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Sec. 2.

Sec. 1.

Sec. 11.

Sec. 12.

Sec. 14.

262.35

Sec. 13.

153.00

LAKE

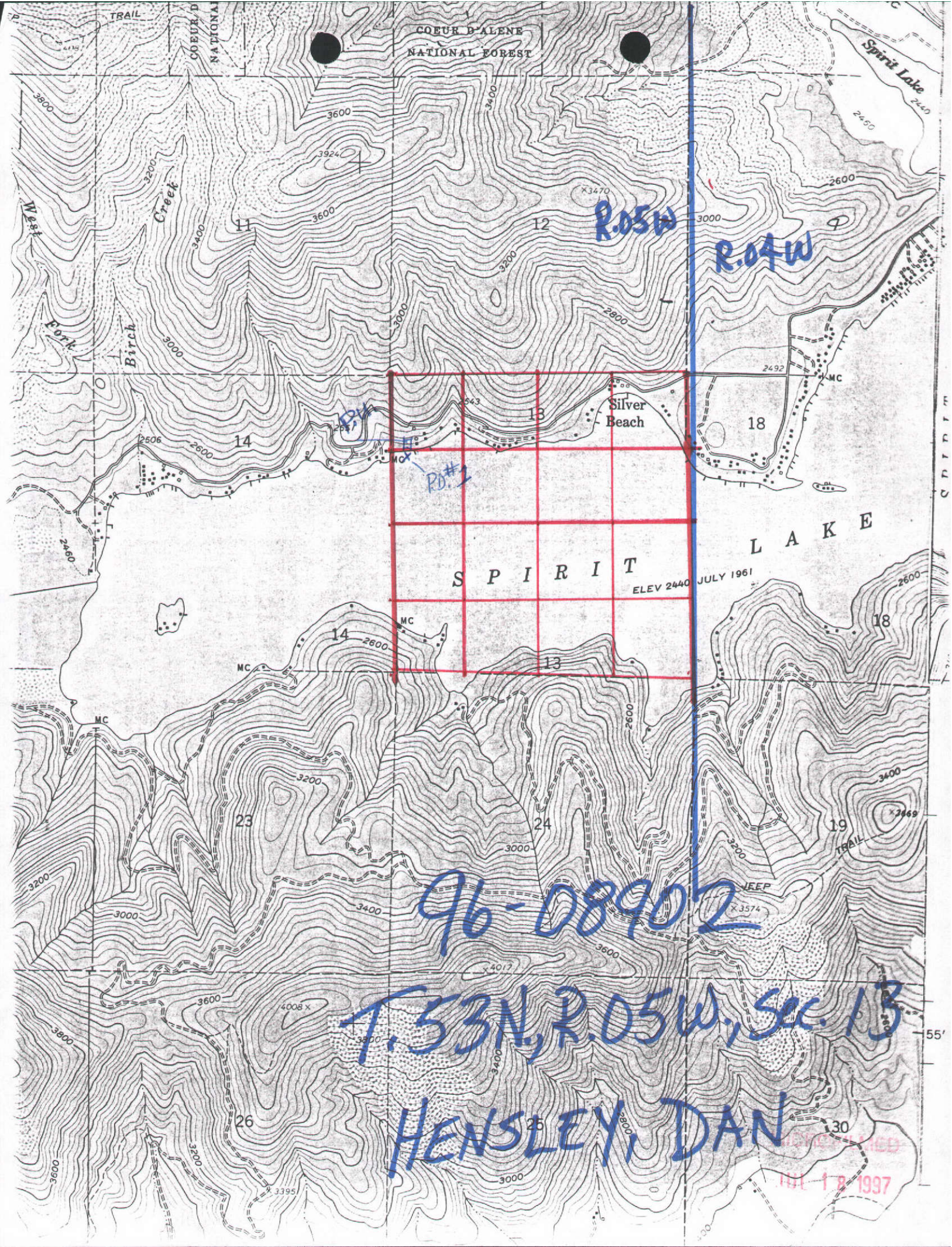
TESEMINI

Sec. 23.

Sec. 24.

MICROFILMED

JUL 18 1997



COEUR D'ALENE
NATIONAL FOREST

R.05W

R.04W

PB#1

96-08902

T.53N, R.05W, Sec. 13

HENSLEY, DAN

RECORDED
JUL 18 1997

96-08902



STATE OF IDAHO
DEPARTMENT OF WATER
REPORT SUPPLY
PHOTOGRAPH

FAIRFAX DRIVE
EXPOSED
AS RAIL



Domestic Home
JUL 18 1997
FILED



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-08902

Priority: September 19, 1995

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that DAN HENSLEY
SALLY HENSLEY

PO BOX 492

SPIRIT LAKE ID 83869-0492

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 19, 1995; and has submitted Proof of Beneficial Use on October 9, 1996. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from:

SPIRIT LAKE tributary to SPIRIT 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: Lot 4 (SWNW), Sec. 13, Township 53N, Range 05W.
KOOTENAI County

PLACE OF USE: DOMESTIC

TWN RGE SEC

53N 05W 13 Lot 4 (NWNW)

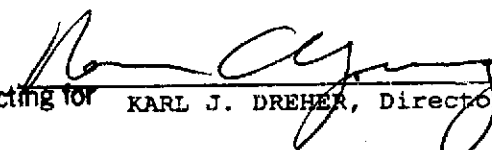
CONDITIONS OF APPROVAL AND REMARKS

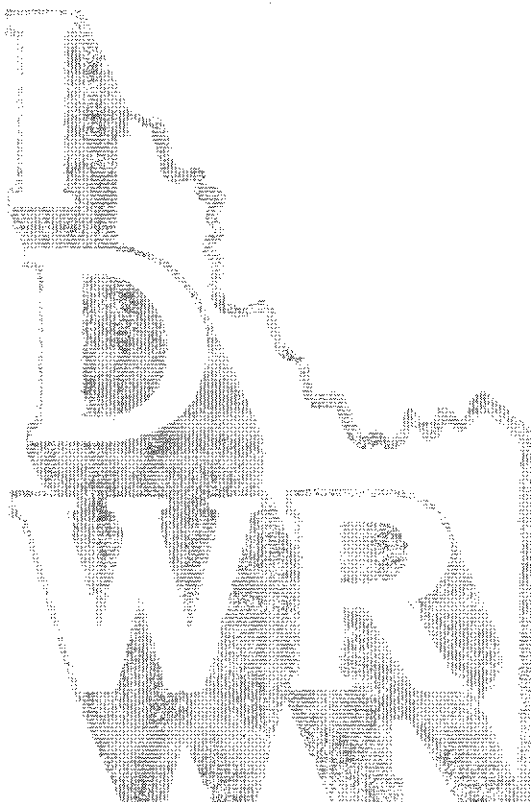
1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 1 home.

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 96-08902

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 18th
day of July, 19 77.


Acting for KARL J. DREHER, Director



10/10/77
pp 15-77

**STATE OF IDAHO
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. 96-08902 Telephone No. 208-623-3042
2. Name(s) of Permit Holder(s): DAN + SALLY HENSLEY
3. Mailing Address: P.O. Box 492 Spirit Lake, Id. 83869
4. Source of Water: Spirit Lake If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
- a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____
- b. **OPTIONAL:**
Pump Horsepower: 1 1/2 HP Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): — Other: —
6. Total rate of diversion and/or volume for which proof is submitted: .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: DAN HENSLEY Telephone Number: 208-623-3042
Address: _____
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: Dan Henrich Date: 9-24-96
(include your title, if on behalf of company or organization)

MICROFILMED

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 96-08902

Proposed Priority: September 19, 1995 Maximum Diversion Rate: 0.04 CFS

This is to certify, that **DAN HENSLEY**
SALLY HENSLEY
PO BOX 492

SPIRIT LAKE ID 83869-0492

has applied for a permit to appropriate water from:

SPIRIT LAKE tributary of **SPIRIT 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: Lot 4(SWNW), Sec. 13, Township 53N, Range 05W
KOOTENAI County

PLACE OF USE: DOMESTIC

TWN RGE SEC

53N 05W 13 Lot 4(SWNW)

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, 1996**.
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

7th day of November, 1995.

Karl J. Dreher
for Karl J. Dreher, Director

RECEIVED

JAN 31 1996

RECEIVED
NOV 1 1995

Ident. No. 96-08902

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources To appropriate the public waters of the State of Idaho

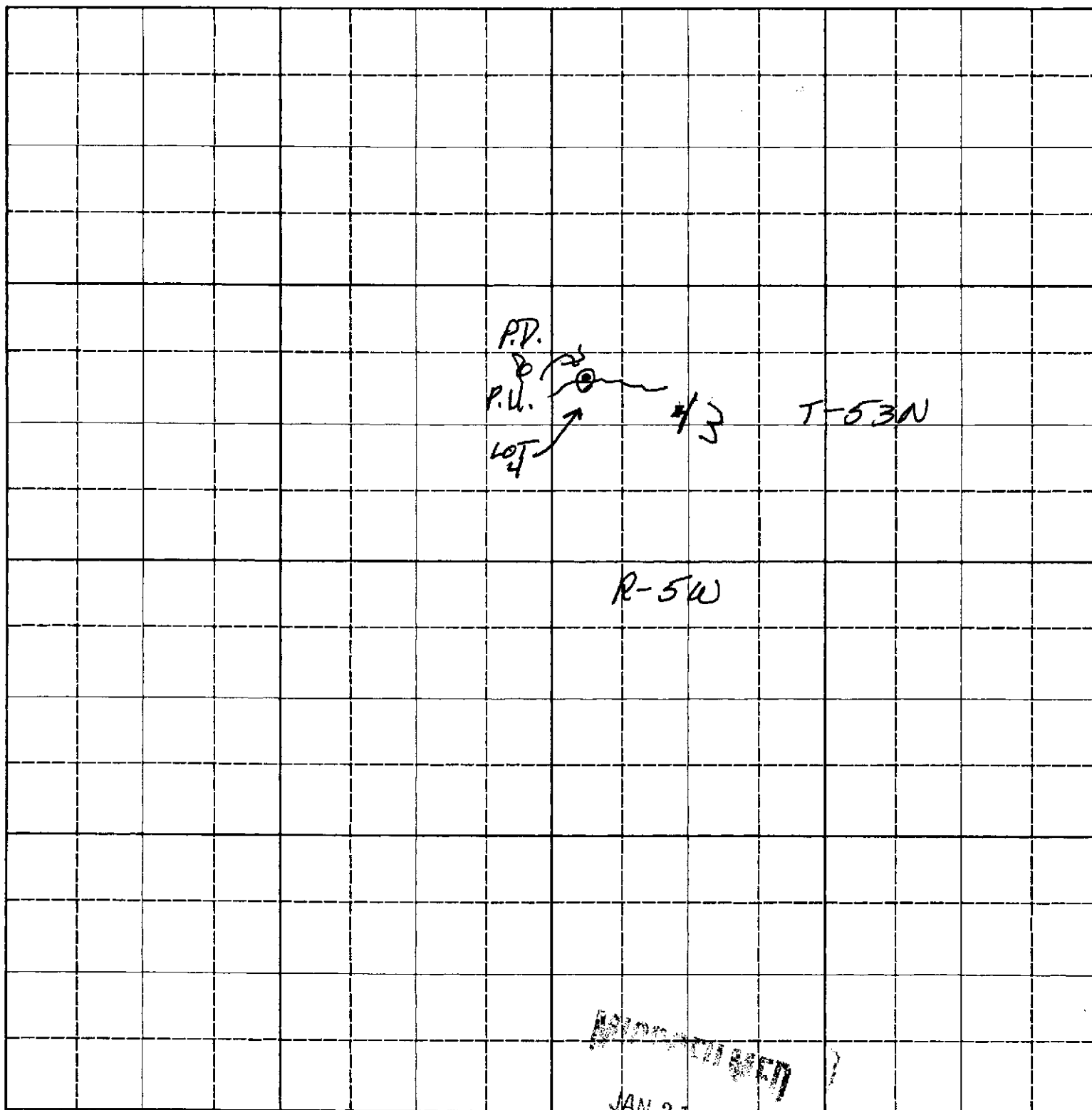
1. Name of applicant DAN OR SALLY HENSLEY Phone 623-3042
Post office address Box 492 SPIRIT LAKE, ID 83869
2. Source of water supply SPIRIT LAKE which is a tributary of SPIRIT CREEK
STATES
3. Location of point of diversion is _____ 1/4 of SW 1/4 of NW 1/4, Govt. Lot 4
Sec. 13 Township 53N Range 5W B.M. KOOTENAI County; additional
points of diversion if any: ~~E 1/2 TAX 5076~~
4. Water will be used for the following purposes:
Amount 0.04 for DOMESTIC purposes from JAN 1 to DEC 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)
5. Total quantity to be appropriated is (a) 0.04 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. PUMP & PIPELINE

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
1 years (minimum 1 year).

RECEIVED
JAN 31 1996

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

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



Scale: 2 inches equal 1 mile.

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

Dwight Dunsley
(Applicant)

JAN 31 1936

e. Other:

- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

19

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

1. Approval of said application is subject to the following limitations and conditions:

Idaho No. _____, and said application is hereby _____

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by Mr. [Signature] Date 9/12/95 Time 4:00 p Preliminary check by _____
Fee \$ 50.00 Received by Mr. [Signature] Date 9/19/95 # N-9511 Date 9/19/95
Publication prepared by CP Date 9/27/95 Published in Idaho Falls 10/5 + 12/95
Publication approved by CP Date 10/13



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

July 18, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DAN HENSLEY
SALLY HENSLEY
PO BOX 492
SPIRIT LAKE ID 838690492

RE: WATER RIGHT NO. 96-08902

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.

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.

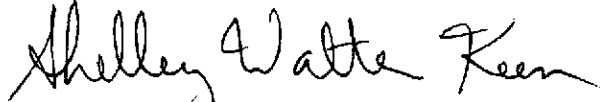
APPEAL OF FINAL ORDER TO DISTRICT COURT

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.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

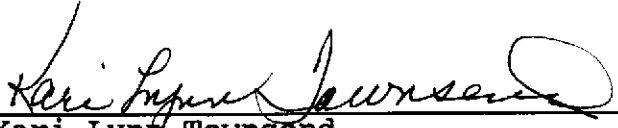
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of July, 1997, 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. 96-08902

DAN HENSLEY
SALLY HENSLEY
PO BOX 492
SPIRIT LAKE ID 838690492



Kari Lynn Townsend
Secretary

ALL 12/1/97

LICENSE REVIEW CHECKLIST

PERMIT NO. 96-08902

DATE 6/26/97

REVIEWER: SHARLA

NAME Change OK

Address Change Keep PO Box

SOURCE Change OK

Is change clarification of originally intended source? Yes

POINT OF DIV Change OK

If not, prepare Notice of Intent to Void Amendment required NO

PLACE OF USE Change OK

Amendment required YES

Does map agree with written description? Yes no

OVERLAPS P/D P/U

RATE OF DIV

Permitted Rate .04 cfs

Fee limit .20 cfs \$5

Measured — cfs

Theoretical .03 cfs

Recommended Total Div Rate .04 cfs

ANNUAL VOLUME/
NATURE OF USES —

Use Dom

Volume Calculation

1.2 af

— af

— af

— af

SUBTOTAL 1.2 af

Flow rate .04 cfs X 365 days X 1.9833 = 29.0 af

Total volume recommended 1.2 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS D/I home.

CONDITIONS Watermaster Control WD#

GW Measurement/Measuring Device

Overlap

Use-specific conditions

Advancement of Priority Date Required yes no

SRBA Claim Filed N/A

Adjustment Memo —

1st Amend Letter P41, P38

2nd Amend Letter P41

Meanders of

Posts Courses Ch'ls Posts Courses

Sec. 2.

Sec. 1.

Sec. 11.

Sec. 12.

Sec. 14.
262.35

Sec. 13.
153.00

TESEMINI

LAKE

NOV 18 1897

NOV 18 1897

RECEIVED

JUN 12 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

Permit No.

96-08902

A. GENERAL INFORMATION

1. Owner: DAN & SALLY HENSLEY Phone No. (208)-623-3042Current Address: 9450 SPIRIT LAKE RD. SPIRIT LAKE, ID 838692. Accompanied by: — EXAM DATE: 5-12-97Address: — Phone No. —Relationship to Permit Holder: —3. Source: SPIRIT LAKE tributary to SPIRIT CREEK

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE2. Other water rights with the same point of diversion: NONE

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
<u>PD #1</u>			<u>SW</u>	<u>NW</u>	<u>13</u>	<u>53N</u>	<u>05W</u>	<u>Kootenai</u>	<u>USGS 7.5' QUAD; Site Visit</u>

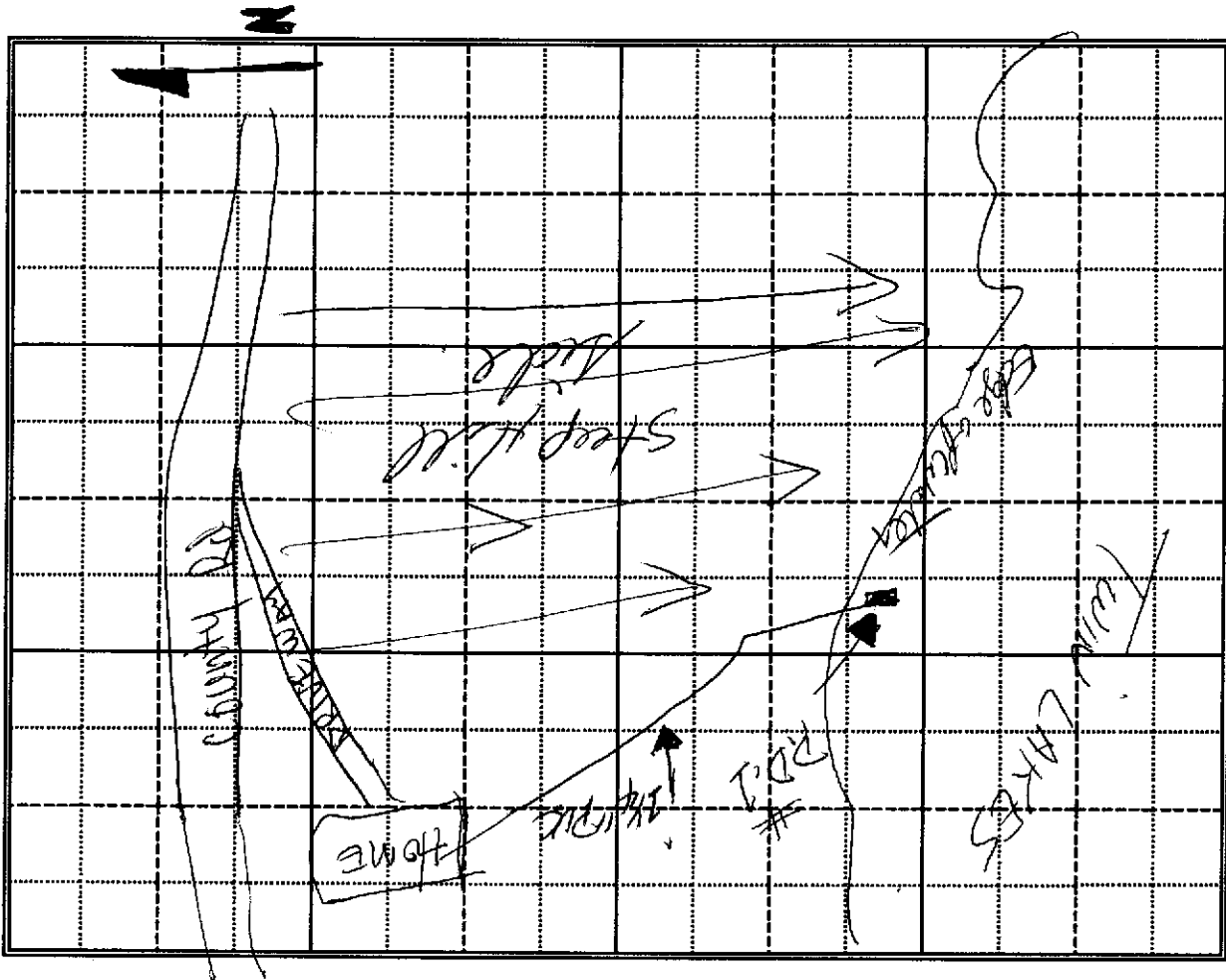
2. Place(s) of Use:

Indicate Method of Determination Site Visit

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>53N</u>	<u>05W</u>	<u>13</u>					<u>D</u>												<u>DOMESTIC</u>

JUL 18 1997

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



Scale: 1" = _____
 _____ 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

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
RD.#1	Submersible	1.5		Gould	1 1/4"

*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:

E. NARRATIVE/REMARKS/COMMENTS

System Consist of 1.5 H.P. Gould Submersible Pump.
Discharge line is a 2 1/4" Black P.V.C. Pump pumps up
steep hill Approximately 200' to single Domestic
Home.

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

MADE FILMED
JUL 18 1967

F. FLOW CALCULATIONS

Measured Method:

*Additional Computation Sheets Attached

*See Attached
Calculation

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:

1 domestic home 1.2 ACF

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Domestic

From
1-01

Period of Use
To
12-31

Rate of Diversion

Q (cfs)
.04

Annual Volume

V (afa)
1.2

Totals:

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

William D. Spang

Date

5/19/97

Reviewer

Date

SEAL

THEORETICAL PUMP EFFICIENCY CALCULATIONS

FILE: 96-08902
DATE: 14-MAY-97
COMPLETE BY: HERM

HORSEPOWER = 1.5

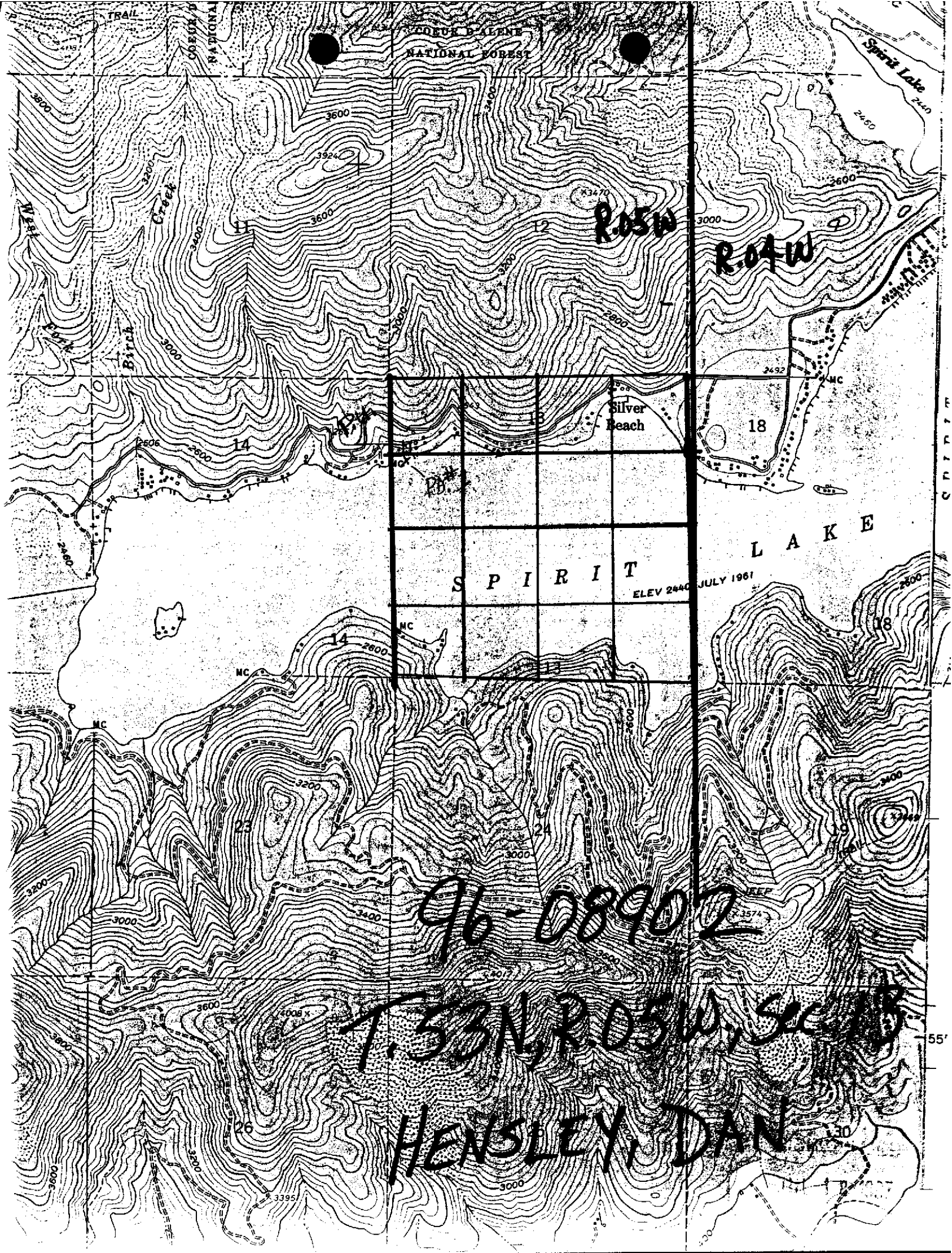
PUMP EFFICIENCY = 70%

DYNAMIC LIFT = 200 FEET

SYSTEM PRESSURE = 50 PSI

QUANTITY = 0.03 CFS

COPIES MADE
JUL 18 1997



COEUR D'ALENE
NATIONAL FOREST

R.05W

R.04W

S P I R I T L A K E
ELEV 2440 JULY 1961

96-08902

T. 53N, R. 05W, Sec 18

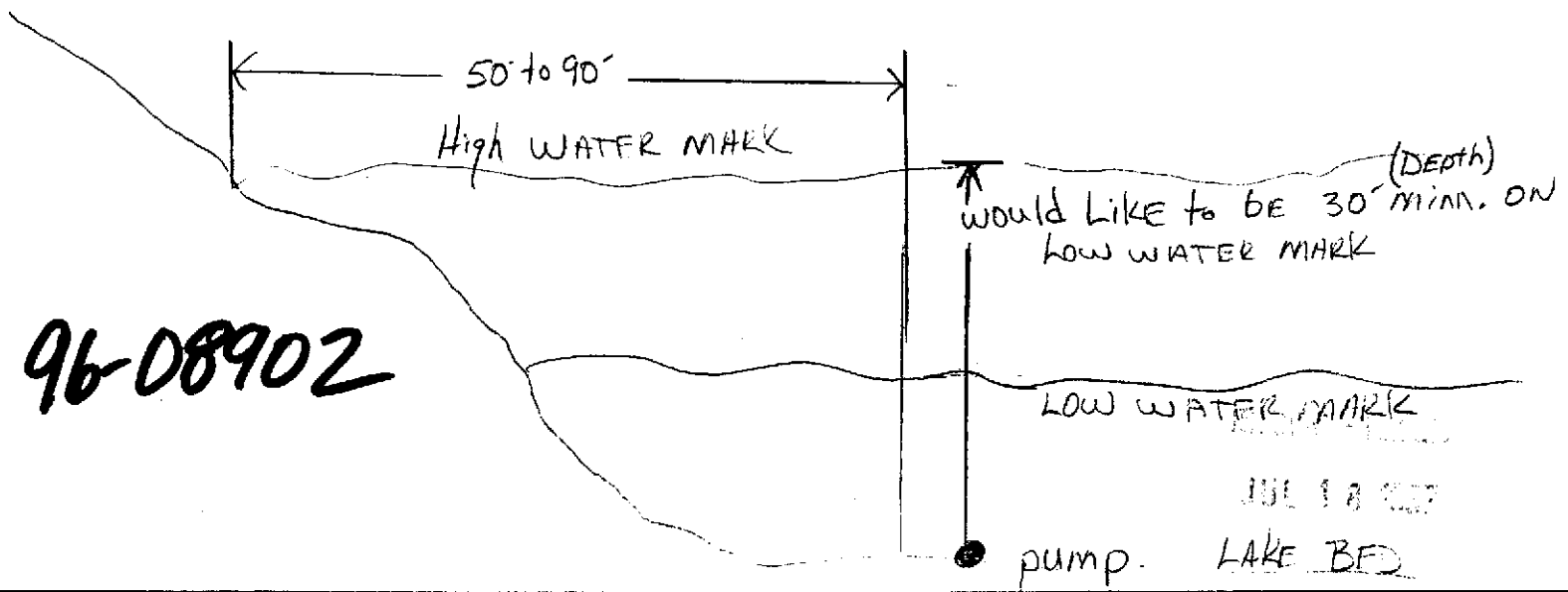
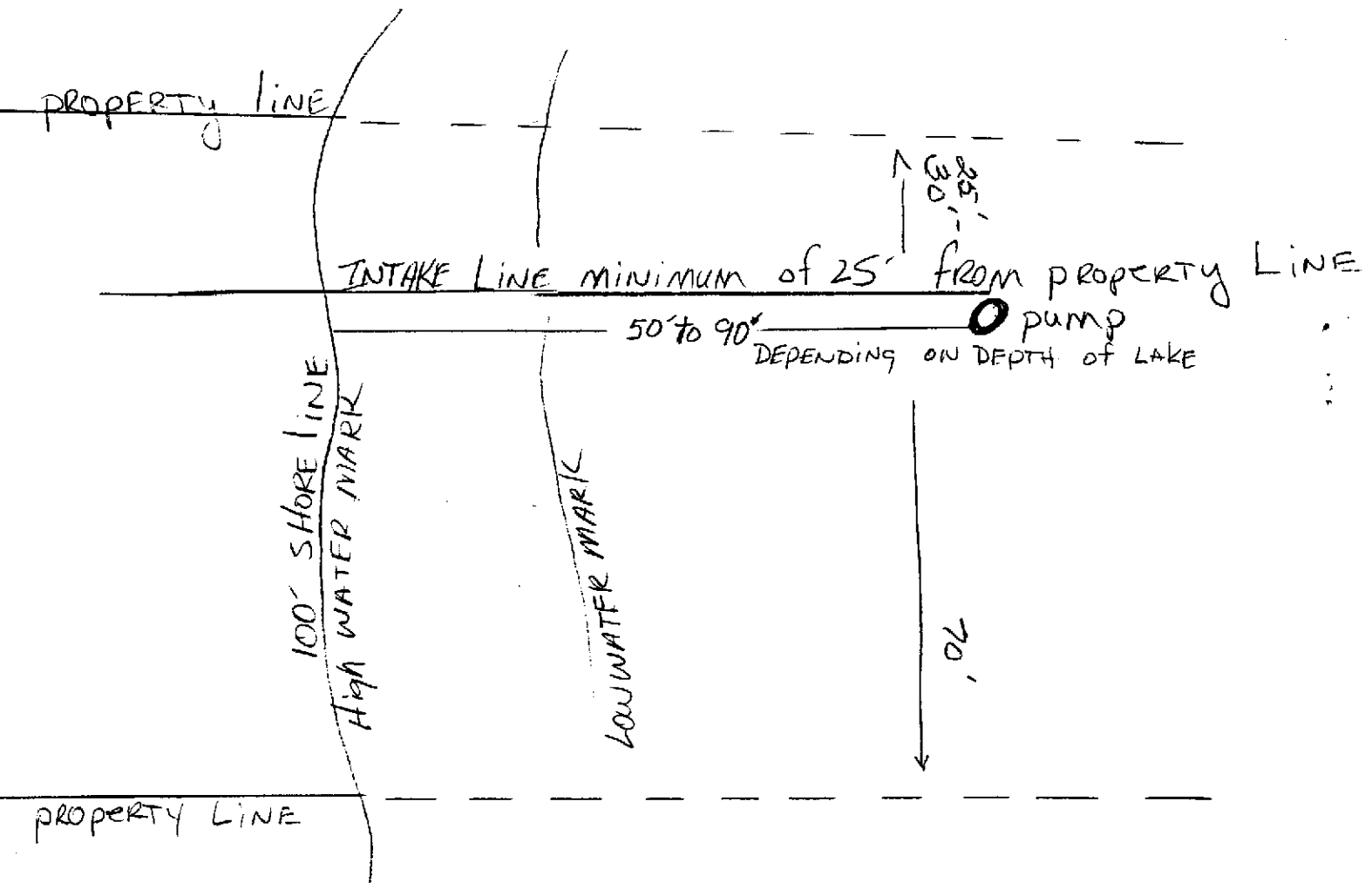
HENSLEY, DAN

55'

REQUEST FOR DRAWING. LAKE WATER FOR
HOME USE FROM SPIRIT LAKE.

SEC. 13 Twp 53

100' of E. $\frac{1}{2}$ of TN 5706



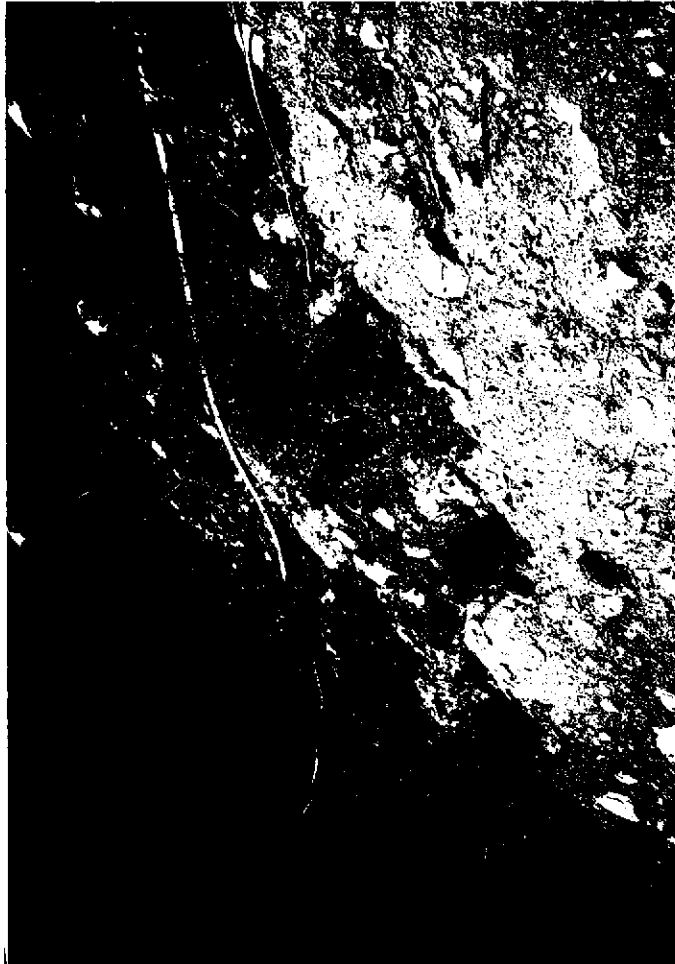
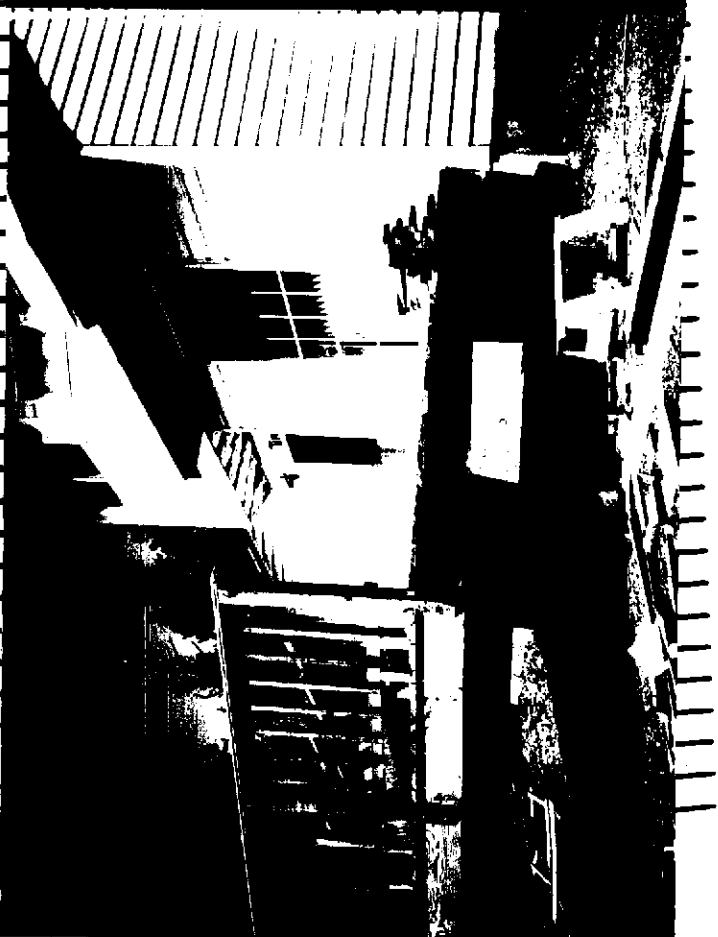
96-08902

96-08902

STATE OF IDAHO
DEPARTMENT OF WATER
REPORT SUPPLY
PHOTOGRAPH

WATER LINE
POWER LINE
FIRE LINE

Domestic HOME



96-08902

IDAHO DEPARTMENT OF LANDS

1910 NW Blvd., Ste. 201
Coeur d'Alene, Idaho 83814-2615
Phone (208) 769-1535 Fax (208) 769-1536

DANLEY F. HAMILTON - DIRECTOR

RECEIVED

AUG 30 1995

NORTHWEST REGION
IDWR

MEMORANDUM

DATE: August 30, 1995

TO: Idaho Department of Fish and Game
Idaho Department of Health and Welfare-DEQ
Idaho Department of Water Resources
Panhandle Health District 1
Clean Lake Coordinating Council
Bonner County Planning & Zoning
Bonner County Public Works Department

FROM: Jim Brady, Navigable Waters/Minerals Specialist *JB*

SUBJECT: NOTICE OF APPLICATION - L-96-S-1045 - HENSLEY, Dan

Enclosed is an application and plats requesting permission to install a waterline in Spirit Lake.

Please submit your recommendations to me by September 13, 1995, regarding the likely effect of the proposed encroachment upon adjacent property, lake, and streambed value factors of navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, or water quality. If you have concerns or are opposed to the project as proposed, please list your specific reasons for concern or opposition and any facts or documentation to support your position.

You should recommend alternate plans if they are economically feasible to accomplish the purpose of the proposed encroachment. You should also recommend any mitigation measures or special restrictions/provisions you would like included as part of the permit if one is issued.

If you do not submit a comment, I will assume you have no objections to the application. If you have questions concerning the application, I suggest you contact the applicant. If the applicant cannot answer your questions, please contact me at 208/769-1535.

mc

enclosures

c: Boise - Real Estate Specialist

BOARD OF LAND
COMMISSIONERS

PHILIP E. BATT
Governor

PETE T. CENARRUSA
Secretary of State

ALAN G. LANCE
Attorney General

J.D. WILLIAMS
State Controller

ANNE C. FOX
Sup't of Public
Instruction

KEEP IDAHO GREEN
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER

96-8902

JOINT APPLICATION FOR PERMIT
U.S. ARMY CORPS OF ENGINEERS
IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO DEPARTMENT OF LANDS

SEPARATE PERMIT DECISIONS MUST BE
RECEIVED FROM BOTH THE STATE OF
IDAHO AND THE CORPS OF ENGINEERS
PRIOR TO START OF WORK

The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. These laws require permits authorizing structures and work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et. seq, Idaho Code. This application will meet the requirements of the above agencies.

1. Corps of Engineers # _____
Date Received _____

2. State of Idaho # L-96-5-1045
Date Received _____
\$20 Rec'd By: _____ Receipt # _____

PLEASE TYPE OR PRINT

3. Applicant DAN HEUSLEY
Mailing Address P.O. Box 492 SPIRIT LAKE
83869
Work Phone (Area 208) 762-3616 Home (Area 208) 623-3042
Fax Number _____

4. Authorized Agent _____
Mailing Address _____
Work Phone (Area) _____ Home (Area) _____

5. Location where proposed activity exists or will occur.

Waterway Spirit Lake
In/near city or town 83869 County Kootenai State ID.
Zip Code 83869 Local jurisdiction (city or county) Kootenai

Tributary of: _____
Assessor's Desc. (Tax No. or Subdivision, Lot & Block No.)
* _____ *(See instructions)
1/4 1/4 Section Township Range
UTM Coordinate Grid Zone Northing Easting

6. Describe the proposed activity. Provide a general description of the proposed work including all discharges of fill material and any structures such as piers, floats, boat lifts, bulkheads, and cofferdams.

REQUEST to DRAW WATER FROM SPIRIT LAKE FOR HOME USE

Describe construction methods and equipment:

PUMP IN LAKE

List all soil series located at project site, and indicate if any are on the county's hydric soils list:

NA

Length of project along the stream or extension into lake or reservoir: _____

Will material be placed waterward of ordinary high water mark? _____ If yes, volume: _____ (cubic yards)
(BOTH TEMPORARY AND PERMANENT)

Will material be placed in wetlands? _____ If yes, total area: _____ (acres)

Type and composition of fill material: _____ (i.e. sand, etc.) Material Source: _____

Will excavation or dredging be required? _____ If yes, volume: _____ (cubic yards) Composition _____

Disposal site for excavated material: _____ Method of excavation: _____

Stream gradient: _____

Method of controlling turbidity and/or sedimentation: _____

7. Size and flow capacity of proposed bridge or culvert and area of drainage served (sq. miles): (Idaho Department of Water Resources requirement.)

8. Preparation of drawings. One set of original or good quality reproducible drawings must be attached to this application. NOTE: DRAWINGS NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE. See the instruction pamphlet for instructions and a checklist for completing the drawings. Include photographs of the project site mounted on 8-1/2 x 11 sheets.

9. Purpose and intended use: Commercial _____ Public _____ Private X Other _____ Describe _____

Necessity and justification for project _____

10. Proposed Starting Date ASAP Estimated Duration _____

11. If any portion of the activity is complete, indicate month and year of completion _____
Indicate the existing work on the drawings.

12. Names, addresses, and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway.

Michael Scott -
JAMES Elder

☐ Check here if the alteration is located on endowment lands administered by the Idaho Department of Lands

13. LEGAL OWNER IF OTHER THAN APPLICANT _____

Mailing Address _____ City, State, Zip Code _____

Area _____ Area _____
Phone Work(_____) Home(_____) _____

14. List other applications, approvals, or certifications from other Federal, interstate, state, or local agencies for any structures, constructions, discharges, deposits, or other activities described in the application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval
<u>NA</u>				

15. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? Yes _____ No _____
(If "Yes" explain)

NA

16. Remarks or additional information: _____

NA

17. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed or completed work.

Date 5/22/95 Signature of Applicant (ORIGINAL SIGNATURE REQUIRED) Don Densley

19. If an authorized agent is to be designated, Item 4 and the following information should be completed.

I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

Date _____ Original Signature of Authorized Agent _____ Original Signature of Applicant _____

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both. Do not send a Federal permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.

DO NOT SEND FEDERAL PROCESSING FEE WITH APPLICATION

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 96-08902 Reviewed by [Signature] Date 11-8-96

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 [Signature] Proof Made 10-9-96

November 12, 1996

DAN HENSLEY
SALLY HENSLEY
PO BOX 492
SPIRIT LAKE ID 838690492

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-08902

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.

If you have questions concerning this matter, please feel free to contact the NORTHERN Regional Office in Coeur D' Alene at (208) 769-1450.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

MICROFILMED
DEC 22 1996

August 31, 1996

DAN HENSLEY
SALLY HENSLEY
PO BOX 492
SPIRIT LAKE ID 838690492

PROOF DUE NOTICE

RE: PERMIT NO. 96-08902

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 November 1, 1996.

(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.

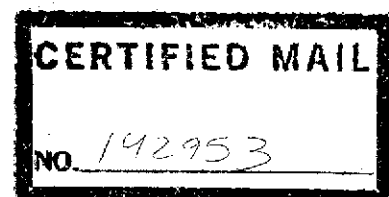
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
DEC 5 1996





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 7, 1995

DAN HENSLEY
SALLY HENSLEY
PO BOX 492
SPIRIT LAKE ID 83869-0492

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-08902

Dear Permit Holder:

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

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. 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.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

RECEIVED

JAN 31 1996

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 96-8902 Name: Hensley Date: 11/3/95 Ad OK? ✓
Correct Fee? ✓ Receipt #: 19811 Priority: 9/15/95 ✓ Gvmt Lts: ✓

AREA OF CONCERN? - No/Yes _____ Mor _____ GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)
SYSTEM COMPLETED:
Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17
GROUNDWATER: <✓ FLO-CH>
+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)
Drilling Permit:
Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)
SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):
Water District(~~dem~~) - 005 (req) WD # _____ <SEE MAP & LISTING>
+ 0.2 cfs - 028(may report)-01J(meas dev)-P08
=/- 0.2 cfs - 028(may report)-01H(lock dev)-P01 or No MD
=/+ 5 a. irr. - 028(may report)
~~In-WD~~ + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M
RIVER BASINS (*Surface water):
Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-↑ Weiser), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA
USE:
Domestic (surface) - 021(Boise R ↑ L Peak); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10; 044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA
LOCATION:
Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - B <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA
OWNERSHIP: Non-land owner - 004 (PD/PU) _____
OTHER CONDITIONS: _____
STANDARD REMARKS: - ① wot/1
BENEFICIAL USE DUE: - 11-1-1996
COMMENTS: _____

No. a
4/87-06/92n

DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

WR
WRA
BC

APPLICATION # 96-8902

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

APPLICANT: HENSLEY BY: AS DATE: 9/19/95

ITEM REQUIRED INFORMATION

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

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

PROCESSING

Yes No PRIORITY DATE: 9/19/95

☒ (Include Moratorium Remark)

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

ADVERTISE IN: KOOTENAI 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

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

***** GROUNDWATER SECTION *****

(Yes)(No)

Checked by: _____ Date: ____/____/____

Remarks: _____

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

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

(Yes)(No)

Notice of pending void order issued. Final order response date: ____/____/____

Further information required from applicant

10/13 Affidavit of publication received

10/13 Application published correctly, If not, record action taken: _____

9/27 Publication dates and paper recorded on application | Sr. Agent initial AS

☒ Protests received. Final protest date: 10/23/95

☒ Measuring device required

☒ Measuring port required

☒ Special conditions: _____

☒ Special conditions of approval supplied _____ attached: _____

Approval Recommended by: AS

RECEIVED
NOV 1 1995
Department of Water Resources

Date: 10/30/95

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Kootenai,

Ken Alexander

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Legal Notice

of which the annexed is a printed copy, was published in the regular Thurs issue of said newspaper for 2 consecutive weeks commencing on the 5th day of October, 1995, and ending on the 12th day of October, 1995, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Ken Alexander

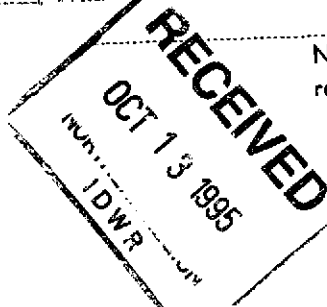
Subscribed and sworn to before me this 12th day of October, 1995.

Roberta Manley
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

ROBERTA MANLEY

My commission expires

2-5-99



NOTICE OF APPLICATION FOR WATER RIGHT

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

95-08928
COOK, RAYMOND G
100-B EASTMONT AVE
EAST WENATCHEE, WA 98802
Source: UNNAMED STREAM
Tributary: CHILCO LAKE
Diversion Pt: LOT 4 (SWSW) Sec 9 T 52N
R 03W in KOOTENAI County.
Use: WILDLIFE STORAGE (3.50 CFS)
RECREATION STORAGE (3.50 CFS)
FIRE PROTECTION STORAGE (3.50 CFS)

Total Diversion:
Date Filed: 9/14/1995
In: KOOTENAI County
T52N R03W S09 LOT 4(SWSW)

95-08929
SILVER, JOAN MCCARTY
MCCARTY, LOU
ECHELBERGER, LARRY
ECHELBERGER, LINDA
THORPE, EILEEN
VERMILLION, DENNIS
VERMILLION, BARBARA
MOORE, ERVIN
MOORE, CHARMAINE
P O BOX 26
HARRISON, ID 83833
Source: GROUNDWATER
Diversion Pt: LOT 2 (SWSE) Sec 15 T
48N R 04W in KOOTENAI County.
Use: IRRIGATION (0.080 CFS)
DOMESTIC (0.110 CFS)
Total Diversion: (0.190 CFS)

Date Filed: 9/21/1995
In: KOOTENAI County
T48N R04W S15 LOT 2 (SWSE)
2.5 ACRES TOTAL

96-08902
HENSLEY, DAN
HENSLEY, SALLY
BOX 492
SPIRIT LAKE, ID 83869
Source: SPIRIT LAKE
Tributary: SPIRIT CREEK
Diversion Pt: LOT 4 (SWNW) Sec 13 T
53N R 05W in KOOTENAI County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 9/19/1995
In: KOOTENAI County
T53N R05W S13 Lot 4 (SWNW)
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., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$95.00 on or before OCTOBER 23, 1995.

KARL J. DREHER, Director

Legal 597
Oct. 5, 12, 1995

JAN 31 1996

96-08902

HENSLEY, DAN
HENSLEY, SALLY
BOX 492
SPIRIT LAKE, ID 83869

Source: SPIRIT LAKE

Tributary: SPIRIT CREEK

Diversion Pt: LOT 4 (SWNW) Sec 13 T 53N R 05W in KOOTENAI County.

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

Date Filed: 9/19/1995

In: KOOTENAI County
T53N R05W S13 Lot 4 (SWNW)

RECORDED

JAN 31 1996

September 27, 1995

Dan or Sally Hensley
Box 492
Spirit Lake, ID 83869

Re: Water Appropriation Application No. 96-08902

Dear Mr. or Mrs. Hensley:

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

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

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

If your application is for groundwater and you are using a well that was constructed after July 1, 1987, it will be necessary for you to apply for a well drilling permit upon approval of the appropriation application, if no permit was obtained by you or previous owners to construct the well. Well drilling permits can be issued by this office only to holders of approved appropriation permits.

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

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

RECEIVED
JAN 31 1996