near the Southeast corner of the premises, above granted to Cheryl Hadford Sargent. This well or spring is connected to the house on said premises with water lines and power service. The parties hereto are not certain whether said well/spring is situated on property conveyed to Cheryl Hadford Sargent or Thomas A. Sargent. It is however, as to said well/spring, agreed as follows;

Said well/spring shall be held for the benefit of both parcels of property, as the premises are hereby divided. The water from the well shall be divided and allocated one-half ($\frac{1}{2}$) to the use upon each property.

The cost of development of service lines, pumping and electrical service for the premises hereby conveyed to the Thomas A. Sargent property will be borne by the owner and thereafter the cost of maintenance and improvements of the well/spring will be divided equally between the owners of the two properties.

The parcel upon which the well/spring is situated shall be subject to an easement for the benefit of the other parcel which is to receive water from the well. This easement shall be a ten foot (10') radius around the well and a twenty foot (20') easement, ten foot (10') on either side of the electrical power service and a like easement being ten foot (10') on either side of the water line. If the well/spring is situated on the Thomas A. Sargent parcel, then the existing power and water line will be a determination of the easement location. If it be on the Cheryl Hadford Sargent property, then the shortest practical route for water and power service to the well/spring.

It is understood that the owners may jointly use some of the well/spring facilities jointly, i.e., power service, pump and lines to the extent such joint usage can be developed with snaring of costs easements heretofore will be minimized or

eliminated. Easement for the well/spring, water and power lines shall include the right of entry to install, repair and maintain. Excavation done for that purpose will be promptly completed to restore the ground surface to its former condition. In the event fences cross easements, appropriate access gates will be installed and kept closed when passage through is not needed.

These rights or useage of the well/spring and the above described easements for water and/or power service lines, shall be perpetual easements appurtenant to the properties they are herein designated to benefit.

In the event either party hereto shall sell or encumber by mortgage, deed of trust or other security device the premises herein described as conveyed to them, they shall have the property lines dividing the premises and the location of the well/spring and the water and power service easements surveyed by a person licensed by the State of Idaho to perform land surveys. Said survey will be recorded certifying it has correctly located the boundaries and easements herein described and set them forth by appropriate legal description. Each of the parties hereto shall be liable for one-half (1/2) of the cost thereof.

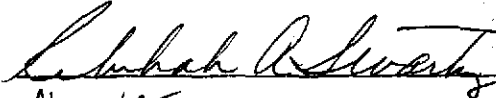
This Agreement shall be binding upon the parties hereto, their heirs and assigns.

DATED this 18 day of ^{Oct.}~~May~~, 1991.


THOMAS A. SARGENT

State of Idaho)
) ss:
County or Boundary)

On this 18 day of ^{Oct}~~May~~, 1991, before me, the undersigned Notary Public, personally appeared THOMAS A. SARGENT, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.


DATED this 13th day of ^{November}~~May~~, 1991.


CHERYL HADFORD SARGENT

State of Idaho)
) ss:
County or Boundary)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 25, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHERYL SARGENT
HC 61 BOX 146B
BONNERS FERRY ID 83805

RE: WATER RIGHT NO. 98-07788

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.

MIKROFILMED

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

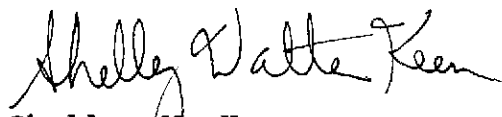
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

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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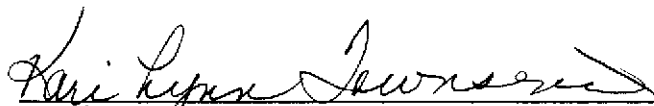
APR 15 1989

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of January, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 98-07788

CHERYL SARGENT
HC 61 BOX 146B
BONNERS FERRY ID 83805


Kari Lynn Townsend
Secretary

MICROFILMED

APR 15 1999

LICENSE REVIEW CHECKLIST

PERMIT NO.

98-07788

DATE

1/22/99

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 1/4/4)

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 .04 cfs

Fee limit .20 cfs \$50⁰⁰

Measured .04 cfs

Theoretical .04 cfs

Recommended Total Div Rate .04 cfs

WATER USES

Change (P46)

Dom

.04 cfs

1.2 af

Irrig -

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

supp. gw (WB7/065/079)

overlap spec. combined rts (W35)

<1acre (W31)

(W01/WB5/070/071/075)

Domestic

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

Power

Fire (077)

Wtr Quality (081/R07)

Fish (042)

TOTALS

.04 cfs

1.2 af

Flow rate .04 cfs X 365 days X 1.98 = 29.0 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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 03 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 98-07788

1. Owner: CAERLY SARGENT Phone No. (208) 227-5925

Current Address: AGR 61 BOX 146 B BONNERS FERRY ID 83805

2. Accompanied by: N/A EXAM DATE: 10/15/98

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: SPRING tributary to ROUND PRAIRIE CREEK

B. OVERLAP REVIEW

1. Other water rights with the same place of use: N/A

2. Other water rights with the same point of diversion: N/A

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
		NW	SW	NE	34	65N.	1E	BOUNDARY	U.S.G.S. 7.5' QUAD

2. Place(s) of Use:

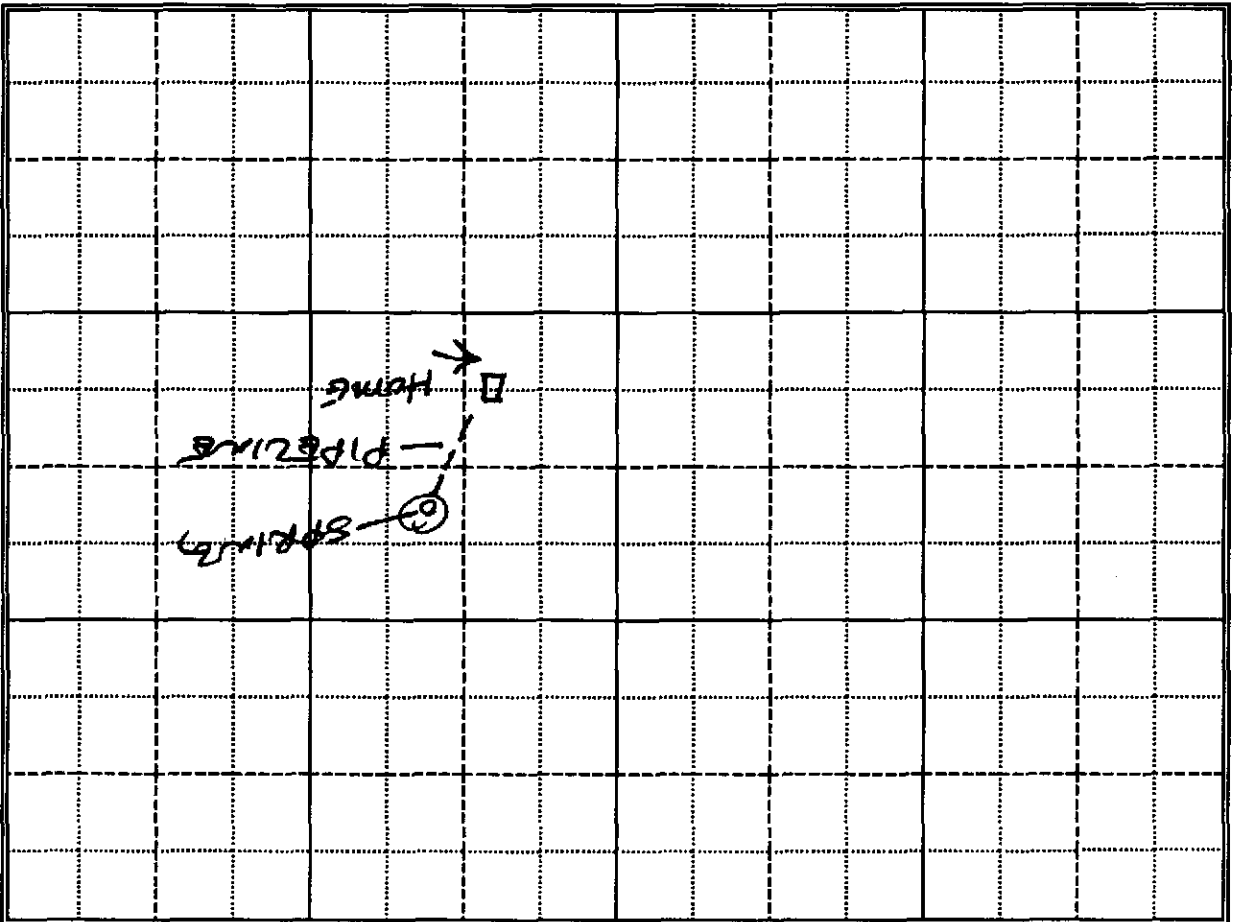
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
65N.	1E.	34			D														

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DEC 15 1998

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



Scale 1" = 100'

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
		3/4	7	SEARS	

*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

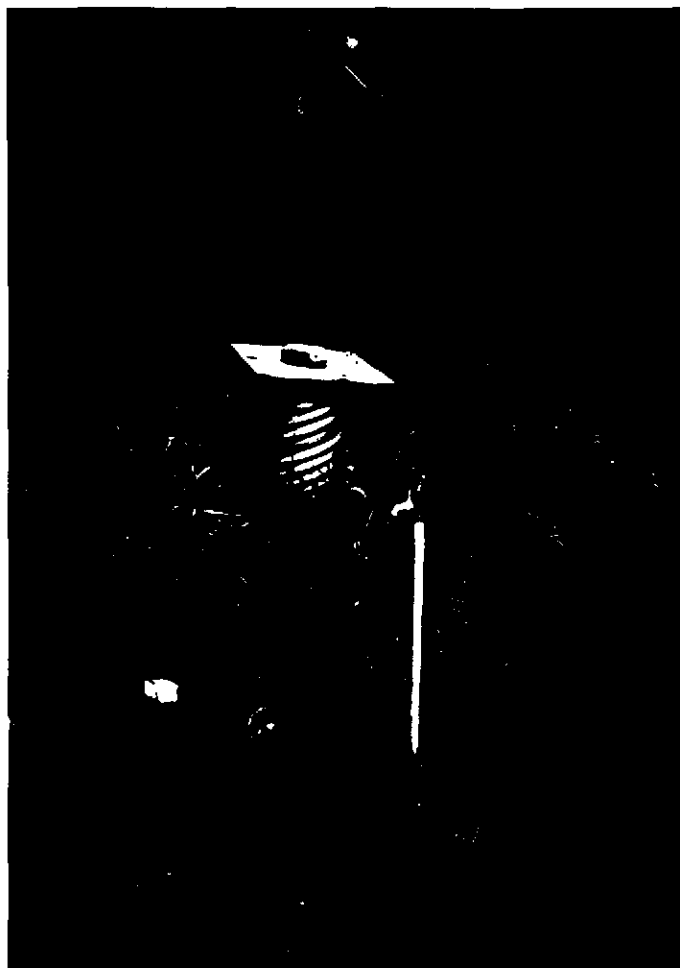
2. Measurements: TABORSTICK - SEE ATTACHED

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APR 15 1989

E. NARRATIVE/REMARKS/COMMENTS

WATER IS PUMPED FROM SPRING BY 3/4 H.P. PUMP.
WATER IS USED FOR 1 HOME, LAWN & GARDEN.



↑
SPRING & CULVERT CASING



↑
HOME & LAWN

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

MICROFILMED

APR 15 1999

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

STANDARD 1.2 ACA RECOMMENDED.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Domestic

Period of Use

From To

Rate of Diversion

Q (cfs)

Annual Volume
V (afa)

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

Date

Reviewer

Date

SEAL

MICROFILMED

APR 1 1999

THEORETICAL PUMP EFFICIENCY CALCULATIONS

FILE: 98-07788 (SARGENT)
DATE: 25-NOV-98
COMPLETE BY: BEARDSLEE

HORSEPOWER = 0.75

PUMP EFFICIENCY = 70%

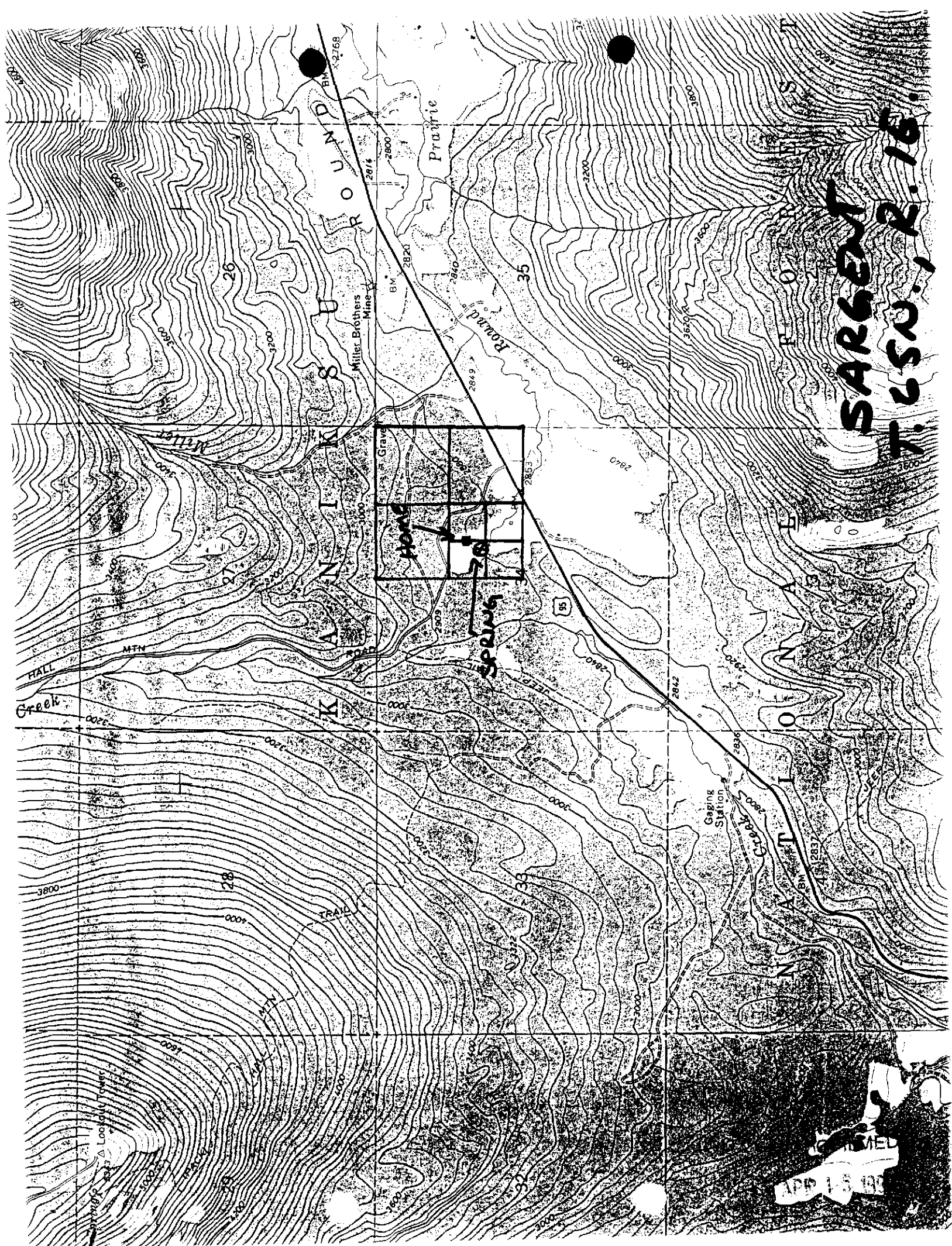
DYNAMIC LIFT = 25 FEET

SYSTEM PRESSURE = 35 PSI

QUANTITY = 0.04 CFS

REMICROFILMED

SEP 15 1999



**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 98-07788 Reviewed by Jay Date _____

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? dom
yes Address same as permit?
yes 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	_____
Date proof due	_____
No. of days late	_____
Priority Date	_____
New Priority Date	_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____ Proof Made 10-30-98



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

November 17, 1998

KARL J. DREHER
DIRECTOR

Cheryl Sargent
HCR 61 Box 146b
Bonners Ferry ID 83805

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 98-07788

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,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

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NOV 27 1998



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

September 11, 1998

CHERYL SARGENT
HC 61 BOX 146B
BONNERS FERRY ID 83805

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 98-07788

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.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

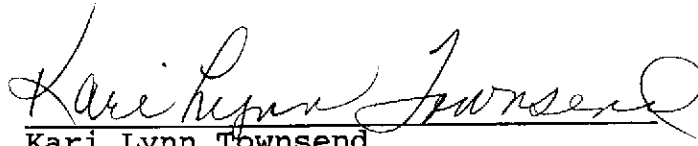
SEP 29 1998

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of **September, 1998**, 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. 98-07788

**CHERYL SARGENT
HC 61 BOX 146B
BONNERS FERRY ID 83805**


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 29 1998

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.

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SEP 29 1998

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
SEP 24 1998

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*
 No.: 98-7788 Name: Sargent Date: 8/19/98 Ad OK? ☒ ☒ Gvmt Lts: _____

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

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

SYSTEM COMPLETED:

> 1 year

- 26A-P17

≤ 1 year/no proof

- P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

- North / East / West

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

WMD Supplemental use

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

> 0.24 cfs/5 acres

- 01M (report when notified)

≤ 0.24 cfs/5 acres

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

In Basin 34?

- 085

Irr. within WD

- P05 (new well location)

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

FISH & GAME CONTACTED: 8/19

- YES / No; RESPONSE: _____

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9 _____

WD (✓ MAP & LISTING)

- R04 (WD # _____)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

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

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

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:

Domestic surface

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

> 1 in rest. area

- 071-070

Fire Protection

- 077

Fish Propagation

- 029-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

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)

Mining

- 054(req) -081-P10

Municipal

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

Power

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

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

Stockwater

- R37 (BLM/USFS); NA

Storage (✓ 3 compo.)

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

LOCATION:

42-248 area

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

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Mitigation

- 120

SWAN FALLS FLAG (See Code Chart)

Trust

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

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- DW01/1

BENEFICIAL USE DUE:

- 9/1/1999

COMMENTS:

MEMORANDUM

DATE: September 11, 1998
TO: File No. 98-07788
FROM: Cindy Zimmerman 
SUBJECT: Clarification of Tributary

This application proposes to divert a spring for domestic use. Item 2 on the application identifies the spring as tributary to Mission Creek. Item 12 (remarks) on the application identifies the spring as the headwaters of Round Prairie Creek. The application map identifies the spring at the headwaters of Round Prairie Creek.

On September 9, 1998, I sent Al Beardslee a mail message (copy attached) requesting clarification and direction. Al called me today directing that the tributary be corrected to Round Prairie Creek. Al advised no amendment or re-advertisement was required for this correction.

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SEP 29 1998

Zimmerman, Cindy

From: Zimmerman, Cindy
To: Beardslee, Al
Subject: Sargent Application No. 98-07788
Date: Wednesday, September 09, 1998 1:25PM

Good Afternoon, Al,

I am working on Cheryl Sargent's application to divert a spring for domestic use for 1 home with lawn. The application identifies the spring as tributary to Mission Creek. A remark you made on the application states the spring is the head waters of Round Prairie Creek. Your map also shows the spring right at the head waters of Round Prairie Creek.

Which tributary is correct? If the correct tributary is Round Prairie Creek, does the application need to be amended? Does it need to be re-advertised? (If you need it, I can fax you a copy of the map.)

Please let me know.

Thanks,
Cindy



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

August 19, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Idaho Dept. of Fish & Game
Panhandle Region
2750 Kathleen Ave
Coeur d'Alene ID 83814

RE: Applications for Permit Nos. 97-07387, 98-07787, & 98-07788

To Whom It May Concern:

The Department of Water Resources (IDWR) is preparing to issue a water appropriation permit for the above applications. Before proceeding, IDWR would appreciate receiving your comments, if any, on the proposed diversion and use of surface water. I have enclosed copies of the applications for your review. Please respond with your comments by September 2. If I have not heard from you by then, I will assume you have no comment and will proceed with issuing the permits.

If you have any questions, you may contact me directly at (208) 327-7944 or by electronic mail at czimmerm@idwr.state.id.us.

Respectfully,

Cindy Zimmerman
Water Resource Agent

Enclosure

MICROFILMED
SEP 29 1998

11. HO DEPART. OF ATE. RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

WR1

APPLICATION # 98-07788

AUG 10 1998

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: SARGENT BY: JB DATE: 6/30/98

ITEM REQUIRED INFORMATION

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

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

PROCESSING

(Yes) (No) PRIORITY DATE: 6/30/98

x (Include Moratorium Remark)

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

ADVERTISE IN: BOUNDARY County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information

() Power Information () Other: n/a

INFORMATION RECEIVED:

() Dam Information () Fish Information

() Power Information () Other: n/a

ADDITIONAL INFORMATION

(Yes) (No)

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

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 ()

- I Groundwater management area
I Critical ground water area
I Well Drilling Permit required
I Well Drilling Application and Fees received
I 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
45 Affidavit of publication received
45 Application published correctly. If not, record action taken: _____

- 1/28 Publication dates and paper recorded on application | Sr. Agent initial JB
 Protests received, Final protest date: 8/3/98
 Measuring device required
 Measuring port required
 Special conditions:

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

Approval Recommended by: JB

Date: 8/7/98

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Boundary,

David Keys being first duly sworn on oath

deposes and says that he/she is publisher

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:

#3852 Water Right

as it was published in the regular and entire issue of the

said paper for a period of 2 consecutive weeks,

commencing on 15 day of July, 1998

and ending on the 22 day of July, 1998

and that said notice was published in said newspaper.

Dated: July 22, 1998

Subscribed and sworn to before me this 31 day

of July, 1998

Jean E. Dail
Notary Public for Idaho

Residing at Bonners Ferry

My Commission expires: 7/22/2002

NOTICE OF APPLICATION
FOR WATER RIGHT

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

98-07787

HENSLEE, DAVID

HENSLEE, ALISON

ROUTE 1, BOX 515A

BONNERS FERRY, ID 83805

Source: SPRING Tributary: COW CREEK

Diversion Pt: SESENW Sec 6 T 61N R 02E in BOUNDARY County.

Use: DOMESTIC (0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 6/26/1998

In: BOUNDARY County

T61N R02E S06

SENW

98-07788

SARGENT, CHERYL

HCR 61 BOX 146B

BONNERS FERRY, ID 83805

Source: SPRING Tributary: MISSION CREEK

Diversion Pt: SWNE Sec 34 T 65N R 01E in BOUNDARY County.

NWSWNE Sec 34 T 65N R 01E in BOUNDARY County.

Use: DOMESTIC (0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 6/30/1998

In: BOUNDARY County

T65N R01E S34

SWNE

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Site 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before AUGUST 3, 1998.

KARL J. DREHER, Director

BFH#3852 July 15, 22, 1998

RECEIVED

AUG 05 1998

NORTHERN REGION
IDWR

MICROFILMED

SEP 29 1998

98-07788

SARGENT, CHERYL
HCR 61 BOX 146B
BONNERS FERRY, ID 83805

Source: SPRING

Tributary: MISSION CREEK

Diversion Pt: SWNE Sec 34 T 65N R 01E in BOUNDARY County.
 NWSWNE Sec 34 T 65N R 01E in BOUNDARY County.

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

Date Filed: 6/30/1998

In: BOUNDARY County
 T65N R01E S34 SWNE

MICROFILMED

SEP 29 1998

July 8, 1998

Cheryl Sargent
HCR61 Box 146B
Bonners Ferry ID 83805

Re: Water Appropriation Application No. 98-07788

Dear Ms. Sargent:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

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

Sincerely,



ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

MICROFILMED
SEP 29 1998