

T59N R2W

Government lot check for
96-9070 by RGH 7/18/2001

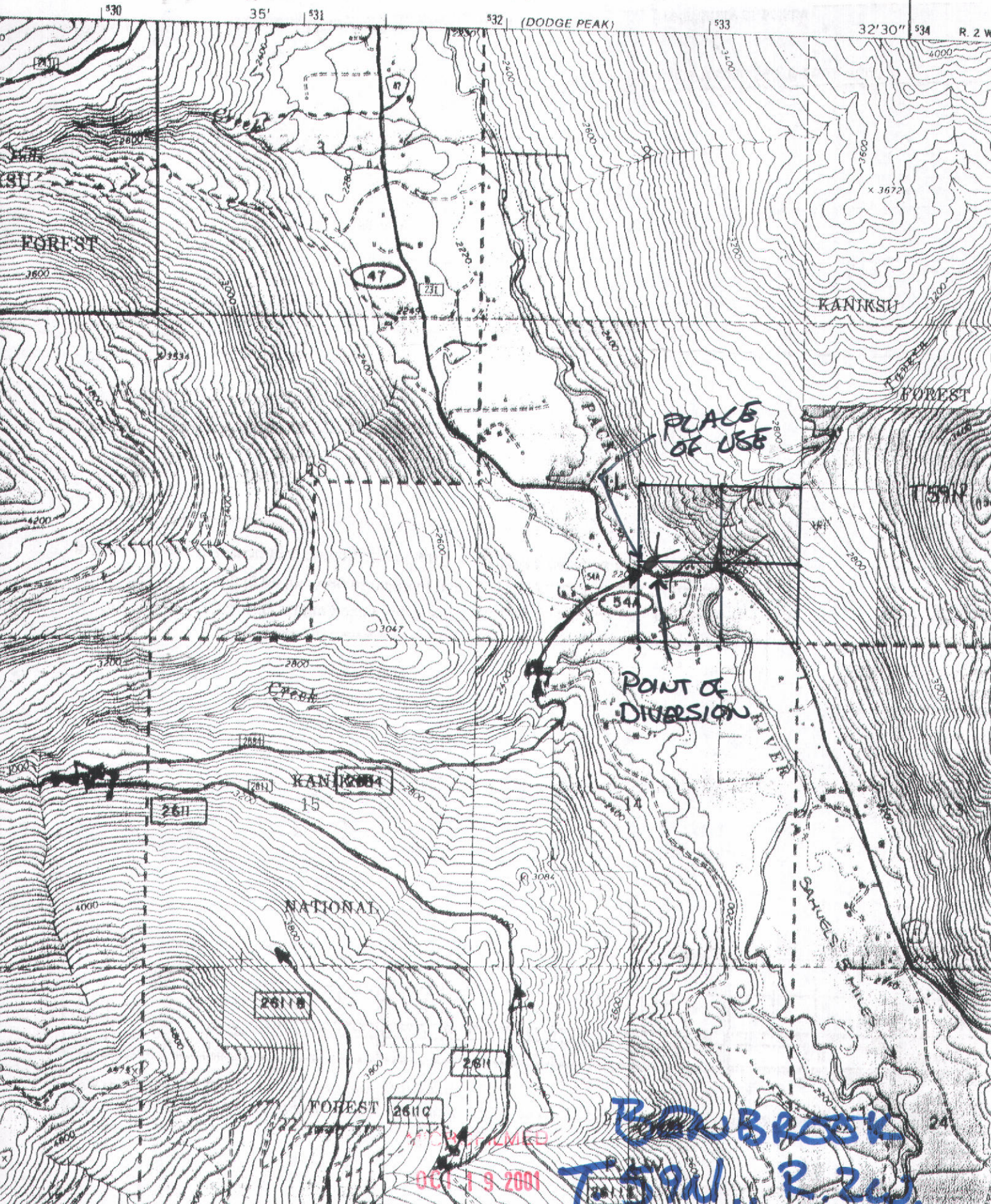
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MICROFILMED
OCT 19 2001

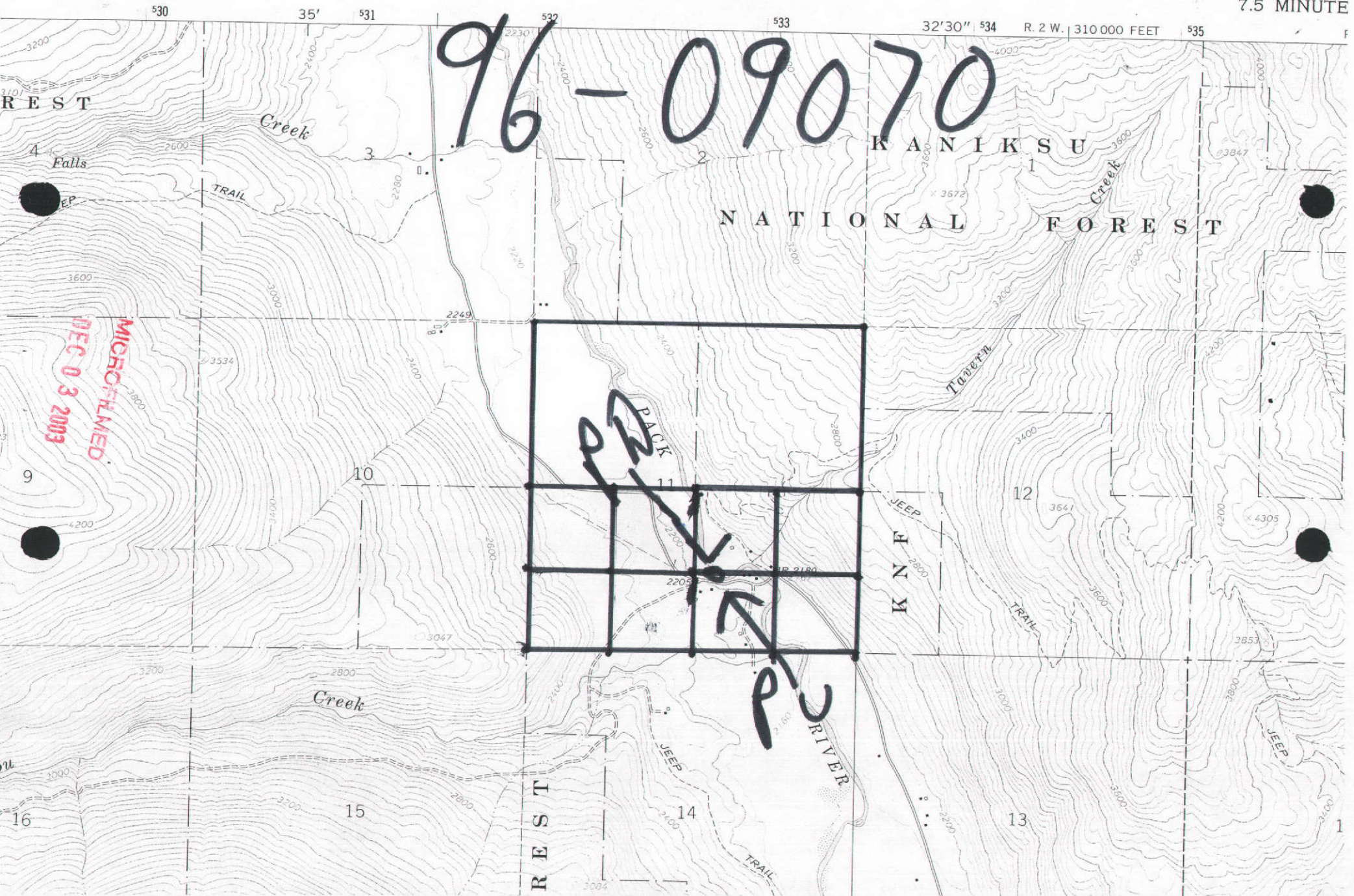
Benbrook Proposed Diversion

VICE USE 5085 Upper Park River COLBURN Road



IOR

COLBU
IDA
7.5 MINUTE



96-09070



Pump



PV



PV

UNFILMED
DEC 03 2003

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-09070

Priority: April 23, 2001

Maximum Diversion Rate: 0.05 CFS
Maximum Diversion Volume: 4.5 AF

It is hereby certified that CHARLES BENBROOK And KAREN BENBROOK
5085 UPPER PACK RIVER RD
SANDPOINT ID 83864 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 23, 2001; and have
submitted Proof of Beneficial Use on October 15, 2001. An examination indicates that the works have a
diversion capacity of 0.05 cfs of water from:

SOURCE

PACK RIVER

Tributary: LAKE PEND OREILLE

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	0.05 CFS	4.5 AF
FIRE PROTECTION	01/01 to 12/31	0.05 CFS	

LOCATION OF POINT OF DIVERSION:

PACK RIVER SW¼SE¼ Sec. 11, Twp 59N, Rge 02W, B.M., BONNER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
59N 02W 11	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	1.0 .5 1.5
Total Acres:	1.5				

PLACE OF USE: FIRE PROTECTION – Same as Irrigation

CONDITIONS OF APPROVAL

1. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
3. Water shall not be diverted under this right when flows in the Pack River are below established minimum flow amounts.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 30th day of April, 2003.


for **KARL J. DREHER**
Director

MICROFILMED

DEC 12 2003

FOR OFFICE USE ONLY
Amt. of Fee \$ 50.00
Receipt No. 057047
Receipt By [Signature]
Date Received: 10.15.01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

OCT 15 2001

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. 96-9070 Telephone No. 208-263-5236

2. Name of Permit Holder(s): Charles and Karen Benbrook

3. Mailing Address: 5085 Upper Park River Road

City Sandpoint State ID Zip 83864

4. Source of Water: Park River If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

a. 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): 1.5 acres .05 CFS Other: Fire Protection: .05 CFS

6. Total rate of diversion and/or volume for which proof is submitted: .05 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 X

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: Charles Benbrook Telephone Number: 208-263-5236

Address: 5085 Upper Park River Road 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: Charles Benbrook Date: Oct. 11, 2001

(include your title, if on behalf of company or organization)

Karen L Benbrook

MICROFILMED

OCT 18 2001

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09070

Priority: 04/23/2001

Maximum Diversion Rate: 0.05 CFS

This is to certify, that CHARLES BENBROOK
5085 UPPER PACK RIVER RD
SANDPOINT ID 83864

And

KAREN BENBROOK
5085 UPPER PACK RIVER RD
SANDPOINT ID 83864

has applied for a permit to appropriate water from:

Source: Pack River

Tributary: LAKE PEND OREILLE

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	0.05 CFS
FIRE PROTECTION	01/01 to 12/31	0.05 CFS

LOCATION OF POINT(S) OF DIVERSION:

Pack River SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11, Twp 59N, 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					
59N	02W	11													1.0	.5	1.5		

Total Acres: 1.5

PLACE OF USE: FIRE PROTECTION, same as Irrigation

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 1, 2002**.
2. Subject to all prior water rights.
3. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
4. This right when combined with all other rights shall provide no more than 0.05 cfs nor exceed a combined annual maximum diversion volume of 4.5 af at the field headgate for the lands above.
5. Water shall not be diverted under this right when flows in the Pack River are below established minimum flow amounts.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 4th day of October, 20 01.

MICROFILMED

OCT 10 2001


for **KARL J. DREHER, Director**

RECEIVED

JUL 24 2001

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

69067

1. Name of Applicant Charles + Karen Benbrook Phone 208-265-1589
Mailing address 5085 Upper Park River Road Sandpoint, ID 83864
2. Source of water supply Pack River which is a tributary of PEND OREILLE LAKE
3. Location of point of diversion is Township 59N. Range 2W. Sec. 11 in the SW 1/4, SE 1/4, Govt. Lot BANNER, B.M., BANNER County;
additional points of diversion if any: None
4. Water will be used for the following purposes:
Amount 0.05 for IRRIGATION / lawn watering purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.05 for fire protection purposes from 4/1/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.05 and/or (b) 4.25 acre feet
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 2 1/2 horsepower Berkeley Pump;
2" intake pipe.
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. House fire protection, lawn watering
and small family garden [less than .1 acre]

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OCT 18 2001

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	
S9N	24	11													1.0	.5			1.5
															F	F			

Total number of acres to be irrigated 1.5
[lawn, garden]

10. Describe any other water rights used for the same purposes as described above. None.

11. a. Who owns the property at the point of diversion? Charles and Karen Benbrook

b. Who owns the land to be irrigated or place of use? Charles and Karen Benbrook

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: Because of dry conditions and risk of fire, we want a source of water to protect the house in the case of fire. Given the expense of installing the pump & lines, we would like to run a few sprinklers as well in the yard around the house, including our small house garden.

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.

MICROFILMED

007 1 8 2001

Karen Letz Benbrook
Charles Benbrook

Signature of Applicant (and title, if applicable)

Received by [initials] Date 4/23/01 Time 120p Preliminary check by [initials]
Fee \$ 100.00 Received by [initials] # N014294 Date 4/25/01
Publication prepared by [initials] Date 4/25/01 Published in Boomer Co. Recd. Fee 5/3x10/01
Publication approved [initials] Date 5/17/01

T59N R2W

Government lot check for
96-9070 by RGH 7/18/2001

POU

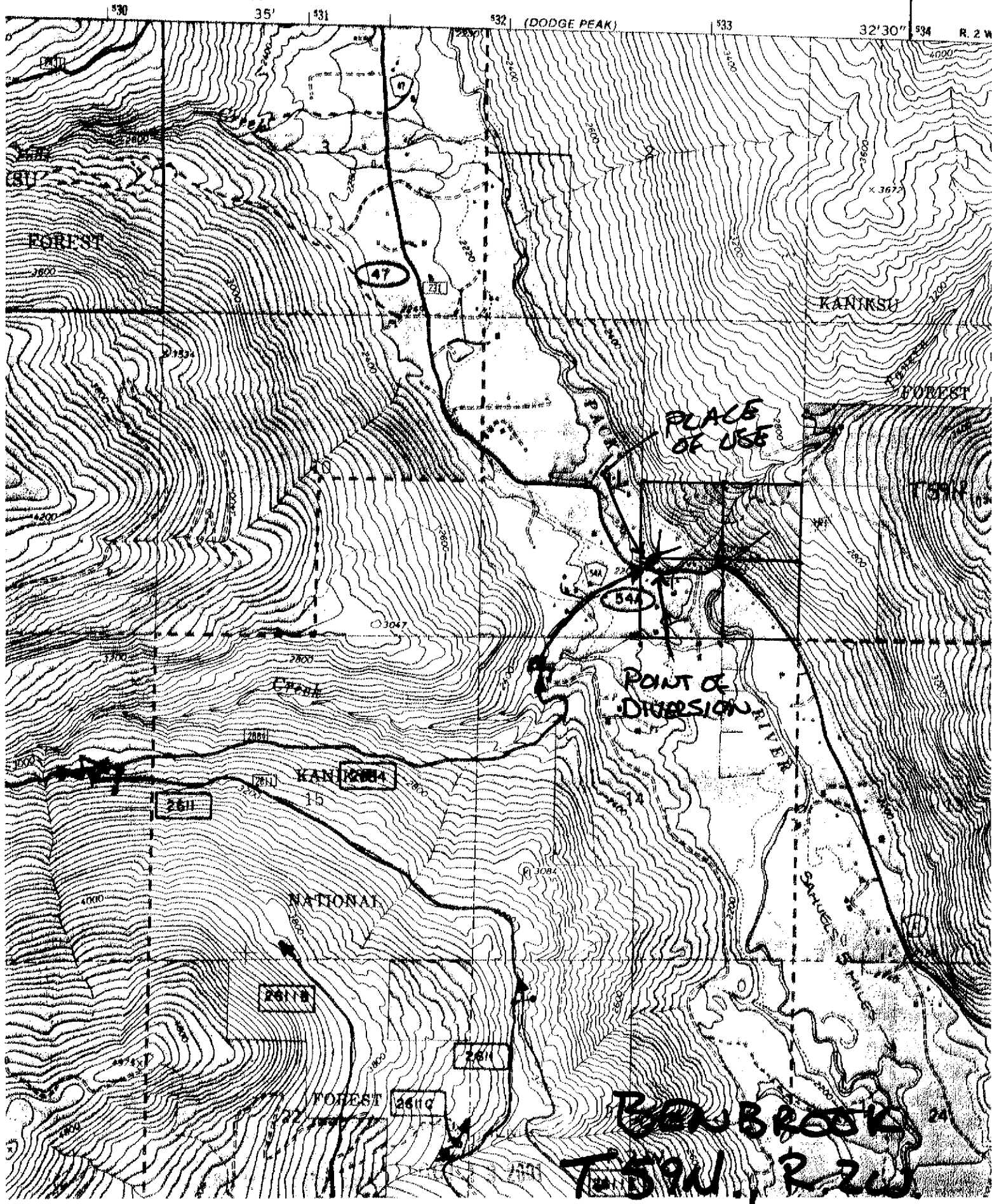
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Benbrook Proposed Division



VICE USE 5085 Upper Park River COLBYAN Road





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

April 3, 2003

CHARLES BENBROOK
KAREN BENBROOK
5085 UPPER PACK RIVER RD
SANDPOINT ID 83864

RE: License No. 96-9070 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 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.

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:klt

Enclosure(s)

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DEC 03 2003

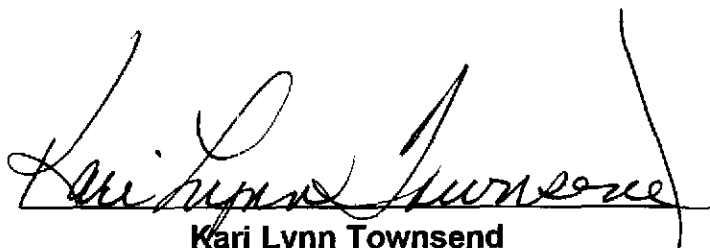
CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

96-9070

**CHARLES BENBROOK
KAREN BENBROOK
5085 UPPER PACK RIVER RD
SANDPOINT ID 83864**

A handwritten signature in cursive script, appearing to read "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
DEC 8 3 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).

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DEC 6 3 2003

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.

LICENSE REVIEW CHECKLIST

Permit No. 96-9070

Date: 3-31-03 Reviewer: Kay Walker

Change/OK

Name/Address

fix phone # per exam & proof

Source

Point of Diversion:

OK
OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use

OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): none
File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.05 cfs
Fee Limit 0.2 cfs
Measured 0.05 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 0.05

Water Uses

OK Change (P46)

Season of Use per new Standards

Irrigation 0.05 cfs 4.5 af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
Fire 0.05 cfs _____ af
_____ cfs _____ af
Total 0.05 cfs 4.5 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

Supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

*1.5ac x 0.03 -
0.045 ≈ 0.05*

Volume Determination

0.05 cfs x 1.9835 x 214 days = 21.2 af (vs) 1.5 acres x 3.0 (FHR) = 4.5 af
2.0 (cont)

Remarks:

Additional Conditions _____ Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
~~Trust R55 - remove 051)~~
~~Non-trust (048)~~

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below.
no

SRBA Claim?

N/A

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

S06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP 30 2002

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 96-09070

1. Owner: Charles Benbrook & Karen Benbrook Phone No. (208) 263-5236

Current Address: 5085 Upper pack river Rd. Sandpoint Id. 83864

2. Accompanied by: Charles Benbrook EXAM DATE: 6-14-02

Address: Same as above Phone No. _____

Relationship to Permit Holder: _____

3. Source: Pack River tributary to Lake Pend Oreille

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
			SW	SE	11	59N	02W	Bonner	USGS 7.5 min Quad

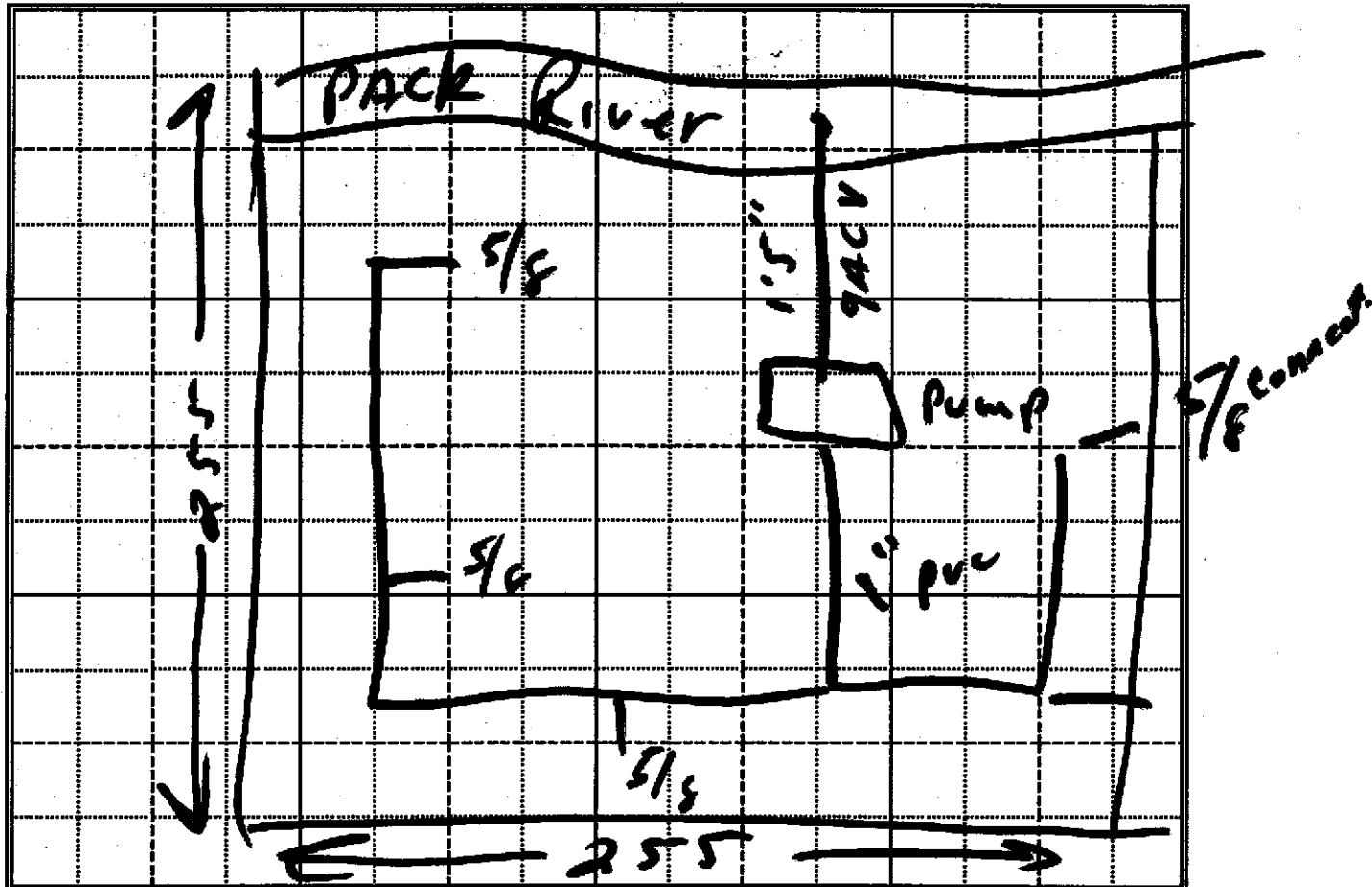
2. Place(s) of Use:

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	
59N	02W	11														1	0.5		1.5

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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
	STARITE	2.5	DHAG-53C	STARITE	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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DEC 03 2003

E/ NARRATIVE/REMARKS/COMMENTS

Irrigation is done by connecting
5/8" hose and portable sprinkler to main
trunk, and moved to desired areas

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

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DEC 03 2003

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

7 portable handpumps running during exam
 (5 gal bucket) AUG 21.7 gpm or 3.1 gpm each hand

$$\frac{21.7 \times 1.3368 \text{ ft}^3}{60} = .048 \approx .05 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1.5 \times 3 = 4.5$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .05 \times 213 \times 1.9835 = 21$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{D.R.} = 4.5$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	04/01	10/31	.05	4.5
Fire Protection	01/01	12/31	.05	
Totals:			.05	4.5

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

Wayne Baldwin

Date

9-12-02

Reviewer

Date

SEAL

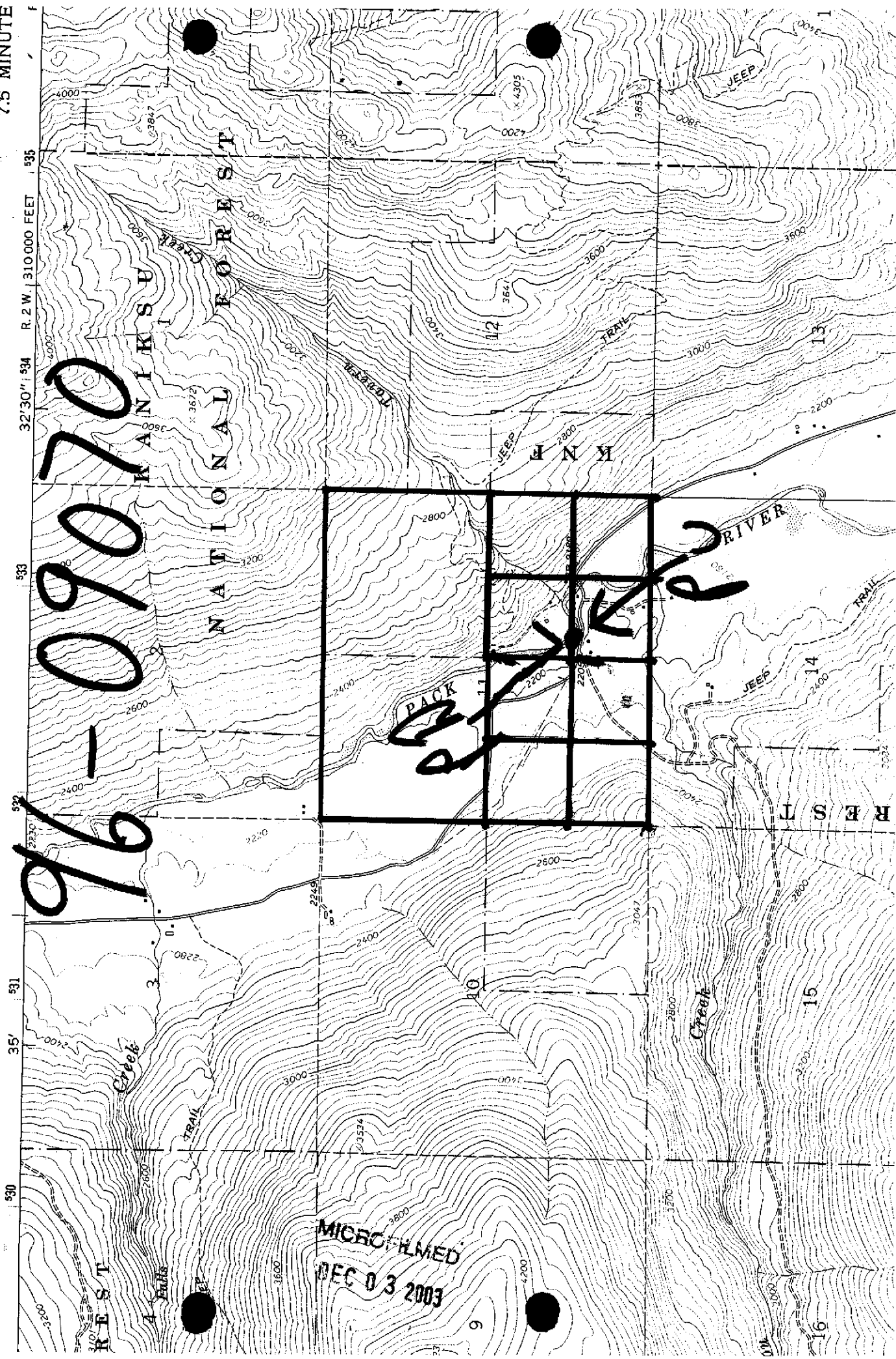
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 DEC 03 2003

FOR

COLBU

IDA

7.5 MINUTE



96-09070

Pump

PV

PV

UNFILMED
DEC 03 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

October 16, 2001

CHARLES BENBROOK
KAREN BENBROOK
5085 UPPER PACK RIVER RD
SANDPOINT ID 83864

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-09070

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

MICROFILMED
OCT 19 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 96-9070

Reviewed By: dgibson

Date: October 16, 2001

	<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.:		N014294, C057041	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		10/15/2001
Date proof due	-	10/01/2002
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	04/23/2001
New priority date	=	04/23/2001

Deficiencies of Actions Items

Acknowledge proof.



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

October 4, 2001

CHARLES BENBROOK
5085 UPPER PACK RIVER RD
SANDPOINT ID 83864

RE: Permit No. 96-9070

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.

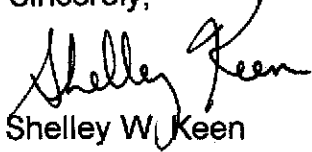
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OCT 19 2001

Page 2

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley Keen".

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

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OCT 19 2001

CERTIFICATE OF MAILING

I hereby certify that on October 4, 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. 96-9070

**CHARLES BENBROOK
5085 UPPER PACK RIVER RD
SANDPOINT ID 83864**

Sharla Curtis

**Sharla Curtis
Sr. Water Resource Agent**

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OCT 19 2001

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 8/2/01

No. 96-9070 Name: Bembrock 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

BENEFICIAL USE DUE: 10 / 01 / 2002

MISC CONDITIONS/REMARKS:

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

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)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
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

490244 - vrr.
45 - fire

Curtis, Sharla

From: Graham, Bill
Sent: Monday, October 01, 2001 7:37 AM
To: Curtis, Sharla
Subject: RE:

Sharla - The standard junior to MSF condition should work here.

Thanks - Bill G.

-----Original Message-----

From: Curtis, Sharla
Sent: Wednesday, September 26, 2001 7:29 AM
To: Graham, Bill
Subject:

Hi Bill. Either I never sent you a message with a proof report for review or you replied and I lost your message, but anyway I need your input on application 96-9070 because it is within the Pack River MSF reach. Do you want to use some special conditions or just the standard, etc?

Thanks for your help on this one. I

<< File: proof report 96-9070.RTF >>

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OCT 19 2001

RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION ANALYSIS SHEET

E BCT WRA

JUL 24 2001

69067
APPLICATION # 96-9070

DEPARTMENT OF WATER RESOURCES INITIAL REVIEW

APPLICANT: BONBROOK BY: JB DATE: 4/24/01

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()

ADDITIONAL INFORMATION

(Yes) (No)

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

PROCESSING

(Yes) (No) PRIORITY DATE: 4/23/01
X (Include Moratorium Remark)
X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

bc/shuss/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

GROUNDWATER SECTION

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

- Notice of pending void order issued. Final order response date: _____
Further information required from applicant
Affidavit of publication received
Application published correctly. If not, record action taken: _____
Publication dates and paper recorded on application | Sr. Agent initial JB
Protests received, Final protest date: 5/21/01
Measuring device required
Measuring port required
Special conditions:
Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: JB

Date: 5/22/01

Ball, Dianne

To: mliter@IDFG.STATE.ID.US
Subject: RE: New Water Right filings on which we need your comments

Do I understand then, that Mr. Hennekey will do the review on these water rights, and he is to be our contact person from this point forward? Thanks for your reply. Dianne Ball - IDWR Northern Region.

-----Original Message-----

From: MARK LITER [mailto:mliter@IDFG.STATE.ID.US]
Sent: Monday, May 14, 2001 11:24 AM
To: dball@idwr.state.id.us
Subject: re: New Water Right filings on which we need your comments

Ray Hennekey will be our contact for you, he will be here later in the week.

----- Original Text -----

From: "Ball, Dianne" <dball@idwr.state.id.us>, on 5/7/01 3:38 PM:

Mark, some more new Water Right filings. I am pulling these off our internet home page. The water rights don't all hit the internet at the same time, hence the different dates for publication and protest. We would appreciate your comments as to whether or not you have a problem with our issuing these permits. Thanks for your early response.

N O T E: The WESTMAN and MONTGOMERY Water Right is scheduled for publication on 5/16 AND 23/2001 WITH A FINAL DATE FOR PROTEST TO BE RECEIVED IN OUR OFFICE OF JUNE 4, 2001

The BENBROOK and the CLIFF Water Rights are out for advertising now and they both have a FINAL DATE FOR PROTESTS TO BE RECEIVED OF MAY 21, 2001.

Application for Permit No. 96-09069 Name: DANIEL WESTMAN and ELIZABETH MONTGOMERY

Diversion Pt NWSW Sec 27 T 55N R 05W BONNER County

Source PINE CREEK Use: DOMESTIC 01/01 To 12/31 0.06 CFS

Use: IRRIGATION 01/01 To 12/31 0.15 CFS; IRRIGATION STORAGE 01/01 To 12/31 1.5 AFA; IRRIGATION FROM STORAGE 01/01 To 12/31 1.5 AFA; DOMESTIC STORAGE 01/01 To 12/31 1.5 AFA; DOMESTIC FROM STORAGE 01/01 To 12/31 1.5 AFA; RECREATION STORAGE 01/01 To 12/31 1.5 AFA

Total Diversion: 0.15 CFS

Date Filed: 04/05/2001

Place Of Use: IRRIGATION T55N R05W S27 NWSW Number of Acres 5

Place Of Use: IRRIGATION STORAGE, IRRIGATION FROM STORAGE, DOMESTIC, DOMESTIC STORAGE, RECREATION STORAGE, same as Irrigation

Remarks: Domestic use is for 2 homes. Recreation storage is for fishing and swimming.

Application for Permit No. 96-09070 Name: CHARLES BENBROOK KAREN BENBROOK

Diversion Pt SWSE Sec 11 T 59N R 02W BONNER County

Source PACK RIVER

Use: IRRIGATION 03/15 To 11/15 0.05 CFS; FIRE PROTECTION 01/01 To 12/31 0.05 CFS

Total Diversion: 0.05 CFS

Date Filed: 04/23/2001

Place Of Use: IRRIGATION T59N R02W S11 NWSE SWSE Number of Acres 1.5 -

Place Of Use: FIRE PROTECTION, same as Irrigation

Application for Permit No. 97-07405 Name: CARL W CLIFF

MICROFILMED
OCT 19 2001

Diversion Pt SENE Sec 22 T 57N R 04W BONNER County
Source BLUE CREEK
Use: IRRIGATION 03/15 To 11/15 0.08 CFS; Use: FIRE PROTECTION 01/01 To
12/31 0.1 CFS
Total Diversion: 0.18 CFS
Date Filed: 04/19/2001
Place Of Use: IRRIGATION T57N R04W S22 NENE SENE Number of Acres 4
Place Of Use: FIRE PROTECTION T57N R04W S22 SENE

May your life be littered with love and blessings.
Dianne Ball
IDWR Coeur d'Alene (208) 769-1450 (FAX 769-1454)

MICROFILMED

APR 19 2001

Ball, Dianne

From: MARK LITER [mliter@IDFG.STATE.ID.US]
Sent: Monday, May 14, 2001 12:14 PM
To: dball@idwr.state.id.us
Subject: RE: New Water Right filings on which we need your comments

Correct, Ray will replace Chip.

----- Original Text -----

From: "Ball, Dianne" <dball@idwr.state.id.us>, on 5/14/01 12:12 PM:

Do I understand then, that Mr. Hennekey will do the review on these water rights, and he is to be our contact person from this point forward? Thanks for your reply. Dianne Ball - IDWR Northern Region.

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~~~~~  
Application for Permit No. 96-09069 Name: DANIEL WESTMAN and ELIZABETH MONTGOMERY

Diversion Pt NWSW Sec 27 T 55N R 05W BONNER County

Source PINE CREEK Use: DOMESTIC 01/01 To 12/31 0.06 CFS

Use: IRRIGATION 01/01 To 12/31 0.15 CFS; IRRIGATION STORAGE 01/01 To 12/31

1.5 AFA; IRRIGATION FROM STORAGE 01/01 To 12/31 1.5 AFA; DOMESTIC STORAGE

01/01 To 12/31 1.5 AFA; DOMESTIC FROM STORAGE 01/01 To 12/31 1.5 AFA;

RECREATION STORAGE 01/01 To 12/31 1.5 AFA

Total Diversion: 0.15 CFS

Date Filed: 04/05/2001

Place Of Use: IRRIGATION T55N R05W S27 NWSW Number of Acres 5

Place Of Use: IRRIGATION STORAGE, IRRIGATION FROM STORAGE, DOMESTIC,

DOMESTIC STORAGE, RECREATION STORAGE, same as Irrigation

Remarks: Domestic use is for 2 homes. Recreation storage is for fishing and swimming.

~~~~~  
Application for Permit No. 96-09070 Name: CHARLES BENBROOK KAREN BENBROOK

Diversion Pt SWSE Sec 11 T 59N R 02W BONNER County

Source PACK RIVER

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001 13 2001

Use: IRRIGATION 03/15 To 11/15 0.05 CFS; FIRE PROTECTION 01/01 To 12/31
0.05 CFS

Total Diversion: 0.05 CFS

Date Filed: 04/23/2001

Place Of Use: IRRIGATION T59N R02W S11 NWSE SWSE Number of Acres 1.5 -

Place Of Use: FIRE PROTECTION, same as Irrigation

Application for Permit No. 97-07405 Name: CARL W CLIFF

Diversion Pt SENE Sec 22 T 57N R 04W BONNER County

Source BLUE CREEK

Use: IRRIGATION 03/15 To 11/15 0.08 CFS; Use: FIRE PROTECTION 01/01 To
12/31 0.1 CFS

Total Diversion: 0.18 CFS

Date Filed: 04/19/2001

Place Of Use: IRRIGATION T57N R04W S22 NENE SENE Number of Acres 4

Place Of Use: FIRE PROTECTION T57N R04W S22 SENE

May your life be littered with love and blessings.

Dianne Ball

IDWR Coeur d'Alene (208) 769-1450 (FAX 769-1454)

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OCT 19 2001

Ball, Dianne

From: Ball, Dianne
Sent: Monday, May 07, 2001 3:37 PM
To: 'Mark Liter, IDFG Cd;A'
Subject: New Water Right filings on which we need your comments

Mark, some more new Water Right filings. I am pulling these off our internet home page. The water rights don't all hit the internet at the same time, hence the different dates for publication and protest. We would appreciate your comments as to whether or not you have a problem with our issuing these permits. Thanks for your early response.

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Diversion Pt NWSW Sec 27 T 55N R 05W BONNER County

Source PINE CREEK Use: DOMESTIC 01/01 To 12/31 0.06 CFS

Use: IRRIGATION 01/01 To 12/31 0.15 CFS; IRRIGATION STORAGE 01/01 To 12/31 1.5 AFA; IRRIGATION FROM STORAGE 01/01 To 12/31 1.5 AFA; DOMESTIC STORAGE 01/01 To 12/31 1.5 AFA; DOMESTIC FROM STORAGE 01/01 To 12/31 1.5 AFA; RECREATION STORAGE 01/01 To 12/31 1.5 AFA

Total Diversion: 0.15 CFS

Date Filed: 04/05/2001

Place Of Use: IRRIGATION T55N R05W S27 NWSW Number of Acres 5

Place Of Use: IRRIGATION STORAGE, IRRIGATION FROM STORAGE, DOMESTIC, DOMESTIC STORAGE, RECREATION STORAGE, same as Irrigation

Remarks: Domestic use is for 2 homes. Recreation storage is for fishing and swimming.

Application for Permit No. 96-09070 Name: CHARLES BENBROOK KAREN BENBROOK

Diversion Pt SWSE Sec 11 T 59N R 02W BONNER County

Source PACK RIVER

Use: IRRIGATION 03/15 To 11/15 0.05 CFS; FIRE PROTECTION 01/01 To 12/31 0.05 CFS

Total Diversion: 0.05 CFS

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OCT 13 2001 1

Date Filed: 04/23/2001

Place Of Use: IRRIGATION T59N R02W S11 NWSE SWSE Number of Acres 1.5 - Place Of Use: FIRE PROTECTION, same as Irrigation

Application for Permit No. 97-07405 Name: CARL W CLIFF

Diversion Pt SENE Sec 22 T 57N R 04W BONNER County

Source BLUE CREEK

Use: IRRIGATION 03/15 To 11/15 0.08 CFS; Use: FIRE PROTECTION 01/01 To 12/31 0.1 CFS

Total Diversion: 0.18 CFS

Date Filed: 04/19/2001

Place Of Use: IRRIGATION T57N R04W S22 NENE SENE Number of Acres 4

Place Of Use: FIRE PROTECTION T57N R04W S22 SENE

May your life be littered with love and blessings.

Dianne Ball

IDWR Coeur d'Alene (208) 769-1450 (FAX 769-1454)

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OCT 19 2001

Bonner County Daily Bee
P.O. Box 159
Sandpoint, Id 83864
Phone: (208) 263-9534

**ADVERTISING
INVOICE/STATEMENT**

Statement		Agency/Client Name		
05/17/01		DEPARTMENT OF WATER RESOURCES		
Total Amount Due		Terms of Payment		
-315.24		net 17th		
Current Amount Due	1-30 Days	31-60 Days	61-90 Days	Over 90 Days
-315.24	0.00	0.00	0.00	0.00

Page #	Billing Date	Billed Account #	Agency/Client Number	
1	05/17/01	30101775-000		
Billed Account Name & Address			Remittance Address	
DEPARTMENT OF WATER RESOURCES 1910 NW BLVD. SUITE #210 COEUR D'ALENE, ID 83814			Bonner County Daily Bee P.O. Box 159 Sandpoint, Id 83864	
			RECEIVED MAY 17 2001 IDWR/North	

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

Date	Reference #	Description-Other Comments/Charges	Type	Units	Runs	Rate	Amount	Total
05/03/01	32508577-001	#2519 APP FOR WATER RIGHTS	DIS	8.50 in	1	UL	60.48	60.48
05/03/01	32508899-001	#2548 APPS FOR WATER	DIS	10.00 in	1	UL	73.92	134.40
05/10/01	32508578-001	#2519 APP FOR WATER RIGHTS	DIS	8.50 in	1	UL	51.04	186.24
		Affidavit Charge					3.00	189.24
05/10/01	32508900-001	#2548 APPS FOR WATER	DIS	10.00 in	1	UL	63.36	252.60
		Affidavit Charge					3.00	255.60
05/17/01	32508973-001	#2579 APP FOR WATER	DIS	8.00 in	1	UL	59.64	315.24

5/17/01

Nancy:

\$140.28 charges through 5/10/01
are OK to pay.

Please hold the 5/17/01 charge
until I get the bill for the
second publication and the
affidavit which should be dated
5/24/01. I will send that
invoice/statement after the final
publication regarding legal #2579.

If you have any questions, please
give me a call. Thanks.
Dianne Ball - Northern

*Legal #2579 charges
cancelled per
Sheri Jones
at Bonner County
Daily Bee 5/17/01
(Duplicate
publication)*

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OCT 19 2001

Statement of Account Aging of Past Due Amounts

Current Amount Due	1-30 Days	31-60 Days	61-90 Days	Over 90 Days	Total Amount Due
199.92 -315.24	0.00	MICROFILMED	0.00	0.00	199.92 -315.24

Bonner County Daily Bee
P.O. Box 159
Sandpoint, Id 83864

OCT 19 2001

Past due accounts are subject to finance charges of 1 1/2%
per month, which is an annual percentage of 18%, applied
to the previous balance.

Advertiser Information

Statement Date	Billed Account #	Agency/Client Number	Agency/Client Name
05/17/01	30101775-000		

DON'T FORGET MOTHER'S DAY MAY 13TH!

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:

App for water

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

said paper for a period of 2 consecutive weeks,

commencing on 3 day of May, 2001

and ending on the 10 day of May, 2001

and that said notice was published in said newspaper.

On this 10 day of May 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 that he executed the same.

CAROLYN L. WOOD
NOTARY PUBLIC
Notary Public for Idaho
Residing at: Sandpoint
MICROFILMED
Commission expires: 8/06
OCT 19 2001

RECEIVED
MAY 16 2001
DWR/North

IRRIGATION
T54N R04W S35 NESE
Number of Acres 4
96-9068
KATHLEEN J DRYDEN
2690 ONTARIO
SANDPOINT ID 83864
Point(s) of Diversion NENW S28
T57N R02W BONNER County
Source LITTLE CHUCK
SLOUGH
Use: IRRIGATION
03/15 To 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 04/04/2001
Place Of Use: IRRIGATION
T57N R02W S28 NENW NWNW
Number of Acres 1

96-9070
CHARLES BENBROOK
KAREN BENBROOK
5085 UPPER PACK RIVER RD
SANDPOINT ID 83864
Point(s) of Diversion SWSE S11
T59N R02W BONNER County
Source PACK RIVER
Use: IRRIGATION
03/15 To 11/15 0.05 CFS
Use: FIRE PROTECTION
01/01 To 12/31 0.05 CFS
Total Diversion: 0.05 CFS
Date Filed: 04/23/2001
Place Of Use: IRRIGATION and
FIRE PROTECTION
T59N R02W S11 NWSE SWSE
Number of Acres 1.5

97-7404
WILLIAM T MC BURNEY
PO BOX 4
SANDPOINT ID 83864
Point(s) of Diversion L1 NENE
S12 T650N R05W BONNER
County
Source PRIEST LAKE
Use: DOMESTIC
01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 09/06/2000
Place Of Use: DOMESTIC
T60N R05W S12 NENE

Permits will be subject to all prior water rights. protests may be submitted based on the criteria of Sec 42-230A, 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 05/21/2001. The protestant must send a copy of the protest to the applicant. KARL J DREHER, Director Legal SNP#2548 May 3, 10, 2001

LEGAL NOTICE

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

96-9067
GEORGE WHITMIRE
PO BOX 3538
HAYDEN ID 83835
Point(s) of Diversion L6 NESE
S35 T54N R04W BONNER
County
Source GROUND WATER
Use: DOMESTIC
01/01 To 12/31 0.2 CFS
Use: IRRIGATION
03/15 To 11/15 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 08/08/2000
Place Of Use: DOMESTIC and

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OCT 19 2001



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

April 25, 2001

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

RE: Applications for Permit Nos. 96-9067, 96-9068, 96-9070, 97-7404,

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find legal notices 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 05/21/2001. Your cooperation is appreciated.

Sincerely

Dianne Ball
Administrative Assistant

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OCT 19 2001

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

96-9067

GEORGE WHITMIRE
PO BOX 3538
HAYDEN ID 83835

Point(s) of Diversion L6 NESE S35 T54N R04W BONNER County
Source GROUND WATER
Use: DOMESTIC 01/01 To 12/31 0.2 CFS
Use: IRRIGATION 03/15 To 11/15 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 08/08/2000
Place Of Use: DOMESTIC and IRRIGATION
T54N R04W S35 NESE
Number of Acres 4

96-9068

KATHLEEN J DRYDEN
2690 ONTARIO
SANDPOINT ID 83864

Point(s) of Diversion NENW S28 T57N R02W BONNER County
Source LITTLE CHUCK SLOUGH
Use: IRRIGATION 03/15 To 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 04/04/2001
Place Of Use: IRRIGATION
T57N R02W S28 NENW NWNW
Number of Acres 1

96-9070

CHARLES BENBROOK
KAREN BENBROOK
5085 UPPER PACK RIVER RD
SANDPOINT ID 83864

Point(s) of Diversion SWSE S11 T59N R02W BONNER County
Source PACK RIVER
Use: IRRIGATION 03/15 To 11/15 0.05 CFS
Use: FIRE PROTECTION 01/01 To 12/31 0.05 CFS
Total Diversion: 0.05 CFS
Date Filed: 04/23/2001
Place Of Use: IRRIGATION and FIRE PROTECTION
T59N R02W S11 NWSE SWSE
Number of Acres 1.5

97-7404

WILLIAM T MC BURNEY
PO BOX 4
SANDPOINT ID 83864

Point(s) of Diversion L1 NENE S12 T60N R05W BONNER County
Source PRIEST LAKE
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 09/06/2000
Place Of Use: DOMESTIC
T60N R05W S12 NENE

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 05/21/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 5/3 and 5/10/2001

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April 25, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHARLES & KAREN BENBROOK
5085 UPPER PACK RIVER RD
SANDPOINT ID 83864

RE: Application for Permit No 96-9070

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. Enclosed is Receipt No. N014294 for your records.

A legal notice of the application has been prepared and is scheduled for publication in the Bonner County Daily Bee on May 3 and 10, 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 eight to twelve weeks.

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

Sincerely,

A handwritten signature in cursive script that reads "Allen Beardslee".

Allen Beardslee
Senior Water Resource Agent

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