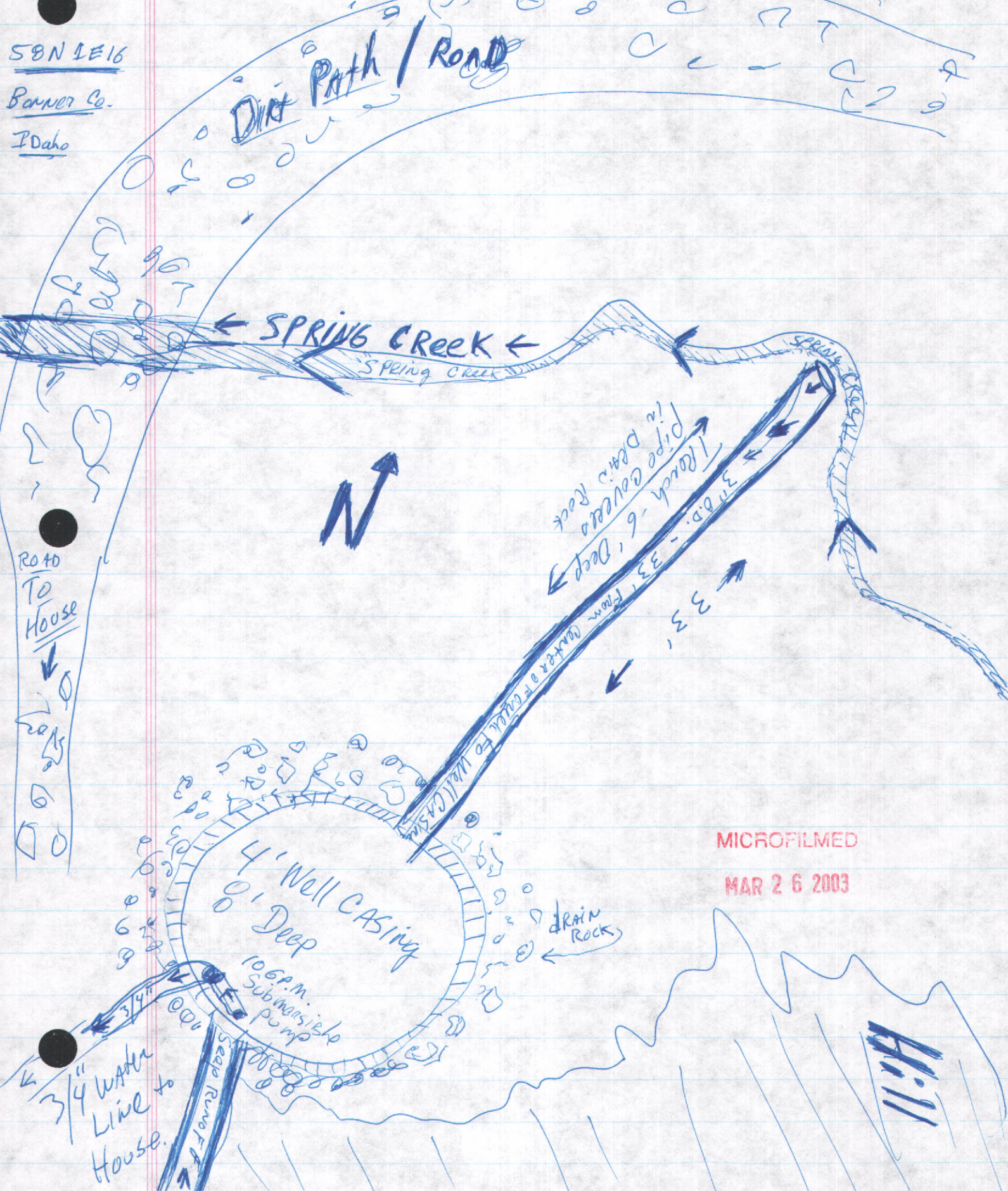


MARK T. CLARK / 623 Sugar Mtn. Rd / Sandpoint, ID.

SN IE16
Banner Co.
Idaho

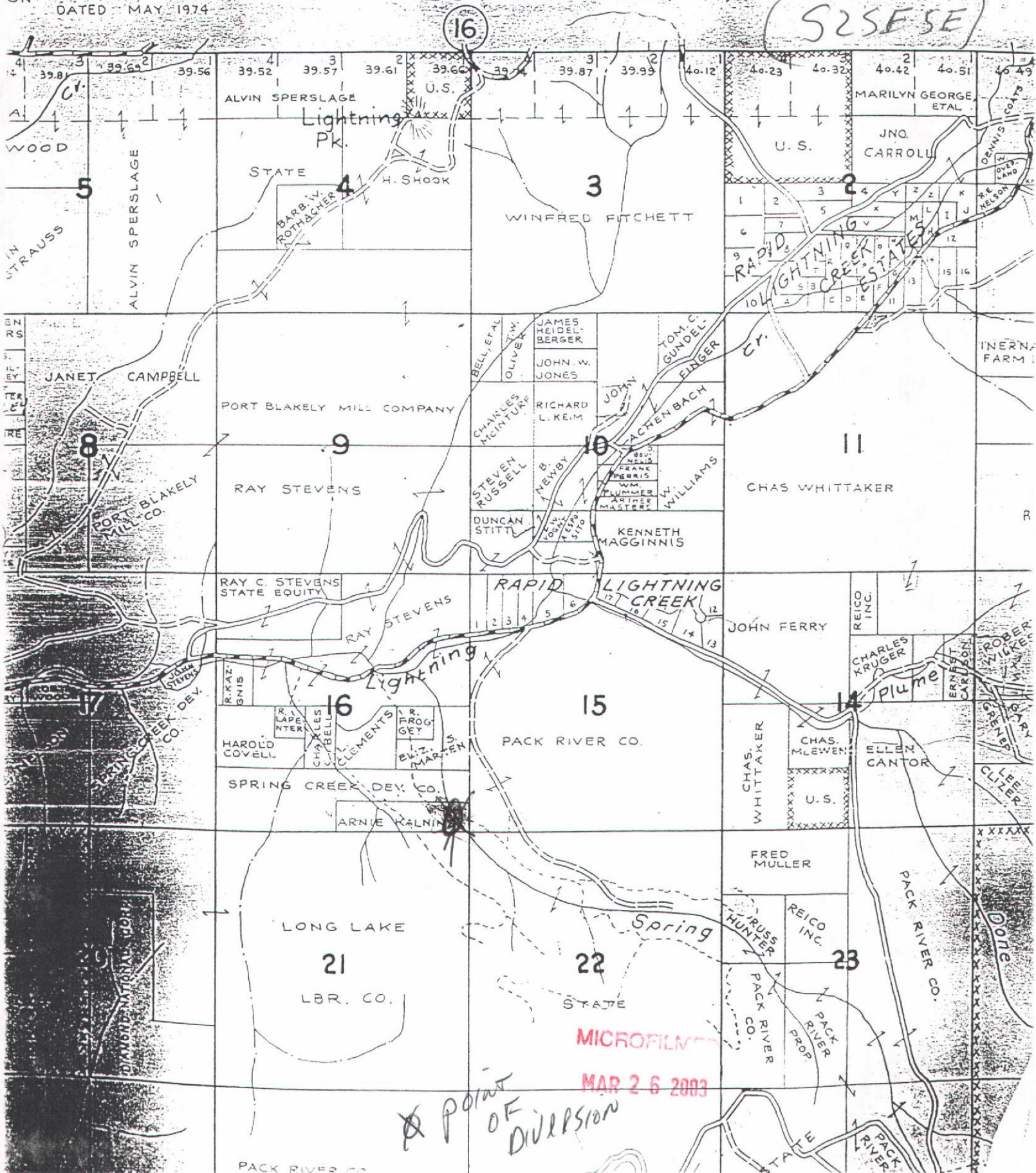


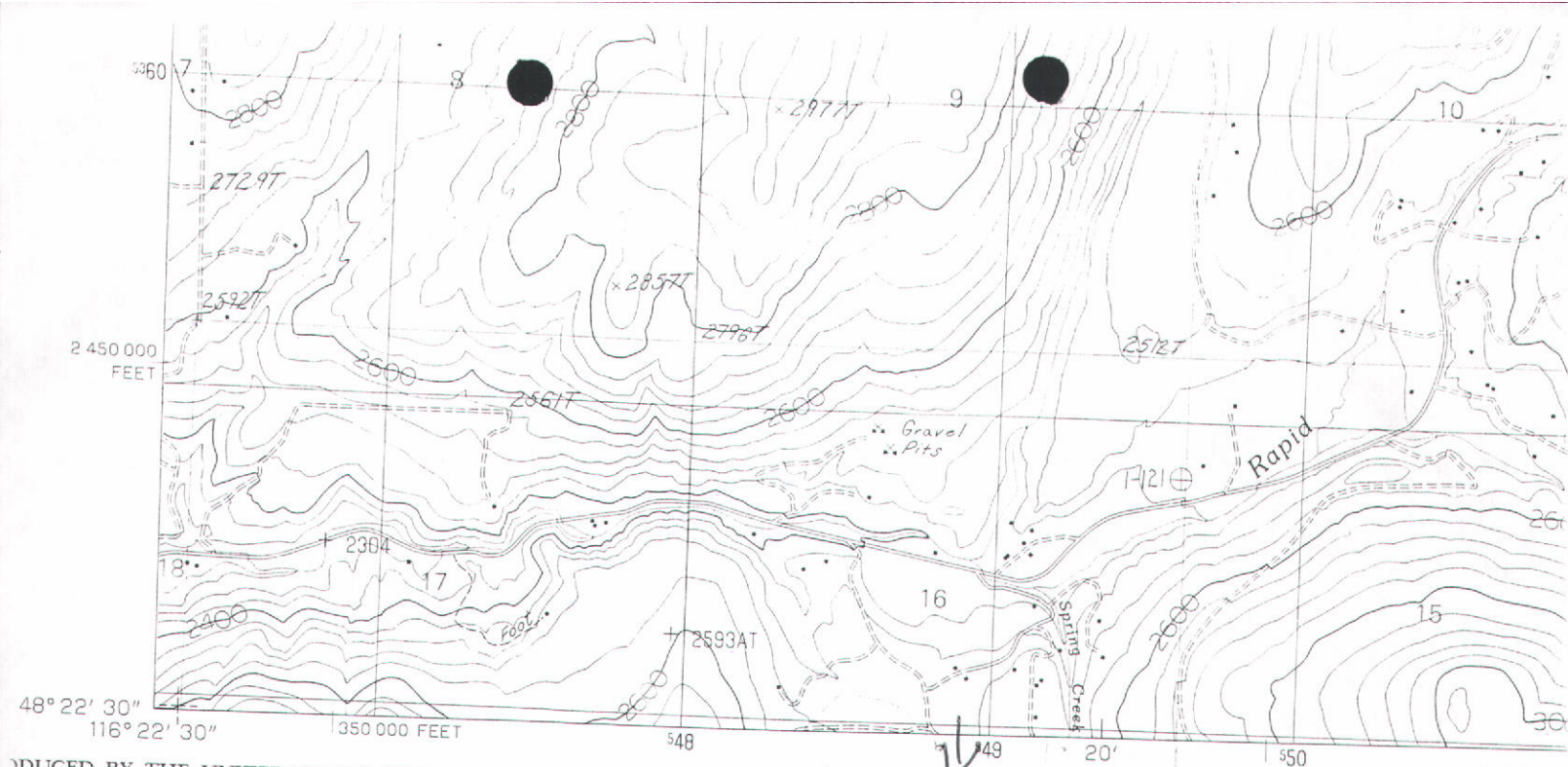
TOWNSHIP 58 N., RANGE 1 E. B

BONNER COUNTY, IDAHO

DATED MAY 1974

(S2SE5E)



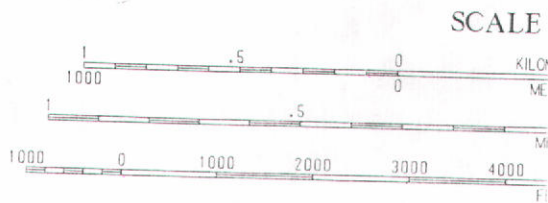


PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
 CONTROL BY USGS, NOS/NOAA
 DERIVED FROM AERIAL PHOTOGRAPHS TAKEN 1986
 CHECKED 1987 MAP EDITED 1989
 PROJECTION TRANSVERSE MERCATOR
 1000-METER UNIVERSAL TRANSVERSE MERCATOR ZONE 11
 10,000-FOOT STATE GRID TICKS IDAHO, WEST ZONE
 GRID DECLINATION 0°31' EAST
 MAGNETIC NORTH DECLINATION 19' EAST
 CALCULATED DATUM NATIONAL GEODETIC VERTICAL DATUM OF 1929
 HORIZONTAL DATUM 1927 NORTH AMERICAN DATUM
 (place on the predicted North American Datum of 1983,
 use the projection lines as shown by dashed corner ticks
 76 meters north and 76 meters east)
 There may be private inholdings within the boundaries of any
 Federal and State Reservations shown on this map
 No distinction made between houses, barns, and other buildings

NORTH

See
 Trout
 Peak
 QUAD

PROVISIONAL MAP
 Produced from original
 manuscript drawings. Infor-
 mation shown as of date of
 photography. 1



CONTOUR INTERVAL

To convert feet to m
 To convert meters to

THIS MAP COMPLIES WITH NATIONAL
 FOR SALE BY U.S. GEOLOGICAL SURVEY
 WASHINGTON, D.C. 20508

Wylie Knob, Trout Peak QUAD

MICROFILMED

MAR 26 2003

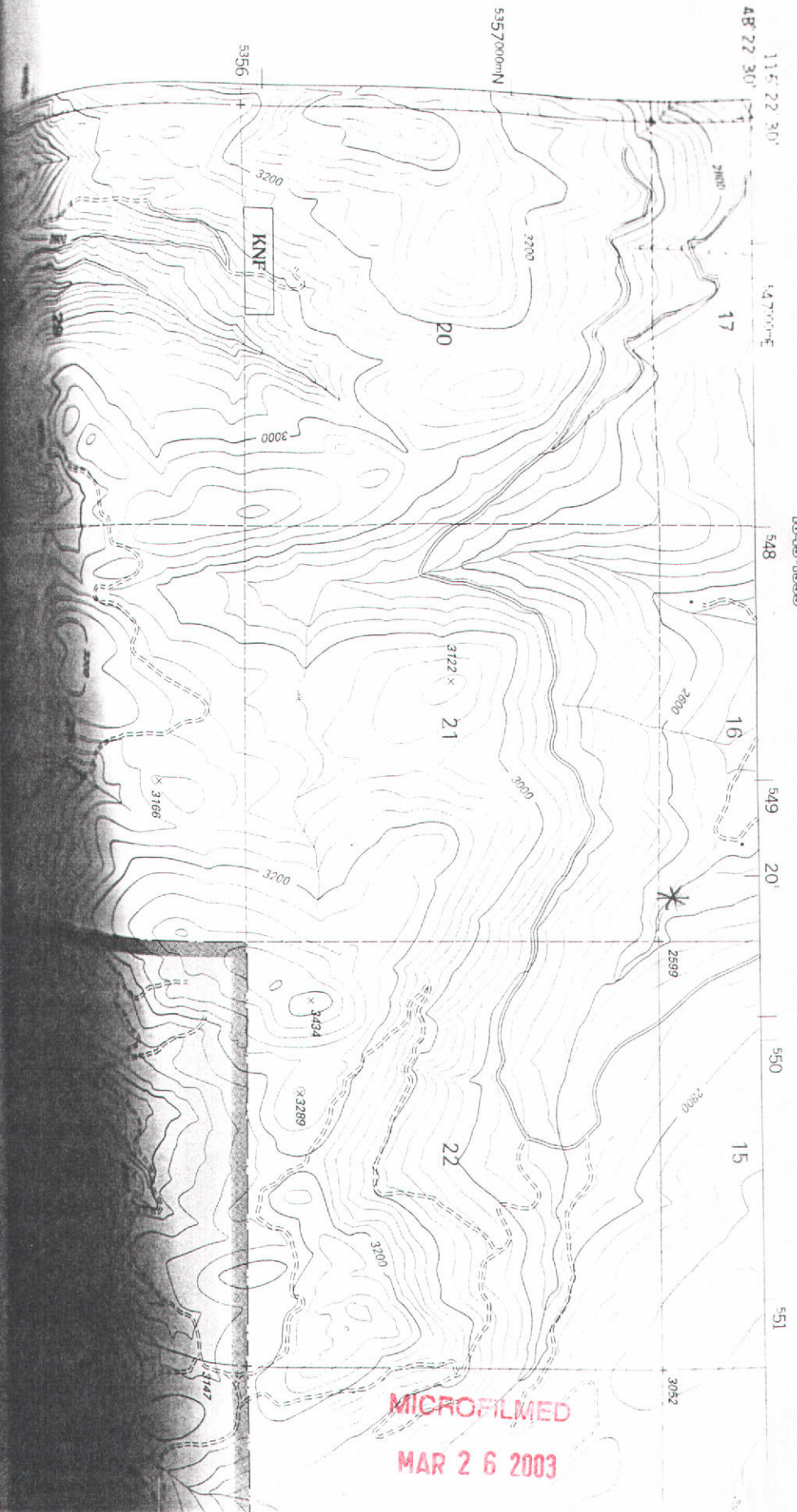
SGS
a changing world

U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



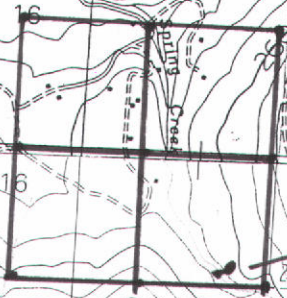
U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

** Diversio Point*



*Thot Peak
Quadrangle
CLARK*

SE SF 58N - 01E Rapid - 16



96-09113

MICROFILMED
JUN 15 2004



p2



Cistern

Forgot photo of House
it's there.

96-09113

MICROFILMED
JUL 5 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
DEC - 9 2002

Department of Water Resources

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

1. Permit No. 96-09113 Telephone No. 208-255-7504
2. Name of Permit Holder(s): MARK T. CLARK
3. Mailing Address: 623 Sugar Mtn. Rd.
City Sandpoint State Id Zip 83864
4. Source of Water: Spring Creek If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
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: .03 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 ✓
8. Fee Enclosed: \$ 50.- (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: MARK T. CLARK Telephone Number: 208-255-7504
Address: 623 Sugar Mtn. Rd. Sandpoint, Id. 83864
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.
- Signature of permit holder: [Signature] Date: 12/2/02
(include your title, if on behalf of company of organization)

MICROFILMED

MAR 26 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09113

Priority: August 20, 2002

Maximum Diversion Rate: 0.03 CFS

This is to certify, that **MARK T CLARK**
623 SUGAR MOUNTAIN RD
SANDPOINT ID 83864

has applied for a permit to appropriate water from:

Source: SPRING CREEK

Tributary: RAPID LIGHTNING 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	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING CREEK SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16, Twp 58N, Rge 01E, B.M. BONNER County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
58N 01E 16																	X	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 1, 2003**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. 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 26th day of November, 2002.


for **KARL J DREHER, Director**

MICROFILMED
MAR 26 2003

70191

Ident. No. 96-9113

RECEIVED

NOV 26 2002

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 MARK T. CLARK Phone 208-255-7504
Mailing address 623 Sugar Mtn. Rd., Sandpoint, ID. 83864
2. Source of water supply Spring Creek which is a tributary of to: Rapio Lightning CR.
3. Location of point of diversion is Township 58N Range 4E Sec. 16 in the 52 SE 1/4, SE 1/4, Govt. Lot , B.M., BONNER County;
additional points of diversion if any:

4. Water will be used for the following purposes:

- Amount ~~0.03 CFS~~ for ~~Domestic~~ purposes from ~~JAN 1~~ to ~~DEC 31~~ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.03 CFS 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)
- 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. Describe type and size of devices used to divert water from the source 3" pipe from Creek to 4' Well casing (See Attached Drawing)

Housing a 10 GPM submersible Gould pump; 3/4" poly pipe to house in a 4' Deep Trench

- b. Height of storage dam N/A feet; active reservoir capacity acre-feet; total
reservoir capacity acre-feet

- c. Proposed well diameter is N/A 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? N/A; Drilling firm ;

Well was drilled for (well owner) ; Drilling Permit No.

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

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

- a. Hydropower; show total feet of head and proposed capacity in kW.
- b. Stockwatering; list number and kind of livestock.
- c. Municipal; show name of municipality.
- d. Domestic; show number of households. ONE (1)
- e. Other; describe fully.

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MAR 26 2003

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
58N	1E	16																D	

Total number of acres to be irrigated N/A

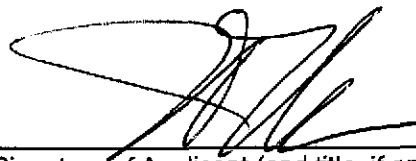
10. Describe any other water rights used for the same purposes as described above. N/A

11. a. Who owns the property at the point of diversion? Charles Kelly, Trustee; Clark/Henderson Trust
b. Who owns the land to be irrigated or place of use? Charles Kelly, Trustee; Clark/Henderson Trust
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Mark T. Clark is a Clark/Henderson Trust Beneficiary

12. Remarks: See enclosed letter from Charles Kelly, Esq. Re: Mark T. Clark, Beneficiary (letter is considered a co-signature)

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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



Signature of Applicant (and title, if applicable)

MICROFILMED

SEP 26 2003

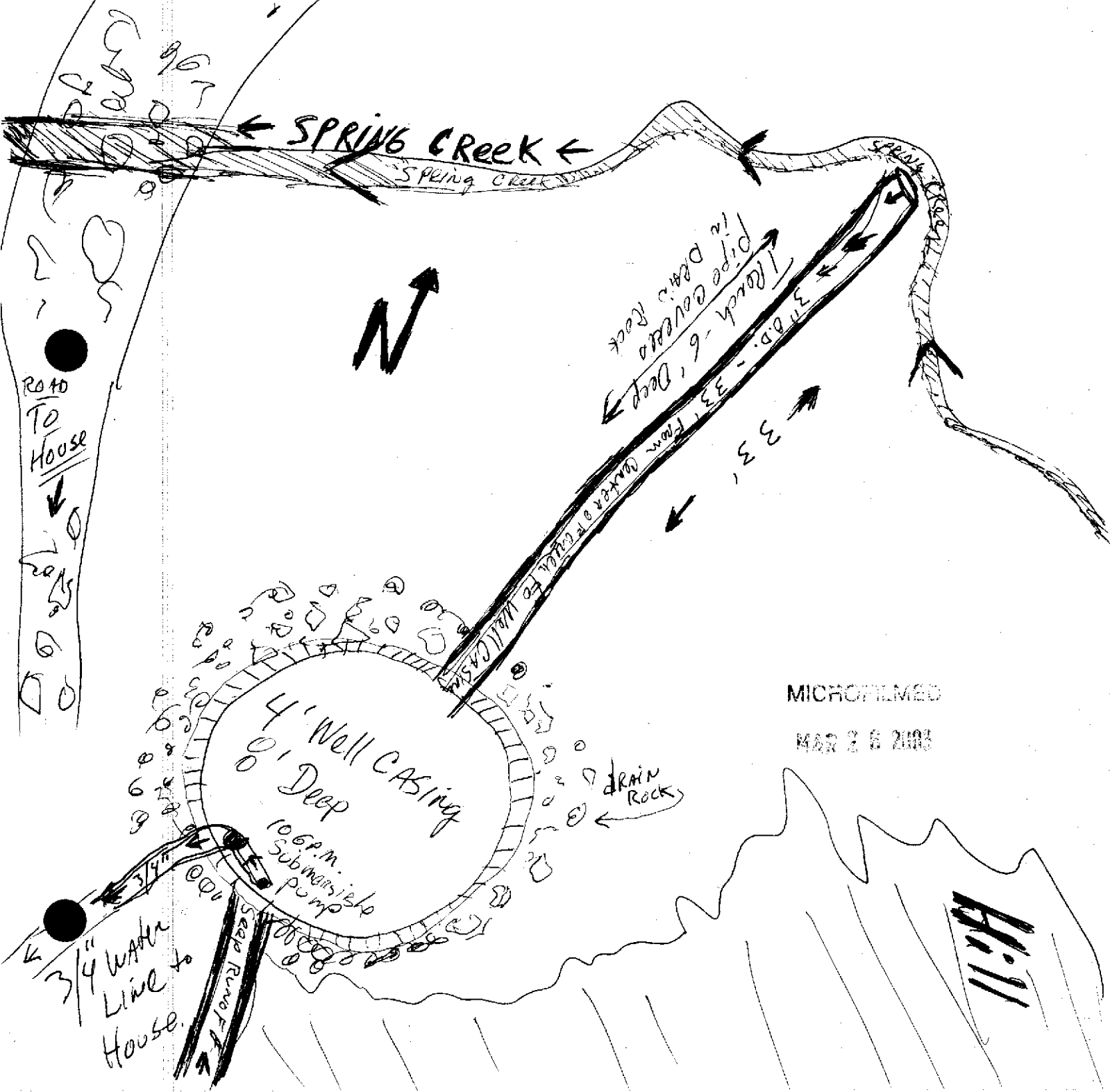
Received by db Date 8/20/02 Time 1:15P Preliminary check by db
Fee \$ 100.00 Receipted by db # N015225 Date 8/20/02
Publication prepared by db Date 10/9/02 Published in Binn & Daily Bee 10/17+24/02
Publication approved _____ Date _____

MARK T. CLARK / 623 Sugar Mtn. Rd / Sandpoint, ID.

SBN 1E16

Banner Co.

Idaho



MICROFILMED

MAR 26 2003

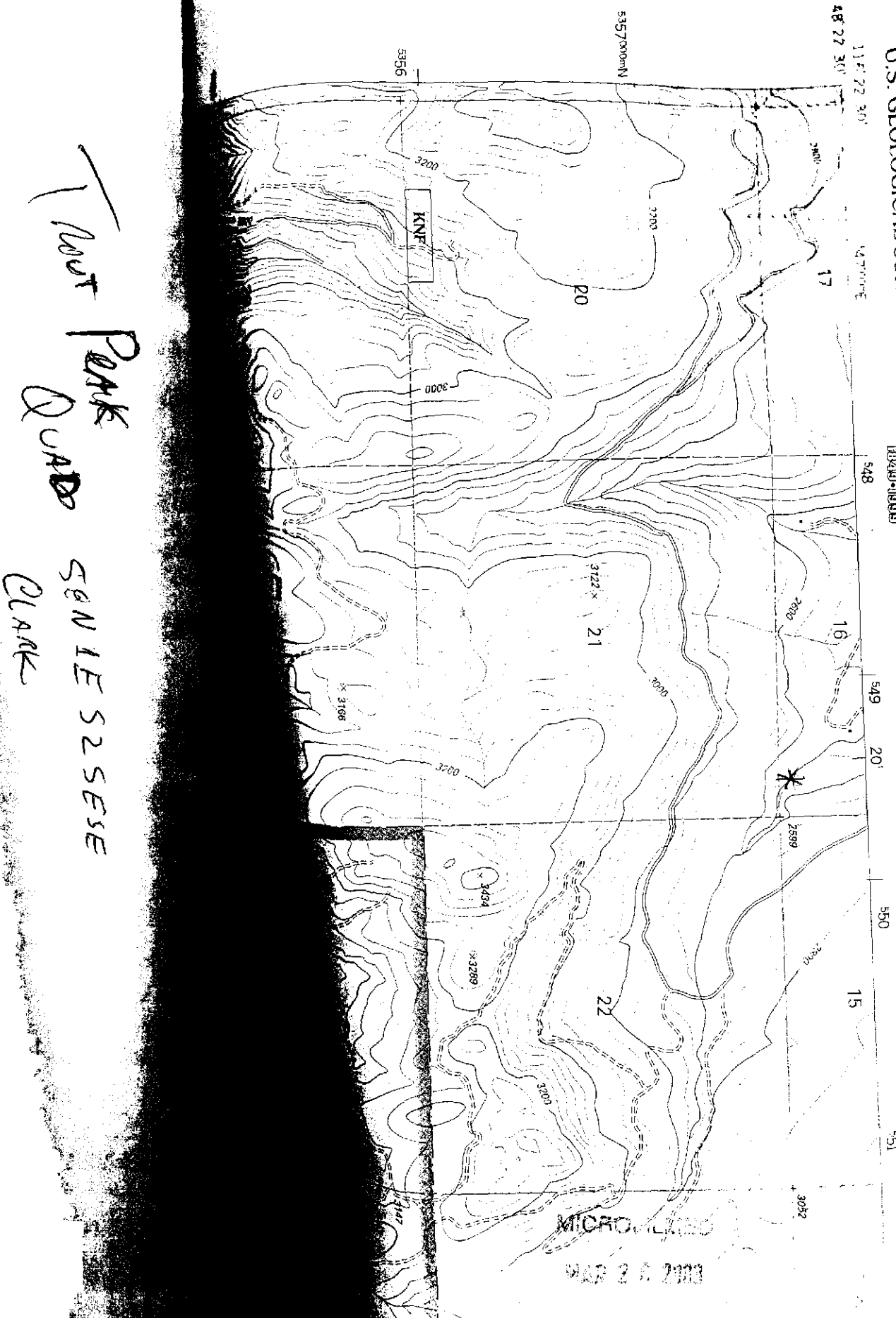
SGS
changing world

U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

* Diversion point



Mount Peak
Quadrangle
CLARK

MICROFILMED
MAR 2 1973

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 20 2004
DEPARTMENT OF
WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 96-09113

1. Owner: Mark T. Clark Phone No. (208) 255-7504

Current Address: 623 - Sugar Mountain Rd. Sandpoint Id. 83864

2. Accompanied by: Mark Clark EXAM DATE: 5-15-03

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: Spring Creek tributary to Rapid Lightning Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	SE	16	58N	01E	bonner	USGS 7.5 min QUAD

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
58N	01E	16																0	1

MOBILIZED

JUN 15 2004

2. Measurements:

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

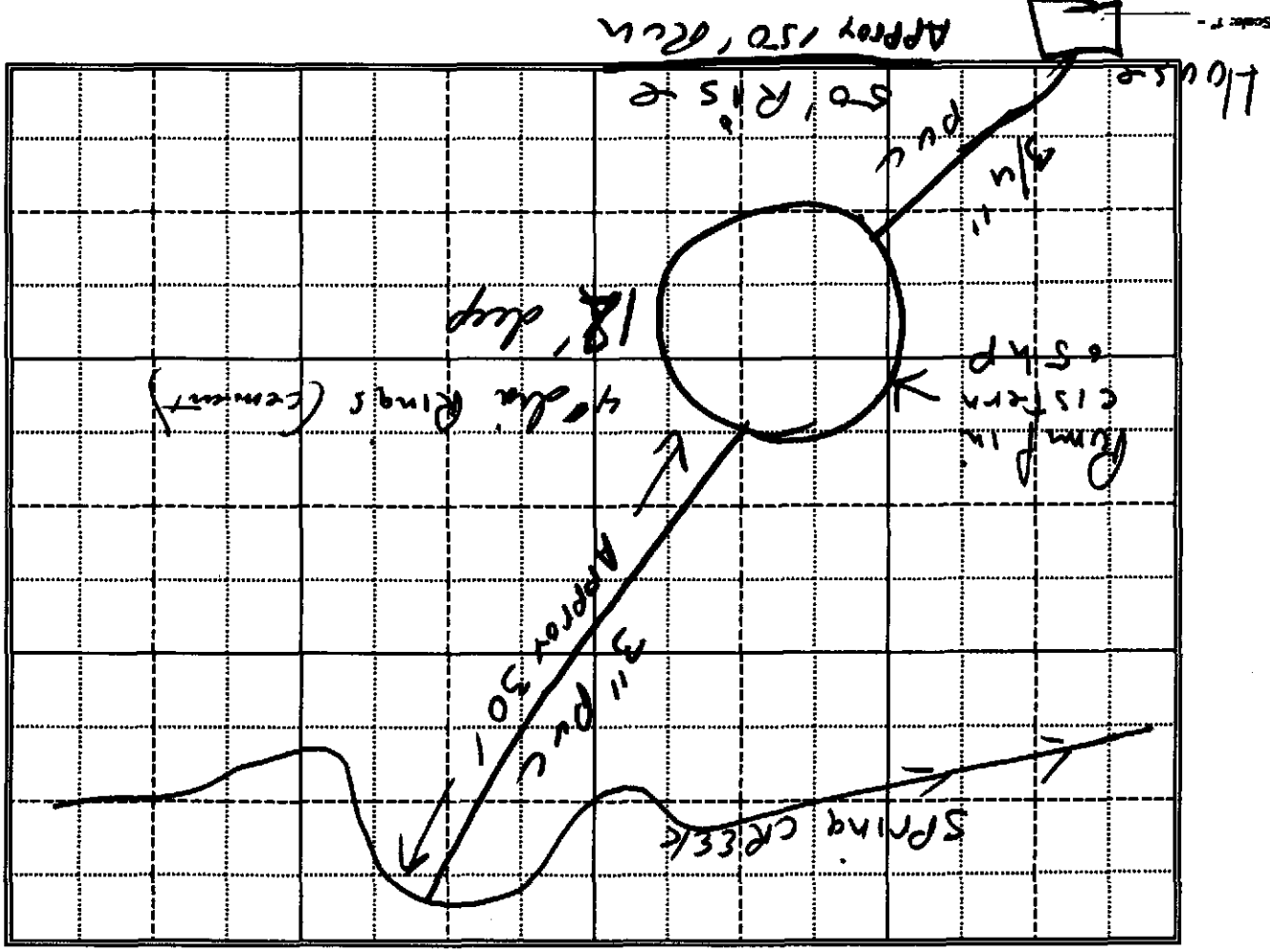
D. FLOW MEASUREMENTS

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

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Franklin	5	2801054915	Sub	3/4

4.

Scale: 1" = _____
 Copy of USGS Quadrangle Attached Showing location(s) of _____
 Aerial Photo Attached _____
 (required for irrigation of 10+ acres)
 Photo of Diversion and System Attached _____
 (point(s) of diversion and place(s) of use (required).



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

This entire system is buried. Line from creek to cistern not accessible. So I did a 5 gal bucket measurement at home site. After bleeding off pressure tank I measured 5 gal in 30 seconds and this is what was used for diversion rate.

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

MICROFILMED

APR 15 2006

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

5 gal bucket
5 gal. at 30 sec = 10 gpm
 $10 \times 1.33681 = 13.3681$
 $\frac{60}{13.3681} = 4.49$

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:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Domestic

Period of Use
From 01-01
To 12-31

Rate of Diversion
Q (cfs)
1.02

Annual Volume
V (afa)
1.2

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

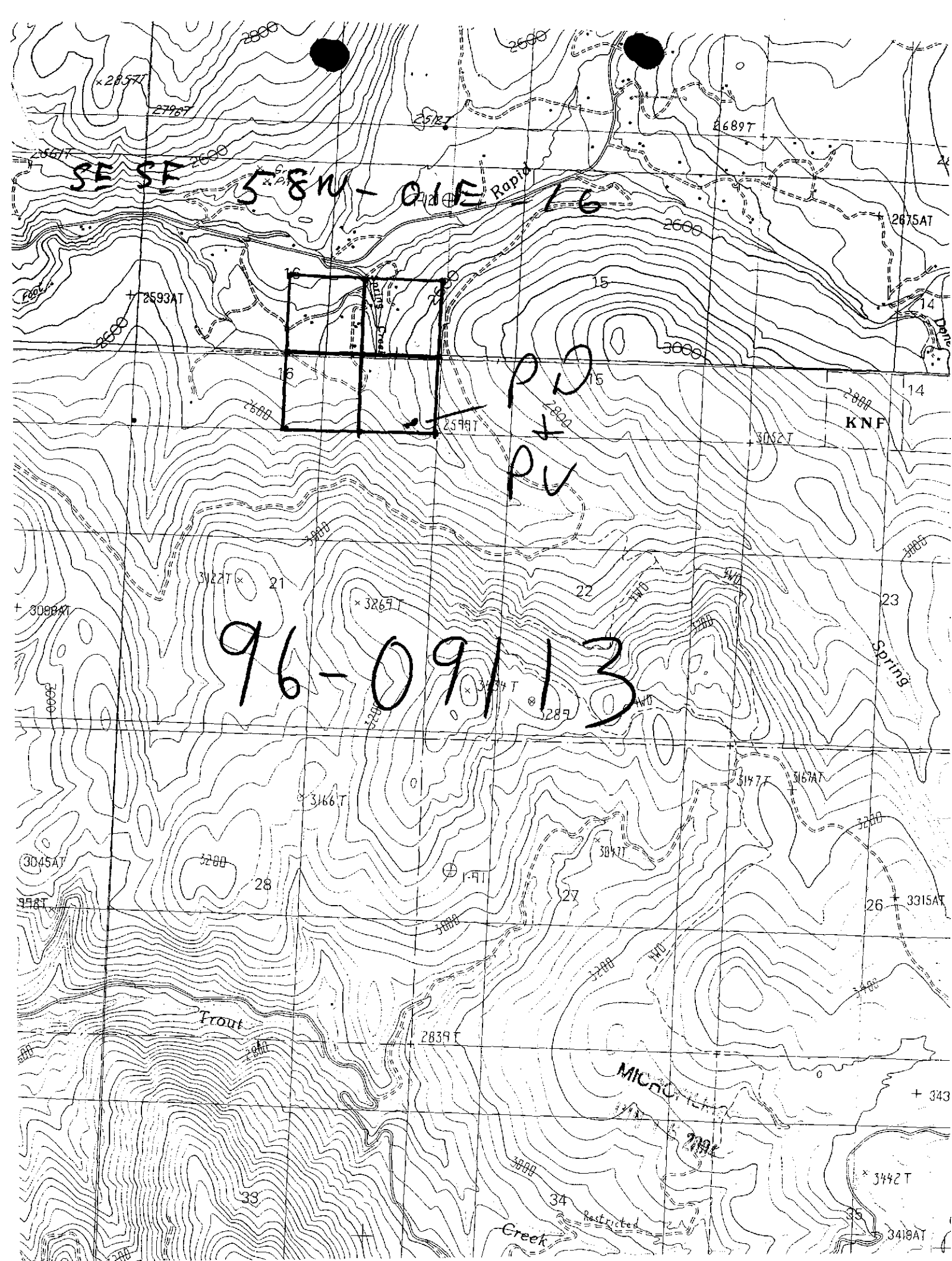
Wayne Baker
Date 6-13-03

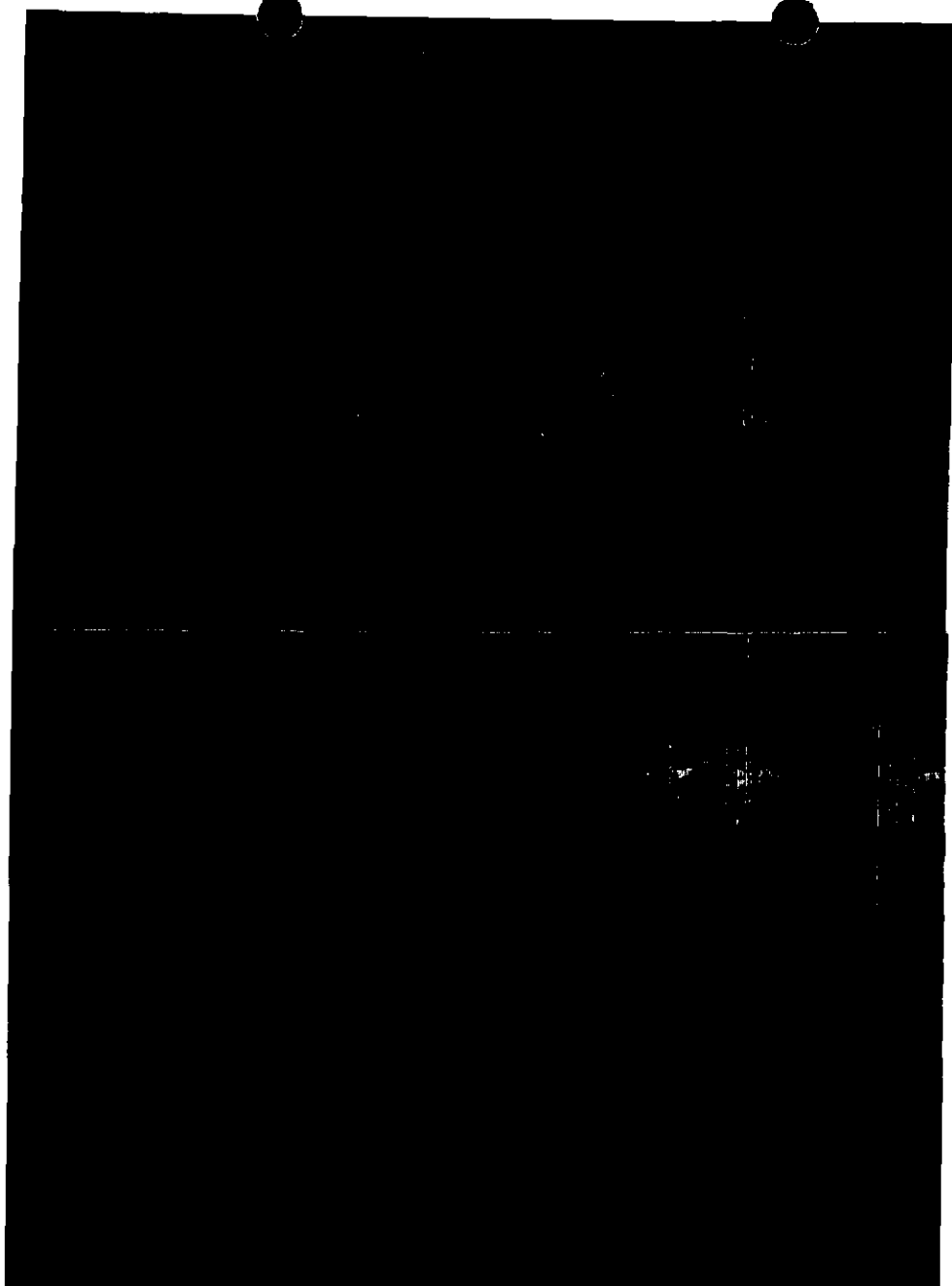
Reviewer

Date

SEAL

MICROFILMED
JUN 15 2004





p2

Cistern

Forgot Photo of House
it's there.

96-09113

2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 18, 2002

MARK T CLARK
623 SUGAR MOUNTAIN ROAD
SANDPOINT ID 83864

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-09113

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights 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, please contact the **Northern** Regional Office of the department in Coeur d'Alene (208) 769-1450.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED

MAR 26 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 96-9113

Reviewed By: dgibson

Date: December 17, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		N015225, C066252	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	12/09/2002
Date proof due	- 12/01/2003
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 08/20/2002
New priority date	= 08/20/2002

Deficiencies of Actions Items

Acknowledge proof. *Send copy of customer's schedule to region with proof acknowledgement letter.*

To: Field Representative

12/4/02

DEC - 9 2002

Department of Water Resources

Dear Sirs, I will be unavailable
to help with A Field Examination
After 12/2/02 - I will
Return to my parent address
on or before MAY 5, 2003.

Please schedule my inspection
accordingly.

Please call if you have any

Questions. JO8-255-7504

Thank you -

MICROFILMED



MAR 26 2003

Mark T. Cloer

Permit # 96-09113
occd Region 12/18/02 dy.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 27, 2002

MARK T CLARK
623 SUGAR MOUNTAIN RD
SANDPOINT ID 83864

RE: Permit No. 96-9113

Permit Approval Notice

Dear Permit Holder:

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

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 Department 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 a least sixty days prior to the commencement of work in the stream.

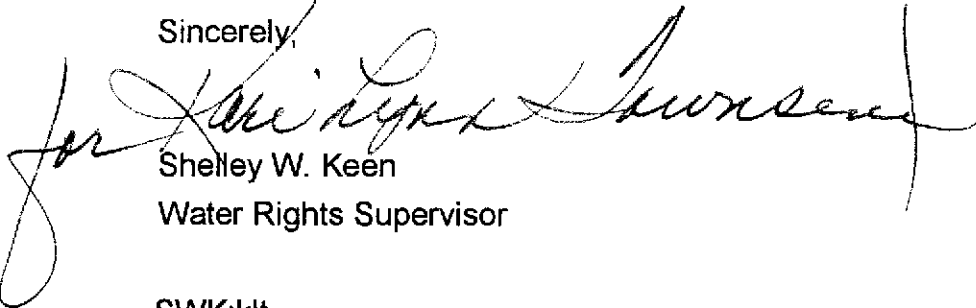
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

MICROFILMED

MAR 26 2003

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

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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MAR 26 2005

Microfilm

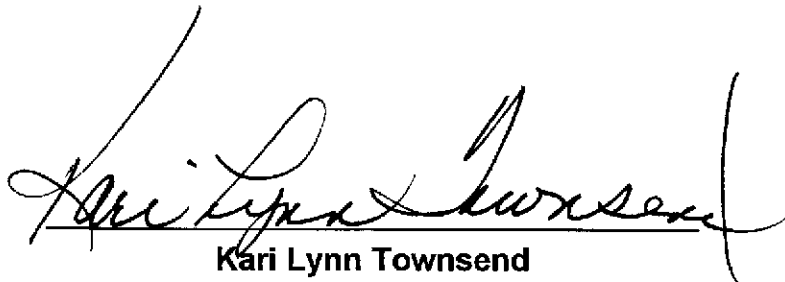
CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

96-9113

**MARK T CLARK
623 SUGAR MOUNTAIN RD
SANDPOINT ID 83864**



**Kari Lynn Townsend
Secretary**

RECEIVED

MAR 26 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

**IDAHO DEPARTMENT OF WATER RESOURCES
DIVERSION APPLICATION ANALYSIS SHEET**

W.R. # 96-9113

APPLICATION ID # 70191

ENT. 10/8/02 BCA 10/9 OK to Publish 10/8/02

INITIAL REVIEW

APPLICANT: Clark BY: RMA DATE: 10/8/2002

ITEM REQUIRED INFORMATION

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

RECEIVED

NOV 26 2002

Department of Water Resources

PROCESSING

(Yes)(No) PRIORITY DATE: 8/20/2002

(Include Moratorium Remark)

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

ADVERTISE IN: Bonner Count

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
() Power Information () Other: _____

INFORMATION RECEIVED:

- () Dam Information () Fish Information
() Power Information () Other: _____

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

ADDITIONAL INFORMATION

(Yes)(No)

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

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y() N()
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y() N()
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y() N()

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- Notice of pending void order issued. Final order response date: ____/____/____
Further information required from applicant _____
Affidavit of publication received 11/4
Application published correctly. If not, record action taken: _____
Publication dates and paper recorded on application 10/9
Protests received, Final protest date: 11/4/02
Measuring device required _____
Measuring port required _____
Special conditions: _____
Special conditions of approval supplement and/or cover letter attached: _____

Sr. Agent initial

Approval Recommended by: _____ Date: ____/____/____

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, Sherilyn Jones

_____ being first duly sworn on oath
deposes and says that he/she is Book Keeper
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:

Notice of App.

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 Oct., 20 02
and ending on the 24 day of Oct., 20 02
and that said notice was published in said newspaper.

On this 24 day of Oct. in the year
of 2002, before me, a Notary Public, personally
appeared Sherilyn Jones,
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: 8/06

RECEIVED

NOV 04 2002

IDWR/North

The following application(s) have
been filed to appropriate the pub-
lic waters of the State of Idaho.

96-9113

MARK T CLARK
623 SUGAR MOUNTAIN RD
SANDPOINT ID 83864
Point(s) of Diversions:
SESE S16 T58N R01E
BONNER County
Source SPRING CREEK
Tributary to RAPID LIGHTNING
CREEK

Use: DOMESTIC 01/01 To 12/31
0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 08/20/2002

Place of Use: DOMESTIC

T58N R01E S16 SESE

Remark: Domestic use is for one
home.

Permits will be subject to all prior
water rights. Protests may be sub-
mitted based on the criteria of
Sec. 42-203A, Idaho Code.

Any protest against the approval
of this application must be filed
with the Director, Dept. of Water
Resource, Northern Region, 1910
Northwest Blvd, Suite 210, Coeur
D'Alene ID 83814 together with a
protest fee of \$25.00 for each
application on or before
11/04/2002. The protestant must
also send a copy of the protest to
the applicant.

KARL J DREHER, Director

Legal 3816

Oct. 17, 24, 2002

MICROFILMED

NOV 2 5 2002

3816

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

96-9113

MARK T CLARK

623 SUGAR MOUNTAIN RD

SANDPOINT ID 83864

Point(s) of Diversion SESE S16 T58N R01E BONNER County

Source SPRING CREEK Tributary To RAPID LIGHTNING CREEK

Use: DOMESTIC 01/01 To 12/31 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 08/20/2002

Place Of Use: DOMESTIC

T58N R01E S16 SESE

Remark: Domestic use is for one home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 11/04/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published in Bonner County Daily Bee on October 17 and 24, 2002.

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MAR 2 8 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615

(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 09, 2002

SHERI JONES
LEGAL NOTICE DEPARTMENT
BONNER COUNTY DAILY BEE
PO BOX 159
SANDPOINT ID 83864

e-mailed to sjones@cdapress.com

2 PAGES TOTAL

Please reply to e-mail to acknowledge receipt

PLEASE FAX PROOF PRIOR TO PUBLICATION

THANKS!!

RE: Application for Permit No. 96-9113

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/04/2002. Your cooperation is GREATLY appreciated.

It's always a pleasure to work with you. Thanks.

Sincerely

Dianne Ball
Administrative Assistant

MICROFILMED

MAR 26 2003

Ball, Dianne

From: SJones@cdapress.COM
Sent: Wednesday, October 09, 2002 3:19 PM
To: dball@idwr.state.id.us
Subject: FW: Legal Notice for publication 10/17 and 10/24/2002 re 96-9113 CLAR K

Good afternoon Dianne,

I received your notice & it will run as requested. It's so nice to get your emails, they always make me smile, so it's truly a delight for me to be able to work with you.

Thanks so much,
Sheri

From: "Ball, Dianne" <dball@idwr.state.id.us>
To: "Legal Notices-Bonner Co Daily Bee (E-mail)" <sjones@cdapress.com>
Subject: Legal Notice for publication 10/17 and 10/24/2002 re 96-9113 CLAR K
Date: Wed, Oct 9, 2002, 4:03 PM

Greetings Sheri - and a happy day to you.

Attached you will find copy of a cover letter and also the legal notice which we ask you to publish on 10/17 and 24/2002.

Please reply to acknowledge receipt.

If possible, can you send me a proof prior to publication?

It's always great to work with you, Thanks very much.

Dianne

Dianne Ball, Administrative Assistant
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone 208-769-1450 FAX 208-769-1454

MICROFILMED

MAY 26 2003

10/9/2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

October 09, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MARK T CLARK
623 SUGAR MOUNTAIN RD
SANDPOINT ID 83864

RE: Application for Permit No 96-9113

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Bonner County Daily Bee on October 17 and 24, 2002. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight and twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) - Receipt No. N015225

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MAY 2 6 2003

AUG. 15. 2002 2:26PM

CHAPMAN AND CUTLER

NO. 1799 P. 2

Law Offices of

CHAPMAN AND CUTLER

Theodore S. Chapman
1877-1943
Henry F. Cutler
1879-1959

111 West Monroe Street, Chicago, Illinois 60603-4080
Telephone (312) 845-3000
Facsimile (312) 701-2361
chapman.com

Salt Lake City
50 South Main Street
Salt Lake City, Utah 84144
(801) 333-0066

Charles A. Kelly
(312) 845-3009
(312) 516-1909 Fax
ckelly@chapman.com

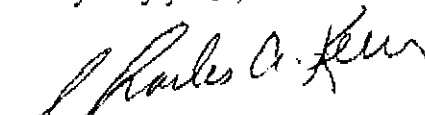
August 14, 2002

To Whom it May Concern:

I am writing to you in my capacity as Trustee of the Melvina Clark Trust which holds title to certain real estate located in Boundary County, Idaho and occupied as his principal residence by her son, Dr. Mark Clark. Plans are for Dr. Clark to purchase this property and to own it outright as soon as he is able to do so. Meanwhile, he will have exclusive right to the use of it.

This letter is written to support his application for water rights on and for the benefit of said property. If it would facilitate his application for me to do so, I would be glad to countersign it with him, provided I could be assured that the water rights in question would transfer with the property when it is transferred from the trust to Dr. Clark.

Very truly yours,


Charles A. Kelly

CAK:mjh

MICROFILMED

MAR 23 2003

1392937.01.01



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 8, 2002

CHARLES A KELLY
CHAPMAN AND CUTLER
111 WEST MONROE
CHICAGO IL 60603-4080

Faxed

Dear Mr. Kelly:

Following is an affidavit for your signature regarding the Melvina Clark Trust and Dr. Mark Clark's Application for Permit to Appropriate the Public Waters of the State of Idaho.

If there is anything that you feel needs to be changed from your end, please feel free to modify this form.

Sincerely,

Robert G. Haynes

Robert G. Haynes, P.E.
Regional Manager

RGH:db

Faxed copy of this letter and the affidavit to (312)-516-1809

MICROFILMED
MAR 26 2003

Taped

I, **Charles A. Kelly**, am the Trustee of the Melvina Clark Trust, which is the owner of a certain piece of property located in the SESE of Section 16, Township 58N, Range 1E of the Boise Meridian, in Bonner County, Idaho.

In my capacity as Trustee, I give my permission for Doctor Mark Clark to file an Application for a Permit to appropriate the Public Waters of the State of Idaho from Spring Creek, for use on the aforementioned property.

Signed and dated this _____ day of _____, 2002.

Charles A. Kelly, Trustee
Of Melvina Clark Trust

State of _____)
County of _____) ss.

On this _____ day of _____, 2002, personally appeared before me the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

Notary Public

SEAL

Signature
MICROFILMED
MAR 26 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 Fax (208) 769-1454

October 09, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RAY HENNEKEY
STATE OF IDAHO
DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

FAXED TO RAY 10/9/02 PM
8 PAGES TOTAL

db

Application to Permit No. 96-9113

Dear Ray:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within two weeks of receipt of this request.

Please feel free to contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne'.

Dianne Ball
Administrative Assistant

Enclosure(s)

MICROFILMED
MAY 2 6 2003

State of Idaho
Department of Water Resources
Application for Permit
RECOMMENDATION FORM

Application for Permit No 96-9113
Applicant's Name: MARK T CLARK
623 SUGAR MOUNTAIN RD
SANDPOINT ID 83864

Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional Comment:

Dated this _____ day of _____,

Signature

MICROFILMED
MAR 26 2003