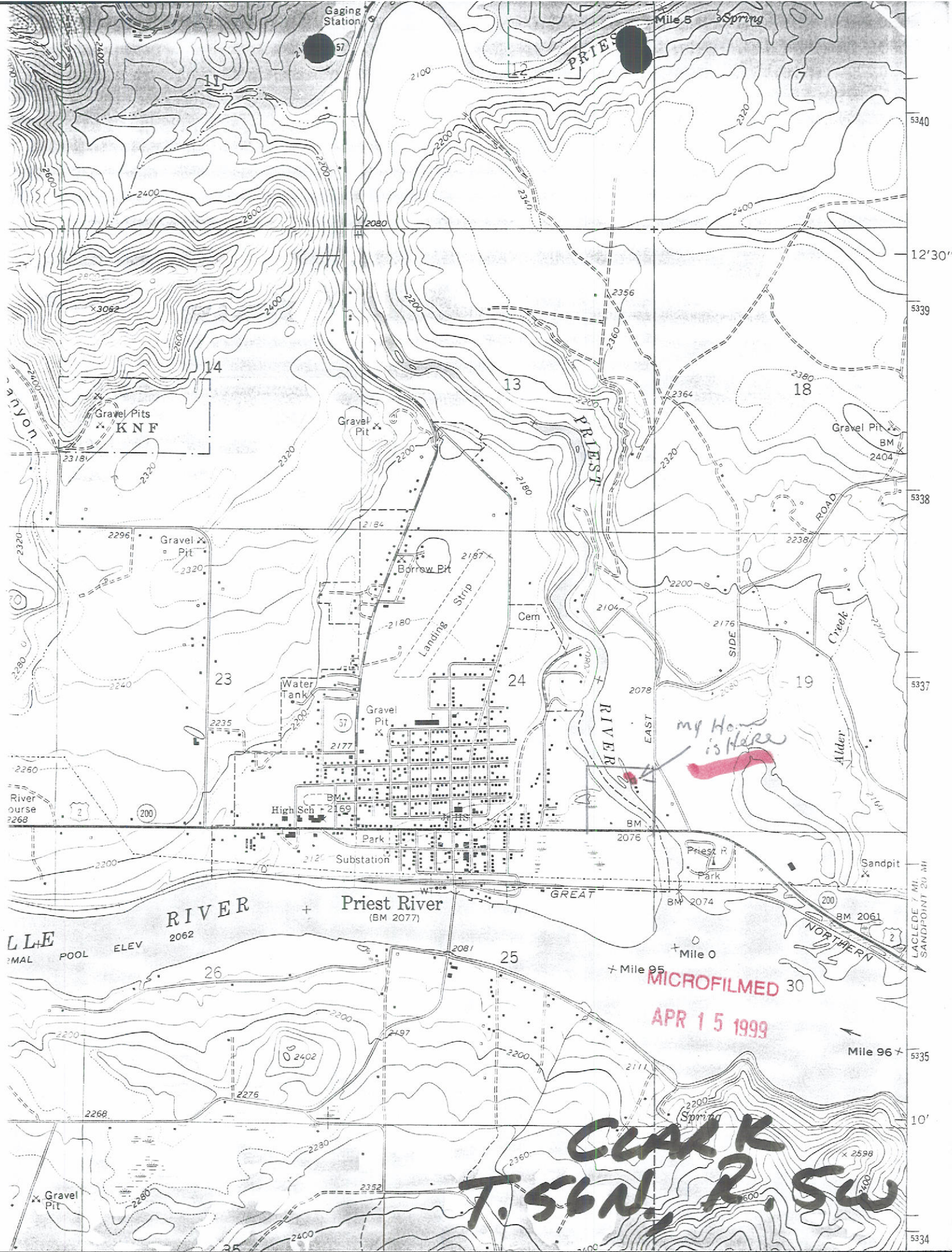




MICROFILMED
APR 15 1999

CLARK
T. 56N., R. 56W

Ralph S. Macdonald
#356051

MICROFILMED
APR 15 1999

The Trinity Baptist Ch
816-58

Charles B. Brown & Bruce Howard
36,3610
400,925
415,301

Opportunity & State
in our way

Corporate Limits

Island

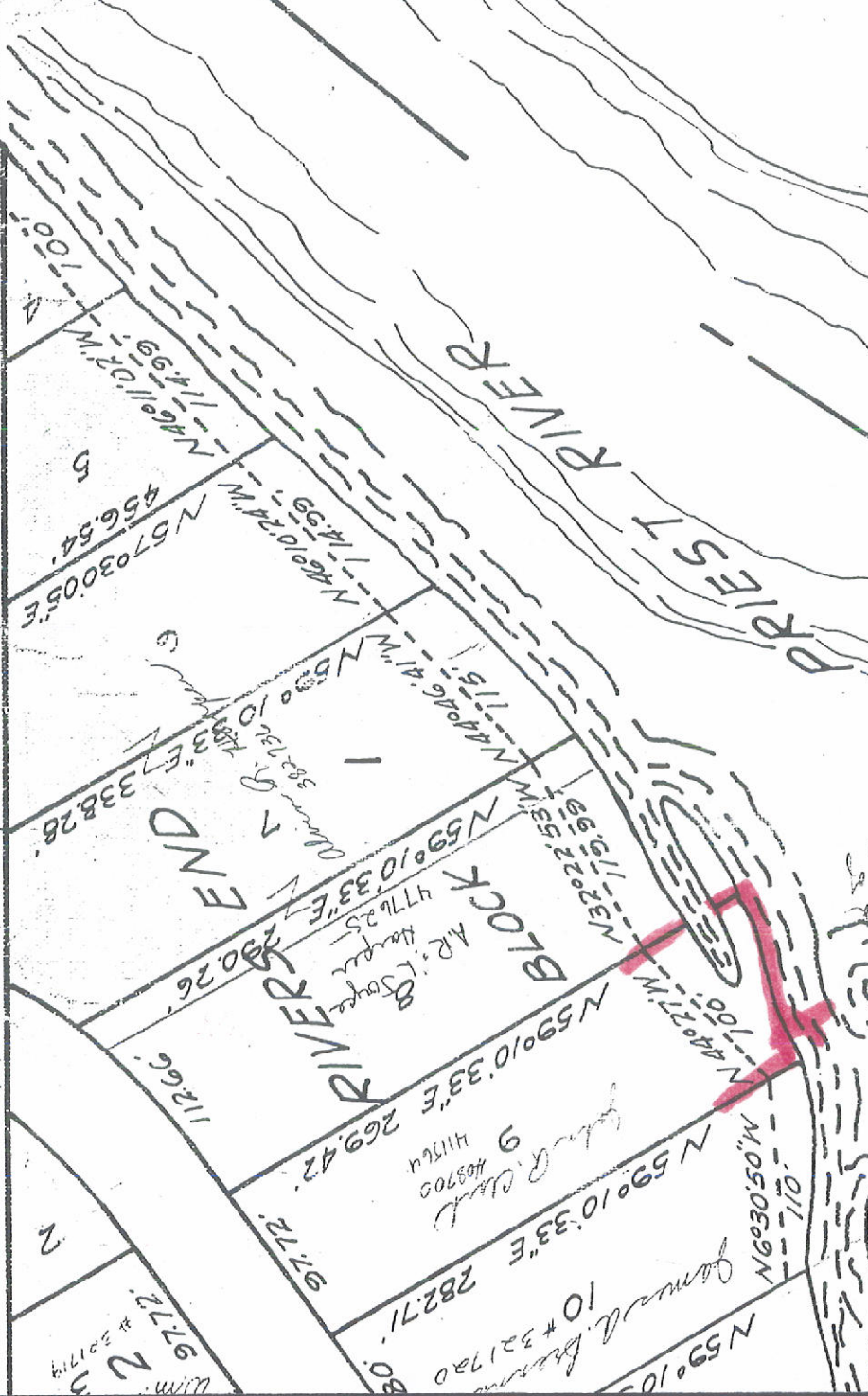
all of
Bureau of
P.R.

PRIEST RIVER

Block

END

SECTION 19



PERMIT # 97-07388

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT



PO
Pump



PO

97-07388

MICROFILMED
APR 11 2001



AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Jeannie Sheridan

_____ being first duly sworn on oath

deposes and says that he/she is Bookkeeper

of the Priest River Times, a newspaper printed and published at Priest River, 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:

Application for Water Right

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 18 day of November, 1998 and ending on the 25 day of November, 1998

and that said notice was published in said newspaper.

On this 3rd day of December in the year of 1998, before me, a Notary Public, personally appeared Jeannie Sheridan,

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Pamela S. Kinnie
Notary Public for Idaho

Residing at

Priest River

My Commission expires:

5.24.04

RECEIVED

DEC 09 1998

IDWR/North

NOTICE OF APPLICATION FOR WATER RIGHT

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

97-07388

CLARK, SHARON K

CLARK, JOHN R

PO BOX 188

PRIEST RIVER, ID 83856-0188

Source: PRIEST RIVER

Diversion Pt: SESE

Use: DOMESTIC

Total Diversion:

Date Filed: 11/ 3/1998

In: BONNER County

T56N R05W S24 SESE

Tributary: PEND OREILLE RIVER
Sec 24 T 56N R 05W in BONNER County.

(0.040 CFS)

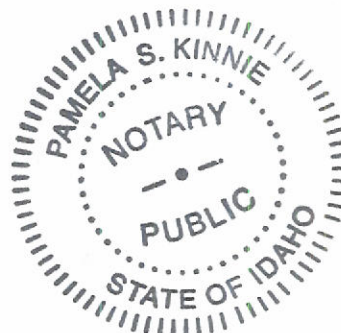
(0.040 CFS)

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before DECEMBER 7, 1998.

KARL J. DREHER, Director

PRT Legal 2491
November 18, 25, 1998



MICROFILMED

APR 15 1999

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 97-07388

Priority: November 3, 1998

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 0.6 AF

It is hereby certified that SHARON K CLARK or
JOHN R CLARK
PO BOX 188
PRIEST RIVER ID 838560188 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated November 03, 1998; and has
submitted Proof of Beneficial Use on January 13, 2000. An examination indicates that the works have a
diversion capacity of 0.04 cfs of water from:

SOURCE

PRIEST RIVER

Tributary: PEND OREILLE RIVER

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>
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

PRIEST RIVER SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Twp 56N, Rge 5W, B.M. BONNER County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N 05W 24																	X

CONDITIONS OF APPROVAL

1. Water shall not be diverted under this right when flows in the Priest River are below established minimum flow amounts.
2. Domestic use is for external use at 1 home.

Signed and sealed this 23RD day of MARCH, 2001.


KARL J. DREHER
Director

NOT RECORDED

APR 11 2001

JAN 13 2000

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. #00478
Receipt By: AK
Date Received: 1-13-00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 9707388 Telephone No. 208-448-2934
2. Name(s) of Permit Holder(s): John B. OR Sharon K. Clark
3. Mailing Address: P.O. Box 188 Priest River ID 83856-0188
4. Source of Water: Priest River If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____
 - a. Well Driller: _____ Drilling Permit Number: _____
 - b. **OPTIONAL:**
Pump Horsepower: 1/2 Pressure (psi): 40 Dynamic pumping level (ft): River SURFACE
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): 0
Irrigation (No. of acres): 0 Other: Garden / Lawn
6. Total rate of diversion and/or volume for which proof is submitted: 0 - 0.20 cfs OR 0.20 acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes _____	or	No <u>✓</u>
	Has the measuring device been installed?	Yes _____	or	No <u>✓</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes _____	or	No <u>✓</u>
	Has the measurement port been installed?	Yes _____	or	No <u>✓</u>
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: _____ Telephone Number: _____
Address: _____
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

RECEIVED

FEB 04 2000

1/6/00

Signature of permit holder: John B. Clark

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

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 97-07388

Proposed Priority: November 3, 1998

Maximum Diversion Rate:

0.04 CFS

This is to certify, that JOHN R CLARK

SHARON K CLARK

PO BOX 188

PRIEST RIVER ID 83856-0188

has applied for a permit to appropriate water from:

PRIEST RIVER

tributary of PEND OREILLE RIVER

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 24, Township 56N, Range 05W
BONNER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

56N 05W 24

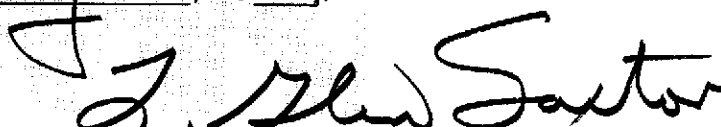
SESE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 2000.
2. Subject to all prior water rights.
3. Water shall not be diverted under this right when flows in the Priest River are below established minimum stream flows.
4. Domestic use is for exterior use for 1 home.

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

1st day of February, 1999.


for Karl J. Dreher, Director

MICROFILMED

APR 15 1999

Ident. No. 97-7388

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JAN 13 1999

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant JOHN B. Clark or SHARON Clark Phone 208-448-2934
Mailing address PO Box 188 Priest River, Idaho 83856-0188
2. Source of water supply Priest River which is a tributary of Pend Oreille River
3. Location of point of diversion is Township 56N Range 5W Sec. 24, in the SE 1/4, SE 1/4, Govt. Lot , B.M., BONNER County;
additional points of diversion if any:
4. Water will be used for the following purposes:
Amount 0.04 1000 Gallons daily for DOMESTIC water lawn & garden purposes from April to September (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 and/or (b)
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source 3/4 Horse Power Electric Pump
 - b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet
 - c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
 - d. Is ground water with a temperature of greater than 85°F being sought?
 - e. If well is already drilled, when? N/A; Drilling firm N/A;
Well was drilled for (well owner) N/A; Drilling Permit No. N/A
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. lawn & garden water

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APR 15 1999

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	
56N	5W	24																	Arable

Total number of acres to be irrigated 10.00

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

11. a. Who owns the property at the point of diversion? John R. & Sharon K. Clark - Self

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

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

12. Remarks:

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.)

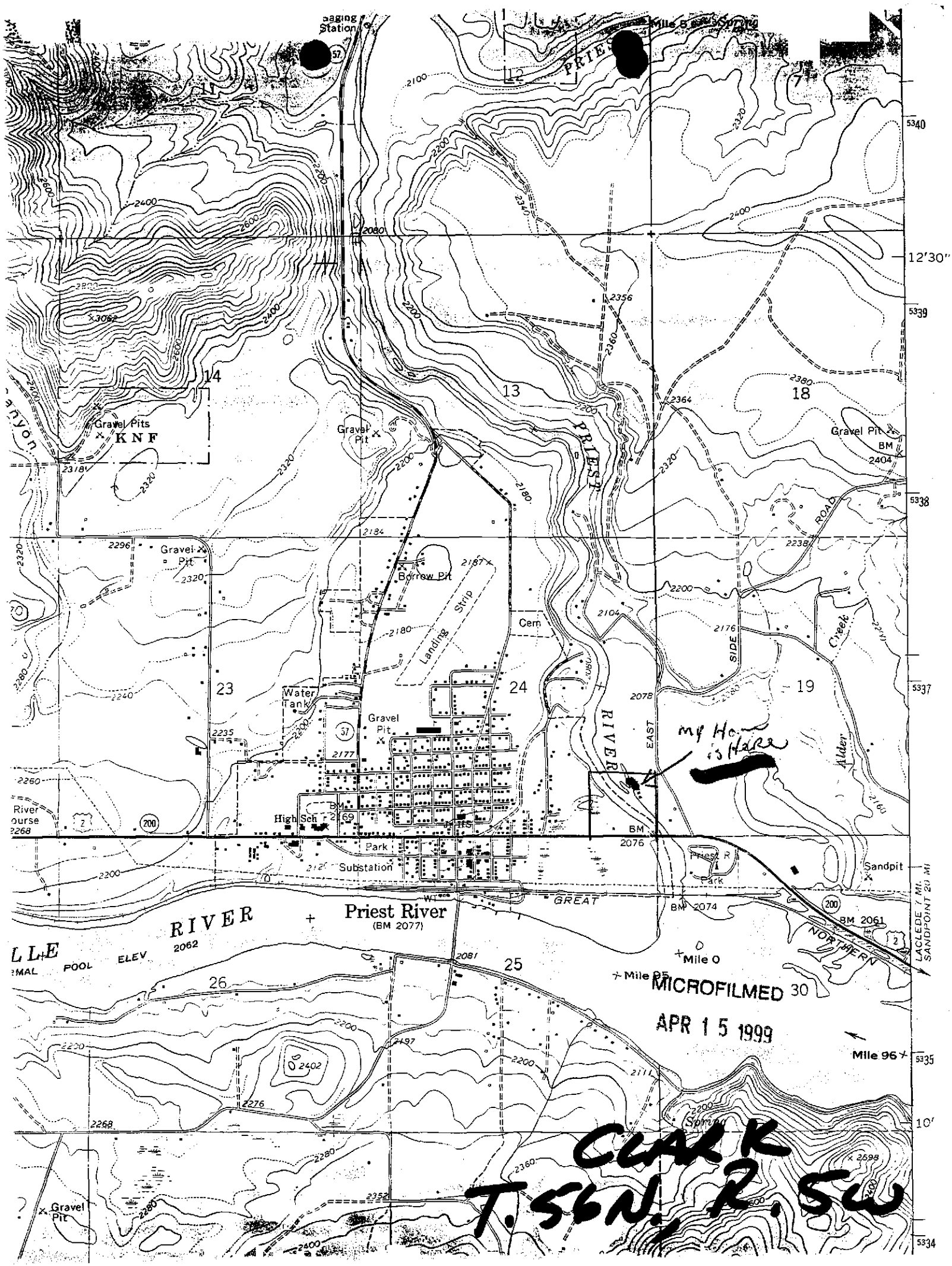
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED
APR 15 1999

John R. Clark

Signature of Applicant (and title, if applicable)

Received by AB Date 11/3/98 Time 8:00 AM Preliminary check by AB
 Fee \$ 50 Received by ds # N012506 Date 11/3/98
 Publication prepared by ds Date 11/10/98 Published in Post, Register 11/18 + 25/98
 Publication approved ds Date 12/9/98



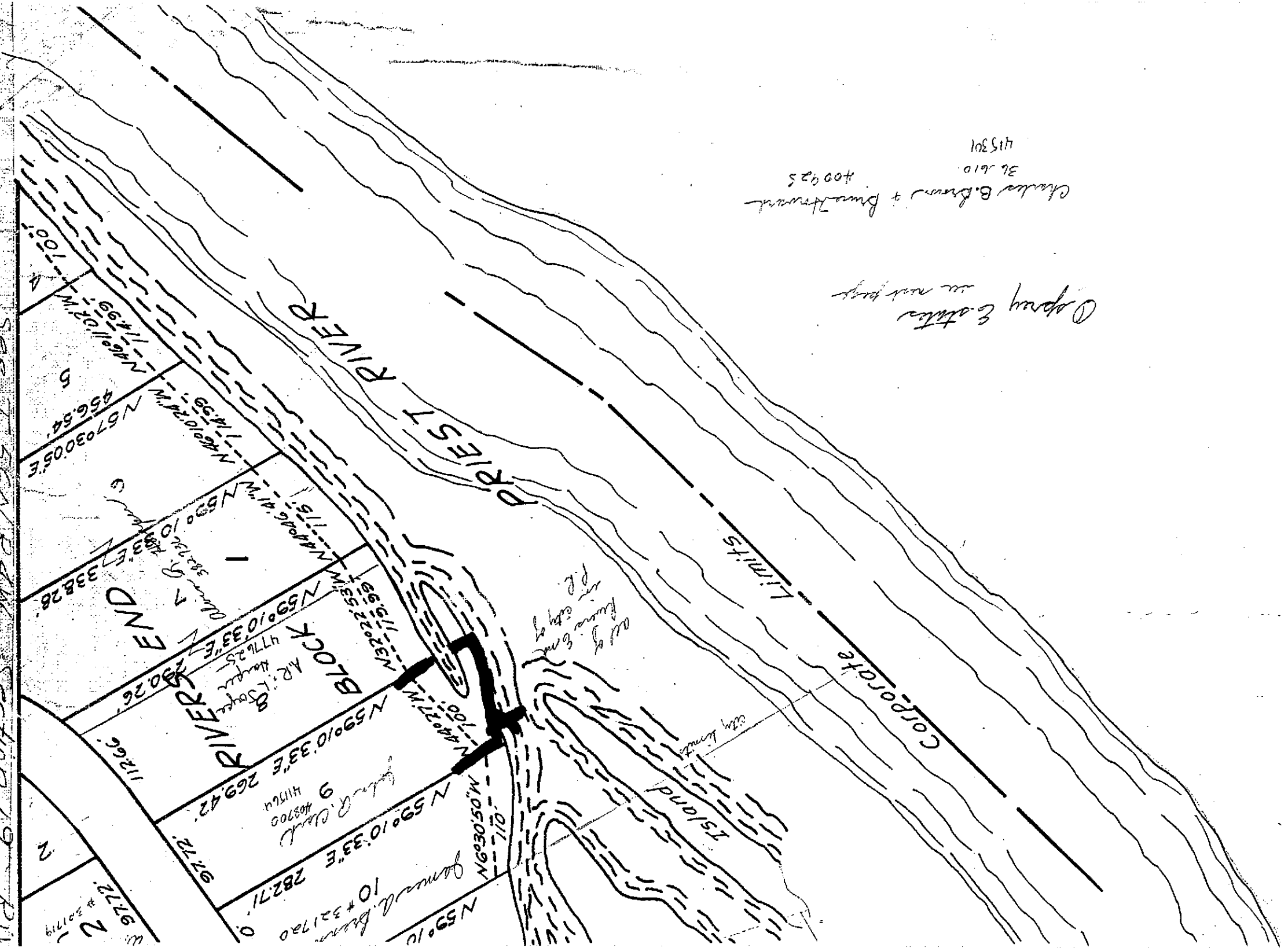
Ralph S. Shulman
#326951

MICROFILMED
APR 15 1999

The Trinity Baptist Ch
a/b-58

Charles B. Brown & Bimonthly
36.610
415301
400925

Open & take
in next page



See 1564 R.A.M. Section 19 AP 11



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

March 26, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SHARON K CLARK
JOHN R CLARK
PO BOX 188
PRIEST RIVER ID 83856-0188

RE: License No. 97-7388 - 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:klr

Enclosure(s)

MICROFILMED

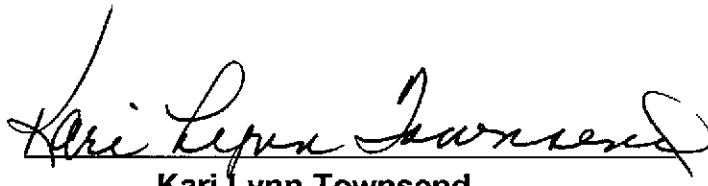
APR 11 2001

CERTIFICATE OF MAILING

I hereby certify that on March 26, 2001 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. 97-7388

**SHARON K CLARK
JOHN R CLARK
PO BOX 188
PRIEST RIVER ID 838560188**


**Kari Lynn Townsend
Secretary**

MICROFILMED

APR 11 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Comment Report

97-7388

1. SKEEN 3/16/01 License Review

Comment: Licensing review and data entry by S. Keen on 3/16/2001.

2. DBALL 11/3/98 Diversion Description

Comment: 3/4 hp electric pump.

3. KTOWNSEN 1/20/00 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

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APR 11 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 22 2000
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

1. Owner: John R. & Sharon K. Clark Permit No. 97-07388
Phone No. (208) 448-2934
Current Address: P.O. Box 188 Priest River Id. 83856-0188
2. Accompanied by: Sharon Clark EXAM DATE: 5-24-00
Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Priest River tributary to Pend Oreille River

B. OVERLAP REVIEW

- Other water rights with the same place of use: _____
- Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	SE	24	56N	05W	Bonner	USGS 7.5 min Quad

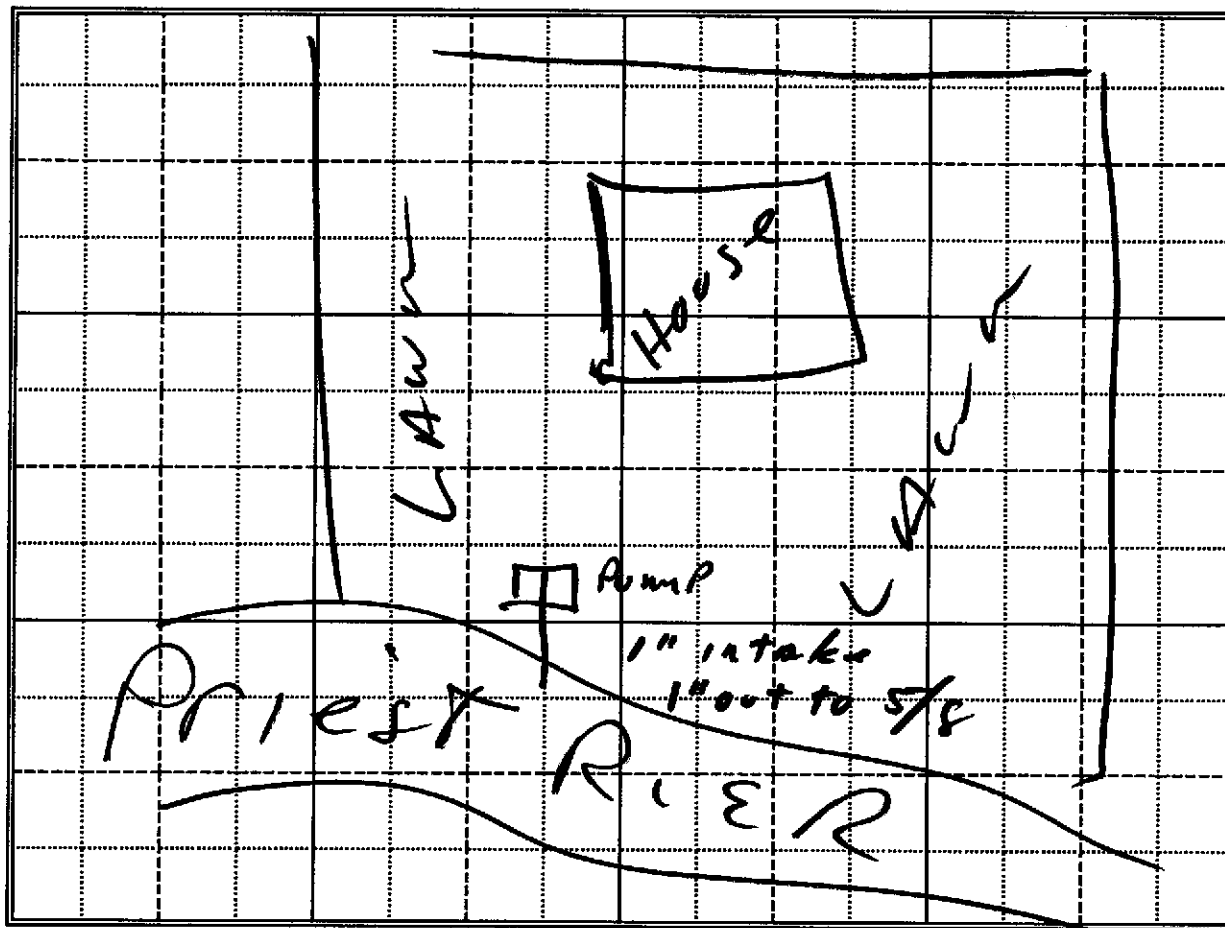
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	05W	24																0	

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APR 11 2001

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
	Ther. Walling	.75	NC	Jacuzzi	not legible 1" to 5/8"

*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: _____

MICROFILMED

APR 11 2001

E. NARRATIVE/REMARKS/COMMENTS

Domestic use is for outside
domestic uses.

This system consist of a 1" PVC
line in river to pump, a 1" discharge
to 5/8 garden hose.

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

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APR 11 2001

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

5 gal bucket 5 gal in 17 sec = 17.64 gpm

$$\frac{18 \times .133681}{60} = .04 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

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		
Domestic	01-01	12-31	.04	.6
Totals:			.04	.6

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 Buldwin Date 6-20-00

Reviewer _____ Date _____

SEAL

MICROFILMED

SEP 11 2001

PERMIT # 97-07388

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT



97-07388

PO
Pump

PO

MICROFILMED

APR 11 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

January 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN B CLARK
SHARON K CLARK
PO BOX 188
PRIEST RIVER ID 83856-0188

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 97-07388

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right 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 concerning the field examination, please contact the **NORTHERN** Regional Office of the department in Coeur d'Alene at (208) 769-1450.

Sincerely,

Kari Lynn Townsend
Secretary

c: IDWR - Regional Office

MICROFILMED

FEB 04 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 97-07388 Reviewed by MS Date 1-17-00

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Dom
yes Correct Uses?

SOURCE OF WATER

✓ Surface water source

 Groundwater source

 Drilling permit required?

 Copy in the file? Drilling Permit No.

 Amount paid for permit

 Well log in the file?

 Correct?

LICENSE EXAMINATION FEE

yes Required?
50 Amount Submitted
yes Correct?

MEASURING DEVICE

 Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received
Date proof due -
No. of days late =
Priority Date +
New Priority Date

DEFICIENCIES OR ACTION ITEMS

none - ack proof

DATA ENTRY

New Address Proof Made 1-13-2000

November 30, 1999

JOHN R CLARK
SHARON K CLARK
PO BOX 188
PRIEST RIVER ID 838560188

PROOF DUE NOTICE

RE: PERMIT NO. 97-07388

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 2000.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

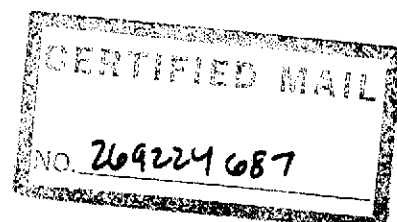
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
FEB 04 2000





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

February 2, 1999

DIRK KEMPTHORNE
GOVERNOR

JOHN R CLARK
SHARON K CLARK
PO BOX 188
PRIEST RIVER ID 83856

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 97-07388

Dear Permit Holder:

The Department of Water Resources (IDWR) 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.

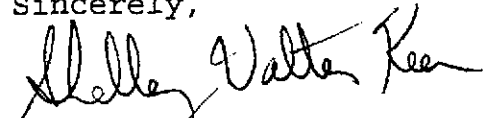
The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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 IDWR 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 at least sixty days prior to the commencement of work in the stream.

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

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED

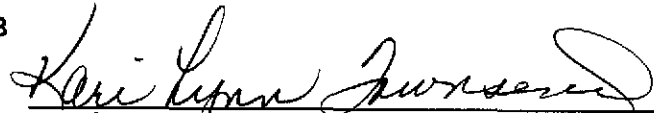
APR 15 1999

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of February, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 97-07388

JOHN R CLARK
SHARON K CLARK
PO BOX 188
PRIEST RIVER ID 83856-0188


Kari Lynn Townsend
Secretary

MICROFILMED

APR 15 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindylon
 No.: 97-7388 Name: Clark Date: 1/29/99 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN:

- No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED:

- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

- 26A-P17

≤ 1 year/no proof

P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

In Basin 34?

- 085

Irr. within WD

- P05 (new well location)

WMD (✓ MAP)

- North / East / West

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

WMD Supp irr use only

- 065-079-102 (if GW use SW)-(keep SW)-(GW not primary irr source)

Supp. irr + uses

- 100-101-102

> 0.24 cfs/5 acres

- 01M (report when notified)

≤ 0.24 cfs/5 acres

- No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED:

- Yes / No; WHEN: ?

RESPONSE: None

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9 Pratt R.

IN-STREAM DEVELOPMENT

- P52 stream channel alteration

WD (✓ MAP & LISTING)

- R04 (WD # _____)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

- 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

- *W22-P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

Weiser R (67)

- 086, 087

USE:

Storage (✓ 3 compo.)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

Irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Stockwater

- R37 (BLM/USFS); NA

Mining

- 054(req)-081-P10

Fish Propagation

- 029(70's only)-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

> 1 in rest. area

- 071-070

Fire Protection

- 077

LOCATION:

Boise Front LoGeo

- 058 (<85° GW temp only)

Mitigation

- 120

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- ① WB9 ② W01/1

BENEFICIAL USE DUE:

- 2 /1/ 2000

COMMENTS:

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

W-1
W-2A
OCA

JAN 13 1999

APPLICATION # 97-7388

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: CLARK

BY: AB

DATE: 11/3/98

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes) (No)

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

PROCESSING

(Yes) (No) PRIORITY DATE: 11/3/98

☒ (Include Moratorium Remark)

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

ADVERTISE IN: BONAPARTE 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:	Type:	Fees	Receipt No.	Upgrade Needed?
☒	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
☒	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
☒	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- ☒ Notice of pending void order issued. Final order response date: _____/_____/_____
- ☒ Further information required from applicant
- ☒ Affidavit of publication received
- ☒ Application published correctly. If not, record action taken: _____
- ☒ Publication dates and paper recorded on application
- ☒ Protests received, Final protest date: 12/7/98 | Sr. Agent initial AB
- ☒ Measuring device required
- ☒ Measuring port required
- ☒ Special conditions:
- ☒ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: AB

Date: 12/28/98

Memorandum to File

Date: December 28, 1998

From: Beardslee

File: 97-07388

RE: Fish and Game review of surface water Application for Permit

~~~~~

The Idaho State Fish and Game Department was given the opportunity to review this filing, in addition to our notification of new water right filings list.

Northern Region was given no negative response to the approval of this filing.

MICROFILMED  
APR 15 1999

AFFIDAVIT OF PUBLICATION

State of Idaho

ss. Jeannie Sherden  
County of Bonner,

\_\_\_\_\_ being first duly sworn on oath  
deposes and says that he/she is Bookkeeper  
of the Priest River Times, a newspaper printed and  
published at Priest River, 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:

Application for Water  
Right

as it was published in the regular and entire issue of the  
said paper for a period of 2 consecutive weeks,  
commencing on 18 day of November, 1998  
and ending on the 25 day of November, 1998  
and that said notice was published in said newspaper.

On this 3rd day of December in the year  
of 1998, before me, a Notary Public, personally  
appeared Jeannie Sherden,  
known or identified to me to be the person whose name  
subscribed to the within instrument, and being by me  
first duly sworn, declared that the statements therein are  
true, and acknowledged to me that he executed the same.

Pamela S. Kinnie  
Notary Public for Idaho  
Residing at Priest River  
My Commission expires: 5-29-04

RECEIVED  
DEC 09 1998  
IDWR/North

NOTICE OF APPLICATION FOR WATER RIGHT

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

97-07388

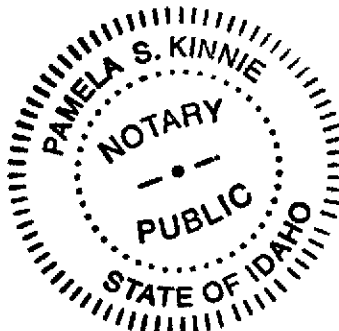
CLARK, SHARON K  
CLARK, JOHN R  
PO BOX 188  
PRIEST RIVER, ID 83856-0188  
Source: PRIEST RIVER Tributary: PEND OREILLE RIVER  
Diversion Pt: SESE Sec 24 T 56N R 05W in BONNER County.  
Use: DOMESTIC (0.040 CFS)  
Total Diversion: (0.040 CFS)  
Date Filed: 11/ 3/1998  
In: BONNER County  
T56N R05W S24 SESE

For additional information concerning the property location, call the  
Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be  
filed with the applicant and with the Director, Dept. of Water Resources,  
Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho  
83814, together with a protest fee of \$25.00 on or before DECEMBER 7,  
1998.

KARL J. DREHER, Director

PRT Legal 2491  
November 18, 25, 1998



MICROFILMED

APR 15 1999

97-07388

CLARK, SHARON K  
CLARK, JOHN R  
PO BOX 188  
PRIEST RIVER, ID 838560188

Source: PRIEST RIVER

Tributary: PEND OREILLE RIVER

Diversion Pt: SESE Sec 24 T 56N R 05W in BONNER County.

Use: DOMESTIC ( 0.040 CFS)  
Total Diversion: ( 0.040 CFS)

Date Filed: 11/ 3/1998

In: BONNER County  
T56N R05W S24 SESE

MICROFILMED

APR 15 1999

November 10, 1998

John R or Sharon K. Clark  
PO Box 188  
Priest River ID 83856-0188

Re: Water Appropriation Application No. 97-07388

Dear Mr. or Mrs. Clark:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE  
Senior Water Resources Agent

AB:db

MICROFILMED

APR 15 1999