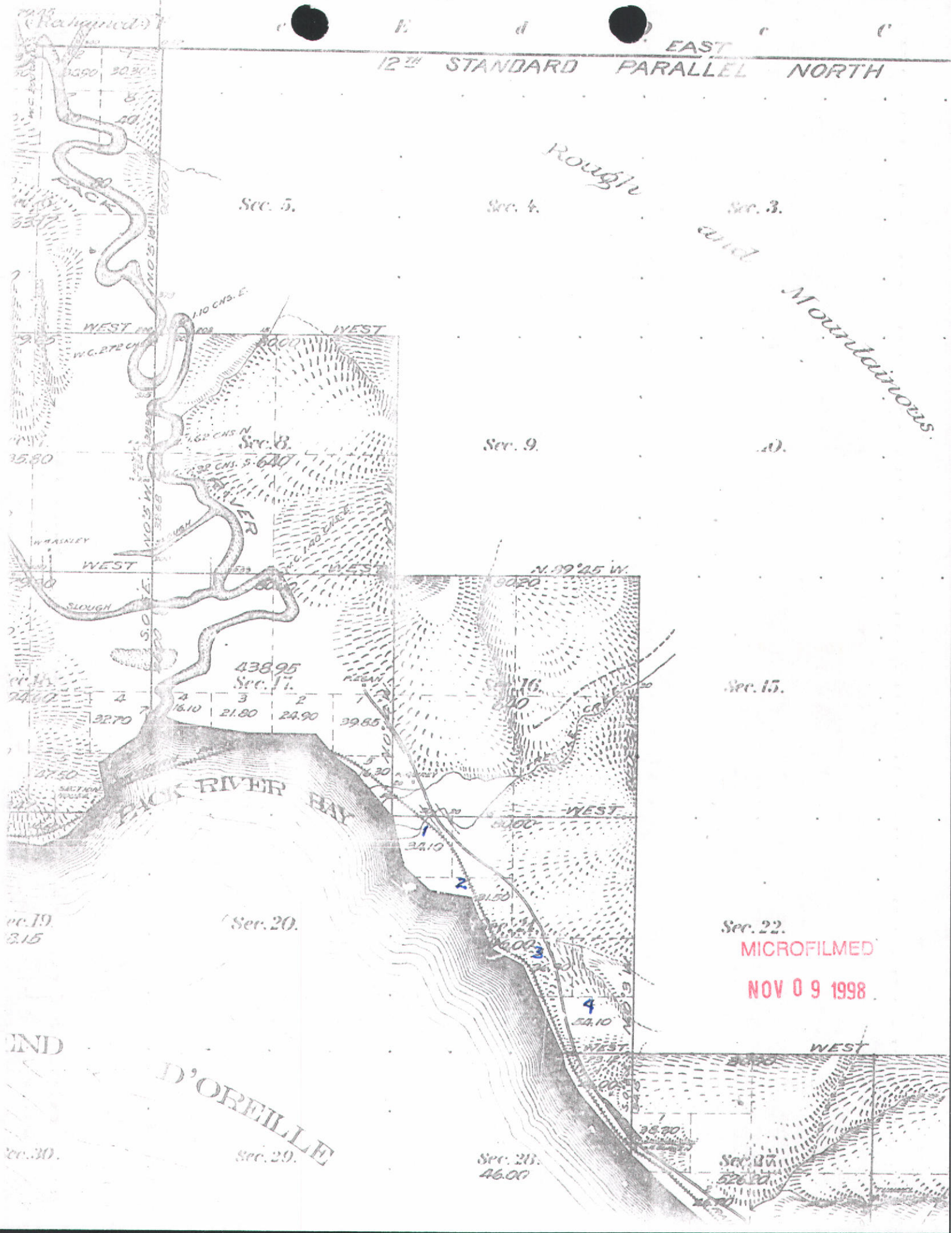


Map No. 1 NORTH, Range 1 EAST of the BOI



PEND OREILLE STATE WILDLIFE MANAGEMENT AREA

N A T I O N

5351
5350
5349
5348
5347
5346
5345

17' 30"
2 410 000
FEET

BM 2076

2741AT

3292T

4333T

BM 2080

Grier Mountain
4361T

3600

10

Adit

Pack River
Flats

17

BM 2171

3361T

2000

16

Gravel
Pit

2739T

2600

15

3117T

2070AT

2113T

Trailer
Park

TRESTLE 2
2064AT

Trestle Creek

Picnic Area

Boat Ramp

2335T

2149T

PD
X 910

473

LAKE

Mile
128

PEND
Elevation 2062

Mile
129

OREILLE

MICROFILMED

NOV 09 1998

HEATH

T. 57N., R. 16

BM 2154

Heine 2

BM 2075

2699T

242T

27

BM 2160

200

3106T



PERMIT # 96-09001

RACES

Point
of
Diversion

Buried
Storage
tank



96-09001



96-09001

Place of
USE

MICROFILMED
APR 15 1999

AFFIDAVIT OF PUBLICATION

RECEIVED

OCT 05 1998

NORTHERN REGION
IDWR

State of Idaho

ss.

County of Bonner,

Sherilyn Plunk being first duly sworn on oath
deposes and says that he/she is Bookkeeper
of the Bonner County Daily Bee, a newspaper printed and
published at Sandpoint, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

App for Water Rights

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 17 day of Sept., 1998
and ending on the 24 day of Sept., 1998
and that said notice was published in said newspaper.

On this 24 day of Sept. in the year
of 1998, before me, a Notary Public, personally
appeared Sherilyn Plunk,
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true,
and acknowledged to me that he executed the same.

Carolyn L. Inge
Notary Public for Idaho

Residing at Sandpoint

My commission expires: 6/00

NOTICE OF APPLICATION
FOR WATER RIGHT

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

96-09001

HEATH, DELORES

BOX 42963

HOPE, ID 83836

Source: UNNAMED STREAM

Tributary: PEND OREILLE
LAKE

Diversion Pt: NWSE Sec 21 T

57N R 01E in BONNER County.

Use: DOMESTIC (0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 8/26/1998

In: BONNER County

T57N R01E S21 NWSE

96-09003

SPADE, TONY L

SPADE, KRIS

PO BOX 264

COCOLALLA, ID 83813

Source: SPRING Tributary:

Source: UNNAMED STREAM

Tributary: COCOLALLA LAKE

Diversion Pt: NENENE Sec 24 T

55N R 03W in BONNER County.

Use: IRRIGATION (0.200 CFS)

STOCKWATER (0.020 CFS)

DOMESTIC (0.040 CFS)

Total Diversion: (0.200 CFS)

Date Filed: 8/21/1998

In: BONNER County

T55N R03W S24 NENE

10.0 ACRES TOTAL

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

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the applicant and with
the Director, Dept. of Water
Resources, Northern Region, 1910
Northwest Blvd., Suite 210, Coeur
d'Alene, Idaho 83814, together with
a protest fee of \$25.00 on or before
OCTOBER 5, 1998.

KARL J. DREHER, Director
SNP#9476 Sep 17, 24, 1998

MICROFILMED

NOV 09 1998

9476

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 96-09001

Priority: August 26, 1998

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that DELORES HEATH

42963 HWY 200

HOPE ID 83836-2963

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 26, 1998; and has submitted Proof of Beneficial Use on November 9, 1998. An examination indicates that the works have a diversion capacity of 0.080 cfs of water from:

UNNAMED STREAM

tributary to PEND OREILLE LAKE

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: Lot 3 (NWSE), Sec. 21, Township 57N, Range 01E
BONNER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

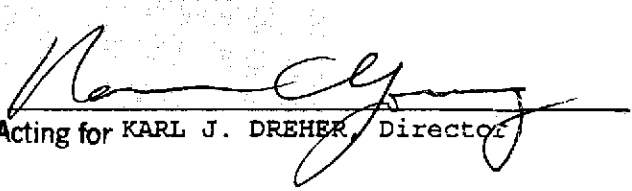
57N 01E 21 Lot 3 (NWSE)

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 14th day of

April, 1999.


Acting for KARL J. DREHER, Director

MICROFILMED

APR 15 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 09 1998

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 96-09001 Telephone No. 1-208-264-5550

2. Name(s) of Permit Holder(s): DELORES HEATH & CLAYTON HEATH

3. Mailing Address: 42963 Highway 200 HOPE ID. 83836-2963

4. Source of Water: UNNAMED STREAM If GROUNDWATER (well), Date Drilled: mo. / yr.

a. Well Driller: Drilling Permit Number: - - -

b. OPTIONAL:
Pump Horsepower: 5 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): NONE

Irrigation (No. of acres): NONE Other:

6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR X 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: BRUCE DAVIS Telephone Number: 1-208-263-5497

Address: P.O. Box 43 POWDERAY ID. 83852

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: D. Davis & Heath Date: 11-04-98
(include your title, if on behalf of company or organization)

MICROFILMED
NOV 27 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 96-09001

Proposed Priority: August 26, 1998 Maximum Diversion Rate: 0.04 CFS

This is to certify, that DELORES HEATH
PO BOX 42963
HOPE ID 83836-2963

has applied for a permit to appropriate water from:

UNNAMED STREAM tributary of PEND OREILLE LAKE

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: Lot 3(NWSE), Sec. 21, Township 57N, Range 01E
BONNER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

57N 01E 21 Lot 3(NWSE)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 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

23rd day of October, 1998.

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED

NOV 18 1998

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

Ident. No. 96 RECEIVED
OCT 19 1998

Department of Water Resources

Bruce Davis (son)
263-5497 (son)
CLAYTON HEATH
664-9352

1. Name of Applicant Delores Heath ⁸³⁸³ Phone CLAYTON HEATH
Mailing address Box 42963 Hope ID 83864
2. Source of water supply unnamed stream which is a tributary of Pend Oreille Lake
3. Location of point of diversion is Township 57N Range 1E Sec. 21 in the 1/4
NW 1/4, SE 1/4, Govt. Lot 3, B.M., Bonner County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:
Amount 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) 04 and/or (b) _____
cubic feet per second acre feet per annum

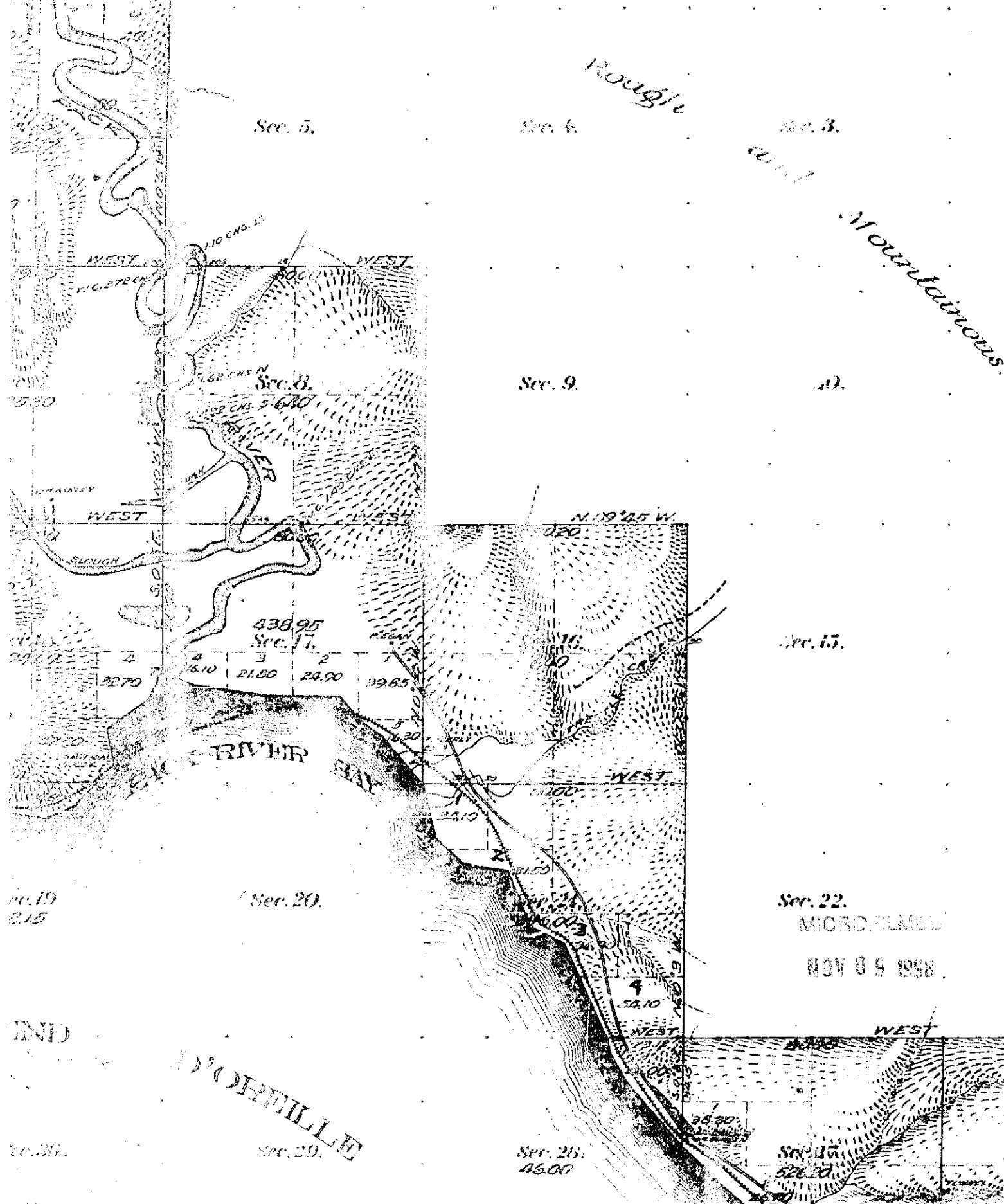
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source Spring Box Pipeline
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is _____ inches; proposed depth 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. 8
d. Domestic; show number of households. 1
e. Other; describe fully. _____

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NOV 09 1998

12th STANDARD PARALLEL NORTH



Sec. 19
315

Sec. 20.

Sec. 22.
MICROFILMED
NOV 3 9 1958

IND
D'ORVILLE
Sec. 29.

Sec. 20.
4600

Sec. 21.
6200

PEND OREILLE STATE WILDLIFE MANAGEMENT AREA

N A T I O N

17' 30"

Pack River Flats

Grier Mountain

Trestle Creek

TRESTLE 2
2067AT

Picnic Area
Boat Ramp

2097T
2107T
2117T
2127T
2137T
2147T
2157T
2167T
2177T
2187T
2197T
2207T
2217T
2227T
2237T
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2937T
2947T
2957T
2967T
2977T
2987T
2997T
3007T

5347
2 410 000
FEET

LAKE

Mile
128

PEND
Elevation 2062

Mile
129

OREILLE

NOV 0 9 1952

HEATH
T. 57N., R. 16



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

April 14, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DELORES HEATH
42963 HWY 200
HOPE ID 83836-2963

RE: WATER RIGHT NO. 96-09001

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 described in the enclosed information sheet.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

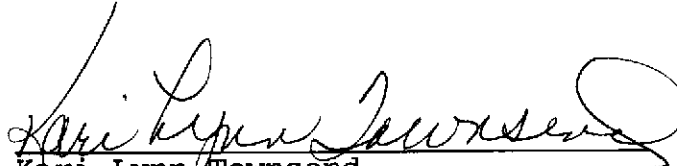
APR 15 1999

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of April, 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. 96-09001

DELORES HEATH
42963 HWY 200
HOPE ID 83836-2963


Kari Lynn Townsend
Secretary

MICROFILMED
APR 15 1999

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.

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
APR 15 1999

MEMORANDUM

DATE: April 9, 1999

TO: Water right file 96-09001

FROM: Shelley W. Keen *SWK*

RE: Licensing review

The field examiner based his diversion rate recommendations on the capacity of a relift pump, not on the diversion works. Hazen-Williams equation and Manning's equation suggest a capacity of 0.08 to 0.09 cfs. Recommend permitted rate of 0.04 cfs.

Licensed right 96-07593 is for the same purpose of use in the same location as 96-09001, but I could not tell from the 1979 field report if it is the same use as 96-09001.

MICROFILMED

APR 15 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 11 1999

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 96-09001

1. Owner: Delores Heath Phone No. (208) 264-5550

Current Address: 42963 Hwy 200 Hope, Idaho 83836-2963

2. Accompanied by: Bruce Davis EXAM DATE: 1-27-99

Address: P.O. Box 43 Ponderay, Idaho 83852 Phone No. (208) 263-5497

Relationship to Permit Holder: Son

3. Source: unnamed stream tributary to Red Oreille Lake

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
	3		NW	SE	21	57N	1E	Bonner	USGS 7.5' Quad. / Metsker Gov't Lot Maps

2. Place(s) of Use:

Indicate Method of Determination

E. 1/4 Sec 21, T. 57N, R. 1E																			
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N	1E	21														0.2 D			
				</															

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992 1 3 1999

APR 1 1966
MICROFILM

2. Measurements:

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

D. FLOW MEASUREMENTS 1. *N/A*

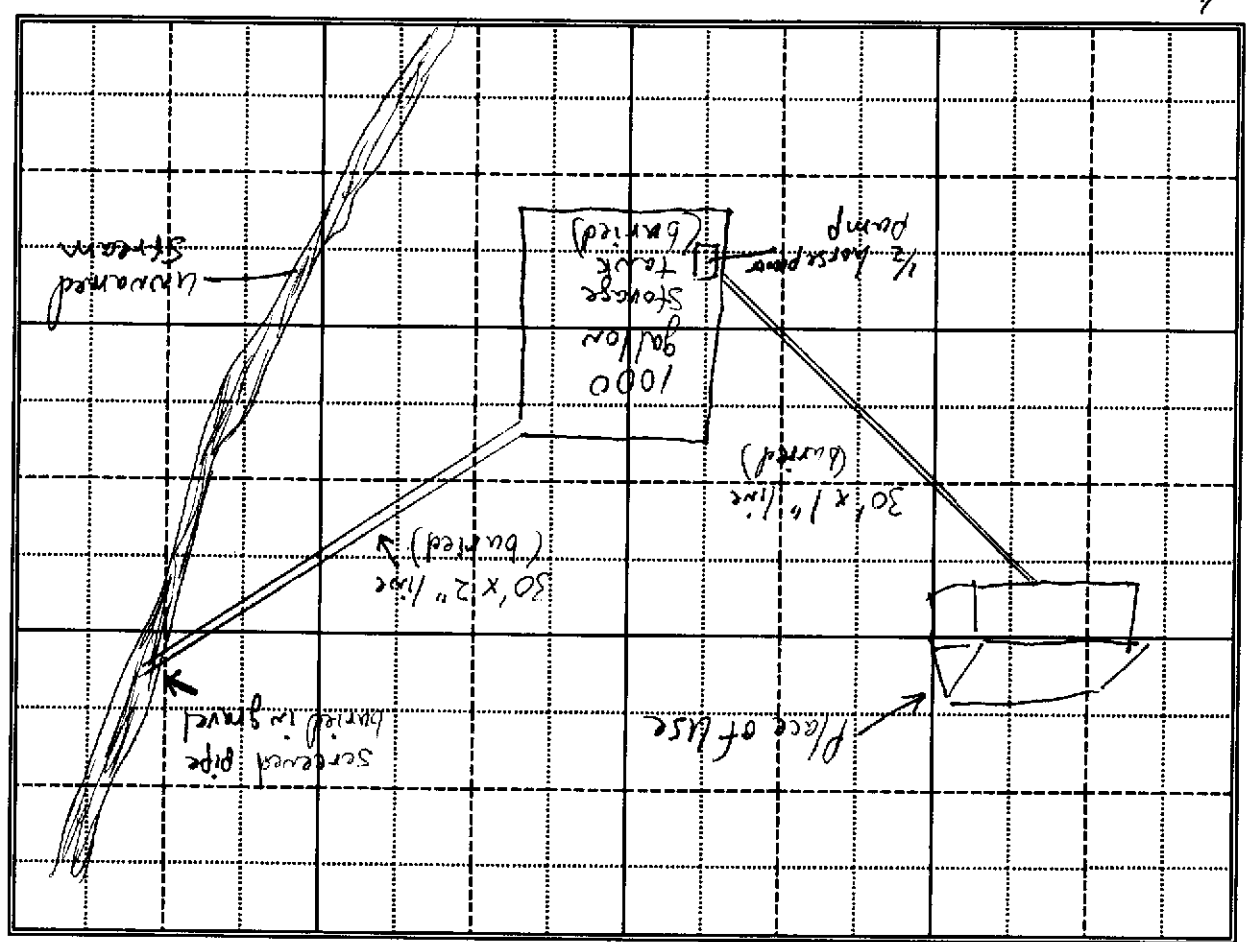
*Code to correspond with No. on map and aerial photo

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

4.

✓ Copy of USGS Quadrangle 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

Scale: T = 1/4



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

E. NARRATIVE/REMARKS/COMMENTS

Water is being diverted from an unnamed stream to the place of use using a screened 2" line that is buried in a gravel bed in the stream. This line (using gravity flow) drains into a 1000 gallon storage tank. The overflow is channeled back into the stream.

Water is pumped from the storage tank to the house using a $\frac{1}{2}$ horsepower pump.

My recommendation of .03 cfs is based on the maximum output of the pump according to the theoretical pump efficiency calculation.

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

MICROFILMED

100-15-1000

F. FLOW CALCULATIONS
 Measured Method: See Theoretical Calculations
 Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Domestic

From

01/01

Period of Use

To

12/31

Rate of Diversion

Q (cfs)

.03

Annual Volume

V (ata)

1.2

Totals:

.03

1.2

2. Recommended Amendments

☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

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

I. AUTHENTICATION

Field Examiner's Name

Daniel A. Feged

Date

1-29-99

Reviewer

Date

SEAL

MICROFILMED

SEP 15 1999

PEND OREILLE STATE WILDLIFE MANAGEMENT AREA

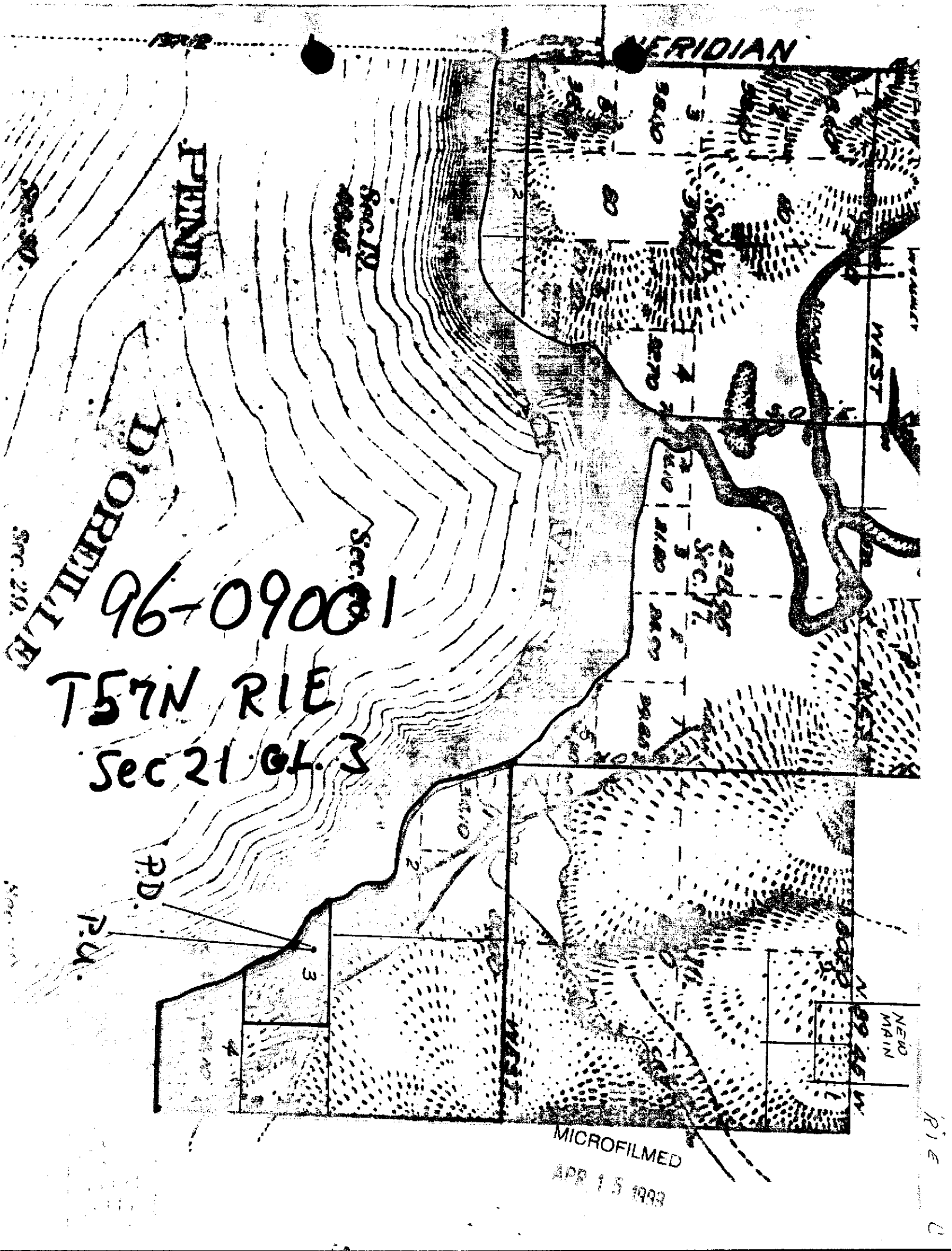
5350
5349
17° 30"
5348
5347
2 410 000
FEET
5346

LAKE
Heath
96-09001
T57N R1E S421
Mile 128
Mile 129

P.U.
P.D.

MICROFILMED
APR 15 1999





1992

MERIDIAN

PRIND

Sec. 19

Sec. 21

96-09001

T57N R1E

Sec 21 GL. 3

D. ORTHILL

MICROFILMED

APR 15 1993

R1E
L

THEORETICAL PUMP EFFICIENCY CALCULATIONS

FILE: 96-09001, DELORES HEATH

DATE: 28-JAN-99

COMPLETE BY: PAGEL

HORSEPOWER = .5

PUMP EFFICIENCY = 70%

DYNAMIC LIFT = 20 FEET

SYSTEM PRESSURE = 35 PSI

QUANTITY = 0.03 CFS

MICROFILMED
APR 15 1999

PERMIT # 96-09001

ACES

Point
of
Diversion

Buried
Storage
tank

Place of
USE

MICROFILMED
APR 15 1999

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 96-09001 Reviewed by [Signature] Date 11-16-98

GENERAL CONSIDERATIONS

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

TYPES OF USE

dom.

Correct Uses? yes

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

yes Required?
50- Amount Submitted
yes Correct?

MEASURING DEVICE

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 42963 HWY 200 Proof Made 11-9-98



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

KARL J. DREHER
DIRECTOR

November 17, 1998

Delores Heath
42962 HWY 200
Hope ID 83836-2693

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-09001

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

MICROFILMED

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

October 26, 1998

PHILIP E. BATT
GOVERNOR

DELORES HEATH
PO BOX 42963
HOPE ID 83836-2963

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-09001

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.

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

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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NOV 04 1998

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of October, 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. 96-09001

DELORES HEATH
PO BOX 42963
HOPE ID 83836-2963


Kari Lynn Townsend
Secretary

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NOV 6 9 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.

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by CindyNo.: 96-09001 Name: Heath Date: 10/22/98 Ad OK? ✓ Gvmt Lts: add 43

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:

- YES / No; RESPONSE: OK

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(70's only)-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:

- D woi / 1

BENEFICIAL USE DUE:

- 11/1/ 1999

COMMENTS:

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

WR1
WRA
BCA

APPLICATION # 96-9001

INITIAL REVIEW

OCT 19 1998

APPLICANT: AEATH

BY: BS

DATE: 8/26/98

DEPARTMENT OF WATER RESOURCES

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

PROCESSING

- (Yes)(No) PRIORITY DATE: 8/26/98
- X (Include Moratorium Remark)
- X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: BONNER 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

D Permit No.'s:	Type:	Fees	Receipt No.	Upgrade Needed?
<u>7</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>7</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>7</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

- Yes() No()
- 10/5 Notice of pending void order issued. Final order response date: _____
 - 10/5 Further information required from applicant
 - 10/5 Affidavit of publication received
 - 10/5 Application published correctly. If not, record action taken: _____
 - 9 Publication dates and paper recorded on application | Sr. Agent initial _____
 - 7 Protests received, Final protest date: 10/15/98
 - 7 Measuring device required
 - 7 Measuring port required
 - 7 Special conditions:
 - 7 Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: BSA

Date: 10/14/98

Memorandum

Date: October 13, 1998

To: Application for Permit Number 96-09001

From: Beardslee

~~~~~  
The Norther Regional Office has contacted the Panhandle Region of Fish and Game regarding the approval of this Water Right Application for Permit.

After discussing the location, source and uses of water, Chip Corsi stated that he did not see a problem with approving this filing.

MICROFILMED

NOV 03 1998

AFFIDAVIT OF PUBLICATION

RECEIVED

OCT 05 1998

NORTHERN REGION  
IDWR

State of Idaho

ss.

County of Bonner,

Sherilyn Plunk, being first duly sworn on oath  
deposes and says that he/she is Bookkeeper  
of the Bonner County Daily Bee, a newspaper printed and  
published at Sandpoint, Bonner County, Idaho; that the  
said newspaper has been continuously and uninterruptedly  
published in said Bonner County during a period of 12  
months prior to the first publication of the hereto attached  
notice of publication in the case of:

App for Water Rights

as it was published in the regular and entire issue of the  
said paper for a period of 2 consecutive weeks,  
commencing on 17 day of Sept., 1998  
and ending on the 24 day of Sept., 1998  
and that said notice was published in said newspaper.

On this 24 day of Sept. in the year  
of 1998, before me, a Notary Public, personally  
appeared Sherilyn Plunk,  
known or identified to me to be the person whose name  
subscribed to the within instrument, and being by me first  
duly sworn, declared that the statements therein are true,  
and acknowledged to me that he executed the same.

Carolyn L. Inge  
Notary Public for Idaho

Residing at Sandpoint

My commission expires: 6/00

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

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

96-09001

HEATH, DELORES

BOX 42963

HOPE, ID 83836

Source: UNNAMED STREAM

Tributary: PEND OREILLE

LAKE

Diversion Pt: NWSE 1/4 Sec 14 T

57N R 01E in BONNER County.

Use: DOMESTIC (0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 8/26/1998

In: BONNER County

T57N R01E S21 NWSE

96-09003

SPADE, TONY L

SPADE, KRIS

PO BOX 264

COCOLALLA, ID 83813

Source: SPRING Tributary:

Source: UNNAMED STREAM

Tributary: COCOLALLA LAKE

Diversion Pt: NENENE Sec 24 T

55N R 03W in BONNER County.

Use: IRRIGATION (0.200 CFS)

STOCKWATER (0.020 CFS)

DOMESTIC (0.040 CFS)

Total Diversion: (0.200 CFS)

Date Filed: 8/21/1998

In: BONNER County

T55N R03W S24 NENE

10.0 ACRES TOTAL

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

The permit(s) will be subject to  
all prior water rights. Protests must  
be filed with the applicant and with  
the Director, Dept. of Water  
Resources, Northern Region, 1910  
Northwest Blvd., Suite 210, Coeur  
d'Alene, Idaho 83814, together with  
a protest fee of \$25.00 on or before  
OCTOBER 5, 1998.

KARL J. DREHER, Director

Stamp: SEP 17, 1998

MICROFILMED

NOV 09 1998

9476

96-09001

HEATH, DELORES  
BOX 42963  
HOPE, ID 83836

Source: UNNAMED STREAM

Tributary: PEND OREILLE LAKE

Diversion Pt: NWSE Sec 21 T 57N R 01E in BONNER County.

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

Date Filed: 8/26/1998

In: BONNER County  
T57N R01E S21 NWSE

MICROFILMED

NOV 6 9 1998

September 9, 1998

Delores Heath  
Box 42963  
Hope ID 83836

Re: Water Appropriation Application No. 91-07141

Dear Ms. Heath:

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

NOV 08 1998

August 27, 1998

Mrs. Delores Heath  
Box 42963  
Hope ID 83864

RE: Application for Permit

Dear Mrs. Heath:

We are writing in regard to your Application for Permit to divert water from an Unnamed Stream to serve an additional domestic use on your property.

On August 26, 1998, I was asked by Mrs. Ferguson to come to her property to discuss her concerns about water availability from the system that you share with her and an additional use. Her feelings are that since the current system does dry up in the dry months of the summer, that an additional hook up on your line would further jeopardize water availability.

After discussing the situation with your son, Bruce Davis, at your home on August 26, 1998, he stated at that time that he wished to develop a water system on your property, below Mrs. Ferguson's property, separate from your current, shared system.

I have changed the map that you submitted with your Application for Permit to reflect the point of diversion closer to your home.

Please contact our office immediately if you disagree with the changes to your Application for Permit, or to discuss anything further.

Sincerely,

Allen Beardslee  
Sr. Water Resource Agent

RECORDED

NOV 03 1998

August 26, 1998

Ms. Diane Ferguson  
Star Rt 91  
Hope ID 83864

RE: Field Visit:

I am writing as a follow up to the field visit to your home and the situation with the Heath's Application for Permit.

As I stated earlier, Mrs. Heath's son, Bruce Davis told me that he had decided after our conversation that they would develop a water source on Mrs. Heath's property to serve the trailer they are putting on her property. It was my understanding that this system would be separate from the system that you share with Mrs. Heath and would be located down stream from your property.

Hopefully, this will resolve the issue of your concern regarding water shortage from your water system.

If you have any further questions, please feel free to contact me at this office.

Sincerely,

Allen Beardslee  
Sr. Water Resource Agent

UNRECORDED

NOV 09 1998