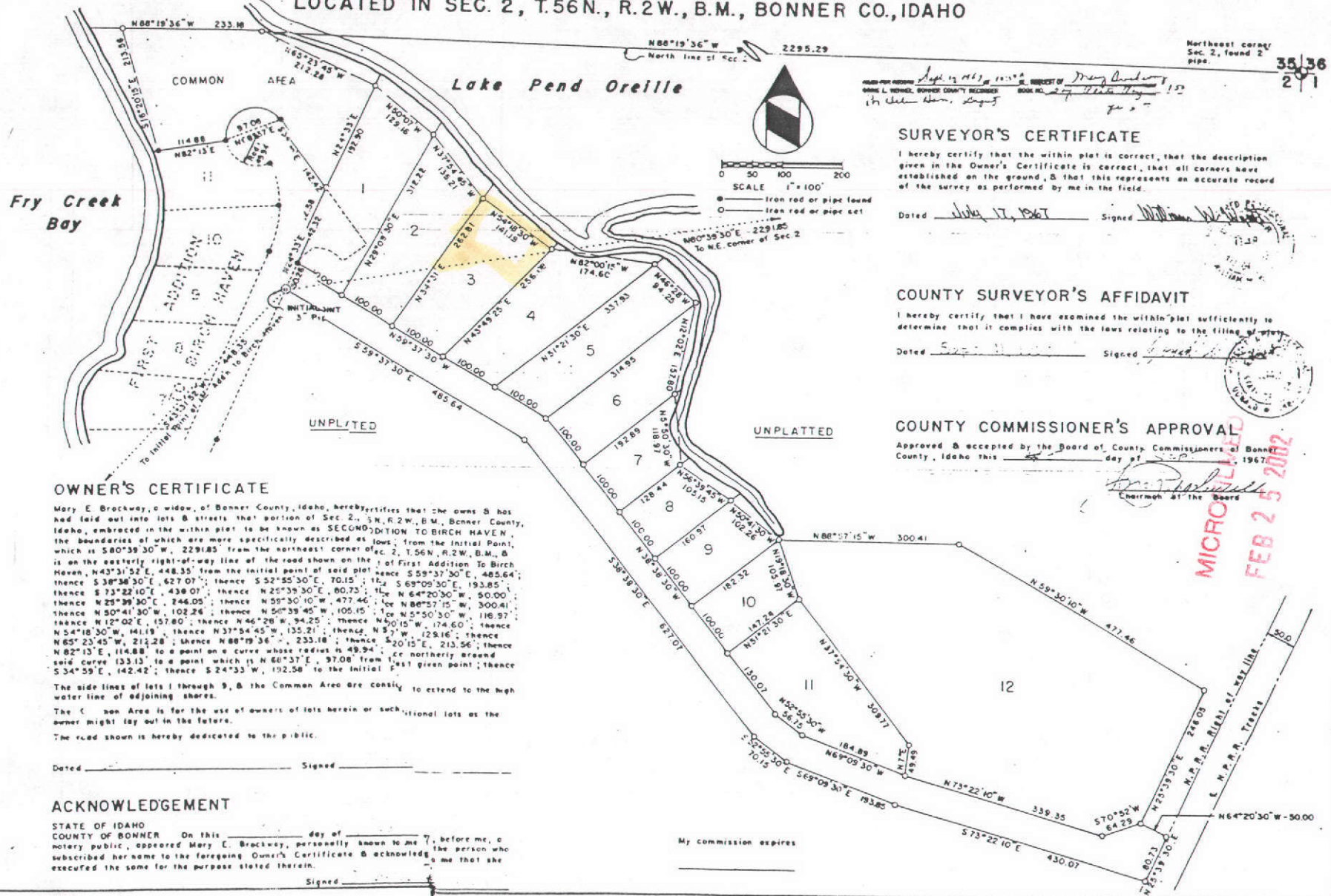
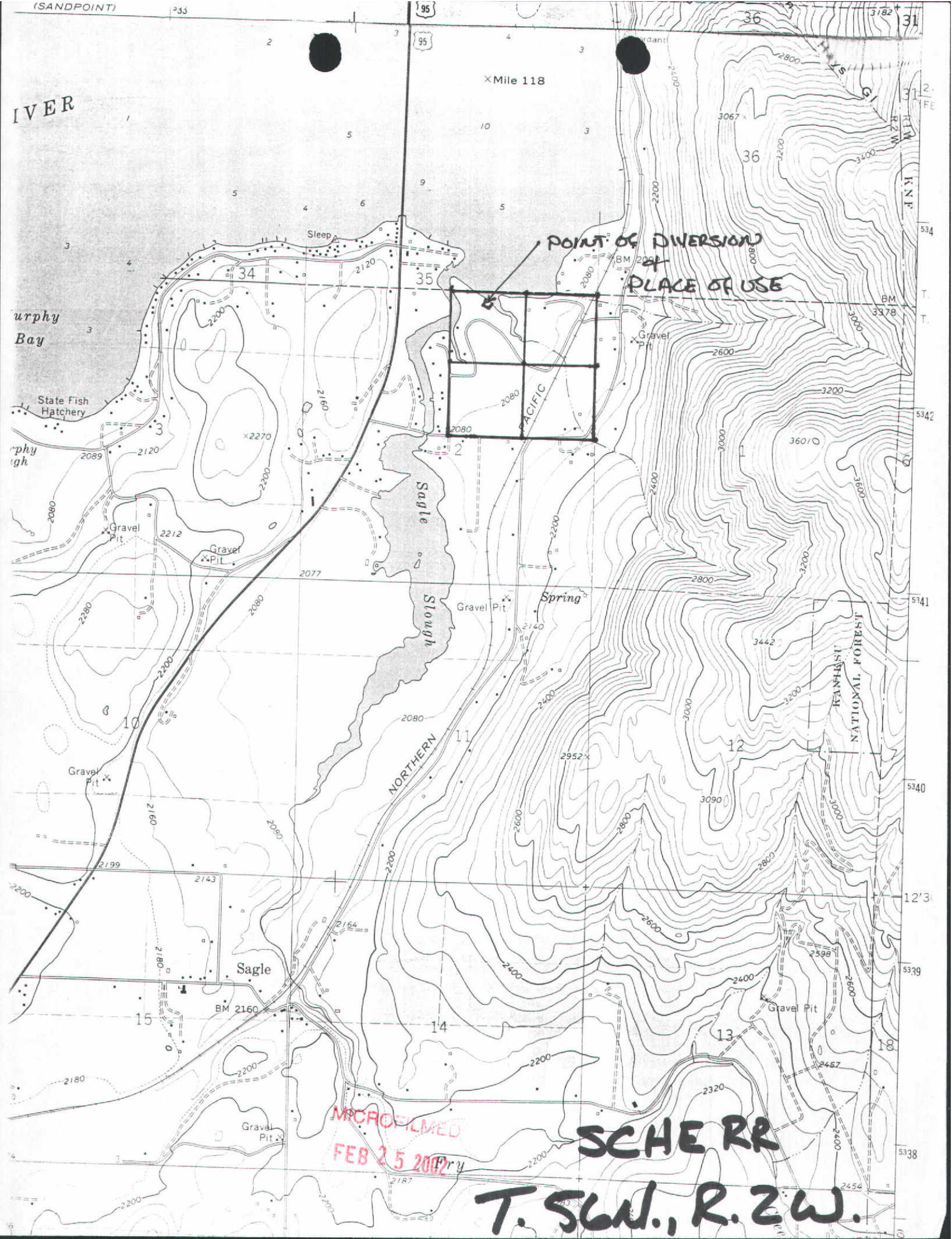


SECOND ADDITION TO BIRCH HAVEN

LOCATED IN SEC. 2, T.56N., R.2W., B.M., BONNER CO., IDAHO





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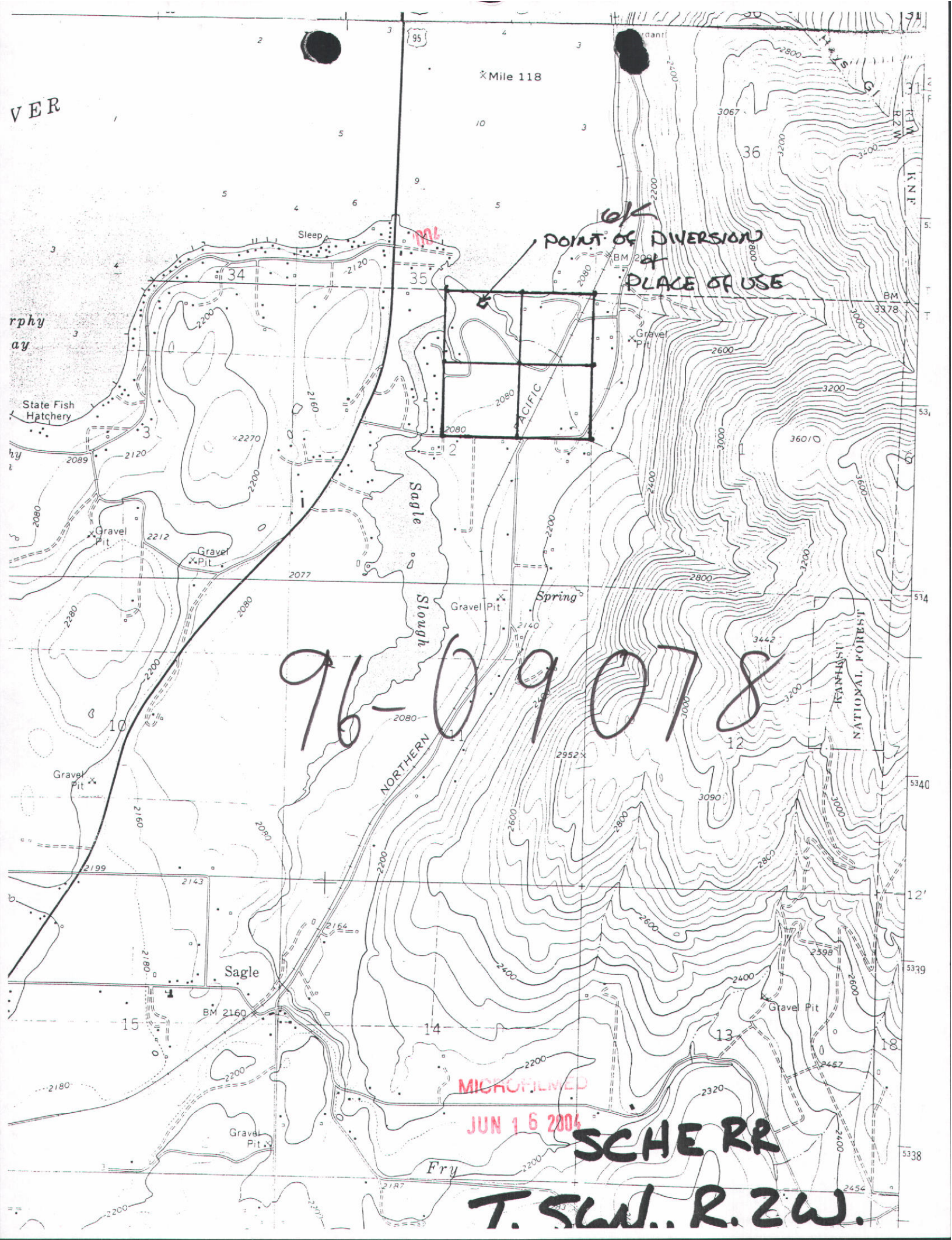
1/2 Mile 118

POINT OF DIVERSION
at
PLACE OF USE

96-09078

MICROFILMED
JUN 16 2004

SCHE RR
T. SW. R. ZW.



96-09078



pu



pu



pu

MICROFILMED
JUN 16 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 11 2002

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 96-9078 Telephone No. 208-263-7288

2. Name of Permit Holder(s): LESTER SCHERR

3. Mailing Address: 333 BIRCH HAVEN DR.

City Sagle State ID. Zip 83860

4. Source of Water: LAKE AND OREILLE 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): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 0.5 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No X

Has the measuring device 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: LESTER SCHERR Telephone Number: 208-263-7288

Address: 333 BIRCH HAVEN DR. 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 water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Lester Scherr Date: 7/8/02
(include your title, if on behalf of company or organization)

MICROFILMED

OCT 17 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09078

Priority: 06/18/2001

Maximum Diversion Rate: 0.04 CFS

This is to certify, that **LESTER SCHERR**
333 BIRCH HAVEN DR
SAGLE ID 83860

has applied for a permit to appropriate water from:

Source: PEND OREILLE LAKE

Tributary: PEND OREILLE 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	04/01 to 10/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

PEND OREILLE LAKE L2 NW¼NE¼ Sec. 2, Twp 56N, Rge 02W, B.M. BONNER County

PLACE OF USE: IRRIGATION

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 02W 2			.5														.5
			L 2														

Total Acres: 0.5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 1, 2002**.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. This right when combined with all other rights shall provide no more than 0.04 cfs nor more than 1.5 afa at the field headgate for irrigation of the land described above.
5. Place of use is located within Lot 3, Second Addition to Birch Haven.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 31st day of August, 2001.


for **KARL J DREHER, Director**

MICROFILMED

FEB 25 2002

RECEIVED

AUG 13 2001

Department of Water Resources

69233

ent. No. 96-9078

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
JUN 18 2001
IDWR/North

1. Name of Applicant Lester Schere Phone 208-263-7288
Mailing address 333 Birch Haven Dr. Eagle ID 83860
2. Source of water supply Lake Pend Oreille which is a tributary of Pend Oreille River
~~Challis River~~
3. Location of point of diversion is Township 56N Range 2W Sec. 2 in the $\frac{1}{4}$,
NW $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot , B.M., BONNER County;
additional points of diversion if any:
4. Water will be used for the following purposes:
Amount .04 for IRRIGATION purposes from 3/15 to 7/15 (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)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .04 and/or (b) 2.5
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 1 1/2 hp Pump in
The Lake
 - b. Height of storage dam feet; active reservoir capacity acre-feet; total
reservoir capacity acre-feet
 - c. Proposed well diameter is inches; proposed depth of well is feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? ; Drilling firm ;
Well was drilled for (well owner) ; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW.
 - b. Stockwatering; list number and kind of livestock.
 - c. Municipal; show name of municipality.
 - d. Domestic; show number of households. 1 household for irrigation
 - e. Other; describe fully.

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FEB 25 2002

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	
<u>S2W</u>	<u>2W</u>	<u>2</u>		<u>.5</u>															<u>.5</u>

Total number of acres to be irrigated .5

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? APPLICANT / IDL

b. Who owns the land to be irrigated or place of use? APPLICANT

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

12. Remarks: THE WATER IS FOR WATCHING LAWN FRONT 3RD OF LOT 3 BLACK HAVEN

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.)

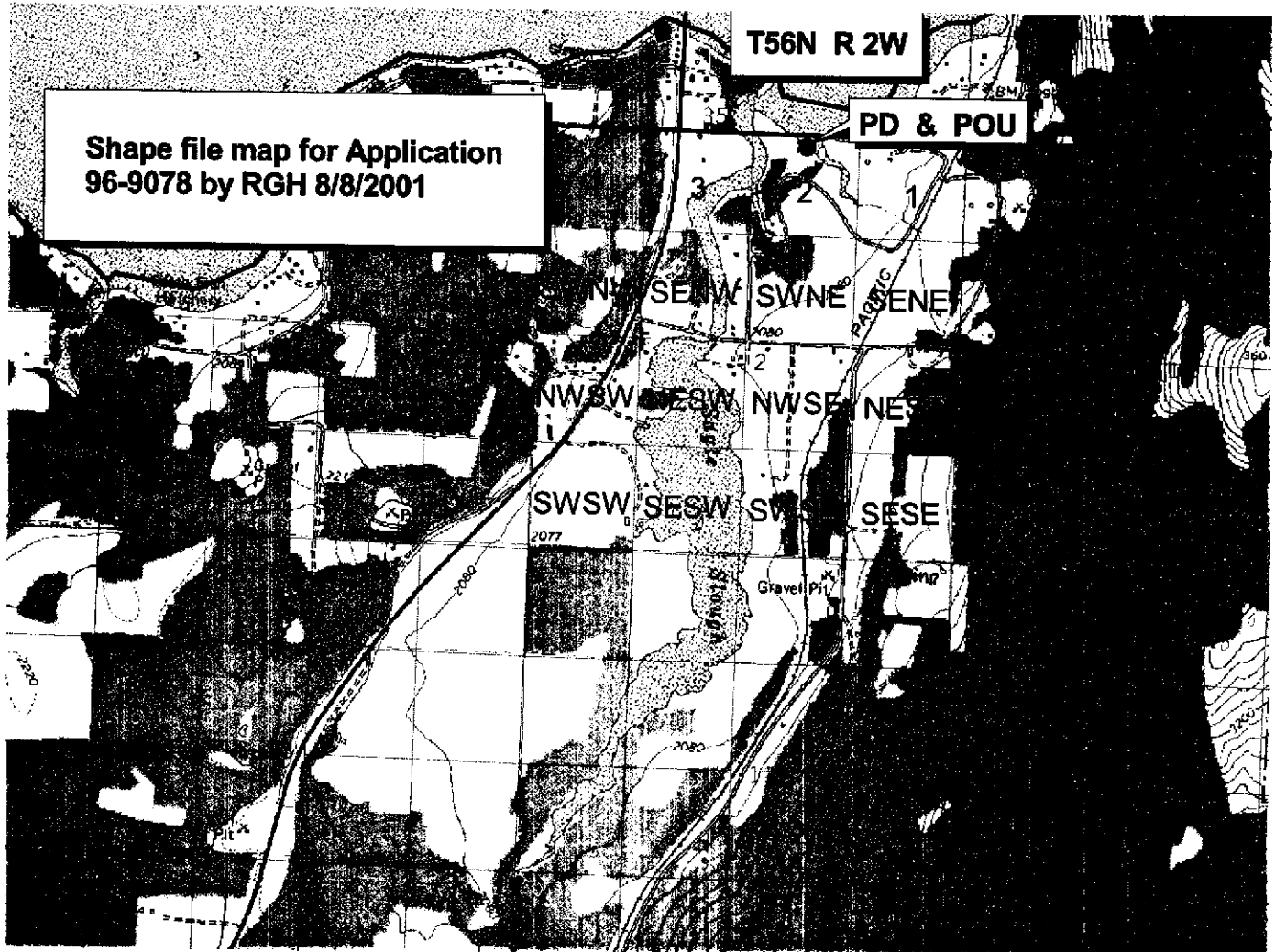
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Dustin Schen
Signature of Applicant (and title, if applicable)

Received by 6/18/01 Date 6/18/01 Time 1:50 pm Preliminary check by [Signature]
Fee \$ 100 Receipted by [Signature] # D014460 Date 6/18/01
Publication prepared by [Signature] Date 6/27/01 Published in Brown Co Daily Bee 7/5+12/01
Publication approved [Signature] Date 7/17/01

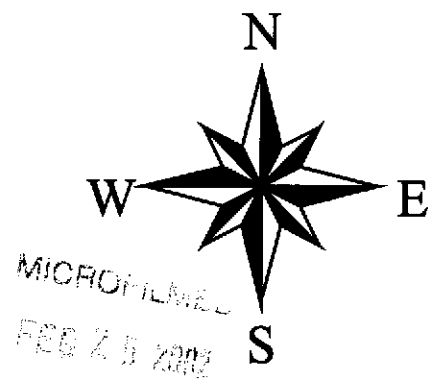
MICROFILMED

FEB 25 2002



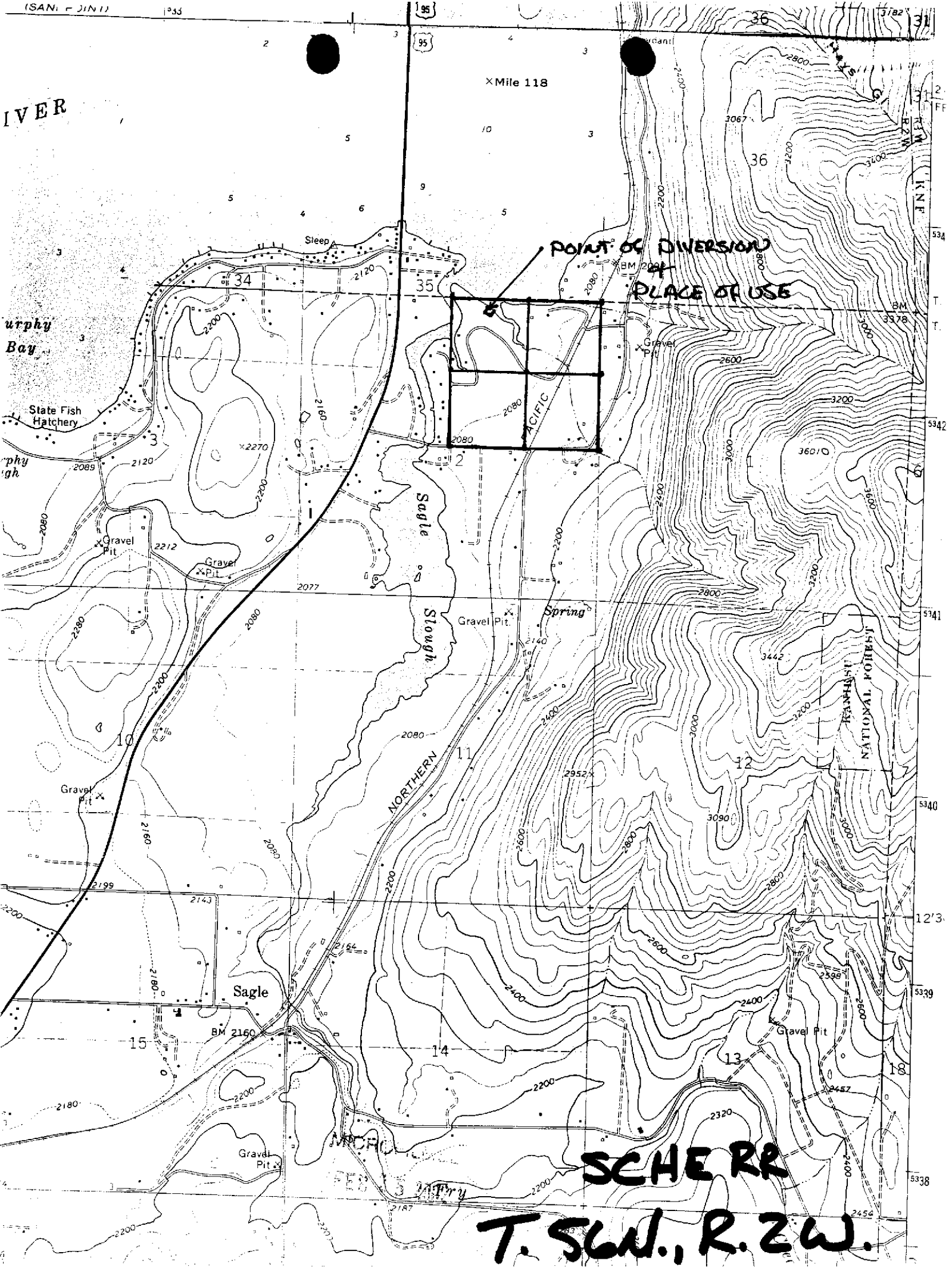
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1990

Signa



IVER

urphy Bay

State Fish Hatchery

Gravel Pit

Gravel Pit

Sagie

Gravel Pit

X Mile 118

POINT OF DIVERSION

PLACE OF USE

Sagie Slough

NORTHERN

Spring

NATIONAL FOREST

SCHE RR

T. SW., R. 2 W.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 26 2004
DEPARTMENT OF
WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 96-09078

1. Owner: Lester Scherr Phone No. (208) 263-7288

Current Address: 333 Birch Green Dr. Eagle Id. 83860

2. Accompanied by: Lester Scherr EXAM DATE: 5/21/03

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: Pond Oreille Lake tributary to Pond Oreille River

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
	L2		NW	NE	02	56N	02W	Bonner	USGS 7.5 min Quad

2. Place(s) of Use:

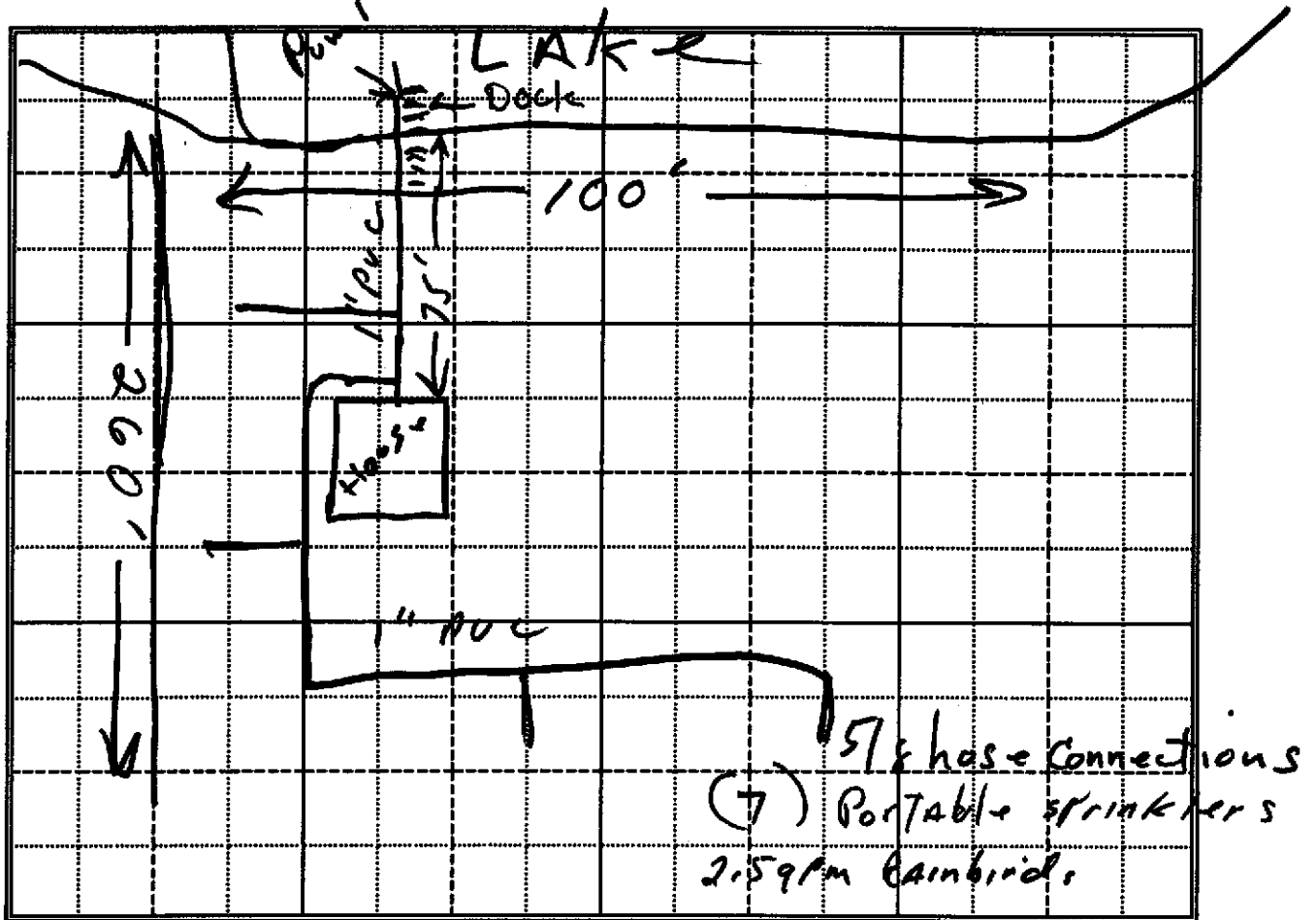
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	02W	02		65															
				L2															

MICROFILM

JUN 16 2004

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.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
	Franklin	1.5	2823008110	Sub	1"

*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: _____

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JUN 6 2

E. NARRATIVE/REMARKS/COMMENTS

at the time of exam lake levels were too low to run system. Mr. Schen had 7.25 gpm rain bird heads. He said he doesn't usually run all at once but the pump is capable of running seven. This is what I used for diversion rate.

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

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JUN 15 2004

Additional Computation Sheets Attached

7-2: 59pm heads

$$7 \times 2.5 = 17.5 \text{ g/m} \times 1.133621$$

60

$$10389 = .04 \text{ e} \text{ f} 5$$

1. Volume Calculations for Irrigation:

$$V_{I.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 0.5 \times 3 = 1.5$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 109 \times 213 \times 1.9835 = 16,9$$

$V = \text{Smaller of } V_{IB} \text{ and } V_{DB} = 1.5$

2. Volume Calculations for Other Uses:

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	04-01	10-31	1.0 cfs	1.5
Totals:			1.0 cfs	1.5

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 Warne Baldock Date 6-11-03

Reviewer _____ Date _____

SEAL
MICROFILMED
JUN 9 6 2004

VER

1/2 Mile 118

POINT OF DIVERSION
PLACE OF USE

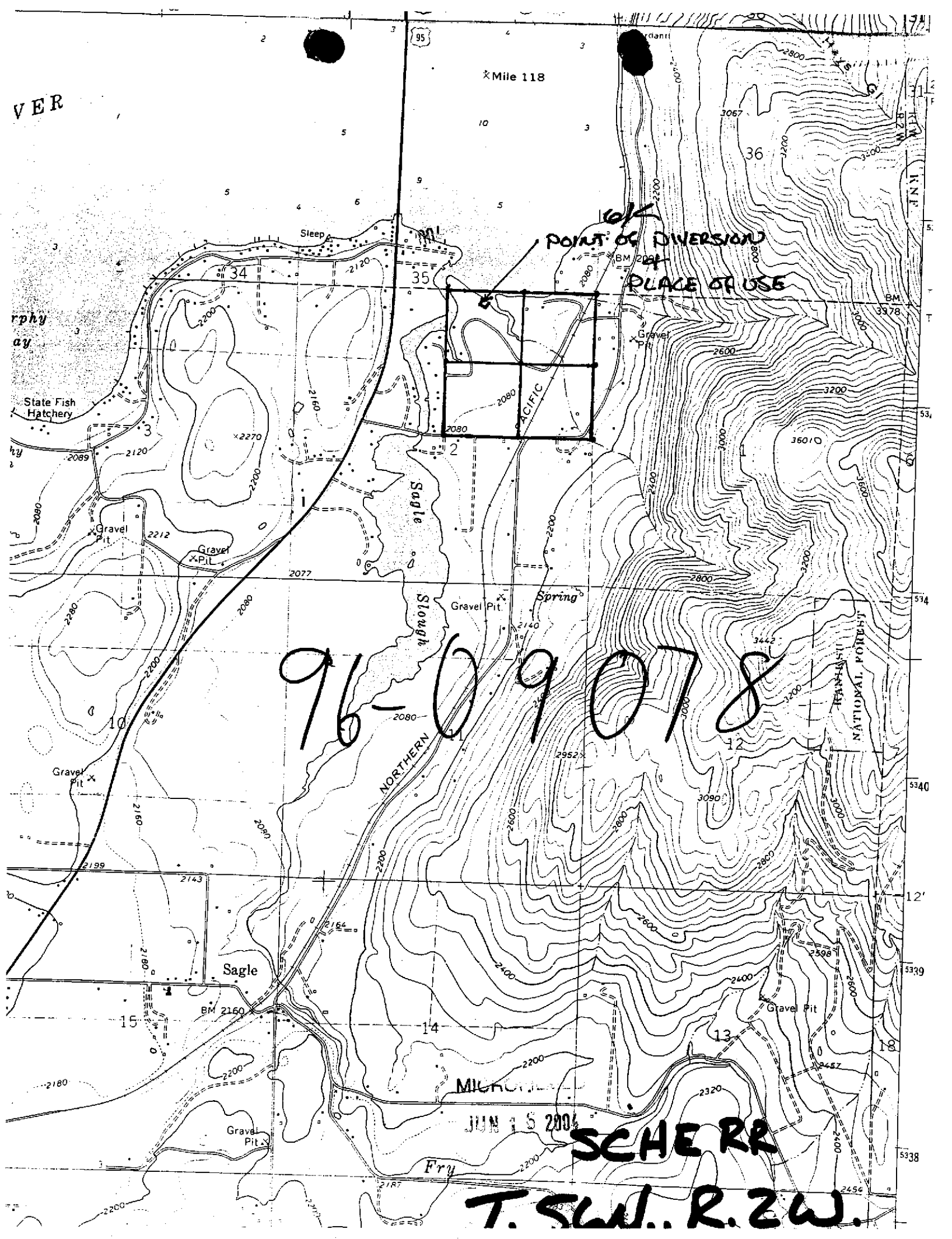
96-09078

MICHIGAN

JUN 15 2004

SCHERR

T. SW. R. 2 W.



96-09078

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MICROFILMED

JUN 15 2004



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

July 15, 2002

LESTER SCHERR
333 BIRCH HAVEN DR
SAGLE ID 83860

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-9078

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 at (208) 769-1450.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

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

MICROFILMED

OCT 17 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 96-9078

Reviewed By: dgibson

Date: July 12, 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.:		N014460, C063293	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		07/11/2002
Date proof due	-	09/01/2002
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	06/18/2001
New priority date	=	06/18/2001

Deficiencies of Actions Items

Acknowledge proof.

June 30, 2002

LESTER SCHERR
333 BIRCH HAVEN DR
SAGLE, ID 83860

PROOF DUE NOTICE

RE: PERMIT NO. 96-9078

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed 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.

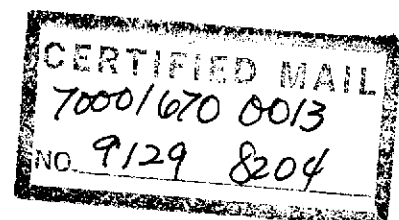
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

Sincerely,

Deborah J. Gibson, Admin. Asst.
Water Allocation Bureau

Enclosures

MICROFILMED
OCT 17 2002





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

August 31, 2001

LESTER SCHERR
333 BIRCH HAVEN DR
SAGLE ID 83860

RE: Permit No. 96-9078

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.

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FEB 25 2002

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.

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

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SWK:klr

Enclosure(s)

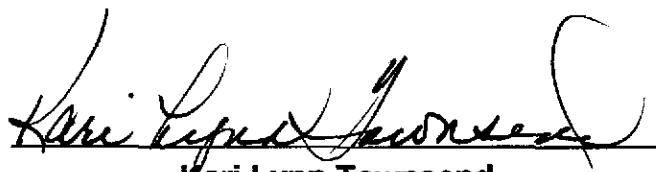
MICROFILMED
FEB 25 2002

CERTIFICATE OF MAILING

I hereby certify that on August 31, 2001 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. 96-9078

**LESTER SCHERR
333 BIRCH HAVEN DR
SAGLE ID 83860**



**Kari Lynn Townsend
Secretary**

MICROFILMED

SEP 25 2002

**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.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 8/29/01

No. 96-9078 Name: Scherr Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: No/Yes ☐ Moratorium ☒ GWMA ☒ TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
Trust - 051 (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
WD - R04 (WD#)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WB

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-042-106
DOMESTIC
Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

BENEFICIAL USE DUE: 9/01/2002

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60 Lot 3, 2nd addn to
Use definitions - W02 example - S/50 range Birch Haven
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON 4/1 - 10/31 (Per updated map)

IRR VOLUME/ACRE 3.0

OTHER CONDITIONS/REMARKS

COMMENTS higher rate of div. requested based on system design

RECEIVED

AUG 13 2001

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION ANALYSIS SHEET

69233

APPLICATION # 96-9078

E. J. to pub. BCP. WRA.

Department of Water Resources

INITIAL REVIEW

APPLICANT: SCHERRBY: BDATE: 6/20/01

ITEM REQUIRED INFORMATION

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

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

PROCESSING

(Yes) (No) PRIORITY DATE: 6/18/01X (Include Moratorium Remark)X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).ADVERTISE IN: BANNER 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

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

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- I Notice of pending void order issued. Final order response date: 7/12/01
- I Further information required from applicant
- I Affidavit of publication received
- I Application published correctly. If not, record action taken: _____

6/21 Publication dates and paper recorded on application | Sr. Agent initial _____

I Protests received, Final protest date: 7/23/01I Measuring device requiredI Measuring port requiredI Special conditions:I Special conditions of approval supplement and/or cover letter attached:Approval Recommended by: PSADate: 8/8/2001

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, June 27, 2001 3:57 PM
To: 'Ray Hennekey IDFG Cd'A'
Subject: Water Right Application on which we need your comments.

Greetings, Ray,

Following are three applications on which we need your comments. Protests require a letter with original signature and a check of \$25 for each right protested. Other comments/concerns/recommendations can be handled by FAX or e-mail.

McCaw and Wells both have a final date for receipt of comments/concerns/recommendations and/or protests of JULY 9, 2001.

Application for Permit No. 95-9088 Name: DONALD MC CAW Diversion Pt NESW Sec 11 T 49N R 03W KOOTENAI County Source UNNAMED STREAM Use: RECREATION STORAGE 01/01 To 12/31 1.3 AFA Use: WILDLIFE STORAGE 01/01 To 12/31 1.3 AFA Use: FIRE PROTECTION 01/01 To 12/31 1.3 AFA STORAGE Total Diversion: 1.3 AFA Date Filed: 05/30/2001 Place Of Use: RECREATION STORAGE T49N R03W S11 NESW Place Of Use: WILDLIFE STORAGE, same as Recreation Storage Place Of Use: FIRE PROTECTION STORAGE, same as Recreation Storage Remarks: Recreation storage is for swimming.

Application for Permit No. 98-7805 Name: BRYCE WELLS SANDRA WELLS Diversion Pt SESE Sec 35 T 63N R 01W BOUNDARY County Source CLARK CREEK Use: DOMESTIC 01/01 To 12/31 0.06 CFS Use: STOCKWATER 01/01 To 12/31 0.02 CFS Use: IRRIGATION 03/15 To 11/15 0.2 CFS Total Diversion: 0.2 CFS Date Filed: 06/05/2001 Place Of Use: DOMESTIC, same as Irrigation Place Of Use: STOCKWATER, same as Irrigation Place Of Use: IRRIGATION T63N R01W S35 NESE SESE Number of Acres 10 Remarks: Domestic use is for 2 homes. Stockwater use is for 10 head of range cattle.

SCHERR has a final date for comments/concerns/recommendations and/or protests of JULY 23, 2001.

Application for Permit No. 96-9078 Name: LESTER SCHERR Diversion Pt NWNE Sec 2 T 56N R 02W BONNER County Source PEND OREILLE LAKE Use: IRRIGATION 03/15 To 11/15 0.04 CFS Total Diversion: 0.04 CFS Date Filed: 06/18/2001 Place Of Use: IRRIGATION T56N R02W S2 NWNE Number of Acres 0.5

Thank you very much, and may your life be littered with love and blessings.

Dianne Ball - IDWR Northern Region 769-1450 (FAX 769-1454)

*No comment
received as of 8/2/01
D*

MICROFILMED
FEB 25 2002

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 Bookkeeper

of the Bonner County Daily Bee, a newspaper printed and

published at Sandpoint, Bonner County, Idaho; that the

said newspaper has been continuously and uninterruptedly

published in said Bonner County during a period of 12

months prior to the first publication of the hereto attached

notice of publication in the case of:

Legal Notice

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

said paper for a period of 2 consecutive weeks,

commencing on 5 day of July, 2001

and ending on the 12 day of July, 2001

and that said notice was published in said newspaper.

On this 12 day of July in the year

of 2001, 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.

NOTARY PUBLIC
Carolyn L. Inge
Notary Public for Idaho
Residing at Sandpoint
Commission expires: 8/06

RECEIVED

JUL 13 2001

IDWR/Notary

LEGAL NOTICE

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

96-9078

LESTER SCHERR
333 BIRCH HAVEN DR
SAGLE ID 83860

Point(s) of Diversion NWNE S2
T56N R02W BONNER County
Source PEND OREILLE LAKE
Tributary to PEND OREILLE RIVER

Use: IRRIGATION

03/15 To 11/15 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 06/18/2001

Place Of Use: IRRIGATION

T56N R02W S2 NWNE ok

Number of Acres 0.5

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 83814 together with a protest fee of \$25.00 for each application on or before 07/23/2001. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
Legal SNP#2685
July 5, 12, 2001

Bill read ok
8/2/01

MICROFILMED

FEB 25 2002

2685

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

96-9078

LESTER SCHERR
333 BIRCH HAVEN DR
SAGLE ID 83860

Point(s) of Diversion NWNE S2 T56N R02W BONNER County
Source PEND OREILLE LAKE Tributary To PEND OREILLE RIVER
Use: IRRIGATION 03/15 To 11/15 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 06/18/2001

Place Of Use: IRRIGATION T56N R02W S2 NWNE

Number of Acres 0.5

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 07/23/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Bonner County Daily Bee on 7/5 and 12/2001

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FEB 25 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 27, 2001

Legal Notice Department
BONNER COUNTY DAILY BEE
PO BOX 159
SANDPOINT ID 83864

RE: Application for Permit No. 96-9078

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 07/23/2001. Your cooperation is appreciated.

Sincerely

Dianne Ball

Dianne Ball
Administrative Assistant

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FEB 23 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

June 27, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LESTER SCHERR
333 BIRCH HAVEN DR
SAGLE ID 83860

RE: Application for Permit No 96-9078

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 July 5 and 12, 2001. 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 90 to 120 days.

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

Sincerely,

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

Al Beardslee
Senior Water Resource Agent

Enclosure Receipt No. N014460

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FEB 25 2002