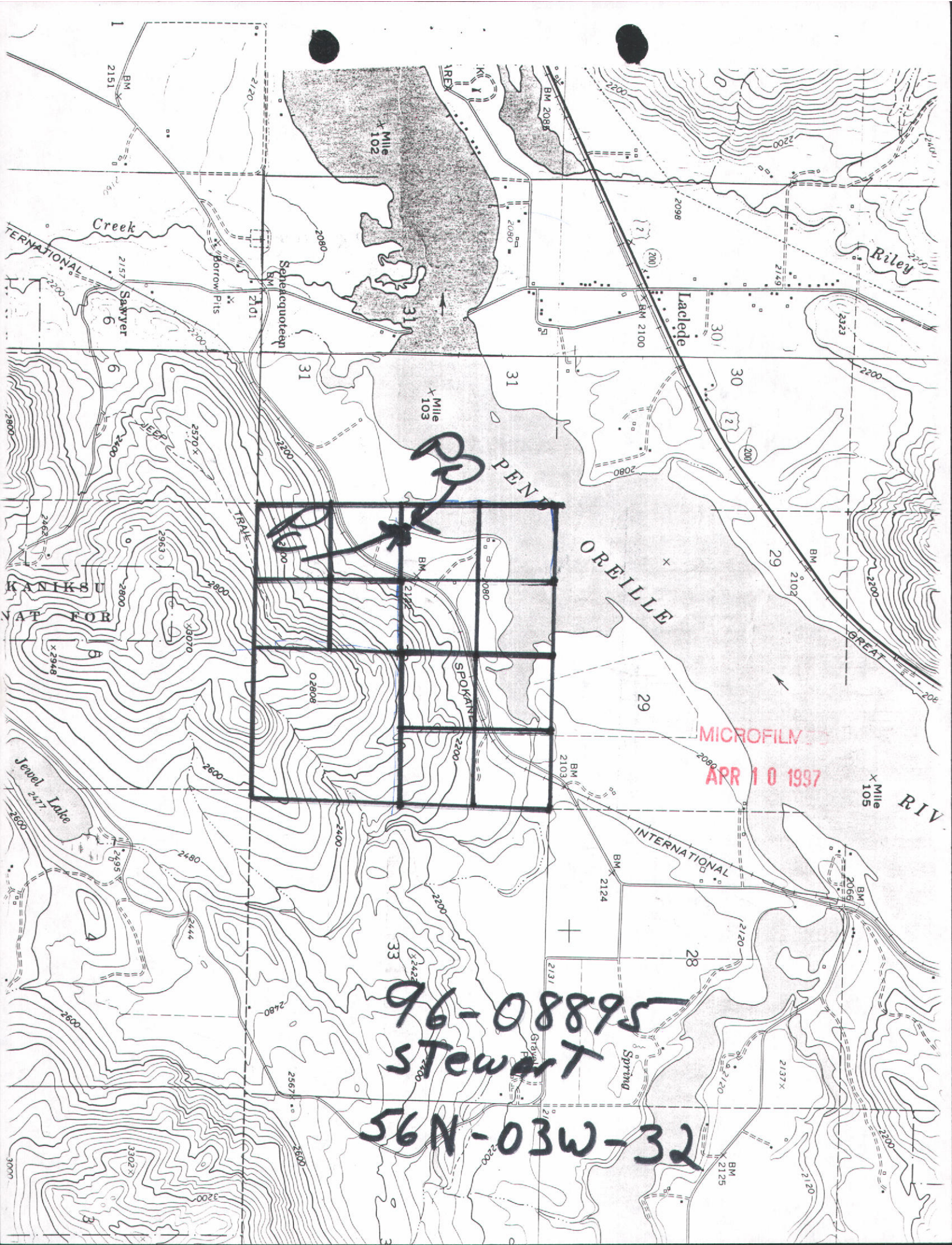


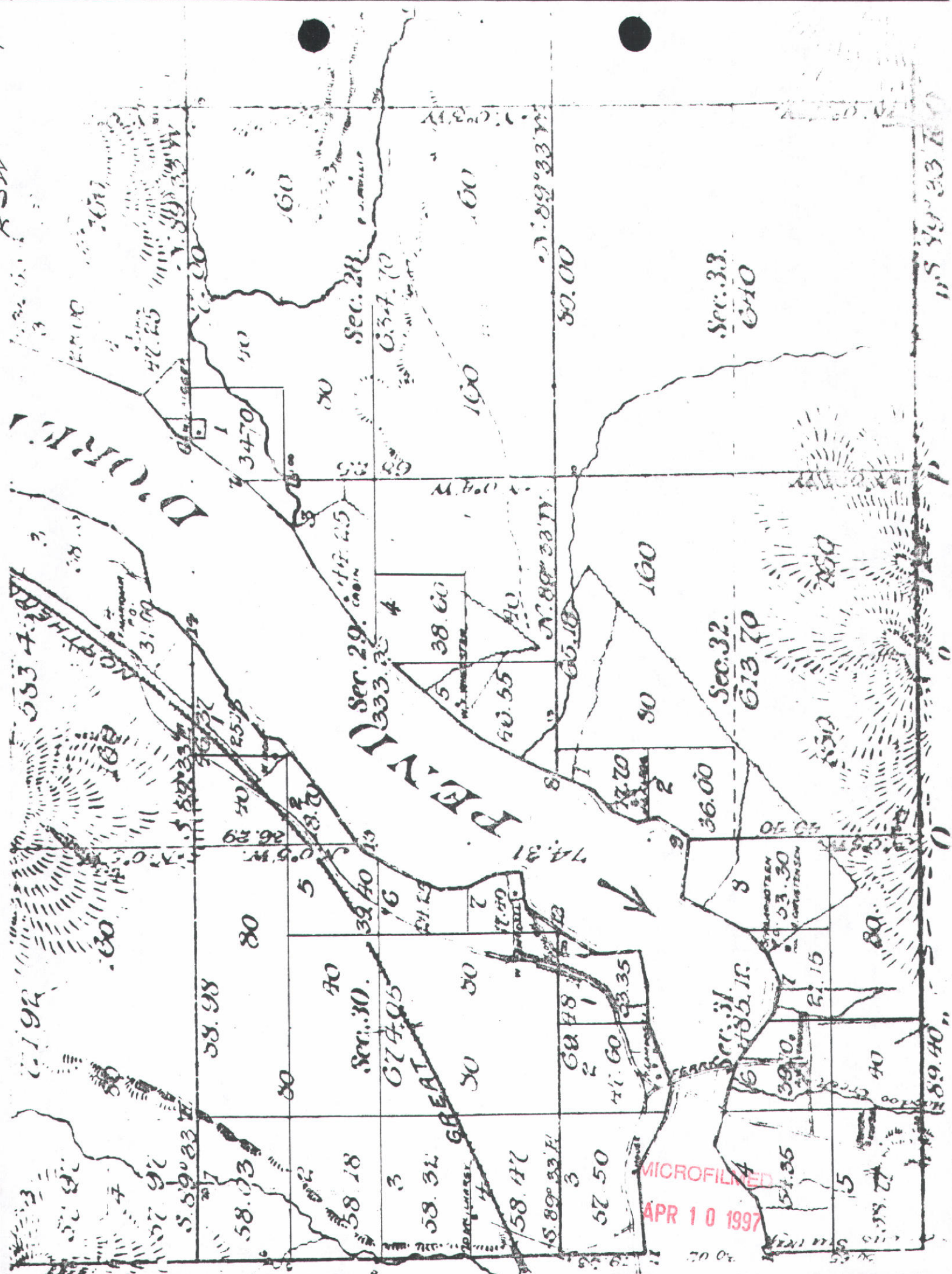


PO

MICROFILM
APR 10 1997

96-08895
Stewart
56N-03W-32

Y



MICROFILMED
APR 10 1997



96-08895

Pump



PO



PV

96-08895

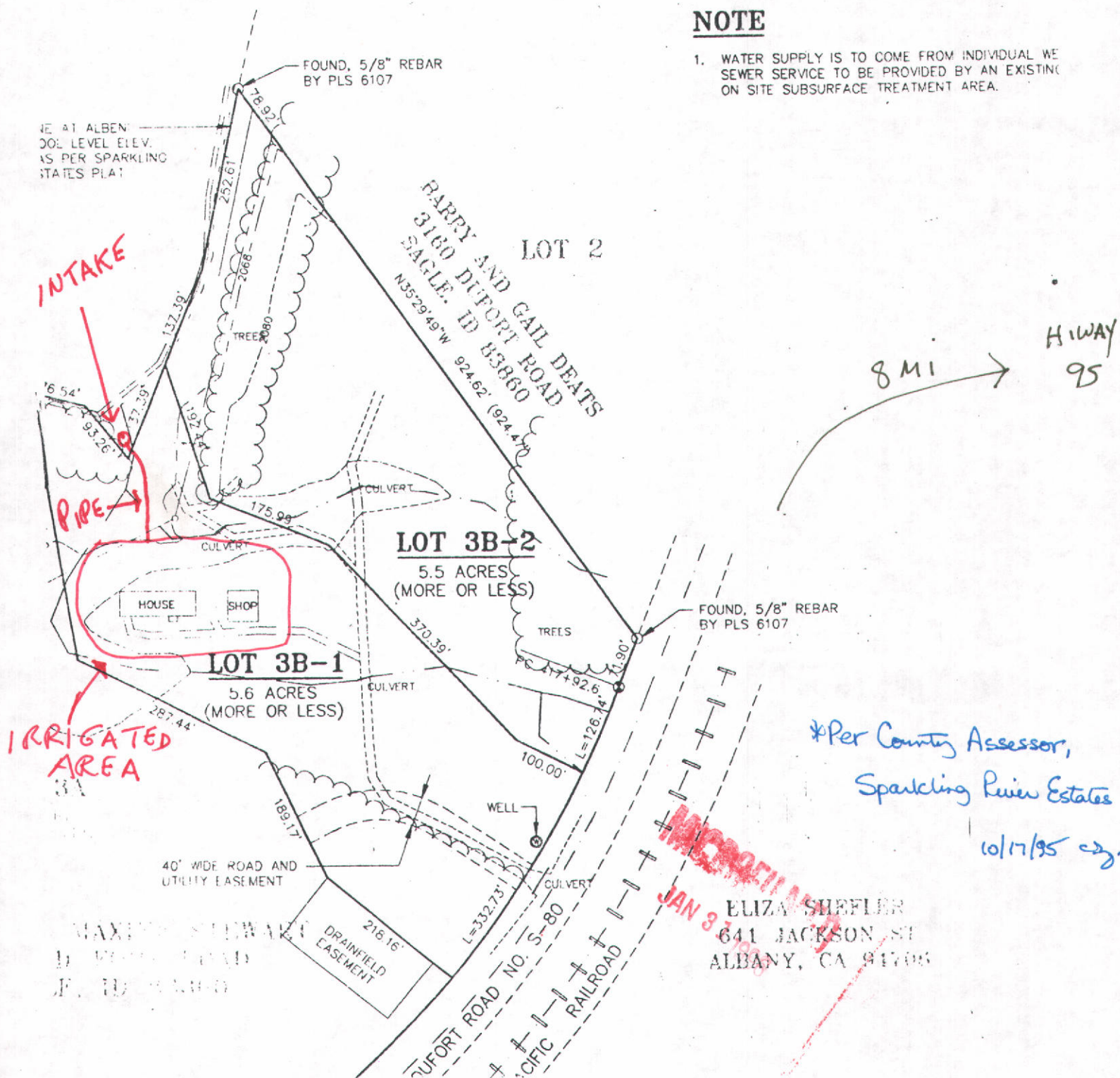
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APR 10 1997

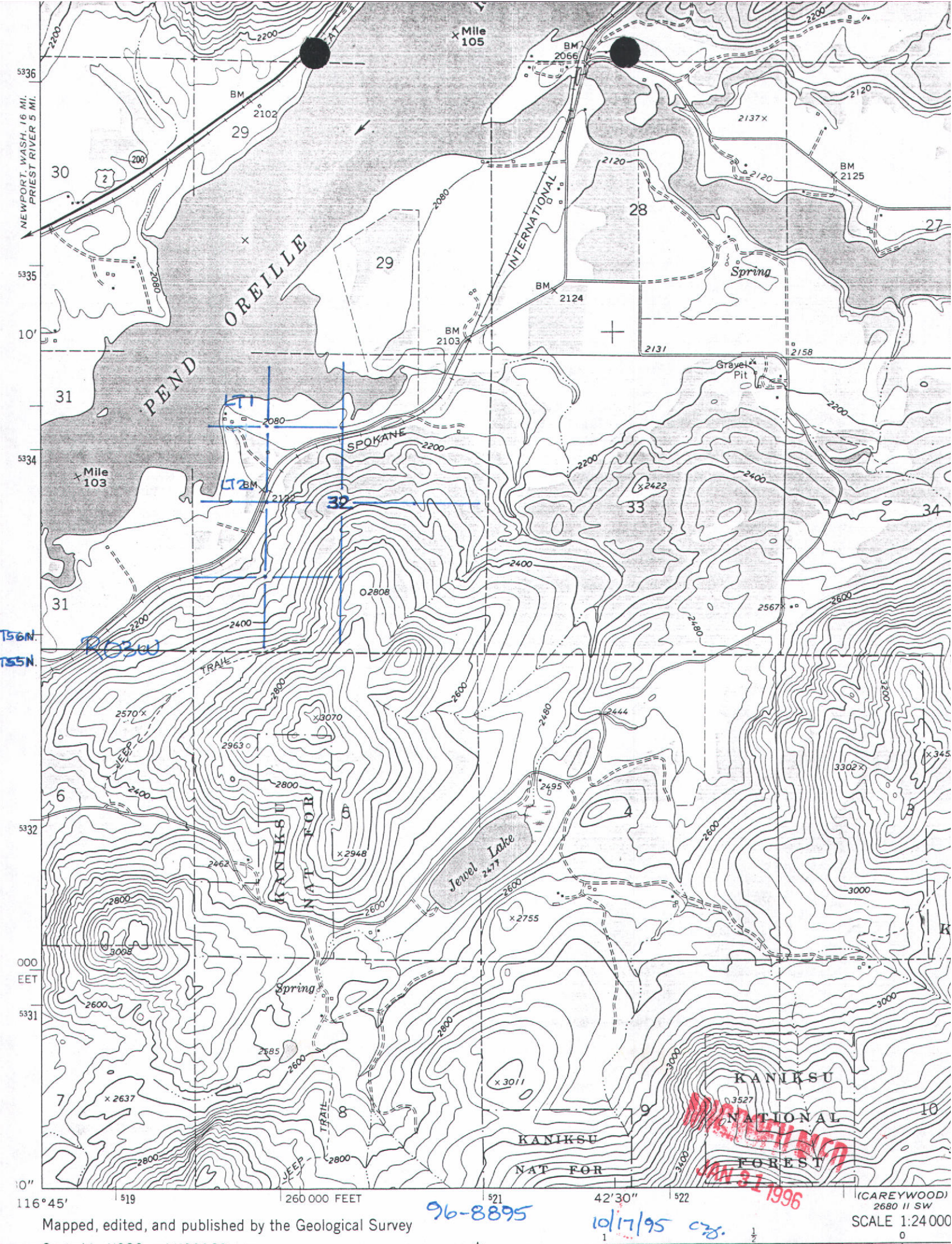
F THE REPLAT OF LOT 3 OF THE
G RIVER ESTATES

120 60 0 120 240

SCALE IN FEET
1" = 120'

1. WATER SUPPLY IS TO COME FROM INDIVIDUAL WELLS. SEWER SERVICE TO BE PROVIDED BY AN EXISTING ON SITE SUBSURFACE TREATMENT AREA.





APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 96-8895 Name: Stewart Date: 10/17/95 Ad OK? ☒
Correct Fee? ☒ Receipt #: N9372 Priority: 8/17/95 ☒ 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) - 007-P07 (w/remark WB9), 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. Existing~~ - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - _____ <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: - OPU = LT 3 B1, Sparkling River Estates.

BENEFICIAL USE DUE: - 10-1-1996

COMMENTS: _____

AFFIDAVIT OF PUBLICATION

State of Idaho

SS.

County of Bonner,

Darlene Bennett

being duly sworn, says that he is the Office mgr
of the PRIEST RIVER TIMES, a weekly newspaper printed and
published at Priest River, Bonner County, Idaho, and has been con-
tinuously and uninterruptedly published in said County during a period
of 78 consecutive weeks prior to the first publication of the annexed
notice for publication, is a newspaper of general circulation made up of
at least eight pages of at least six columns each, printed from typemat-
erial or stereotyped forms of at least nineteen and three-fourths inches
depth, has at least 1250 bona fide subscribers living within said Bonner
County, and is published at regular weekly intervals. That the annexed
is a true copy of the notice for publication in the case of

#1924-Stewart 96-08895

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 6th day of September, 1995
and ending on the 13th day of September, 1995

and that said notice was published in said newspaper.
On this 13th day of September in the year
of 1995, before me, a Notary Public, personally
appeared Darlene Bennett,
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.

Linda Hamer
Notary Public for Idaho

Residing at Priest River Id

My commission expires: 1999

NOTICE OF APPLICATION
FOR WATER RIGHT
The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

96-08895 (ok)

STEWART, EDWIN L
STEWART, MAXINE E
3170 DUFORT ROAD
SAGLE, ID 83860
Source: PEND OREILLE RIVER
Tributary: COLUMBIA RIVER
Diversion Pt: SWNW Sec 32 T 56N R
03W in BONNER County.
Use: IRRIGATION (0.030 CFS)
Total Diversion: (0.030 CFS)
Date Filed: 8/17/1995
In: BONNER County
T56N R03W S32 SWNW NWSW
1.0 ACRES TOTAL

97-07365

STOECKERT, KARL R
STOECKERT, CINDI R
754 W. LACEY
HAYDEN LAKE, ID 83835
Source: PRIEST RIVER
Tributary: PEND OREILLE RIVER
Diversion Pt: NENE Sec 17 T 58N R
04W in BONNER County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 8/9/1995
In: BONNER County
T58N R04W S17 NENE

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, Ida-
ho 83814, together with a protest fee
of \$25.00 on or before SEPTEMBER
25, 1995.

KARL J. DREHER, Director
#1924 PRT Sept. 6, 13, 1995

RECEIVED
OCT 04 1995
NORTHERN REGION
IDWR

RECEIVED
JAN 31 1996

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-08895

Priority: August 17, 1995

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

3.0 AF

This is to certify, that EDWIN L STEWART
MAXINE E STEWART

3170 DUFORT RD
SAGLE ID 83860

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 17, 1995; and has submitted Proof of Beneficial Use on October 26, 1995. An examination indicates that the works have a diversion capacity of 0.030 cfs of water from:

PEND OREILLE RIVER tributary to COLUMBIA RIVER

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>
IRRIGATION	03/15 to 11/15	0.03 CFS	3.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 2 (SWNW), Sec. 32, Township 56N, Range 03W
BONNER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
56N	03W	32	Lot 2(SWNW) 0.5	NWSW 0.5		1

Total number of acres irrigated: 1

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. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.0 afa per acre for lands above.
6. Place of use is located within Lot 3B-1, Sparkling River Estates

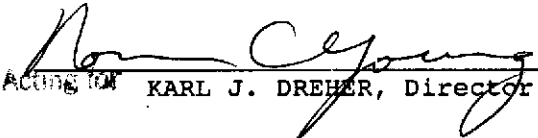
RECORDED
10 1997

State of Idaho
Department of Water Resources

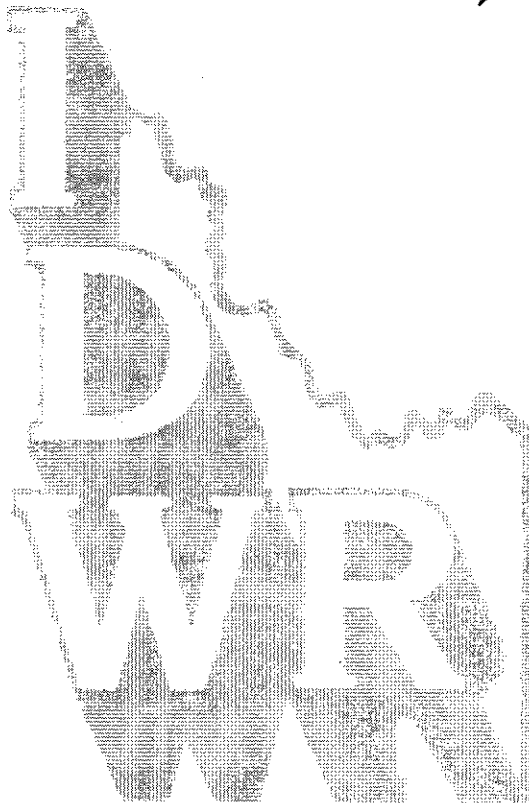
WATER RIGHT LICENSE

WATER RIGHT NO. 96-08895

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 11TH
day of FEBRUARY, 1997.



ACTING FOR KARL J. DREHER, Director



MICROFILMED

APR 10 1997

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Department of Fish and Wildlife **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. 96-08895 Telephone No. (208) 265-4408
2. Name(s) of Permit Holder(s): EDWIN L. AND MAXINE E. STEWART
3. Mailing Address: 3170 DUFORT ROAD, SAGLE, ID 83860
4. Source of Water: PEND OREILLE RIVER 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): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): ONE Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.03 cfs OR 0.3 acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
- | | | |
|-------------------------------|--|--------------------------|
| Measuring Device: | Is a measuring device required? | Yes _____ or No <u>X</u> |
| | 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: ED STEWART Telephone Number: (208) 265-4408
- Address: 3170 DUFORT ROAD, SAGLE, ID 83860

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: Edwin L. Stewart Date: 10/24/91
(Include your title, if on behalf of company or organization)

JAN 31 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 96-08895

Proposed Priority: August 17, 1995 Maximum Diversion Rate: 0.03 CFS

This is to certify, that EDWIN L STEWART
MAXINE E STEWART
3170 DUFORT RD
SAGLE ID 83860

has applied for a permit to appropriate water from:
PEND OREILLE RIVER tributary of COLUMBIA RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 2(SWNW), Sec. 32, Township 56N, Range 03W
BONNER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
56N	03W	32	Lot 2(SWNW) 0.5	NWSW 0.5		1.0

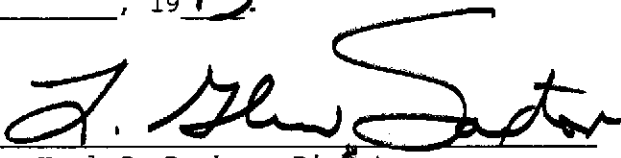
Total number of acres irrigated: 1.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1996.
2. Subject to all prior water rights.
3. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
4. Place of use is located within Lot 3B-1, Sparkling River Estates.

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

18th day of October, 1995


for Karl J. Dreher, Director

JAN 31 1996

RECEIVED
OCT 12 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 96-8895

Department of Water Resources

To appropriate the public waters of the State of Idaho

MAXINE E.

1. Name of applicant EDWIN L. STEWART +/OR STEWART Phone (208) 265 4408

Post office address 3170 DUFORT ROAD, SAGLE, ID 83860

2. Source of water supply PEND ORELLERIVER which is a tributary of COLUMBIA R

3. Location of point of diversion is _____ 1/4 of SW 1/4 of NW 1/4, Govt. Lot 2

Sec. 32 Township 56 N Range 3 WEST B.M. BONNER County; additional

points of diversion if any: NONE

4. Water will be used for the following purposes:

Amount 0.03 CFS for IRRIGATION purposes from MAR 15 to NOV 15 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) 0.03 CFS and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 1.1 KW (1.75 HP) ELECTRIC
PUMP W 2" PIPE LINE

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? NO

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

Well was drilled for (well owner) _____

JAN 31 1996

7. Time required for the completion of the works and application of the water to be proposed beneficial use is

1 yr now in use years (minimum 1 year).

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

[illegible]

Total number of acres to be irrigated ONE

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

11. a. Who owns the property at the point of diversion? EDWIN L. + MAXINE E. STEWART

- b. Who owns the land to be irrigated or place of use? EDWIN L. + MAXINE E. STEWART

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

applicant to make this filing.

12. Remarks: INSTRUCTIONS SAY .02 CFS / ACRE ON

marks: INSTRUCTIONS SAY .02 CFS/ACRE ON THE PHONE I WAS TOLD .03 CFS/ACRE. IF THAT IS TRUE CHANGE MY APPLICATION TO .03 CFS. THANK YOU! JS

LEGAL DESCRIPTIONS DETERMINED BY ROW FROM THE BANK

CO. ASSASSIN'S OFFICE. 8/18/95

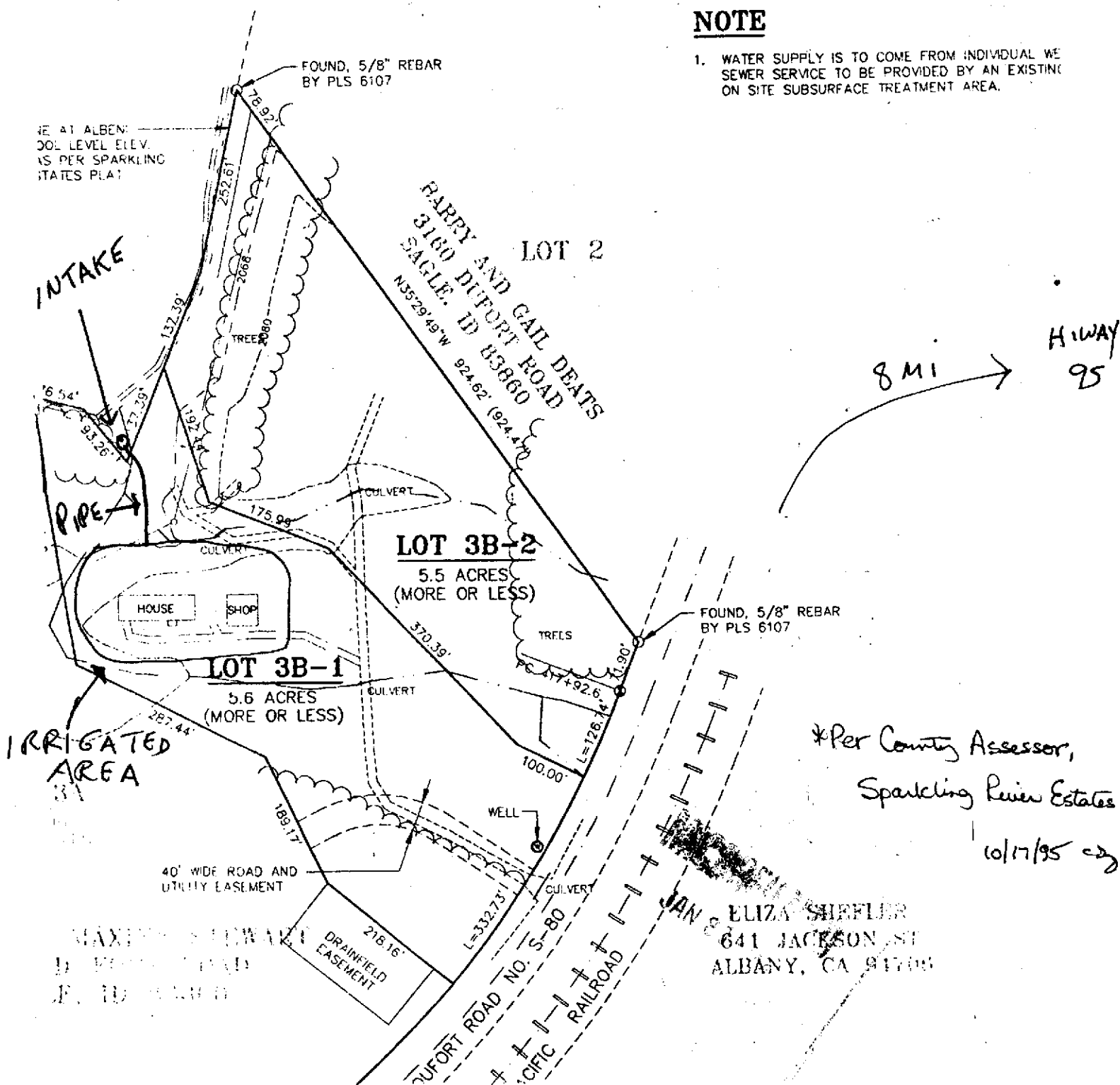
F THE REPLAT OF LOT 3 OF THE
* *G RIVER ESTATES*

120 60 0 120 240

SCALE IN FEET

1" = 120'

1. WATER SUPPLY IS TO COME FROM INDIVIDUAL WELLS. SEWER SERVICE TO BE PROVIDED BY AN EXISTING ON SITE SUBSURFACE TREATMENT AREA.



JAN 31 1996

e. Other:

permit.

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

Publication approved _____

Publication prepared by _____

Date _____

Published in _____

Date _____

Preliminary check by _____

Time _____

Date _____

Received by _____

245

5202

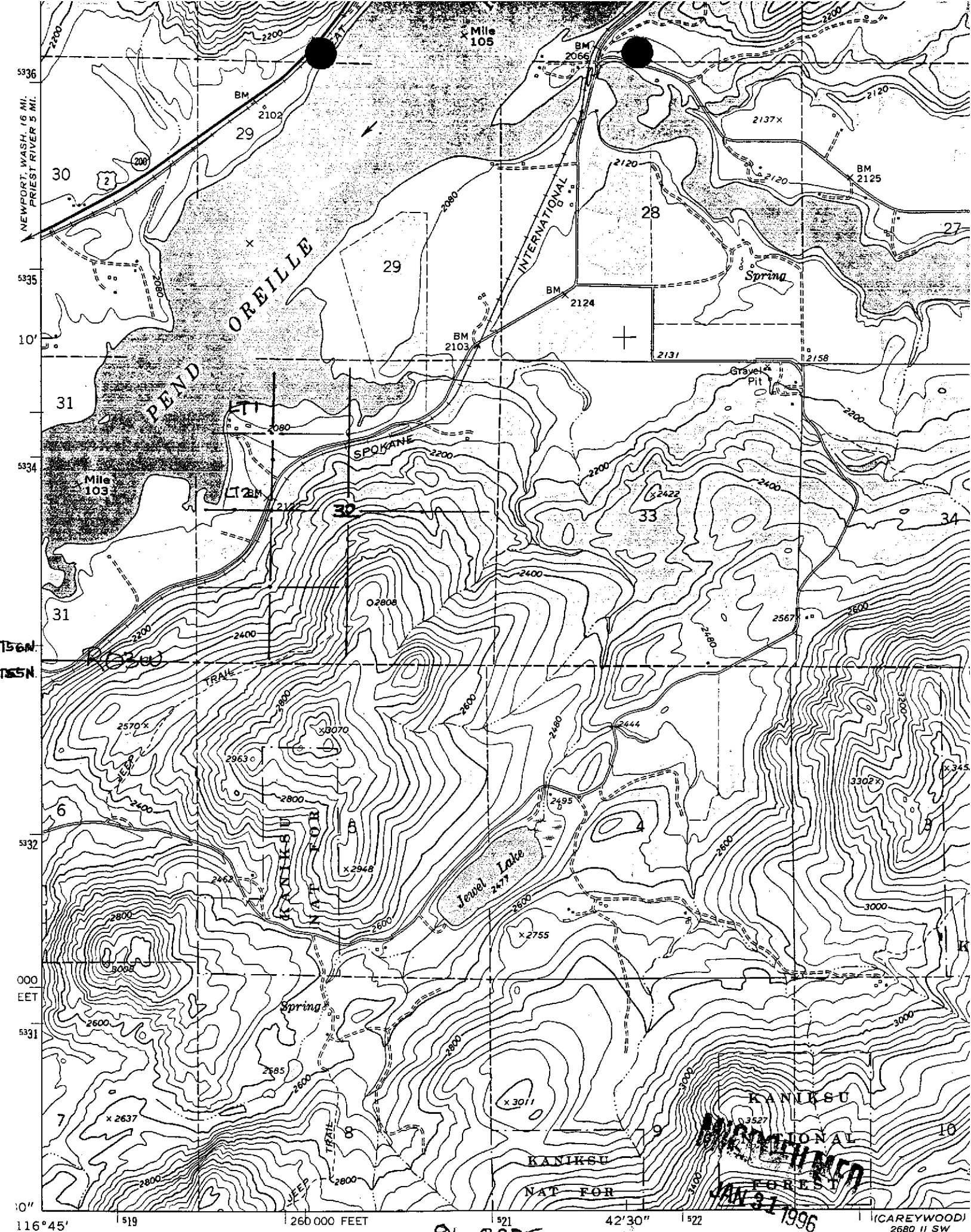
Received by _____

Fee \$ _____

8/17/95

9/6-13/95

Date 10/5/95



5336
5335
10'
5334
156N
55N
5332
000
EET
5331
10''



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

February 12, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

EDWIN L. STEWART
MAXINE E. STEWART
3170 DUFORT RD
SAGLE ID 83860

RE: WATER RIGHT NO. 96-08895

Dear Water Right Holders:

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 within fourteen (14) days after issuance 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.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SWK:pah

c: Northern Region

Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the **12th** day of **February, 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. 96-08895

**EDWIN L. AND MAXINE E. STEWART
3170 DUFORT RD
SAGLE ID 83860**



Patti Harrell
Secretary

LICENSE REVIEW CHECKLIST

PERMIT NO. 96-08895

DATE 2/3/97

REVIEWER: SHARLA

NAME Change OK

Address Change NO

SOURCE Change OK

Is change clarification of originally intended source? NO

POINT OF DIV Change OK

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

PLACE OF USE Change OK

Amendment required NO

Does map agree with written description? yes no

OVERLAPS P/D P/U

96-02257 7 1/2 hp (Fox, John)
adjacent across to west
looked at file

RATE OF DIV

Permitted Rate .03 cfs

Fee limit .20 cfs \$5000

Measured .03 cfs 5th mainline @ 2pm = .02 (irrig)

Theoretical .04 cfs @ 40 psi and 30' lift

Recommended Total Div Rate .03 cfs

ANNUAL VOLUME/

NATURE OF USES Use

Use

Ir.

Volume Calculation

1 X 3.0 = 3.0 af

af

af

af

af

SUBTOTAL 3.0 af

Flow rate .03 cfs X 246 days X 1.9835 = 14.6 af

Total volume recommended 3.0 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

P/U: Lot 3B-1, Sparkling
River Estates.

CONDITIONS Watermaster Control WD#

GW Measurement/Measuring Device

R99 Overlap

Use-specific conditions

Advancement of Priority Date Required yes no

SRBA Claim Filed N/A
Adjustment Memo N/A

1st Amend Letter N/A
2nd Amend Letter N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP 19 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 96-08895

1. Owner: Edwin L & Maxine E Stewart Phone No. (208) 265-4408

Current Address: 3170 DuFort Rd Eagle Id. 83860

2. Accompanied by: Edwin Stewart EXAM DATE: 9-4-96

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: Pond Oreille River tributary to Columbia River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 96-02257

2. Other water rights with the same point of diversion: 96-02257

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
	02		SW	NW	32	56N	03W		

2. Place(s) of Use:

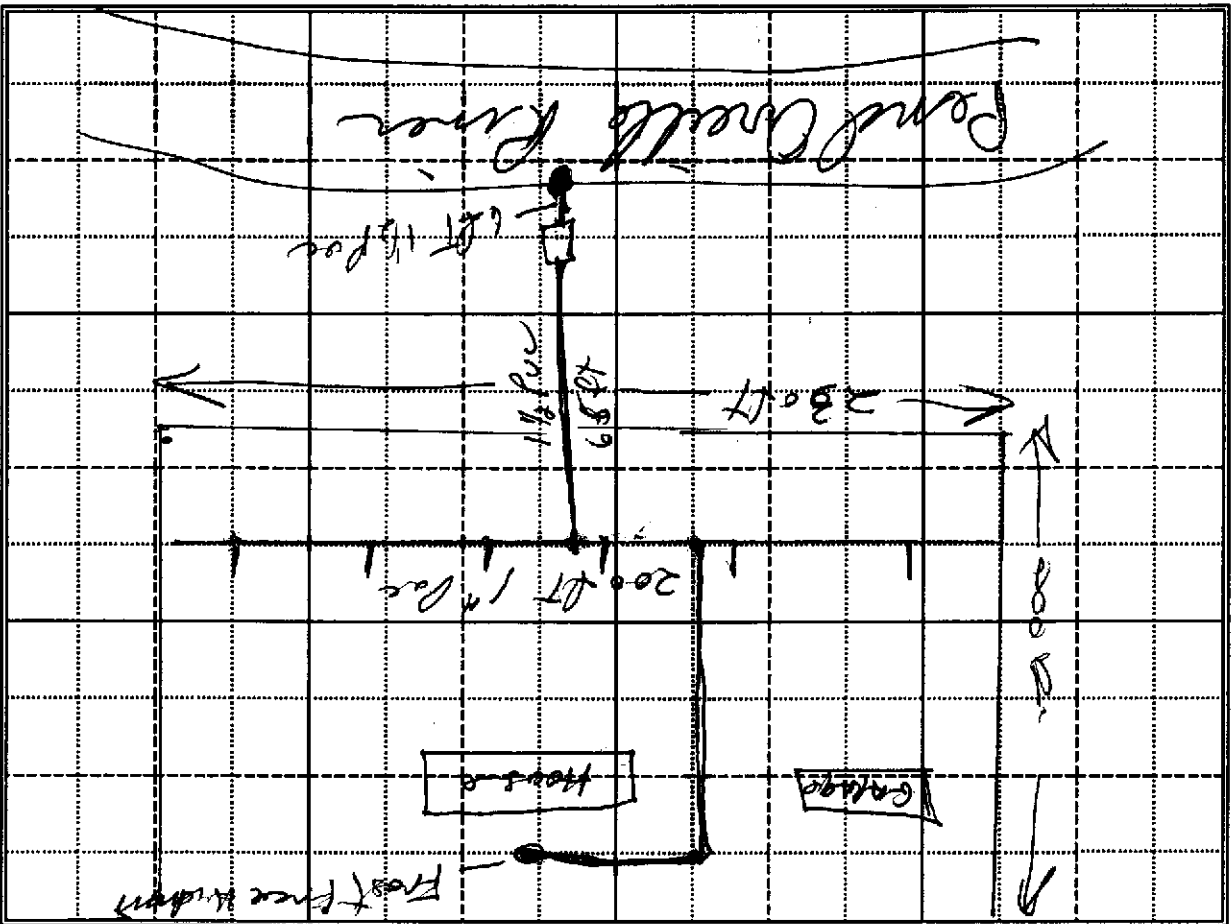
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	03W	32						0.5			0.5								1

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

4.

Well or Diversion Identification No. *	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Flow	3/4		Flow	1.5

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

D. FLOW MEASUREMENTS

1.

2. Measurements:

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

INFORMED

APR 18 1967

E. NARRATIVE/REMARKS/COMMENTS

Stream river up to irrigated area approx
30 FT rise. Back portion of area is irrigated
with 2900 rain bird sprinklers (5). The
front portion a garden hose is attached
at hydrant with portable lawn sprinkler
and moved around to desired locations.

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

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APR 18 1987

F. FLOW CALCULATIONS

Measured Method:

5 gal bucket Spent 21 sec 214 gpm
 $14 \times 1.33681 = 0.03685$
 60

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1 \times 3 = 3$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .03 \times 245 \times 1.9835 = 14.6$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 3$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Benjamin

Period of Use
 From 03-15
 To 11-15

Rate of Diversion

Q (cfs)
 .03

Annual Volume

V (ata)
 3

2. Recommended Amendments

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

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

I. AUTHENTICATION

Field Examiner's Name

Wayne Baker
 Date 9-13-96

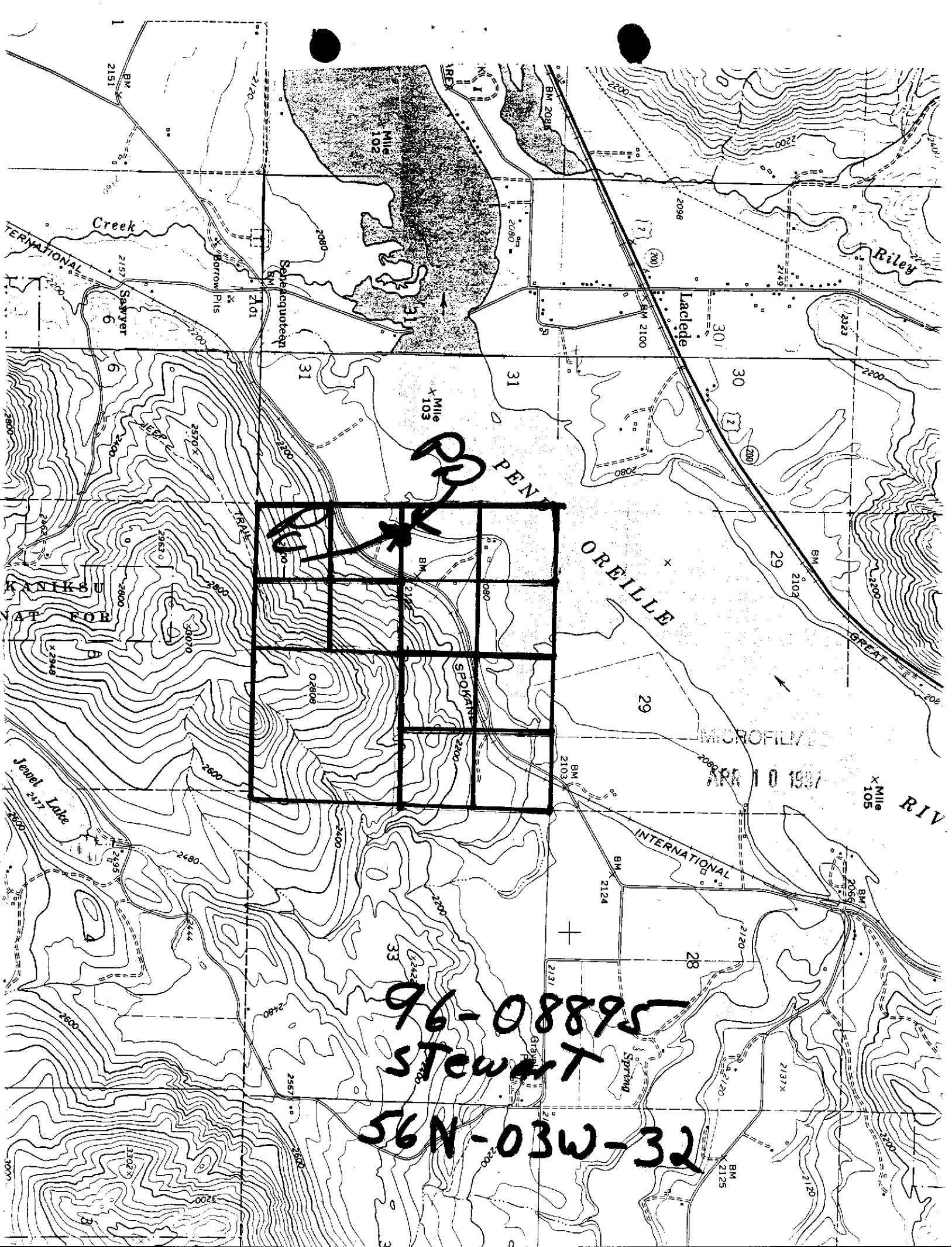
Date

Reviewer

SEAL

APR 18 1997

RECORDED



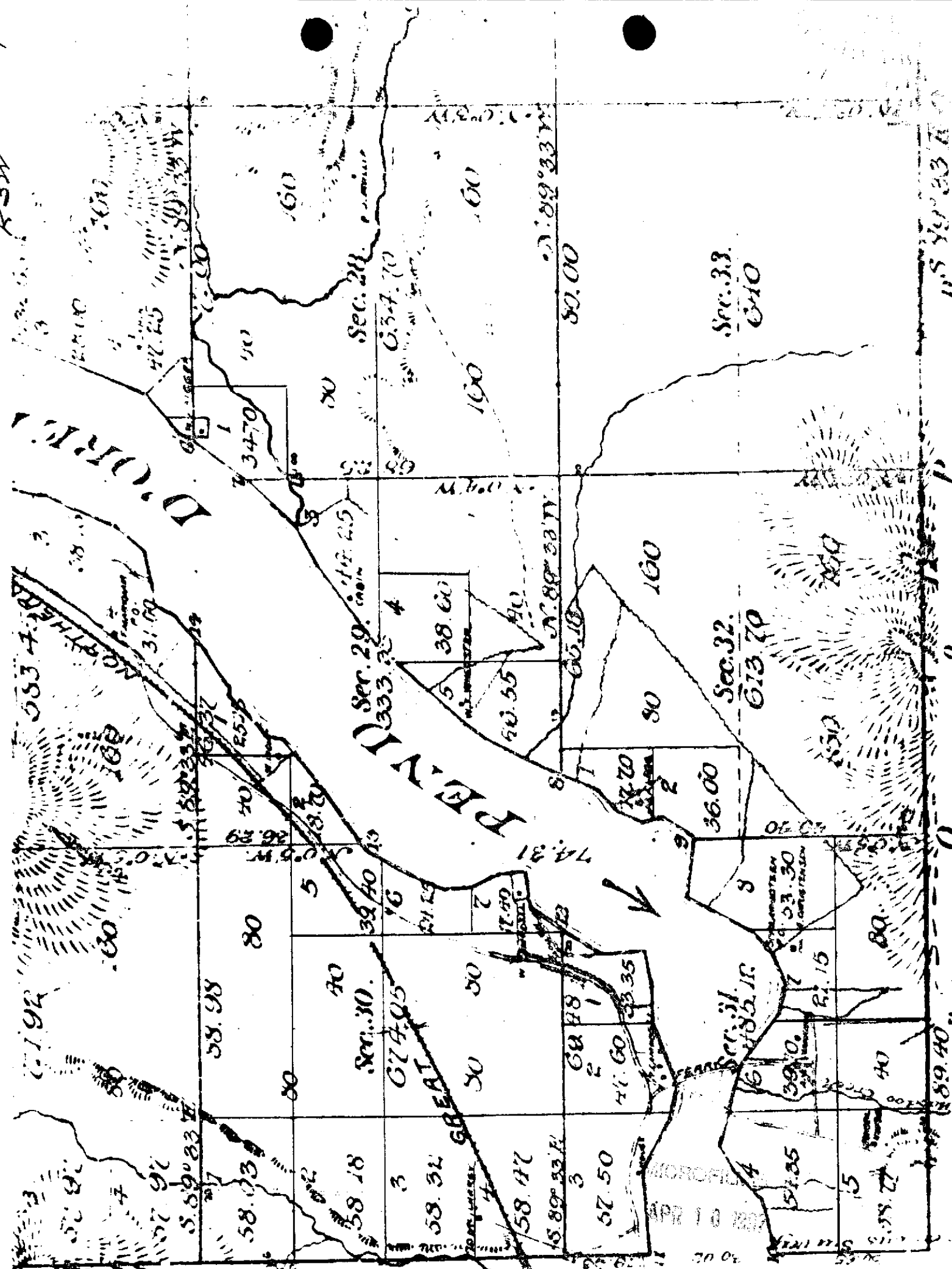
P

APR 10 1987

96-08895
Stewart
56N-03W-32

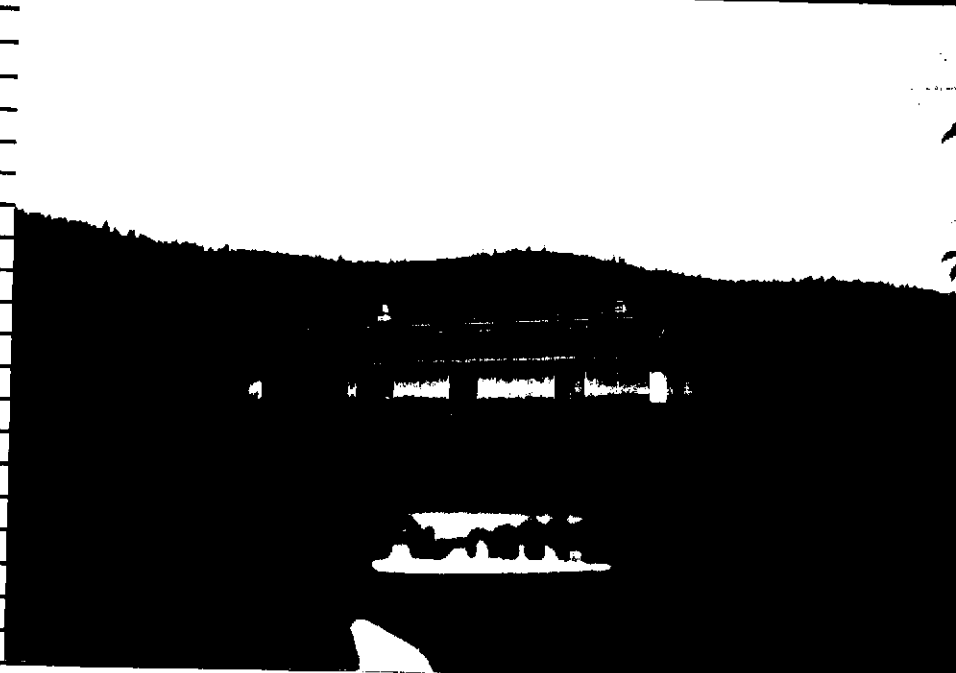
R3W

T



#96-08895

Pump



96-08895

MICROFILMED

APR 10 1987

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 96-08895 Reviewed by [Signature] Date 11-3-95

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? irr.
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? no Required?
50.00 Amount Submitted
yes Correct? Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received	_____
Date proof due	_____
No. of days late	_____
Priority Date	_____
New Priority Date	_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____ Proof Made 10-26-95

November 6, 1995

EDWIN L STEWART
MAXINE E STEWART
3170 DUFORT RD
SAGLE ID 83860

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-08895

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

RECEIVED
JAN 31 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

October 18, 1995

EDWIN L STEWART
MAXINE E STEWART
3170 DUFORT RD
SAGLE ID 83860

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-08895

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.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

JAN 31 1996

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 96-8895 Name: Stewart Date: 10/17/95 Ad OK? ☒
Correct Fee? ☒ Receipt #: N9372 Priority: 8/17/95 ☒ 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) - 007-P07 (w/remark WB9), 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. EXISTING~~ - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - <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: - OPU = LT 3 Bl, Sparkling River Estates.
BENEFICIAL USE DUE: - 10-1-1996
COMMENTS: _____

No. a
4/87-06/92n

I D DEPARTMENT OF WATER RESOURCE
APPROPRIATION APPLICATION ANALYSIS SHEET

LWR1
Be
H. K. Lays

APPLICATION # 96-8895

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

APPLICANT: STEWART STEWART BY: BJ DATE: 8/17/95

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
13. (X) Map
(X) Signature
(X) Fee (Amt, recpt, acknowledgment)

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

PROCESSING

Yes No PRIORITY DATE: 8/17/95

X (Include Moratorium Remark)

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

PT/Wed/ok
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

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 # _____

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

(Yes) (No) Checked by: _____ Date: ____/____/____
Remarks: _____
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?
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
10/4 10/5 9/1 X Affidavit of publication received
X Application published correctly, If not, record action taken: _____
____ Publication dates and paper recorded on application | Sr. Agent initial BJ
X Protests received. Final protest date: 9/25/95
X Measuring device required
X Measuring port required
X Special conditions: _____
X Special conditions of approval _____ and/or cover letter attached:

Approval Recommended by: BJ **RECEIVED** Date: 10/5/95
OCT 12 1995

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Darlene Bennett

being duly sworn, says that he is the Office mgr

of the **PRIEST RIVER TIMES**, a weekly newspaper printed and

published at Priest River, Bonner County, Idaho, and has been con-

tinuously and uninterruptedly published in said County during a period

of 78 consecutive weeks prior to the first publication of the annexed

notice for publication, is a newspaper of general circulation made up of

at least eight pages of at least six columns each, printed from typewritten

or photostated forms of at least nineteen and three-fourths inches

depth, has at least 1250 bona fide subscribers living within said Bonner

County, and is published at regular weekly intervals. That the annexed

is a true copy of the notice for publication in the case of

#1924-Stewart 96-08895

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

said paper for a period of 2 consecutive weeks,

commencing on 6th day of September, 1995

and ending on the 13th day of September, 1995

and that said notice was published in said newspaper.

On this 13th day of September in the year

of 1995, before me, a Notary Public, personally

appeared Darlene Bennett,

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.

**NOTICE OF APPLICATION
FOR WATER RIGHT**
The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

96-08895
STEWART, EDWIN L
STEWART, MAXINE E
3170 DUFORT ROAD
SAGLE, ID 83860
Source: PEND OREILLE RIVER
Tributary: COLUMBIA RIVER
Diversion Pt: SWNW Sec 32 T 56N R
03W in BONNER County.
Use: IRRIGATION (0.030 CFS)
Total Diversion: (0.030 CFS)
Date Filed: 8/17/1995
In: BONNER County
T56N R03W S32 SWNW NWSW
1.0 ACRES TOTAL

97-07365
STOECKERT, KARL R
STOECKERT, CINDI R
754 W. LACEY
HAYDEN LAKE, ID 83835
Source: PRIEST RIVER
Tributary: PEND OREILLE RIVER
Diversion Pt: NENE Sec 17 T 58N R
04W in BONNER County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 8/9/1995
In: BONNER County
T58N R04W S17 NENE

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, Ida-
ho 83814, together with a protest fee
of \$25.00 on or before SEPTEMBER
25, 1995.

KARL J. DREHER, Director
#1924 PRT Sept. 6, 13, 1995

RECEIVED

OCT 04 1995

NOTARY PUBLIC
IDWR

JAN 31 1996

Notary Public for Idaho.

Residing at

My commission expires:

Priest River, Id

1999

96-08895

STEWART, EDWIN L
STEWART, MAXINE E
3170 DUFORT ROAD
SAGLE, ID 83860

Source: PEND OREILLE RIVER

Tributary: COLUMBIA RIVER

Diversion Pt: SWNW Sec 32 T 56N R 03W in BONNER County.

Use: IRRIGATION	(	0.030 CFS)
Total Diversion:	(	0.030 CFS)

Date Filed: 8/17/1995

In: BONNER County		
T56N R03W S32	SWNW	NWSW

1.0 ACRES TOTAL

JAN 31 1996

August 30, 1995

Edwin L. and/or Maxine E. Stewart
3170 Dufort Road
Sagle, ID 83860

Subject: Water Appropriation Application for Permit Number 96-08895

Dear Mr./Mrs. Stewart:

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. Enclosed is Receipt Number N009372. To assist us in providing you with prompt, accurate service, please refer to the above Application for Permit Number in all future matters concerning this water right application.

Your Application for Permit is currently being prepared for advertising in the local county newspaper. The advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for submittal of protests.

If your application is not protested, it will be forwarded to Boise for processing. Normal processing time is approximately 3 to 4 months, if the application is not protested. If your Application for Permit is protested, 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 your Application for Permit can be approved. If the protest is not resolved, 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 your Application for Permit is for a well (groundwater) that was constructed after July 1, 1987, you must apply for a well drilling permit upon approval of your Application for Permit if no permit was obtained by previous owners to construct the well. Well Drilling Permits can only be issued by this office to holders of approved Applications for Permit.

If I can be of further assistance, please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resource Agent
Enc. - Receipt

JAN 31 1996