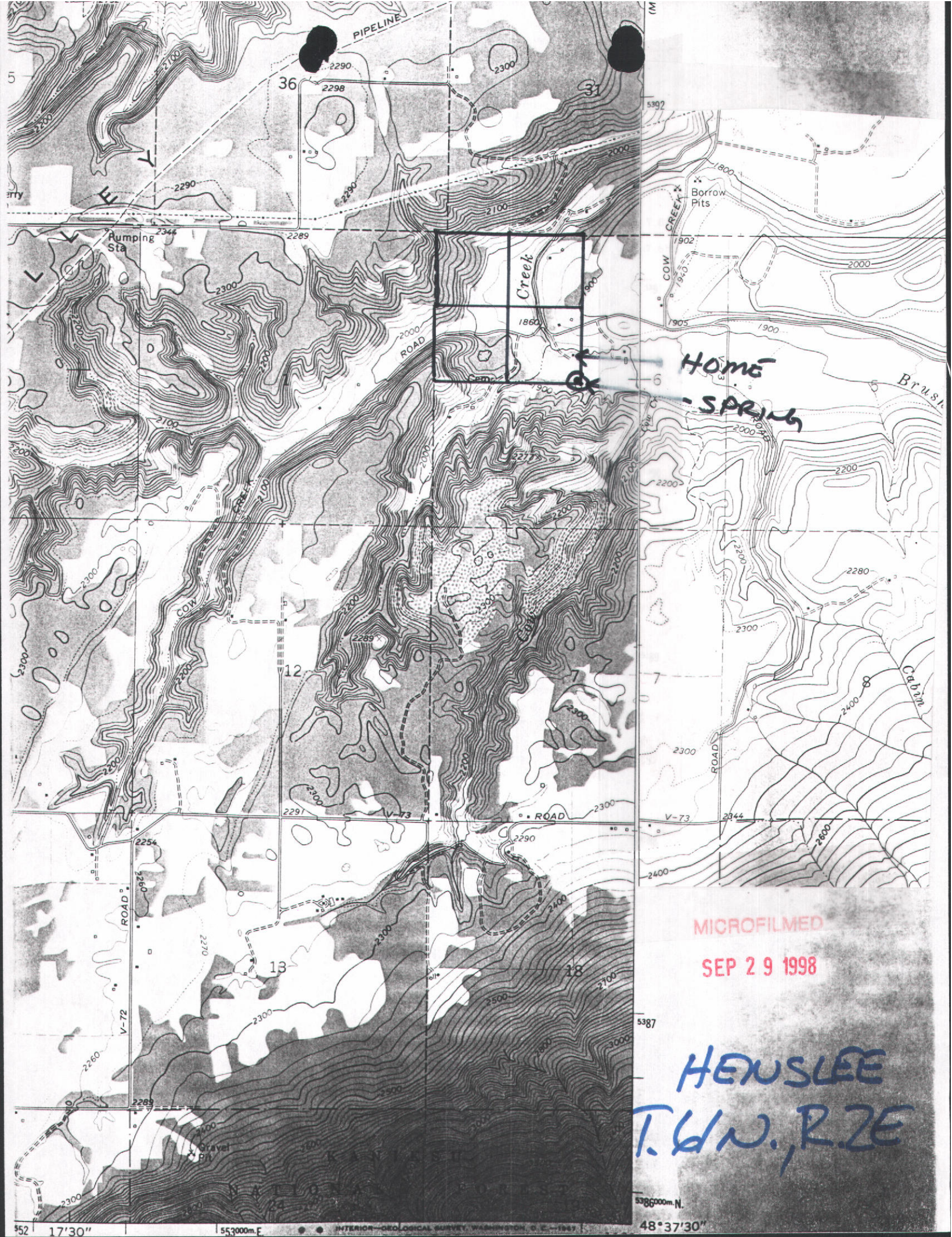
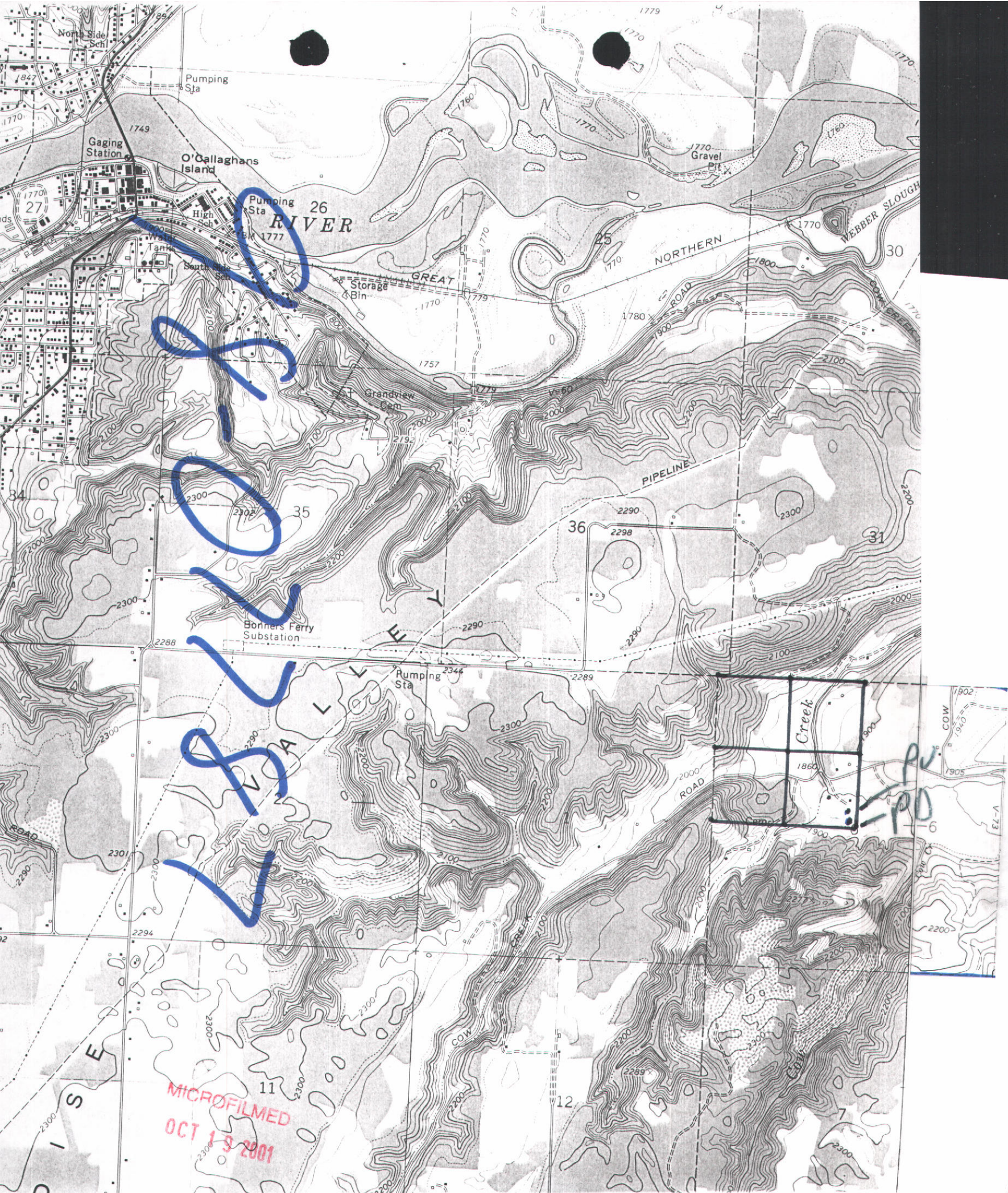




MICROFILMED

SEP 29 1998

HENSLIE
T. & N. R. 2E



PERMIT # _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT



CD



pu

98-07787

MICROFILMED
OCT 19 2001

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. Driel
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
Diversión Pt: SESENW Sec 6 T 61N R 02E in BOUNDARY County.
Use: DOMESTIC (0.040 CFS)
Total Diversión: (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
Diversión 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 Diversión: (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

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 98-07787

Priority: September 09, 1998

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that DAVID HENSLEE And ALISON HENSLEE
RT 1 BOX 515A
BONNERS FERRY ID 83805 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 26, 1998; and have
submitted Proof of Beneficial Use on November 16, 1999. An examination indicates that the works have
a diversion capacity of 0.02 cfs of water from:

SOURCE

SPRING

Tributary: COW CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, Twp 61N, Rge 02E, B.M., BOUNDARY County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
61N	02E	6									X								

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home.

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

Signed and sealed this 26th day of MARCH, 2001.

Acting for


KARL J. DREHER
Director

MICROFILMED
OCT 13 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 98-07787)
IN THE NAME OF DAVID AND ALISON)
HENSLEE)
_____)

**ORDER OF
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 September 1, 1999; and,

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

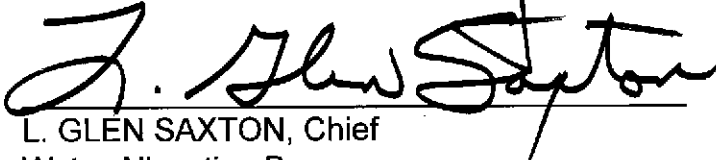
WHEREAS, the Department sent the permit holder a lapse notice on September 17, 1999, since the department had not received an acceptable proof of beneficial use statement or extension of time; and,

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

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on November 15, 1999.

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 98-07787 is **REINSTATED** with an advance in priority to **September 9, 1998**.

DATED this 6th day of January, 2000.


L. GLEN SAXTON, Chief
Water Allocation Bureau

NOV 16 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 16 1999

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. 98-07787 Telephone No. 208-267-5303

2. Name(s) of Permit Holder(s): David & Alison Henslee

3. Mailing Address: Rt 1 Box 515A, Bonners

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): NA

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

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 ✓

Has the measuring device been installed? Yes ____ or No ✓

Flow Measurement Port: Is a flow measurement port required? Yes ____ or No ✓

Has the measurement port been installed? Yes ____ or No ✓

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Alison Henslee Telephone Number: 208-267-5303

Address: Rt 1 Box 515A 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: Alison Henslee Date: 11-12-99
(include your title, if on behalf of company or organization)

FEB 04 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 98-07787

Proposed Priority: June 26, 1998

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **DAVID HENSLEE**
ALISON HENSLEE
RT 1 BOX 515A
BONNERS FERRY ID 83805

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

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>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0.04 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SESENW, Sec. 6, Township 61N, Range 02E
BOUNDARY County

PLACE OF USE: DOMESTIC

TWN RGE SEC

61N 02E 6 SENW

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

9th day of September, 1998.

Karl J. Dreher
Karl J. Dreher, Director
for

MICROFILMED
SEP 29 1998

Ident. No. 98-07787
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

AUG 10 1998

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant David & Alison Henslee (208) 5303 Phone 267-5803
Mailing address RF 1 Box 515A Bonners Ferry ID 83805
2. Source of water supply SPRING which is a tributary of CAN CREEK
3. Location of point of diversion is Township 6N Range 2E Sec. 6 in the SE 1/4, SE 1/4, NW 1/4, Govt. Lot _____, B.M., BOUNDARY County; additional points of diversion if any: _____
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, PUMP & PIPELINE
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. 1
e. Other; describe fully. _____

MICROFILMED

SEP 29 1998

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.

[illegible]

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

12. Remarks:

of the State of Idaho as herein set forth.

SEP 29 1998
MICROFILMED

Publication prepared by _____
Publication approved _____

Received by _____
Date _____

Date 8/21/98 Time 12:12

7.38

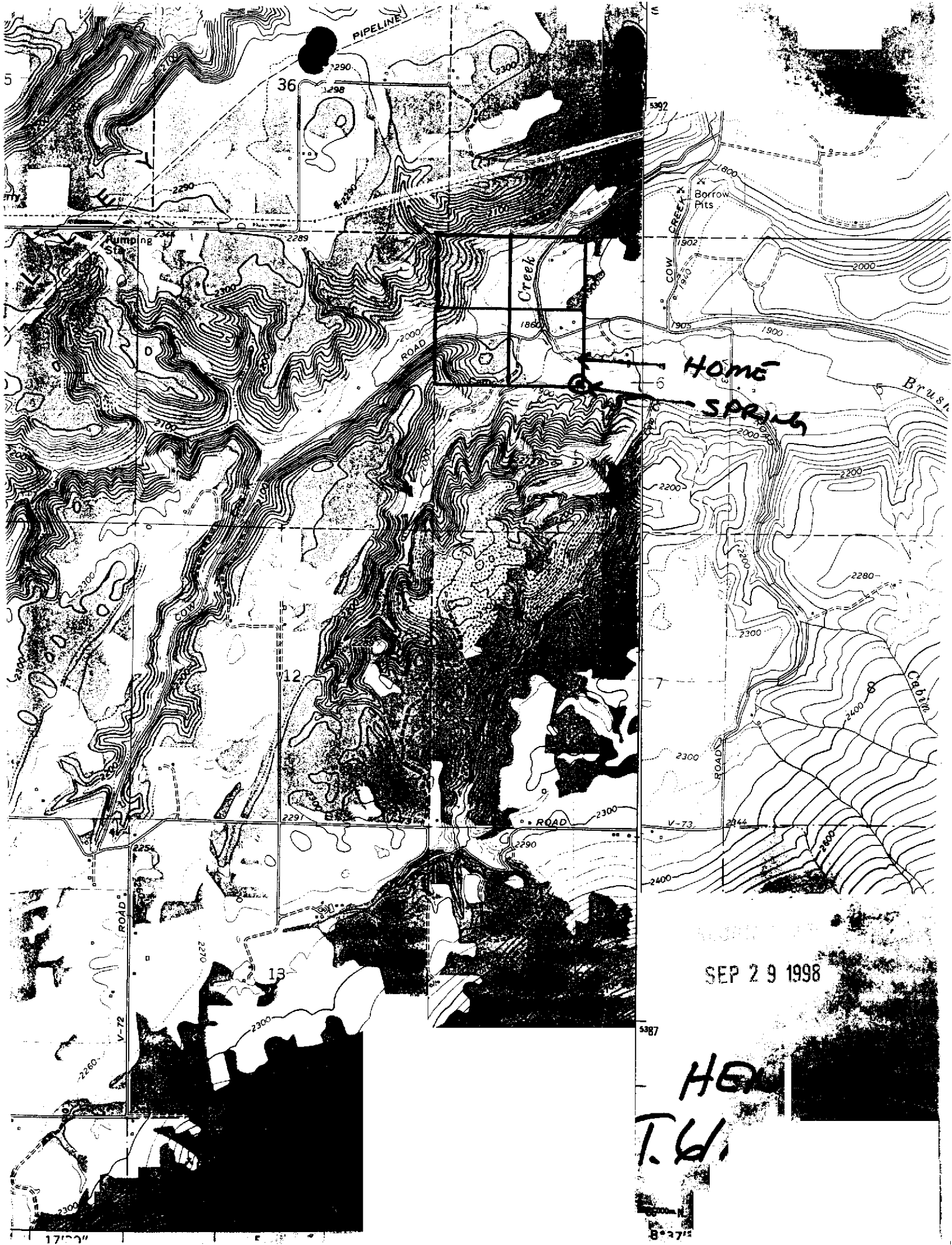
Preliminary check by

Date _____

681210N #

Date.

36/ 7/3



SEP 29 1998

HEW
T.W.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

March 27, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAVID HENSLEE
ALISON HENSLEE
RT 1 BOX 515A
BONNERS FERRY ID 83805

RE: License No. 98-7787 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

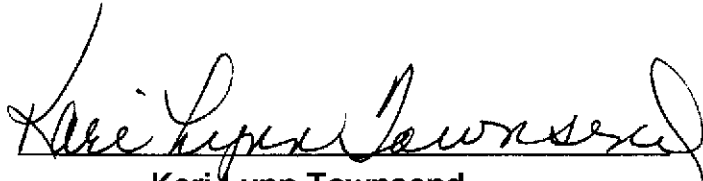
MICROFILMED
OCT 13 2001

CERTIFICATE OF MAILING

I hereby certify that on March 27, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 98-7787

**DAVID HENSLEE
ALISON HENSLEE
RT 1 BOX 515A
BONNERS FERRY ID 83805**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED
OCT 18 2001

**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
OCT 19 2001

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
OCT 13 2001

LICENSE REVIEW CHECKLIST

Permit No. 98-7787

Date: 3-23-2001 Reviewer: Kay Walker

Change/OK

Name/Address

Source

Point of Diversion:

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44)

Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

Change (P41/P49) Add (P41/P44)

Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s):

File reviewed Profile reports printed

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.04 cfs

Fee Limit 0.30 cfs

Measured 0.02 cfs

Theoretical cfs

Recommended Total Diversion Rate 0.02

Water Uses

OK Change (P46)

Season of Use per new Standards

Irrigation cfs af

Stockwater cfs af

Domestic 0.02 cfs 1.2 af

cfs af

cfs af

Total 0.02 cfs 1.2 af

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

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

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

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

cfs x 1.9835 x days = af (vs) acres x (FHR) = af

Remarks:

Additional Conditions Watermaster Control
GW Measurement/Measuring Device
Other
Trust R55 - remove 051)
Non-trust (048/049)

GW Dist?
Water Msmt. Dist?
Crit. GWMA?
GWMA?
Government Lots?

Advance Priority? yes If yes, explain why below.
no

SRBA Claim?

Adjust memo

Amend Letters P87, S06

Second Amendment Notice S06

examiner's says spacing + does sink but document not why he suggest change - no change made per topo

topo B8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUN 29 2000

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 98-07787

1. Owner: David & Alison Henslee Phone No. (208) 267-5303

Current Address: RT 1 Box 515A Bonanza Ferry Id. 83805

2. Accompanied by: Alison Henslee EXAM DATE: 6-6-00

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Spring tributary to Snake

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
		SE	SE	NW	06	61N	02E	Boundary	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	
61N	02E	06								0									

RECEIVED

JUN 29 2000

2. Measurements:

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

D. FLOW MEASUREMENTS

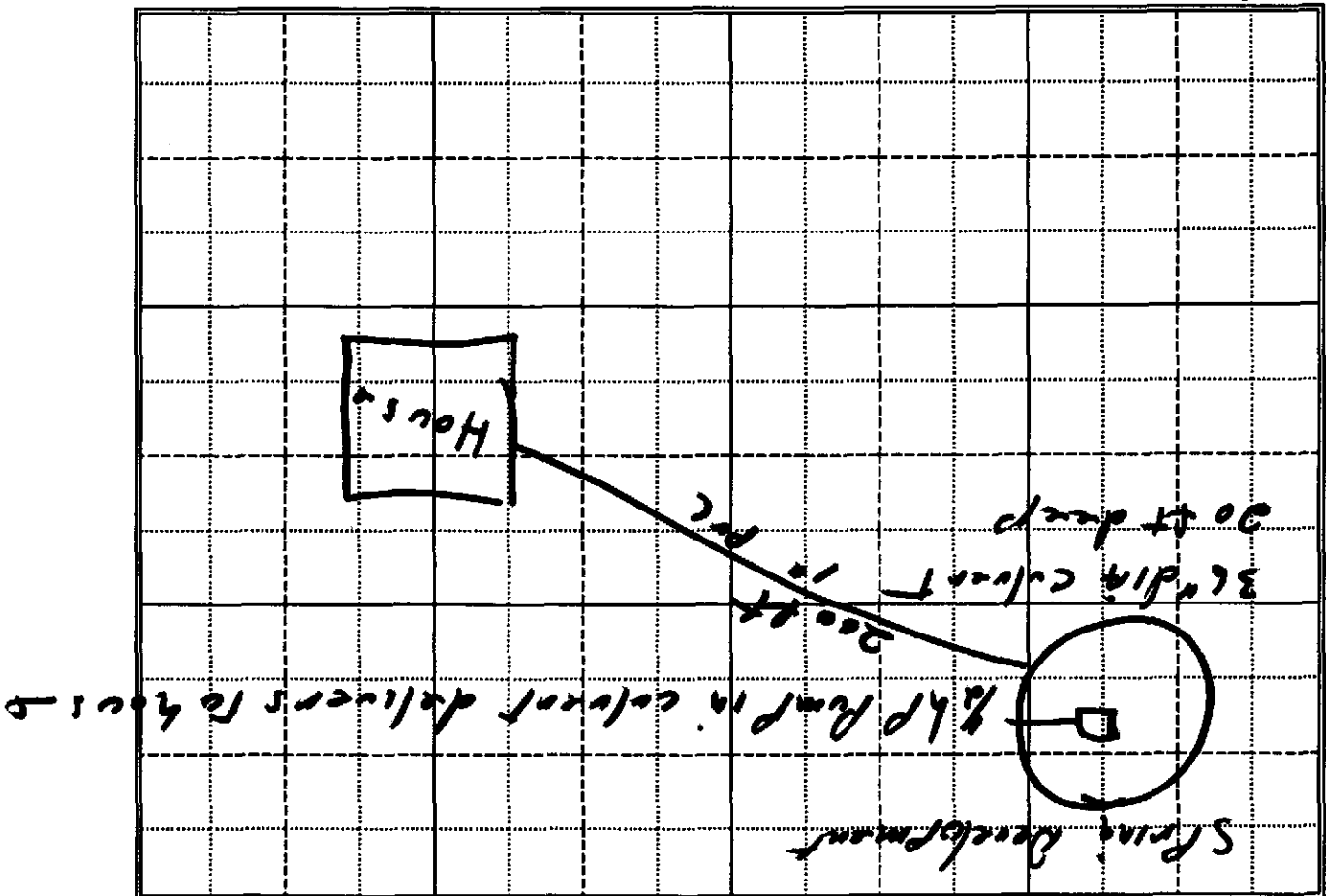
*Code to correspond with No. on map and aerial photo

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	<i>Franklin</i>	<i>0.5</i>		<i>Schmersal</i>	<i>1 1/2</i>

4.

_____ Copy of USGS Quadrangle Attached Showing location(s) of
_____ Aerial Photo Attached
_____ Photo of Diversion and System Attached
(required for irrigation of 10 + acres)
point(s) of diversion and place(s) of use (required).

Scale: $T = NT5$



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

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.

MICROFILMED
OCT 15 2009

SEAL

Reviewer

Date _____

Field Examiner's Name _____

Date _____

I. AUTHENTICATION

Change P.D. as reflected above

_____	Add P.D. as reflected above
_____	Add P.U. as reflected above
_____	Other
_____	None

2. Recommended Amendments

Beneficial Use

1. Recommended Amounts

H. RECOMMENDATIONS

2. Volume Calculations for Other Uses:

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

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

1. Volume Calculations for Irrigation:

G. VOLUME CALCULATIONS

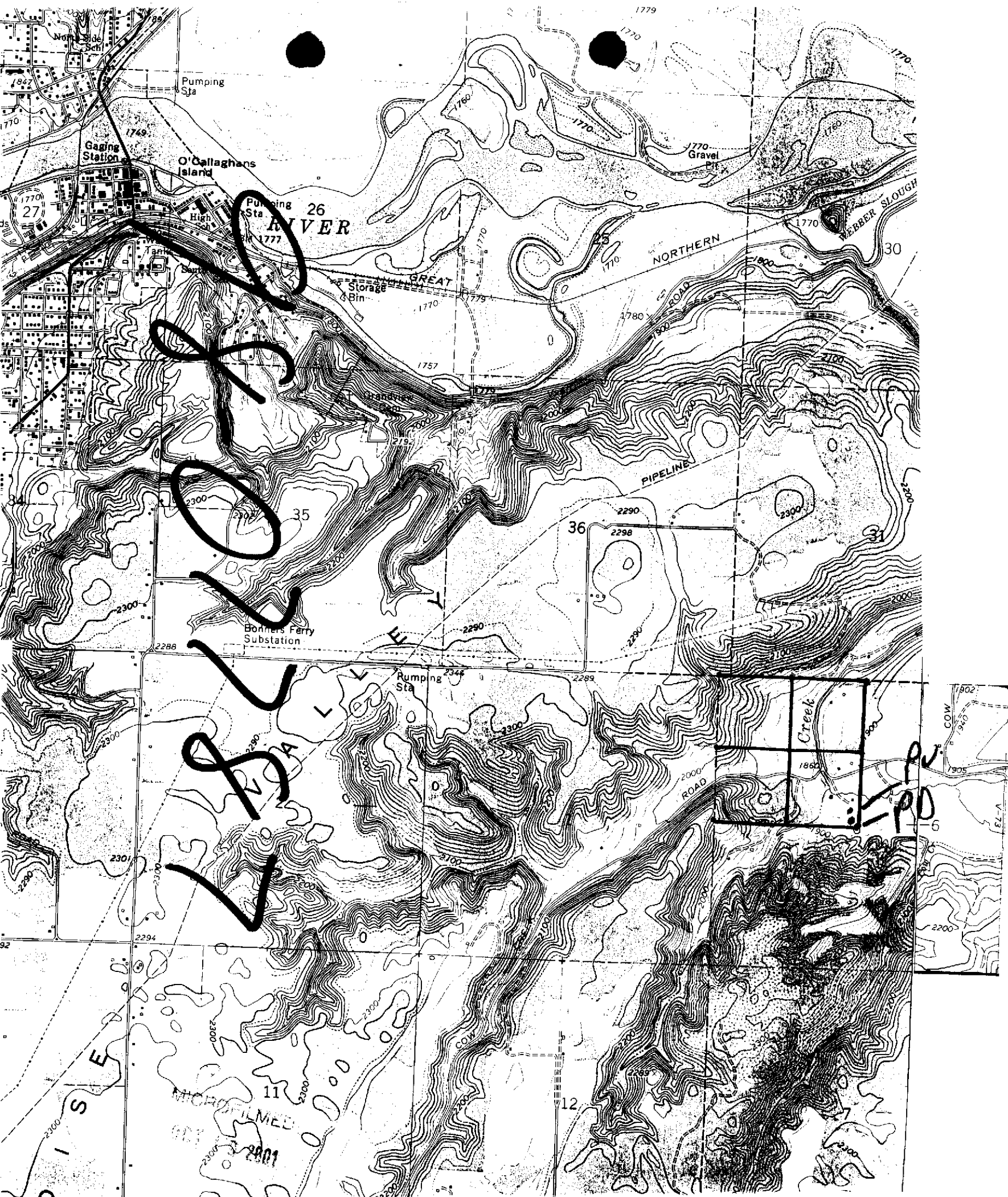
Measured Method:

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Squad at 2700 = 11.9 pm

$$57070' = \frac{60}{118,13651'' \times 11}$$



PERMIT # _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT



CD

PV

98-07787

MICROFILMED
OCT 13 1997



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 6, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID HENSLEE
RT 1, BOX 515A
BONNERS FERRY, ID 83805

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 98-07787

Dear Permit Holder:

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

Enclosed is an order reinstating the permit since proof was submitted after the proof due date. Please note that the priority date has been advanced to September 9, 1998, pursuant to Section 42-218a, Idaho Code.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, please contact the **NORTHERN** Regional Office of the department in Coeur d'Alene at (208)769-1450.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

FEB 04 2000

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 98-07787 Reviewed by WJ Date 01-04-00

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?
50⁰⁰ Amount Submitted
yes Correct?
No Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u>11-15-99</u>	<u>319</u>
Date proof due	<u>9-01-99</u>	<u>244</u>
No. of days late	<u> </u> =	<u>75</u>
Priority Date	<u>6-26-96</u> +	<u>177</u>
New Priority Date	<u>9-09-98</u>	<u>252</u>

DEFICIENCIES OR ACTION ITEMS

- needs reinstatement order
- acknowledge proof

DATA ENTRY

New Address / / Proof Made 11-15-99

September 17, 1999

DAVID HENSLEE
ALISON HENSLEE
RT 1 BOX 515A
BONNERS FERRY ID 83805

LAPSE NOTICE

RE: PERMIT NO. 98-07787

Dear Permit Holder:

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

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

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

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

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FEB 04 2000

CERTIFICATION OF MAILING

I hereby certify that on 9-17-99
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

June 30, 1999

DAVID HENSLEE
ALISON HENSLEE
RT 1 BOX 515A
BONNERS FERRY ID 83805

PROOF DUE NOTICE

RE: PERMIT NO. 98-07787

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 September 1, 1999. (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.

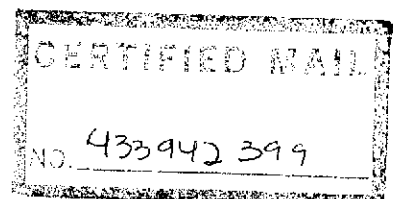
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

FEB 04 2000





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

DAVID HENSLEE
ALISON HENSLEE
RT 1 BOX 515A
BONNERS FERRY ID 83805

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 98-07787

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

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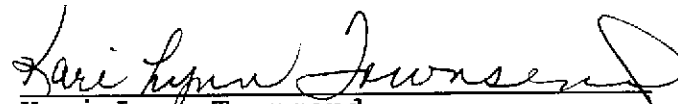
SEP 29 1998

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. 98-07787

**DAVID HENSLEE
ALISON HENSLEE
RT 1 BOX 515A
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.

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SEP 29 1998

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*No.: 98-07787 Name: Henslee 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: None

IN/ABOVE MIN. STR. FLOW (✓ MAP) - *WB9

WD (✓ MAP & LISTING) - R04 (WD #)

> 0.10 cfs - 01J-P08 (MD & LD)

≤ 0.10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)

~~≤ 0.24 cfs/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 (87) 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:

- Qw01/1

BENEFICIAL USE DUE:

- 9/1/ 1999

COMMENTS:

-



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

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
AUG 10 1998
WR1
LWA
BCH

APPLICATION # 98-07787

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW

APPLICANT: HEUSLEE

BY: JB

DATE: 6/26/98

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()

ADDITIONAL INFORMATION

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

PROCESSING

(Yes) (No) PRIORITY DATE: 6/26/98

X (Include Moratorium Remark)

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

ADVERTISE IN: BONNARY County

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	Type:	Fees	Receipt No.	Upgrade Needed?
<u>1</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>1</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>1</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

- (Yes) (No)
- 1/5 Notice of pending void order issued. Final order response date: _____/_____/_____
- 8/5 Further information required from applicant
- 1/5 Affidavit of publication received
- 1/5 Application published correctly. If not, record action taken: _____

1/5 Publication dates and paper recorded on application | Sr. Agent initial JB

Protests received, Final protest date: 8/13/98

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. Drel
Notary Public for Idaho

Residing at Bonners Ferry

My Commission expires: 7/22/2002

NOTICE OF PUBLICATION

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.

BFH#3852 July 15, 22, 1998

KARL J. DREHER, Director

RECEIVED

AUG 05 1998

NORTHERN REGION
IDWR

MICROFILMED

SEP 29 1998

HENSLEE, DAVID
HENSLEE, ALISON
ROUTE 1 BOX 515A
BONNERS FERRY, ID 83805

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

MICROFILMED

SEP 29 1998

July 8, 1998

David and Alison Henslee
Route 1 Box 515A
Bonners Ferry ID 83805

Re: Water Appropriation Application No. 98-07787

Dear Mr. and Mrs. Henslee:

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