

AFFIDAVIT OF PUBLICATION

RECEIVED

MAR 25 1976

STATE OF IDAHO }
County of Boundary } ss.

Echo Turnbull, bkpr. for W. H. DeHabb being
first duly sworn upon his oath, deposes and says that he is the publisher (or foreman)
Department of Water Resources
Northern District Office

Publisher

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of Idaho Dept. of Water Resources

a Notice of Correction #98-7159

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated March 11, 1976, and ending with the issue dated March 18, 1976, 1966.

Echo Turnbull, bkpr.

Subscribed and sworn to before me this 23rd day of March, 1966.

Carolyn L. Lipp

Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.

NOTICE OF CORRECTION

Notice is hereby given that
Application for Permit No. 98-7159 in the name of "Bud"

Harry Behrman was advertised incorrectly on February 19 and February 26, 1976. The place of use was advertised as being within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 3, T. 62N, R. 3E, B.M.; whereas, the actual place of use is within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 3, T. 62N, R. 2E, B.M.

Any protest against the above correction must be filed with the Idaho Department of Water Resources, 4055 Government Way, Suite No. 1, Coeur d'Alene, Idaho 83814, on or before March 29, 1976.

R. KEITH HIGGINSON

Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on March 11 and March 18, 1976.-ldwr

AFFIDAVIT OF PUBLICATION

RECEIVED
FEB 25 1976

STATE OF IDAHO }
County of Boundary } ss.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that "Bud" Harry Behrman, Moyie Springs, Idaho has on February 11, 1976 submitted Application No. 98-7159 for a permit to appropriate 1.00 cubic feet per second of water from Dry Creek, tributary of the Moyie River by means of pipeline, small dam, and catch basin within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 63N, R. 2E, B.M., Boundary County to be used from May 1 to Aug. 1 for the irrigation of 50 acres within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 3, T. 62N, R. 3E, B.M.

Is issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before Mar. 8, 1976.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Feb. 19 and Feb. 26, 1976-idwr

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first duly sworn upon his oath, deposes and says that he is the publisher (or foreman)
Department of Water Resources
Publisher District Office

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

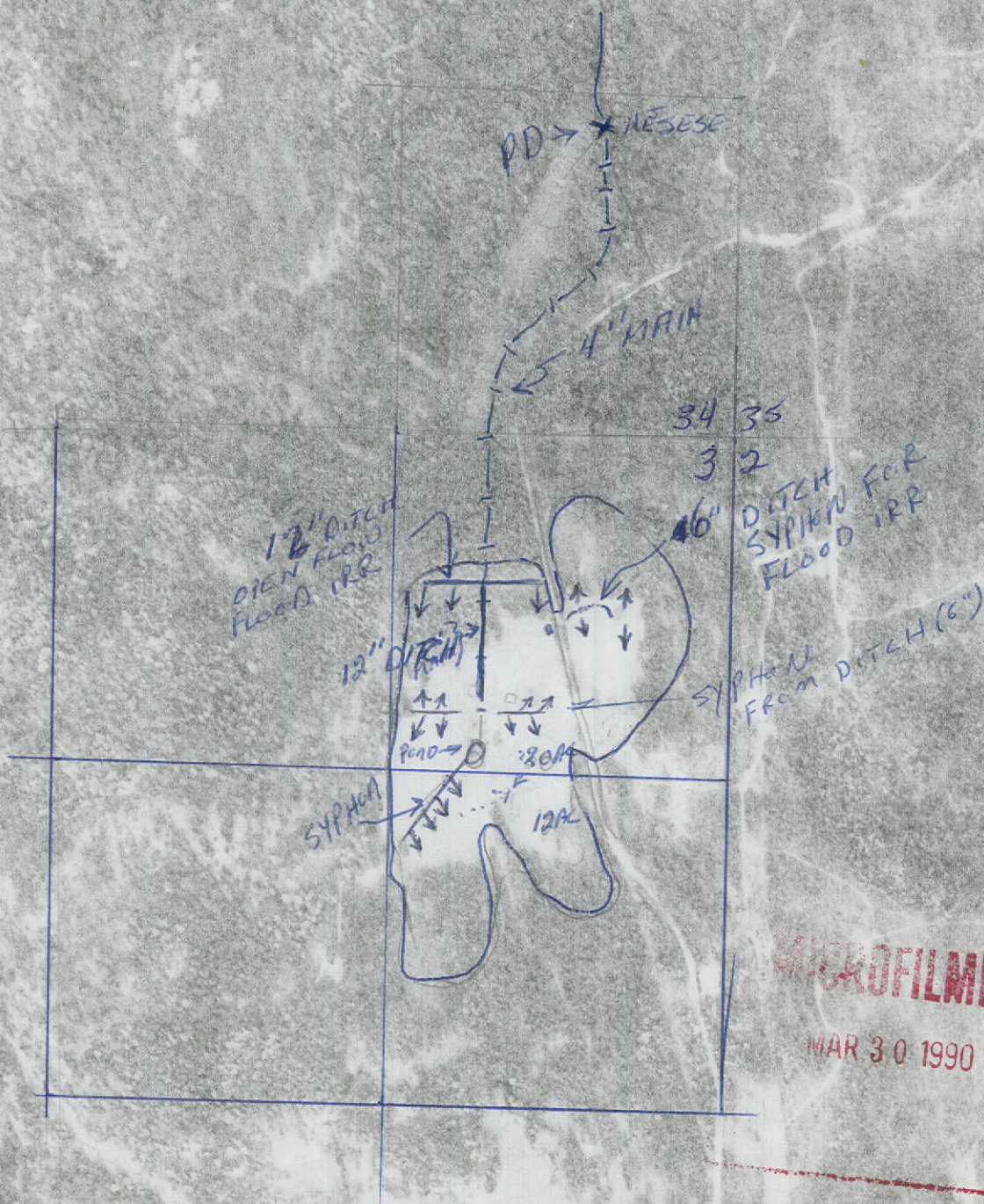
the advertisement of Idaho Dept. of Water Resources

a Notice of Application #98-7159

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Feb. 19, 1976, 196, and ending with the issue dated Feb. 26, 1976, 196.

Echo Turnbull, bkpr.
Subscribed and sworn to before me this 23rd day of February, 1976.

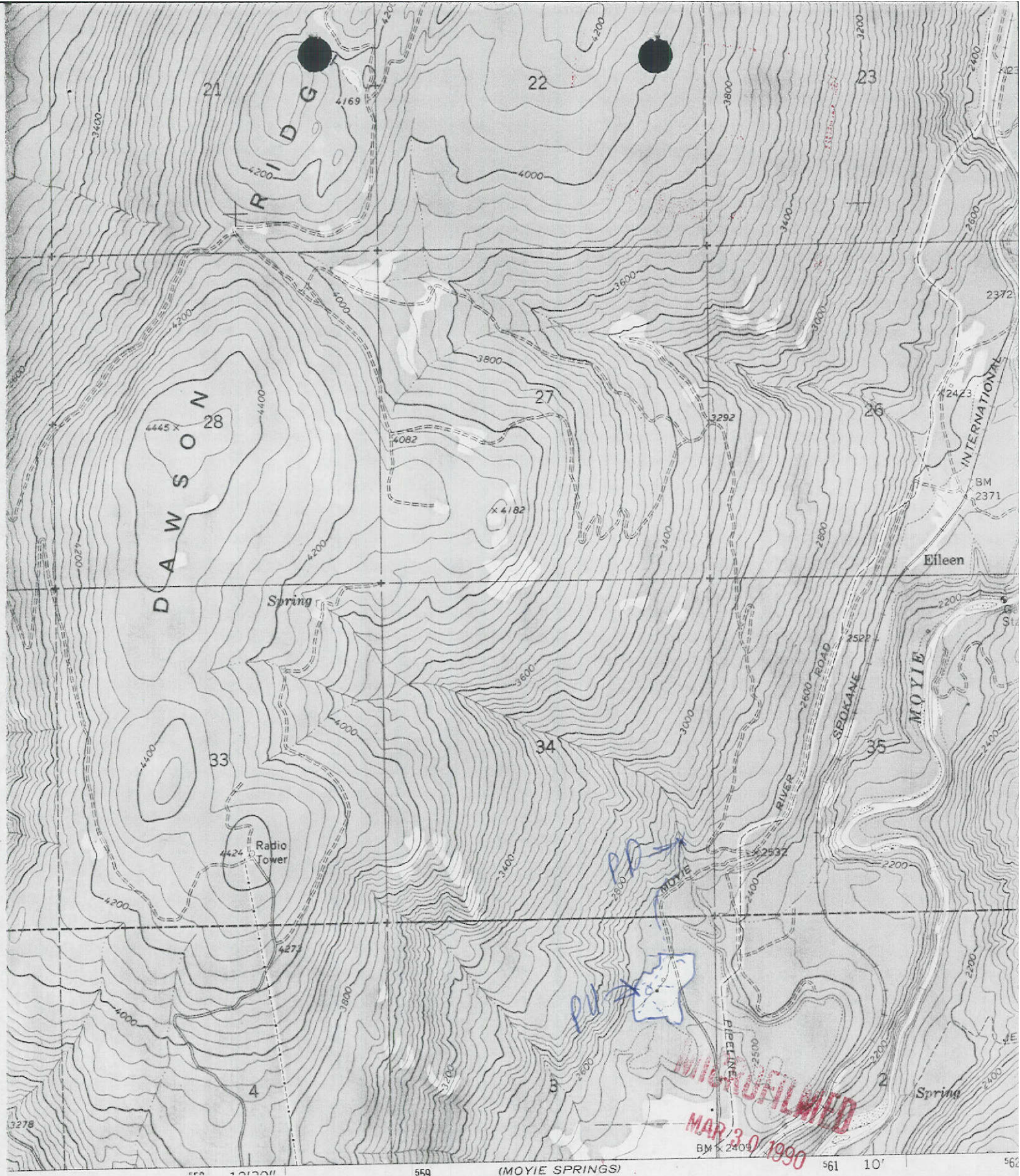
Carlyne J. Jaffer
Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.



MICROFILMED

MAR 30 1990





T 63 N

R 2 E

SEC. 34

98-7159

T 62 N, R 2 E, SEC 3

EXAM DATE -

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 98-07159

Priority: February 11, 1976

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.27 CFS
65.9 AF

This is to certify, that HARRY BEHRMAN
STAR RT.

MOYIE SPRINGS, ID 83845 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated February 11, 1976; and
has submitted Proof of Beneficial Use on March 9, 1978. An examination indicates
that the works have a diversion capacity of .270 cfs of water from:

UNNAMED STREAM tributary to MOYIE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	05/01 to 08/01	0.27 CFS	65.9 AF

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 34, Township 63N, Range 02E
BOUNDARY County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
62N	02E	3	NENE 20	SENE 12		32

Total number of acres irrigated: 32

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
6. Source known locally as Dry Creek.

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MAR 30 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 98-07159

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 28th
day of NOVEMBER, 19 89.

Acting for

R. Keith Higginson, Director

MICROFILMED

MAR 30 1990

Identification No. 98-7159

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant "Bud" Harry Behrman Phone: 267-3435
post office address Moyie Springs, Idaho
2. Source of water supply Dry Creek which is a tributary of Moyie River
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34 Township 63N
Range 2E B.M. Boundary County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 1.00 for Irrigation purpose from May 1 to Aug. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 1.00 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 6" pipeline into 4" pipeline,
gravity flow to place of use. Also 20' square dam and catch basin.

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 2 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
62N	2E	3	20			30													50

Total number of acres to be irrigated 50

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

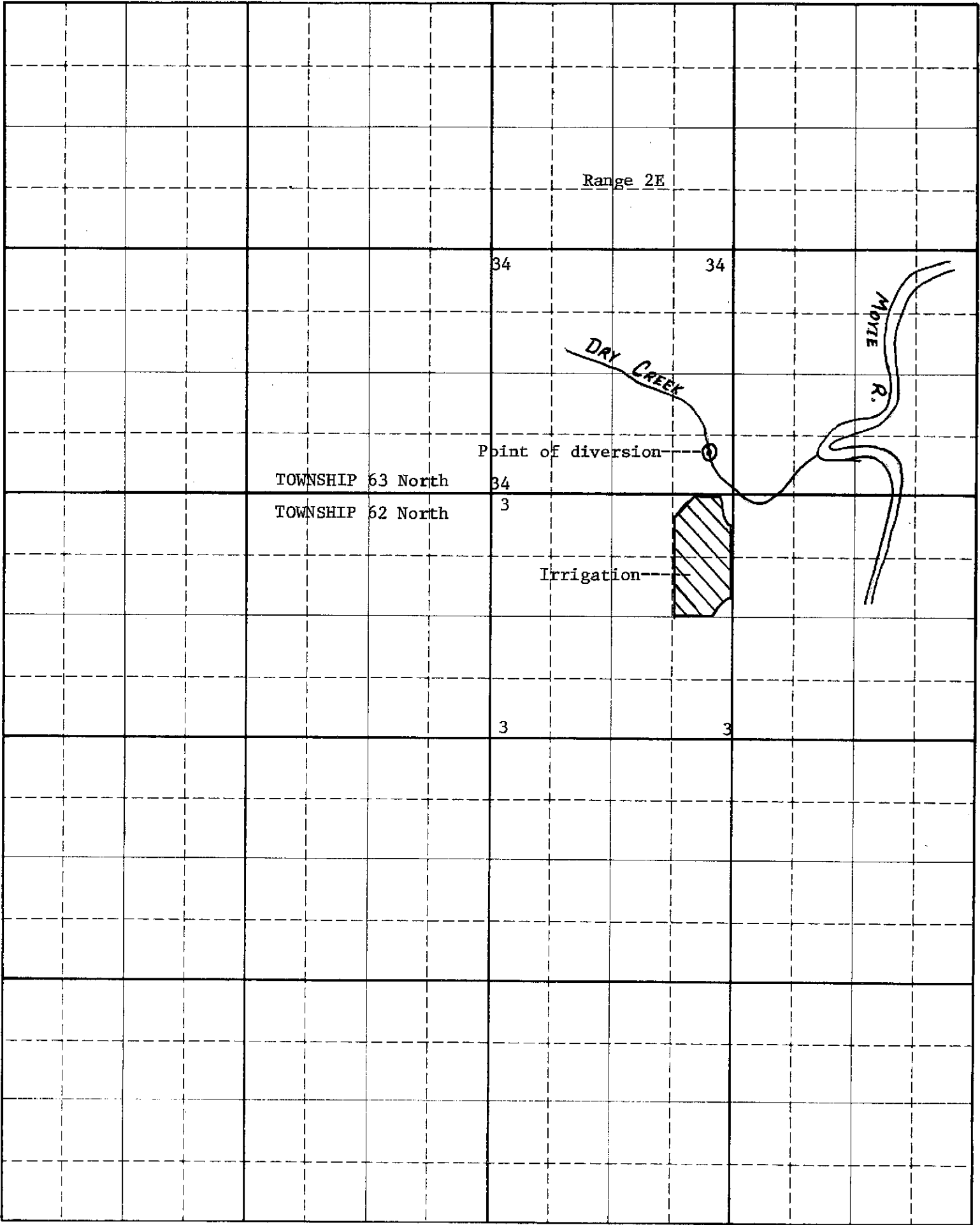
9. a. Who owns the property at the point of diversion U.S. Forest Service

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 _____

10. Remarks _____

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



Scale: 2 inches equal 1 mile

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

Bud Harry Behrman
(Applicant)

Proposed Priority 2-11-76

Received by CP Date 2-11-76 Time 1:00 pm

Preliminary check by PSA Fee \$ 25.00

Receipted by CP Date 2-11-76 (Rec. #3923)

PSA Publication prepared by CP Date 2-13-76

Published in Bonnors Ferry Herald

Publication dates 2-19 & 2-26-76

Publication approved CP Date 3-29-76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by PSA BDF

CORRECTION NOTICE:

Bonnors Ferry Herald

3-11 & 3-18-76

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 98-7159, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 78.

c. Other: 1. A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

2. Denial of said application is for the following reasons: _____

Witness my hand this 7 day of April, 19 76.

R. Karl Higgin
Director

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STATE OF IDAHO }
County of Boundary } ss.

MAR 25 1976

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Any protest against the above correction must be filed with the Idaho Department of Water Resources, 4055 Government Way, Suite No. 1, Coeur d'Alene, Idaho 83814, on or before March 29, 1976.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on March 11 and March 18, 1976. -ldwr

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Publisher

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a Notice of Correction 98-7159

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Subscribed and sworn to before me this 23rd day of March, 1976.

Carolyn L. Lohr
Notary Public in and for the County of Boundary, State of Idaho, residing at Bonners Ferry, Idaho.

RECEIVED

FEB 25 1976

AFFIDAVIT OF PUBLICATION

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County of Boundary } ss.

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R. KEITH HIGGINSON
Director

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published at the Idaho Dept. of Water Resources District Office

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Echo Turnbull, bkpr.
Subscribed and sworn to before me this 23rd day of February, 1976
Caryn Lippier

Notary Public in and for the County of Boundary, State of Idaho, residing at Bonners Ferry, Idaho.

November 28, 1989

HARRY BEHRMAN
STAR RT.
MOYIE SPRINGS, ID 83845

RE: PERMIT NO. 98-07159

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAR 30 1990

October 23, 1989

HARRY BEHRMAN
STAR RT.
MOYIE SPRINGS, ID 83845

RE: PERMIT NO. 98-07159

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED

MAR 30 1990

POINT OF DIVERSION OVERLAP REVIEW

WR-NUMBER	TWP	RNG	SC	TRACT	LT	#SOURCE	#NAME
				1\4 1\4 1\4			
9807159	63N	02E	34	SE	SE	DRY CREEK	BEHRMAN, HARRY
9807406						DRY CREEK	BEHRMAN, HARRY
9807417						UNNAMED STREAM	MANLEY, ROBERT J.
9807423						DRY CREEK	MAXFIELD, JAMES

MICROFILMED

MAR 30 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT SUPPLEMENT

Yes No

PERMIT 98-7159

(☒) () B/U Acknowledgement Letter Sent _____ (INITIAL & DATE)

(☒) () Aerial Photo Date Requested _____ by _____

(☒) () Quad Sheet

(☒) () GL Plat

() (☒) Copies of overlapping License Field Report

() (☒) Photo PD/PU

(☒) () Correspondence (Date) 11-29-79 / 5-6-87

Department of Water Resources

() () Other (List) _____

EXAM COMPLETED BY J King

DATE 3/4/88

SR AGENT REVIEW

JK

DATE 3-4-88

REGIONAL MANAGER REVIEW

RSA

DATE 6/89

ENTERED ON COMPUTER BY

Am

DATE 6/16/89

PRELIMINARY OVERLAP REVIEW BY J King

DATE 3/4/88

(☒) NO OVERLAP FOUND

CONTACT NOTES FROM EARLIER FORMS

8-21-78 CROOK DRY TRY EARLIER IN YEAR

5-30-79 NEED NEW PMT FM USFS MEAS. 0.22'

7-29-80 LOW WATER TRY EARLIER IN YEAR MEASURE 0.83'

8-5-81 " " " " " " " " " " 0.178'

6-82 NOT IRR

5-5-83 " "

5-87 " "

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MAR 30 1990



STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

May 6, 1986

Mr. Harry Behrman
Star Route
Moyie Springs, Id. 83845

Re: 98-7159

Dear Mr. Behrman:

This is to acknowledge receipt of the Examination Fee Information sheet for the above-referenced permit.

Also, enclosed is your Receipt No. 32035 in the amount of \$100.00 which represents the fee for the examination of your permit.

If you have any questions, please contact me at my office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Receipt

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JUN 2 6 1989

Department of Water Resources

MICROFILMED

MAR 30 1990

November 29, 1979

Mr. Harry Behrman
Moyie Springs
Idaho 83845

Re: 98-7159

Dear Mr. Behrman:

Enclosed are the instructions for the installation of the access
port as we discussed yesterday.

Sincerely,

TOM D. KING, JR.
Senior Water Resource Agent

TDK/pms

Enc. - Instructions

RECEIVED
MAR 30 1980

ATTACHMENT

98-7159

A.2 EXAM DATES

8-21-78 INSUFFICIENT WATER

5-30-79 MEASURED ~ MR. BEHRMAN FEELS MORE WATER
SHOULD BE ALLOWED

7-29-80 MEASURED ~ LESS WATER

8-5-81 MEASURED ~ CALCULATIONS INCORRECT

E. FLOW CALCULATIONS

1. MEASURED METHOD FRANCIS FORMULA $Q = 3.33 H^{3/2} (L - .2H)$

$$Q = (3.33)(.22)^{3/2} [.93 - (.2)(.22)]$$

$$Q = (3.33)(.103)(.786)$$

$$Q = 0.27 \text{ cfs}$$

RECEIVED
JUN 26 1989

Department of Water Resources

2. ALTERNATE / CHECKING PURPOSES 70 FEET OF HEAD

4" LINE IS 84% OF TOTAL MAIN $\therefore$ MANNINGS $H = (.76)(84\%) = 58.8$

$$Q = \left(\frac{.463}{n} \right) (D)^{2.667} \left(\frac{H}{L} \right)^{.5}$$

$$Q = \left(\frac{.463}{.01} \right) \left(\frac{4}{12} \right)^{2.667} \left(\frac{58.8}{2600} \right)^{.5}$$

$$Q = (46.3)(.05)(.15)$$

$$Q = .35 \text{ cfs}$$

C.2 PHOTO - SINCE FIELD WORK WAS ACTUALLY

COMPLETED PRIOR TO PICTURE REQUIREMENTS

NO PICTURE IS AVAILABLE

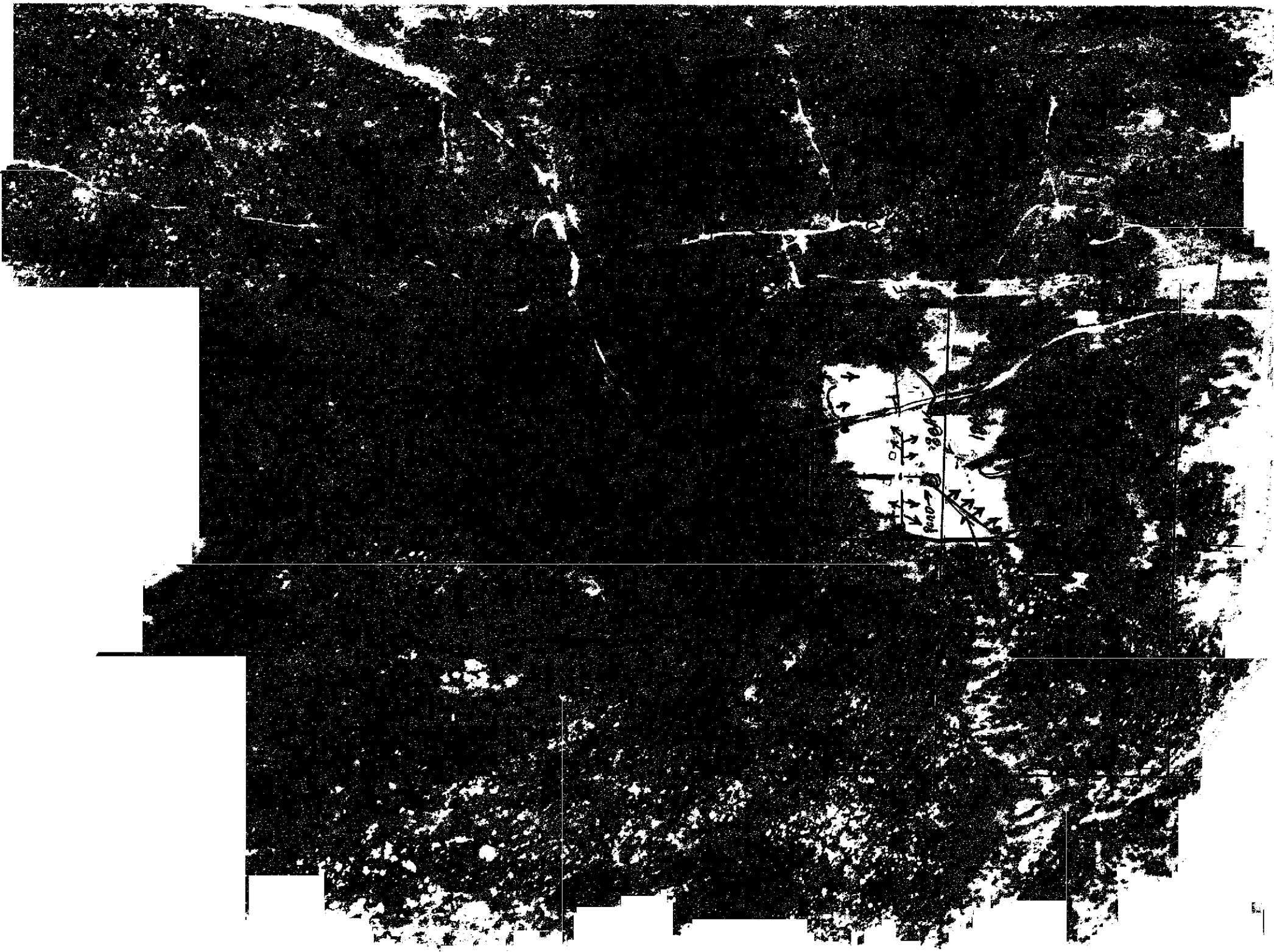
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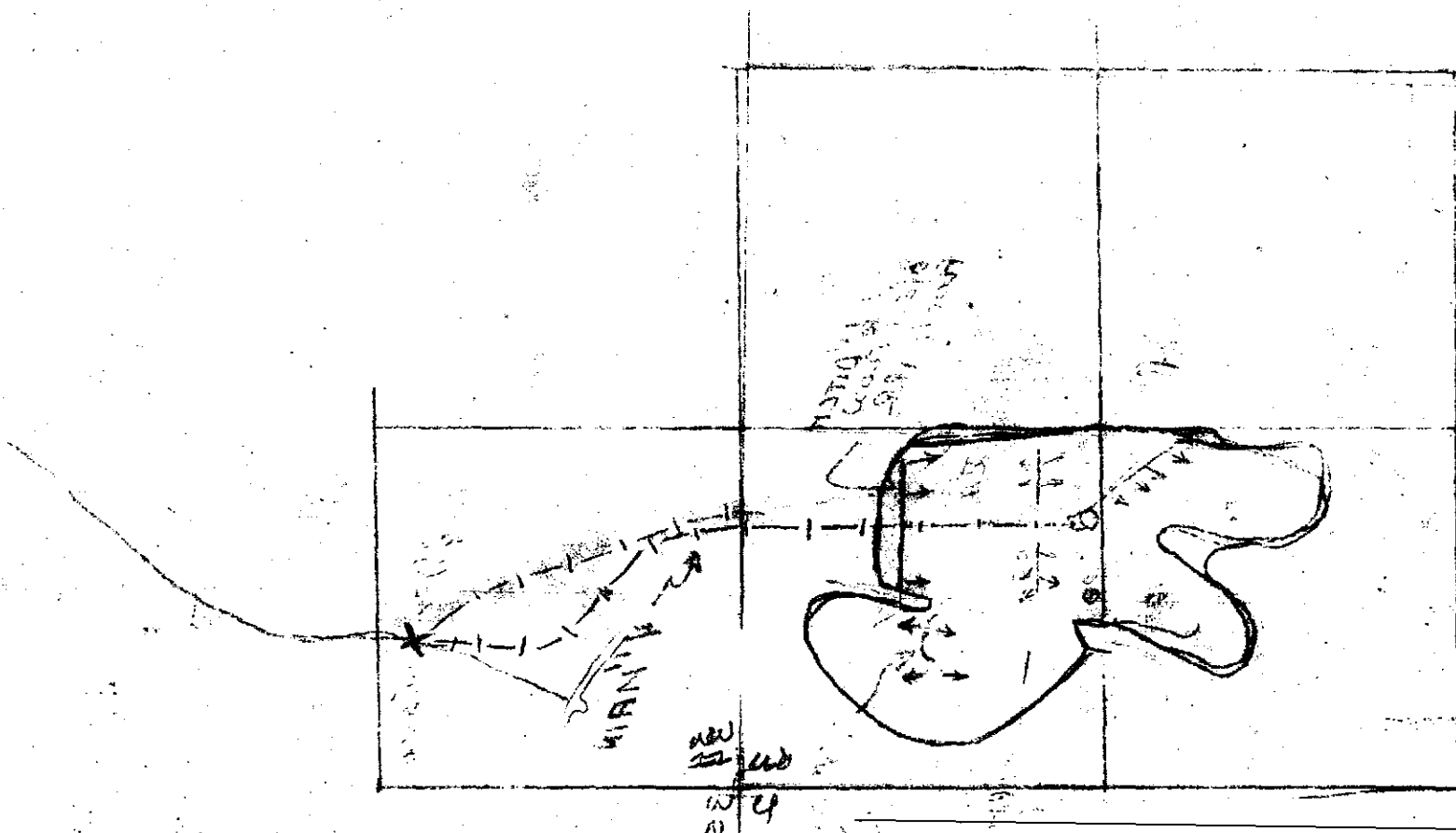
MAR 30 1990

NOTE: INITIAL MEASUREMENT MADE 4 DAYS AFTER FIRST DATE ALLOWED

ON PERMIT FOR DIVERSION PERMIT HOLDER CAN NOT USE EARLIER WATER
OVER

(NOTE CONT.) MANNING FORMULA SHOWS THAT MR. B. COULD
NOT HAVE DIVERTED MUCH MORE THROUGH THIS SYSTEM.





WIND

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 98-7159

1. Owner: HARRY BERMAN

Phone No. 267-7159

Current Address: STAR RT. MOVIE SPRINGS ID

2. Accompanied by: _____ *SAME*

EXAM. DATE: SEE ATTACHED

Address: 5PM5

Phone No.Relationship to Permit Holder: SAME

3. Source: UNNAMED STREAM tributary to MOVIE SPRINGS
(LOCALLY KNOWN AS DRY CR.)

B. OVERLAP REVIEW

1. Other water rights with same place of use: 98-4056, 98-4257, 98-7250, 98-7406

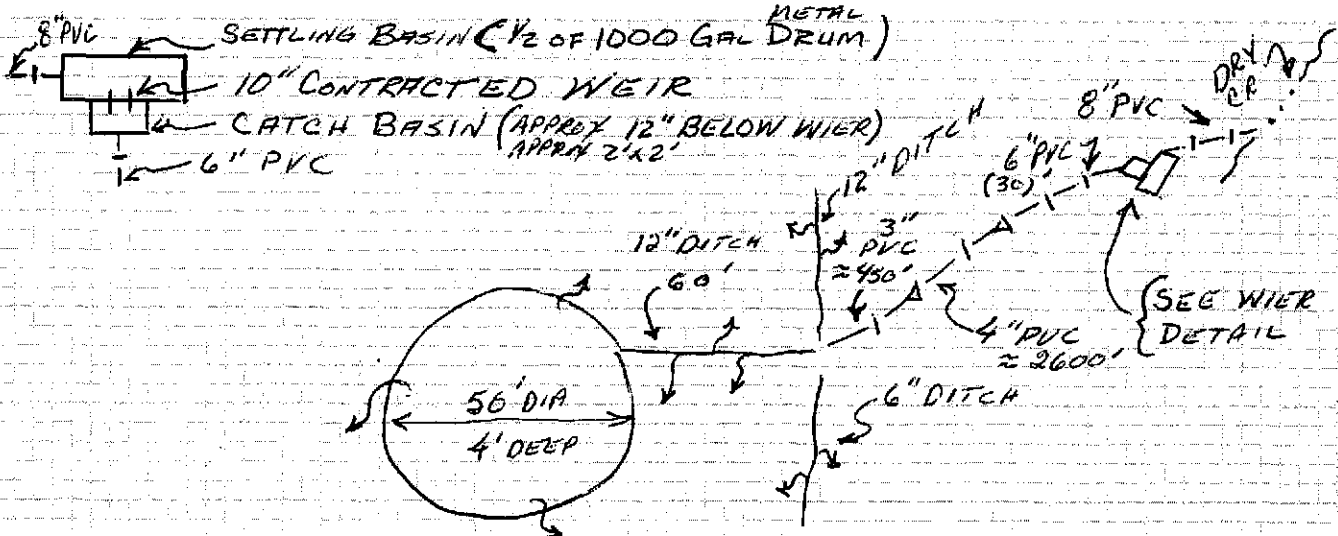
☐ Copies Attached

2. Other water rights with same point of diversion: 98-7406, 98-7417, 98-7423, 98-7250

☐ Copies Attached☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



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MAR 30 1990

Scale: 1" = NT 3

2. ☒ Copy of U.S.G.S. Quadrangle Attached ☒ Aerial Photo Attached

Showing location(s) of point(s) of diversion and place(s) of use (required).

(required for irrigation of 10 acres or more).

☐ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater. — SEE ATTACHED

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

8" PVC INTAKE IN STREAMBED CONVEYING WATER TO SETTLING BASIN / WIER POND, 10" CONTRACTED WIER, CATCH BASIN, 30' OF 6" MAIN RED. TO ~~2200~~ 2600' OF 4" MAIN RED. TO 5450' OF 3" MAIN, TO ~~12~~ 12" DITCH IN "L" SHAPE & 6" DITCH "T" SHAPED DITCH ONE "ARM" OF "T" IS 6" DEEP, THE REST 12" (2000) CENTER LEG OF "T" IS 60' LONG CONVEYS WATER TO POND W/ 25' RADIUS & 4' DEEP. WATER IS SYPHONED FROM DITCHES & POND FOR FLOOD IRRIGATION

☐ See Remarks on page 4 for continuation

- 4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
GRAVITY FLOW					

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

5. 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	34	63N	2E	BOUNDARY	MAP/AERIAL

6. Place(s) of Use:

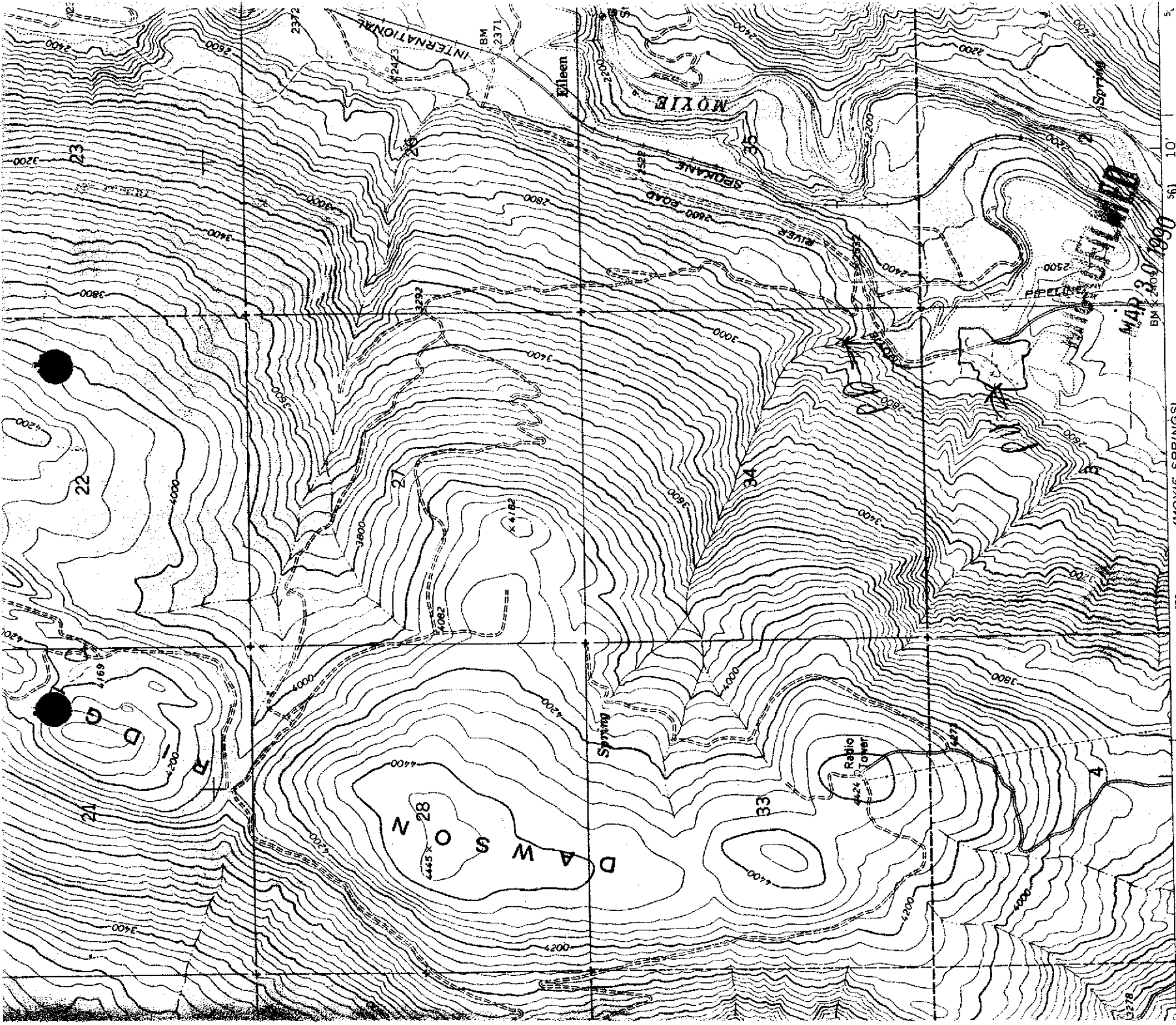
Indicate Method of Determination MAP/AERIAL

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
62N	2E	3	20			12													32

MICROFILMED

MAR 30 1990

Do not use this space



T63 N

RZE

SEC. 34

98-7159

TOWN, RDE, SEC 3

EXAM DATE -

Do not use this space

MAR 30 1990

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

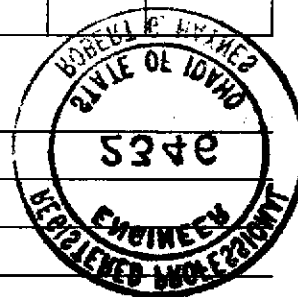
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
WHITE CLAD TAP	ENGINEERS	LUCKIN	W92100	NONE	10'	NONE

2. Measurements:

5-30-79 0.22 FT

7-29-80 0.082 FT

8-5-81 0.178 FT



E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

SEE ATTACHED

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{3.2 \times 3.0}{1.23} = 96$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \frac{.27 \times 123}{1.23} = 65.9$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 65.9$

2. Volume Calculations for Other Uses:

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MAR 30 1990

H. REMARKS AND OVERLAP REVIEW ANALYSIS

98-4056 IS SPRING FOR STOCK & DOM

98-4257 IS " FOR " "

MAR 30 1990

98-7250 " SAME SOURCE FOR "

98-7406 " " " "

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98-7423 } SAME SOURCE - ADJACENT PROPERTY - SUBORDINATE
98-7417 }

98-7250 IS DOMESTIC

NO OVERLAPS

I. RECOMMENDATIONS

1. Recommended Amounts

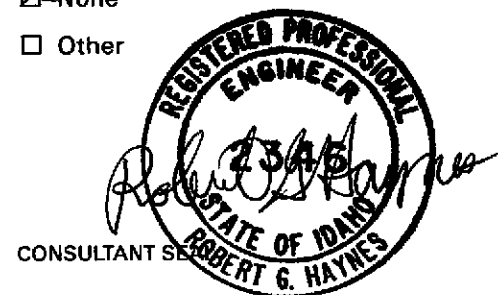
Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	MAY 1	AUG 1	0.27	65.9
Totals:			0.27	65.9

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

J. AUTHENTICATION

Field Examiner's Name Tom King
Signature Tom King
Certification Date 5/15/88
Field Report Preparation Date 8/12/88



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

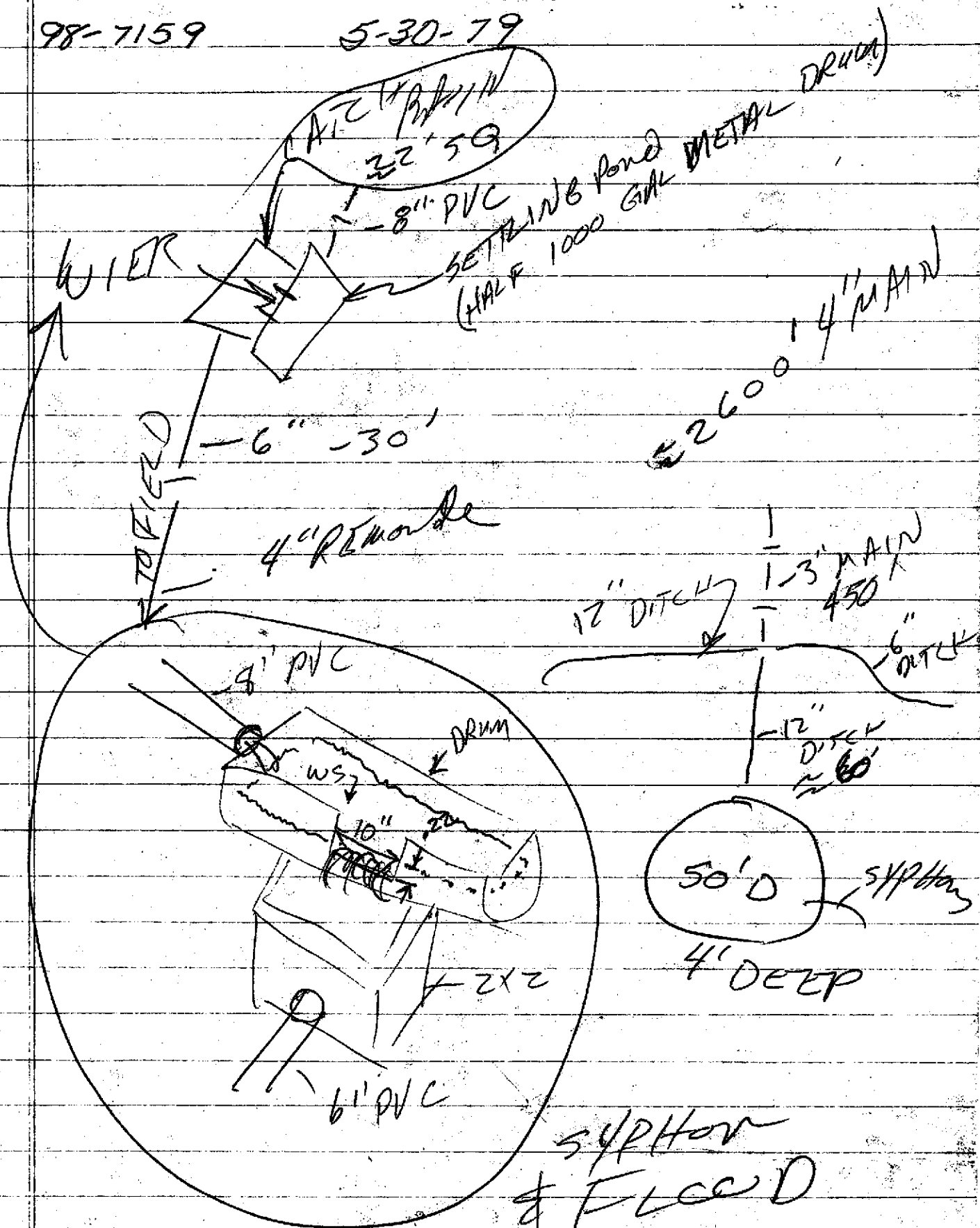
JDM 7/28/89

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MAR 30 1990

98-7159

5-30-79



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STOCK

MAR 30 1990

According to Mr B creek nearly dries out now water

4/86

RECEIVED

MAY 9 1986

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

EXAMINATION FEE INFORMATION

For Office Use Only
 Fee Received 5/6/86
 Date 5/6/86
 Receipt # 32635
 Receipt by [Signature]
 Sent to S.O. 5/7/86

RECEIVED

MAY 9 1986

Department of Water Resources
 Boise District Office

1. Permit No. 98-7159

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE

- ☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: 'Bud' Harry Behrman3. Post Office Address: Moyie Springs IdahoTelephone No. 267-34354. Source of Water: Dry Creek

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 50 A (acres) Other/Remark _____6. Total rate &/or volume for which proof is submitted 1 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

April 7 - 1976

8. Person to contact to accompany the department representative during the field examination:

Bud Behrman (Name)Moyie Springs Idaho (Address)267-3435 (Telephone Number)

- ☐ I choose to have the field examination conducted by a certified examiner. Attached is a statement from the certified examiner verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

MICROFILMED

MAR 30 1990

Date

5/6/86

Signature of Permit Holder (and title, if appropriate)



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720

98-7159
BEHRMAN, "BUD" HARRY
MOYIE SPRINGS, ID 83845

138209

April 30, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

MAR 30 1986

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

MICROFILMED

MAR 30 1990

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

March 27, 1978

Re: Permit No. 98-7159

'Bud' Harry Behrman
Moyie Springs,
Idaho 83445

Dear Mr. Behrman:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Coeur d'Alene.

Sincerely,

JANICE RENK
Water Rights

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RECEIVED

MAR 9 1978

Identification No. _____

Permit No. 98-7159

Department of Water Resources
Northern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder "Bud" Harry Behrman
b) Post Office Address Moyie Springs, ID
2. Permit Number 98-7159
3. Date of Priority that you are prepared to establish February 11, 1976
4. a) Source from which water was appropriated Dry Creek tributary of Moyie River
b) Location of the point of diversion: SE ¼ SE ¼, Section 34
Township 63N, Range 2E, Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
Amount 1.00 for irrigation purposes from May 1 to August 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 1.00 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch)
6" pipeline into 4" pipeline, gravity flow to place of use. Also 20' square dam and catch basin.
b) Describe the type and size of measuring device which you have installed at your point of diversion:
Wier
c) Give well driller's name and address and the date the well was completed: _____
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

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Examined 2/27/78 EL

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
62N	2E	3	20			30													50

Total number of acres irrigated 50

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

March 9 1978
(Date)

"Bud" Harry Behmen
(Signature)

State of Idaho)
County of Butte) ss.

On this 9 day of March, 1978, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Robert D. Haynes
Notary Public residing at CD A

My commission expires Lifetime



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

February 28, 1978

CERTIFIED MAIL

138378

Re: Permit No. 98-7159

Bud Harry Behrman
Moyie Springs,
Idaho 83845

Dear Mr. Behrman:

One of the conditions of approval of your water Permit No. 98-7159 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before May 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

Norman C. Young
NORMAN C. YOUNG
Administrator,
Resources Administration Division

NCY:jfr

Encl: Proof affidavit

MICROFILMED

April 7, 1976

Re: Permit No. 98-7159

"Bud" Harry Behrman
Moyle Springs, ID 83845

Dear Mr. Behrman:

Enclosed is a copy of your approved Application for Permit No. 98-7159. We direct your attention to the conditions of approval as listed on the fourth page.

Please be advised that the Idaho Supreme Court has ruled that a water right initiated and/or put to beneficial use by aid of trespass on private property is invalid.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:mef

Enclosure

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 98-7159 "Bud" Harry Behrman

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) RAH 2-13-76
(2) RAH 2-13-76

In form to receipt

Send Copies to:

☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management
☒ USFS
☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant

(3) _____

(4) RAH 2-13-76

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: No field review

(11) CP 3/29
CP 3/1

Affidavit of Publication received (date) MAR. 25, 1976
FEB. 25, 1976

(12) CP 2/13 CP 3/5

Final date for protests MARCH 8, 1976 MAR. 29-76
Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes ☒ no _____

(14) _____

Action recommended:

☒ Approve ☐ Deny

Proposed Priority 2-1-76 Department of Water Resources

Reason for Reduction _____

☒ Measuring device required

See attached sheet for other conditions of approval

None No special conditions for approval

(15) District Northern

By Bob Hughes Date 3-3-76

Approval does not grant
a right of way
for



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Route 5, Box 203 - Suite #1
4055 Government Way

COEUR D'ALENE, IDAHO 83814

(208) 667-6484

March 5, 1976

Re: Application No. 98-7159 - "Bud" Harry Behrman

Bonnors Ferry Herald
P.O. Box 539
Bonnors Ferry, ID 83805

Gentlemen:

Enclosed is a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES
District Supervisor

RGH:CP

Enc: Legal Notice(s)

Bill: 3-29-76-CP

NOTICE OF CORRECTION

Notice is hereby given that Application for Permit No. 98-7159 in the name of "Bud" Harry Behrman was advertised incorrectly on February 19 and February 26, 1976. The place of use was advertised as being within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 3, T. 62N, R. 3E, B.M.; whereas, the actual place of use is within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 3, T. 62N, R. 2E, B.M.

Any protest against the above correction must be filed with the Idaho Department of Water Resources, 4055 Government Way, Suite #1, Coeur d'Alene, Idaho 83814, on or before March 29, 1976.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on March 11 and March 18, 1976.

NOTICE OF CORRECTION

Notice is hereby given that Application for Permit No. 98-7159 in the name of "Bud" Harry Behrman was advertised incorrectly on February 19 and February 26, 1976. The place of use was advertised as being within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 3, T. 62N, R. 3E, B.M.; whereas, the actual place of use is within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 3, T. 62N, R. 2E, B.M.

Any protest against the above correction must be filed with the Idaho Department of Water Resources, 4055 Government Way, Suite No. 1, Coeur d'Alene, Idaho 83814, on or before March 29, 1976.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on March 11 and March 18, 1976.-idwr

o.k.
3-9-76
d

4055 Government Way - Suite #1

(208) 667-6484

February 17, 1976

Re: Application for Permit No. 98-7159 - "Bud" Harry Behrman

District Supervisor
U.S. FOREST SERVICE
Bonners Ferry Ranger Station
Bonners Ferry, ID 83805

Dear Sir:

Enclosed is a copy of the above referenced application for your information. Mr. Behrman has applied to our office to divert water from Dry Creek within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 63 North, Range 2 East, B.M., which is on Forest Service Land.

If we may be of any further assistance, feel free to contact us.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:cp

Enclosure



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT

Route 5, Box 203 - Suite #1
4055 Government Way

COEUR D'ALENE, IDAHO 83814

(208) 667-6484

February 13, 1976

Re: Application No. 98-7159 - "Bud" Harry Behrman

Bonnors Ferry Herald
P.O. Box 539
Bonnors Ferry, ID 83805

Gentlemen:

Enclosed is a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES
District Supervisor

RGH:CP

Enc: Legal Notice(s)

RECEIVED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that "Bud" Harry Behrman,
Moyie Springs, Idaho
has on February 11, 1976 submitted Application No. 98-7159
for a permit to appropriate 1.00 cubic feet per second ~~xxxxxx feet xxxxxxxx~~
of water from Dry Creek, tributary of the Moyie River
by means of pipeline, small dam, and catch basin
within the SE $\frac{1}{4}$ Sec. 34, T. 63N, R. 2E, B.M., Boundary County
to be used from May 1 to Aug. 1
for the irrigation of 50 acres
within the E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 3, T. 62N, R. 3E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before March 8, 1976.

R. KEITH HIGGINSON
Director

Published in the Bonnerr's Ferry Herald, Bonners Ferry, Idaho
on Feb. 19 and Feb. 26, 1976

RECORDED