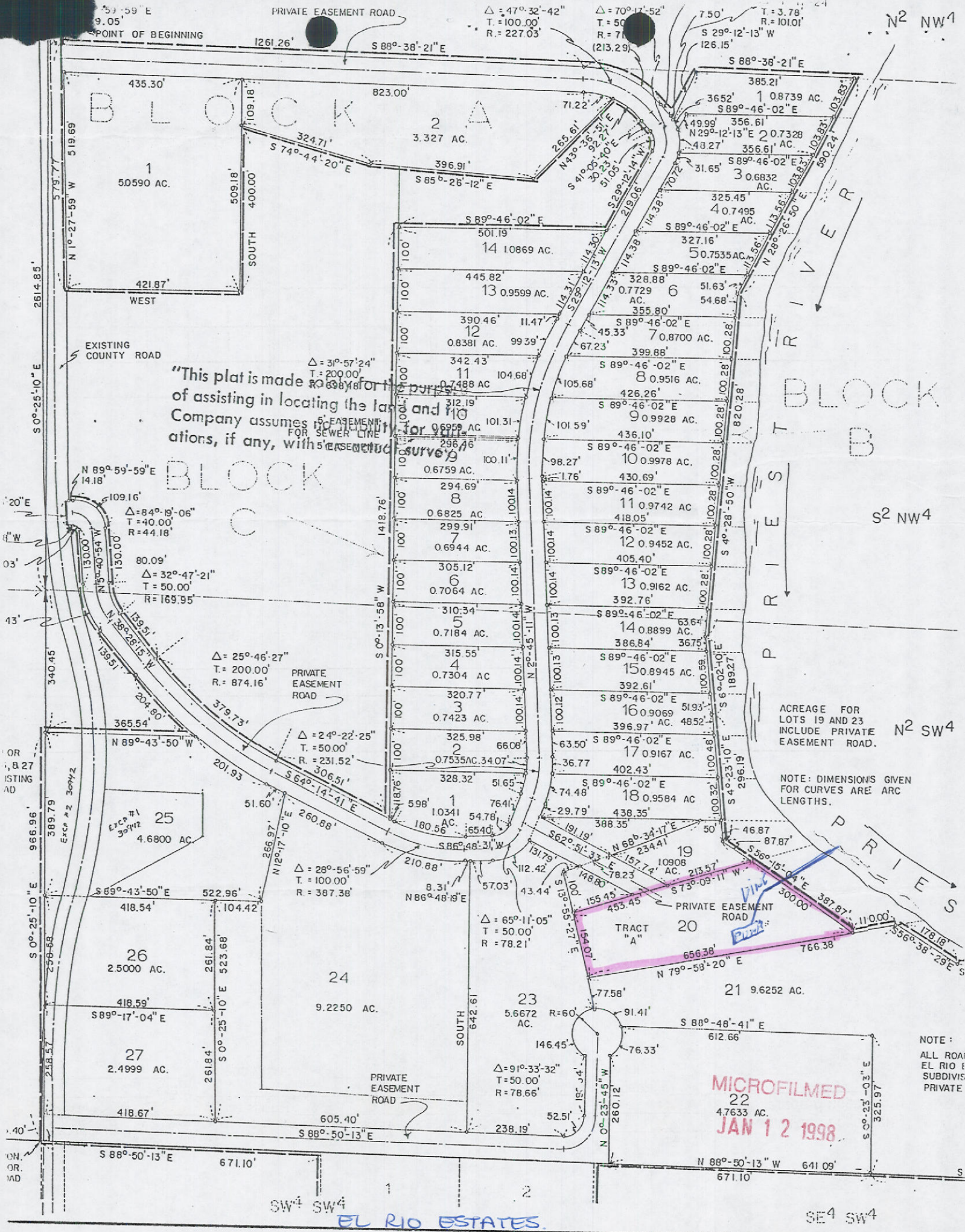




"This plat is made for the purpose of assisting in locating the land and the Company assumes no liability for variations, if any, with the original survey."

ACREAGE FOR LOTS 19 AND 23 INCLUDE PRIVATE EASEMENT ROAD.

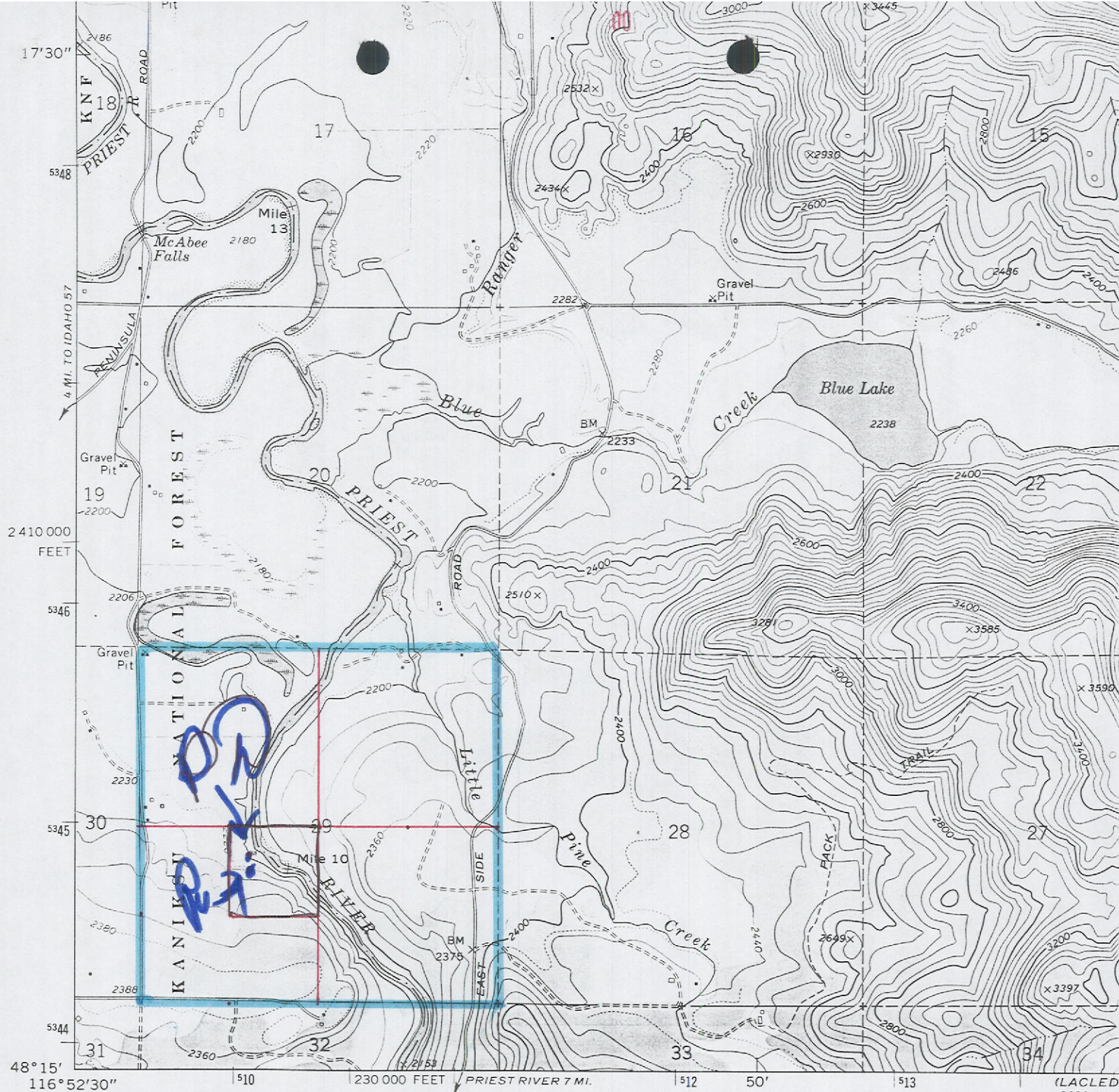
NOTE: DIMENSIONS GIVEN FOR CURVES ARE ARC LENGTHS.

MICROFILMED
JAN 12 1998

NOTE:
ALL ROAD
EL RIO
SUBDIVISION
PRIVATE

SW4 SW4
EL RIO ESTATES

SE4 SW4



Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1966. Field checked 1967

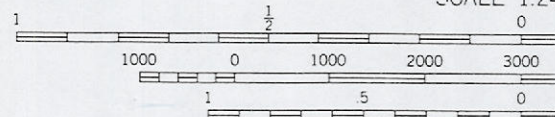
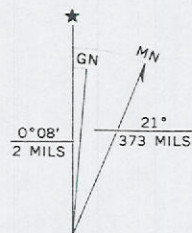
Polyconic projection. 1927 North American datum

10,000-foot grid based on Idaho coordinate system west zone

1000 meter Universal Transverse Mercator grid ticks, zone 11, shown in blue

Fine red dashed lines indicate selected fence lines

UTM GRID AND 1967 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL
DOTTED LINES REPRESENT
DATUM IS MEAN

MICROFILMED
FEB 04 2000

FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, CO
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND

T57N R4W
Sec 29

GARVER, J

PERMIT # 97-07377

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT



PO



Pump



PO

MICROFILMED
FEB 04 2000

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 97-07377

Priority: May 9, 1997

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that JAMES D GARVER

PO BOX 1970

PRIEST RIVER ID 83856-1970 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 9, 1997; and has submitted Proof of Beneficial Use on May 28, 1998. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from:

PRIEST RIVER

tributary to PEND OREILLE 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>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 29, Township 57N, Range 04W
BONNER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

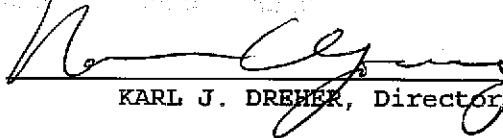
57N 04W 29

NESW

CONDITIONS OF APPROVAL AND REMARKS

1. Place of use is located within Lot 20, Blk. B, El Rio Estates.
2. Domestic use is for 1 home.

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 administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 6th day of DECEMBER, 1999.


KARL J. DREHER, Director

MICROFILMED

FEB 04 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 28 1998

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 97-07377 Telephone No. 448-4176
2. Name(s) of Permit Holder(s): JAMES D. GARVER
3. Mailing Address: P.O. Box 1970 Priest River ID 83856-1970
4. Source of Water: PIEST RIVER If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
 - a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____
 - b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): ONE Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: _____ 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 <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: \$ _____ (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: JAMES D. GARVER Telephone Number: 448-4176
Address: P.O. Box 1970 Priest River 83856-1970

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.

Signature of permit holder: James D. Garver
(include your title, if on behalf of company or organization)

Date: 5-26-98

MICROFILMED
AUG 25 1998

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 97-07377

Proposed Priority: May 9, 1997

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **JAMES D GARVER**

PO BOX 1970

PRIEST RIVER ID 83856-1970

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:

NESW , Sec. 29, Township 57N, Range 04W
BONNER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

57N 04W 29

NESW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1998.
2. Subject to all prior water rights.
3. Place of use is located within Lot 20, Blk. B, El Rio Estates.
4. Domestic use is for 1 home.

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

25 day of July, 1997.

Karl J. Dreher

Karl J. Dreher, Director

for

MICROFILMED

JAN 12 1998

Ident. No. 97-07377

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JUL 14 1997

Department of Water Resources

1. Name of Applicant JAMES D. GARVER Phone 208-448-0359
Post Office address P.O. Box 1970 Priest River ID 83856
2. Source of water supply PIRIST RIVER which is a tributary of PAND OCIELE RIVER
3. Location of point of diversion is 1/4 of NE 1/4 of SW 1/4, Govt. Lot
Sec. 29 Township 57N Range 4WEST B.M. BECKER County; additional points of diversion if any:
4. Water will be used for the following purposes:
Amount .04 for DOMESTIC purposes from YEM to ROUN (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .04 and/or (b) 18 G.P.M
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. 2" LINE INTO RIVER, 2 HP WATER PUMP
 - b. Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet; period of year when water will be diverted to storage: to inclusive.
 - 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)
7. Time required for completion of works and application of water to proposed beneficial use is ONE 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 if KW.
 - b. Stockwatering; list number and kind of livestock.
 - c. Municipal; show name of municipality.
 - d. Domestic; show number of households. ONE
 - e. Other; describe fully.

MICROFILMED

JAN 12 1998

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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N	4W	29	<i>M</i>								D								

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? JAMES D. GARVER

b. Who owns the land to be irrigated or place of use? JAMES D. GARVER

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

12. Remarks: _____

FROM 57N RANGE 4 WEST SECTION 29
NE QUARTER OF THE SW QUADRANT ✓

13. MAP OF PROPOSED PROJECT ATTACHED _____ Show clearly the proposed point of diversion, place of use, section number, township and range number.

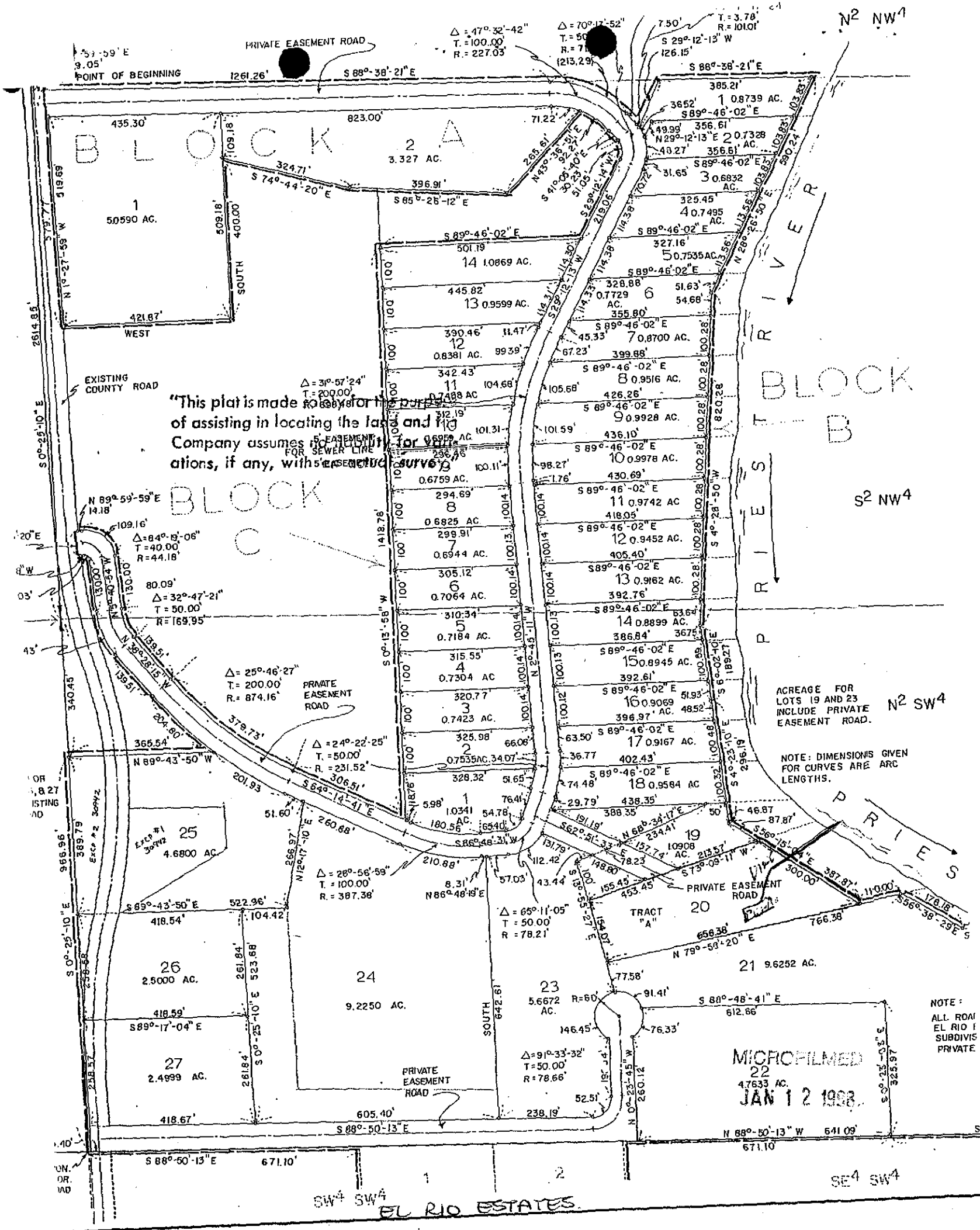
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

James D. Garver
(Applicant)

Received by db Date 5/9/97 Time 1400 Preliminary check by AB
Fee \$ 50.00 Receipted by db # N011173 Date 5/9/97
Publication prepared by db Date 5/14/97 Published in Priest River Times 5/21/97
Publication approved db Date 6/11/97

MICROFILMED

JAN 12 1998



"This plat is made for the purpose of assisting in locating the land and the Company assumes no liability for variations, if any, with actual surveys."

ACREAGE FOR LOTS 19 AND 23 INCLUDE PRIVATE EASEMENT ROAD.

NOTE: DIMENSIONS GIVEN FOR CURVES ARE ARC LENGTHS.

NOTE: ALL ROAD EASEMENTS ARE SUBDIVISION PRIVATE

MICROFILMED
22
47633 AC.
JAN 12 1998

SW4 SW4
EL RIO ESTATES



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

December 6, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES D GARVER
PO BOX 1970
PRIEST RIVER ID 83856-1970

RE: WATER RIGHT NO. 97-07377

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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 of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED
FEB 04 2000

CERTIFICATE OF MAILING

I hereby certify that on the **6th** day of **December, 1999**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 97-07377

JAMES D GARVER
PO BOX 1970
PRIEST RIVER ID 83856-1970


Kari Lynn Townsend
Secretary

MICROFILMED
FEB 04 2000

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.

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FEB 04 2000

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.

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FEB 04 2000

LICENSE REVIEW CHECKLIST

Reviewed by Sharla Curtis on 11/21/99

Permit No. 97-07377

BU Fee Pd \$ 50⁰⁰

Name/Address: ☒ OK ☐ CHANGE

Govt Lots n/a plat copy attached

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

GROUNDWATER: (✓Flow Chart)

Supp irr (irr = only use) - 065-079
Supp irr (+ other uses) - 100-101
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M (if on permit)

LOCATION:

Trust - R55(consumptive uses)
Non-Trust - 048-049 (consumptive uses
or non-cons. > 1.0 cfs)

PD Change - P39/P47 - feds(P40)
PD Add - P45/P42

PU Change - P41/P47 - feds(P43)
PU Add - P41/P42

PD & PU Change - P37 - feds(P48)

USES:

STORAGE - 18A-R02-01P-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/USFS)
MINING - 081
FISH PROP - 029(70'S only)-042-081
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

Use Change/Add - P46

ADVANCE PRIORITY? Yes ☒ No

MISC CONDITIONS/REMARKS:

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - C/tire shop
Non-consumptive - 027
Water Quality - 081-R07
Mitigation - 121 (if on permit)
PPU acre limit - W27

CHECK NEW IRR SEASON MAP N/A

SURFACE WATER: (✓Flow Chart)

In/Above MSE - WB9
WD - R04 (WD#)
≤ 0.20 cfs/others - R02- 01P or No MD
> 0.20 cfs - R43

SPRINGS/SINK, INACTIVE WD & REST OF STATE

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

RIVER BASINS: (SW special considerations)

Snake R (01) - W22, N/A
(02,03) - WB9 if above Weiser
Payette R (65) - 047(Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - R22-R23 (+uses)-025-081-W42-W43-027
MUNICIPAL
Restricted area - 022,075
Irr, GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Lawn/garden included - W01 (1)

OVERLAP ANALYSIS/RATES/VOLUMES:

PD overlap rights - W35-W36 Right #
PU overlap rights - WB7-W31(<1 ac)
GW replaced SW - 050

Permit Rate 0.04 cfs Fee Limit 20 cfs
Measured cfs Theoretical 0.04 cfs

Use	Rate	Volume
<u>Dom</u>	<u>0.04</u> cfs	<u>1.2</u> af
<u> </u>	<u> </u> cfs	<u> </u> af
<u> </u>	<u> </u> cfs	<u> </u> af
TOTALS	<u> </u> cfs	<u> </u> af

OTHER CONDITIONS/REMARKS/COMMENTS

SRBA Claim Filed Yes ☒ No

If no, is a claim required: Yes ☒ No

AMENDMENTS REQUIRED Yes ☒ No

If yes, paragraph codes:

Adjustment Memo Needed Yes ☒ No

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUN 28 1999

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 97-07377

1. Owner James D. Harver

Phone No. (208) 448-0359

Current Address: P.O. Box 1970 Priest River Id. 83856-1970

2. Accompanied by: James Harver

EXAM DATE: 6-3-99

Address: Same as above

Phone No. _____

Relationship to Permit Holder: _____

3. Source: Priest River tributary to Pend Oreille River

B. OVERLAP REVIEW

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

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	SW	29	57N	04W	Bonner	U.S.G.S. 7.5 min Quad

2. Place(s) of Use:

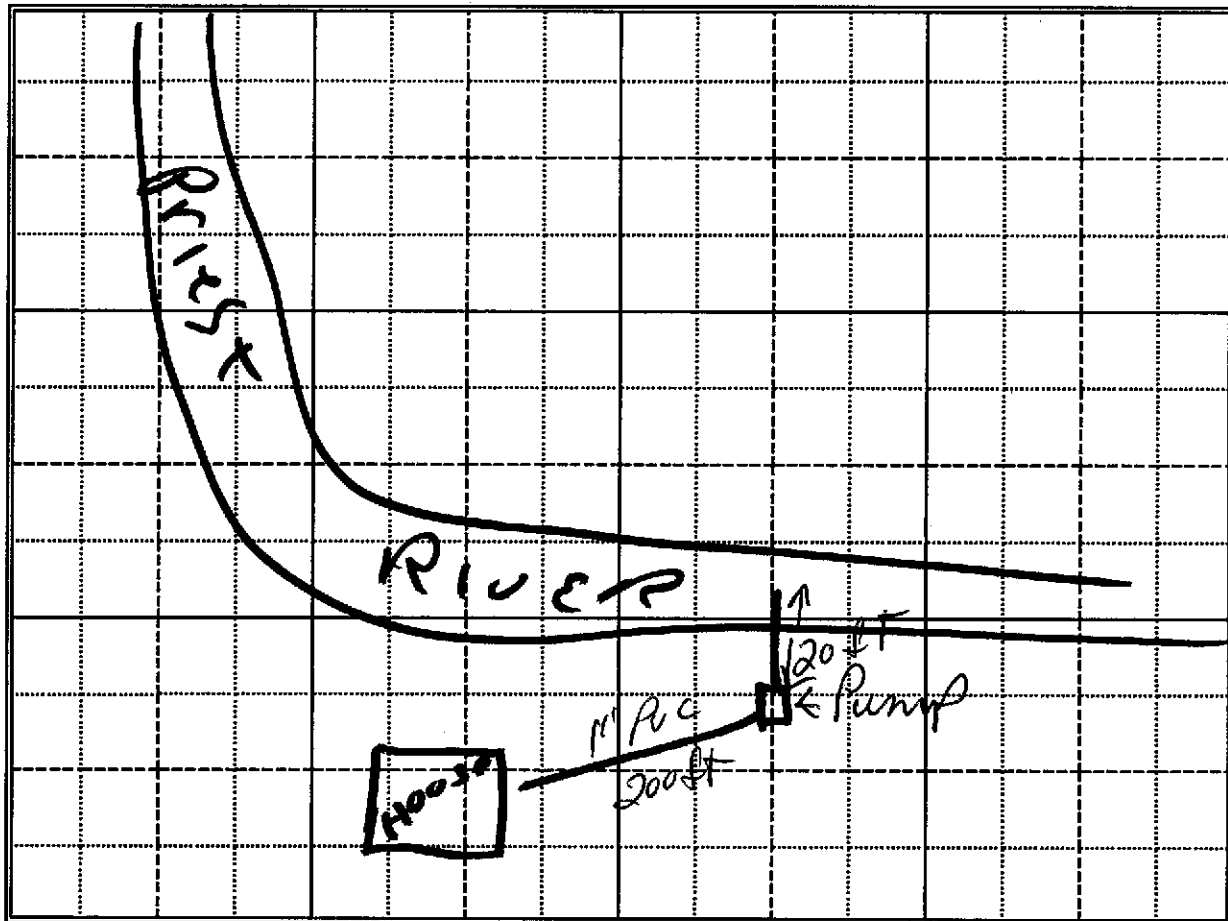
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N	04W	29																	

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FEB 04 2000

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
	SEARS	075	C48J2EC15	SEARS	390261881

*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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FEB 04 20

E. NARRATIVE/REMARKS/COMMENTS

A 3/4 horsepower pump located approx 20 ft from Ricketts River, with suction line in River, delivers to a house with pressure tank approx 200 ft from pump.

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

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FEB 04 2000

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

*Theoretical***G. VOLUME CALCULATIONS****1. Volume Calculations for Irrigation:** $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____**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		
<i>Domestic</i>	<i>01-01</i>	<i>12-31</i>	<i>.04</i>	<i>1.2</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<i>.04</i>	<i>1.2</i>

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

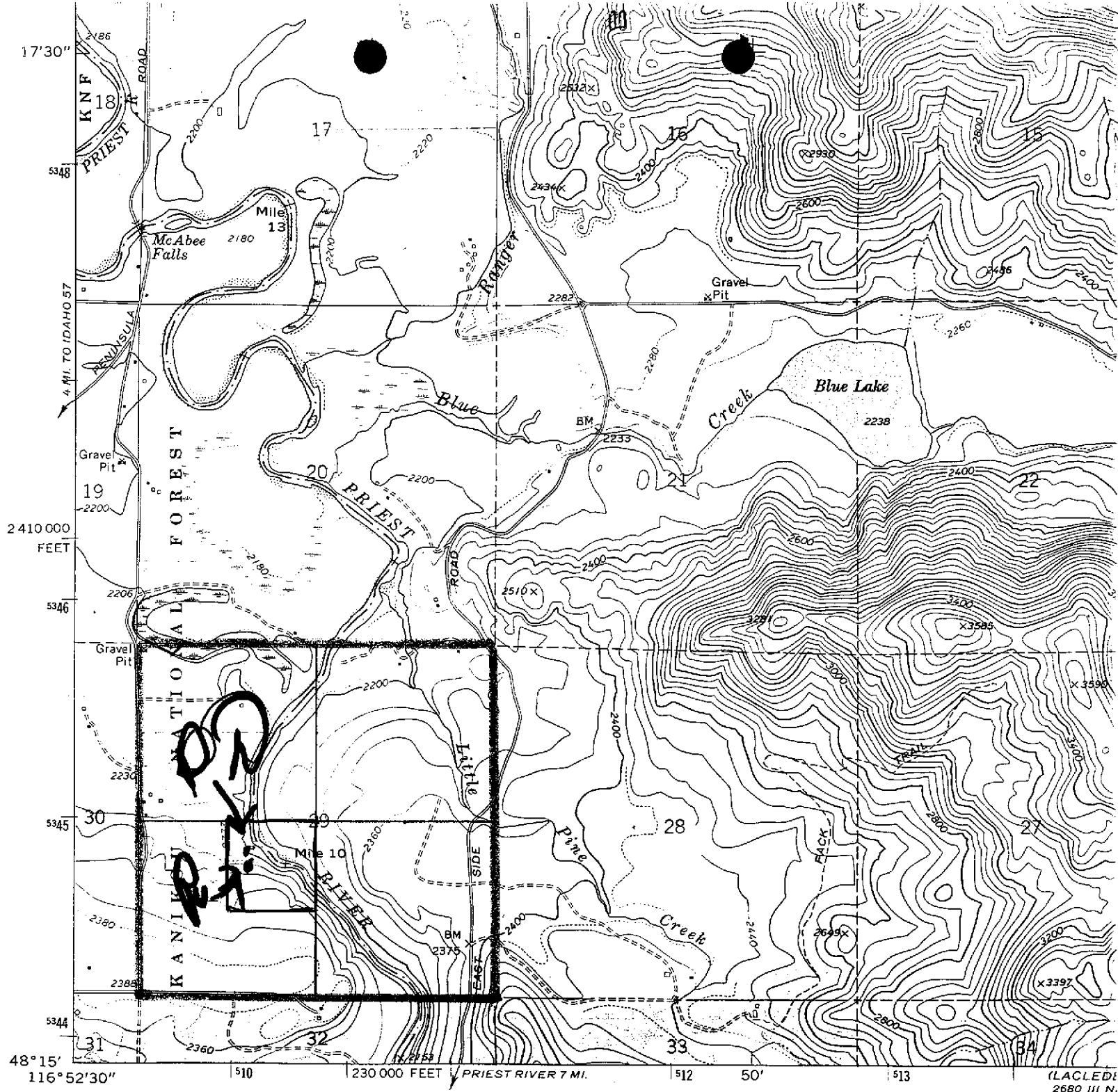
I. AUTHENTICATIONField Examiner's Name *Wayne Baldwin* Date *6-24-99*

Reviewer _____ Date _____

MICROFILMED

FEB 04 2000

SEAL



Mapped, edited, and published by the Geological Survey

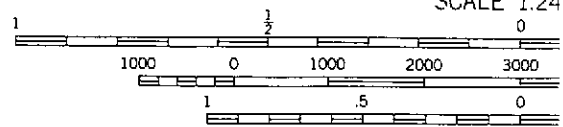
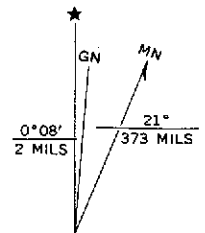
Control by USGS and USC&GS

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Polyconic projection. 1927 North American datum
 11,000-foot grid based on Idaho coordinate system
 was one
 1000 meter universal Transverse Mercator grid ticks
 zone 11, shown in blue

Fine red dashed lines indicate selected fence lines

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CONTOUR INTERVAL
 DOTTED LINES REPRESENT
 DATUM IS MEAN

MICROFILMED
 FEB 04 2000

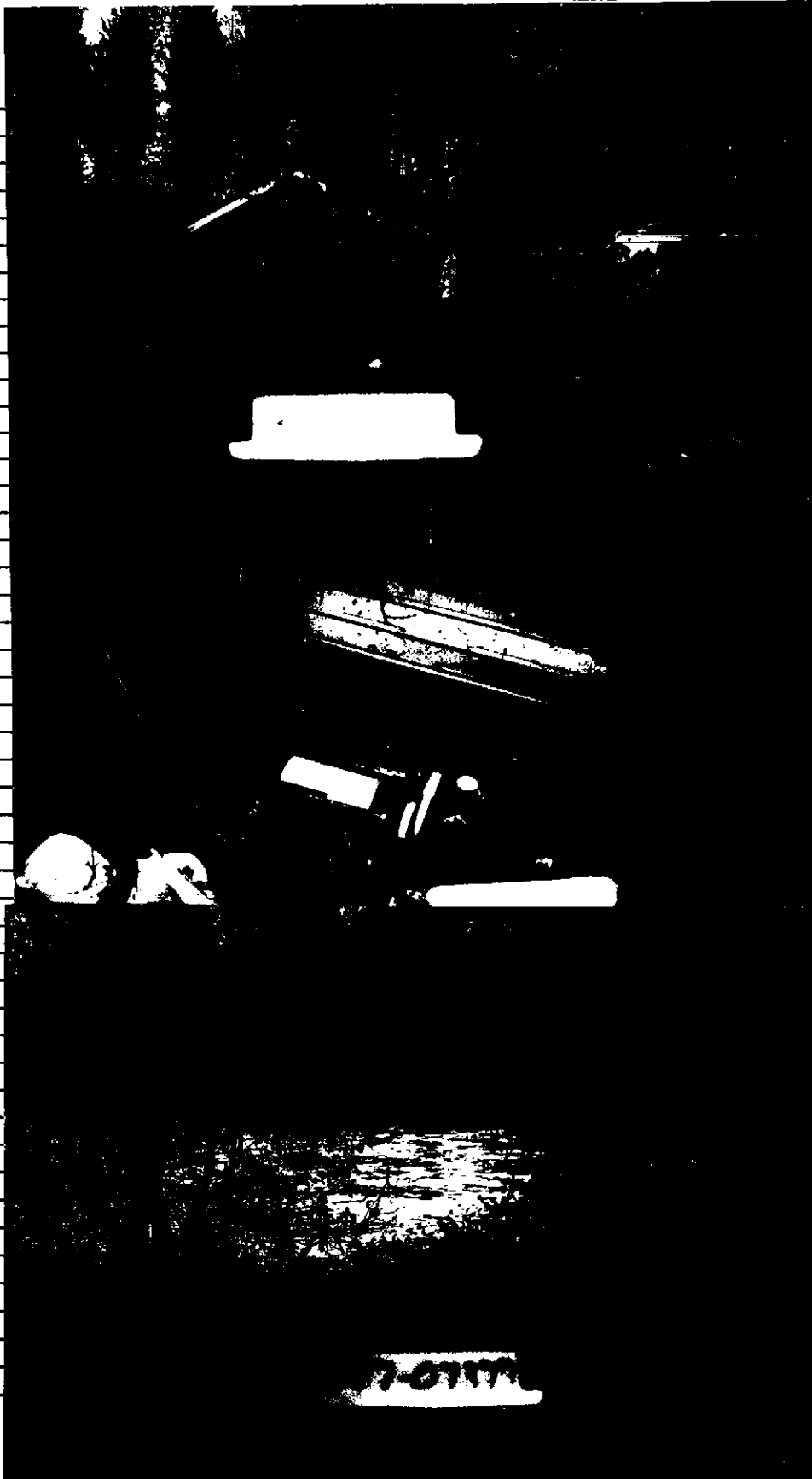
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, CO
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND

T57N R4W
 Sec 29

GARVER, J

PERMIT # 97-07377

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT



PD

Pump

PD

MICROFILMED
FEB 04 2000

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 97-07377 Reviewed by Jy Date 7-9-98

GENERAL CONSIDERATIONS

TYPES OF USE

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

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
☐ Drilling permit required?
☐ Copy in the file? Drilling Permit No. _____
☐ Amount paid for permit _____ Correct?
☐ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50- Amount Submitted
yes Correct?
NO 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

Proof Acceptable

DATA ENTRY

New Address X Proof Made 5-28-98



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 10, 1998

James D Garver
PO Box 1970
Priest River ID 83856

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 97-07377

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 department's **NORTHERN** Regional Office in Coeur d'Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

AUG 25 1998



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 25, 1997

JAMES D GARVER
PO BOX 1970
PRIEST RIVER ID 83856-1970

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 97-07377

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.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

MICROFILMED

JAN 12 1998

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of July, 1997, 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. 97-07377

JAMES D GARVER
PO BOX 1970
PRIEST RIVER ID 838561970


Kari Lynn Townsend
Secretary

MICROFILMED

JAN 12 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Cindy Low

 No.: 97-1377 Name: Garner Date: 7/23/97 Ad OK? ✓ / Gvmt Lts: None
AREA OF CONCERN?

- No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust
 - 020 (Protest Agreement) or *W19 (Order)

PROTESTED:**SYSTEM COMPLETED:**

Yes/proof filed
 1 year/no proof
 +1 year

- NA
 - **P16**
 - 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.24 cfs
 +/- 0.24 cfs
 + 5 a.

- 01M (report when notified) or _____ (if in MD, must report)
 - No MD
 - 01M; 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

DRILLING PERMIT:

Existing well
 Included w/permit
 No WD permit?
 irr. in WD

- NA (pre 7/1/87; ✓ WDC3)
 - Permit No. _____, P99
 - 046-46B-P23 (post 7/1/87)
 - P05 (new well location)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):Source in below Min. Str. Flow?

- <SEE MAP & LISTING> (modify remark *WB9) *USE appl pending*
 - R04 (req) WD # _____ <SEE MAP & LISTING>

Water District (dom. inc.)

> 0.20 cfs
 ≤ 0.20 cfs

- 01J (MD)-P08
 - 01H (ILD & MD)-P01 or No MD (in-stream stock)

Water Measurement District

> 0.24 cfs/5 acres
 ≤ 0.24 cfs/5 acres

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

Springs/sink, Inactive WD, & Rest of State

> 0.24 cfs/5 acres
 ≤ 0.24 cfs/5 acres

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

RIVER BASINS (*Surface water):

SNAKE R (01)
 (02/03-irr)
 Boise River (63)
 Payette River (65)

- 11A-P04, NA
 - 007-P07 (w/ remark *WB9 if above Weiser), NA
 - 05A (if WD), 11E (not 42-111 use), NA
 - *W22 (regulated uses), 047-P04 (Payette Lake), NA

USE:

Domestic (surface)

Domestic (multi in concern area)

Fish Propagation

Irr <POU> ≤ 5 acres
 > 5 acres

Mining

Municipal (in restricted areas)

Power

Storage (✓3 compo.)

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
 - 070-071
 - 07A-042 (req)-09E (WQ)-P10; 044 (North of 1000 Springs)
 - 057 (0.03 cfs/acre)
 - 03A (0.02 cfs/acre)
 - 054 (req) & 09E-P10
 - 022, 075, 004 (+memo?)
 - 17K-08A-025-01F(P19)-028-09E(P10); 027 (if no other cons. use);
 17G (FERC) or 17M (FERC); 18B-P09; +25 cfs-P18
 - 080 (req); 18A (multiple MD within district), 18B-P09 (+10' dam),

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev.

Irr Dist/Canal Co.

Swan Falls Flag

Trust

Non-Trust <1>

- P84 (if in 20/30/40/50/60/70/80 (87) basin)
 - 058 (-85° GW temp only)
 - **P52** (stream channel alteration)
 - 023 (Twin Falls area)
 - _____ <SEE CODE CHART>
 - 051-052-053-P74 (Consumptive Uses), NA
 - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-owner

- 004 (PD/PU) _____

OTHER CONDITIONS:**STANDARD REMARKS:**

- DUO1/1 @ Pw/LT 20, BKB, El Rio Estates.

BENEFICIAL USE DUE:

- 8/1/1998

COMMENTS:

No. a
4/87-06/92n

INTEGRATED DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

WRI
WRA

JUL 14 1997

DEPARTMENT OF WATER RESOURCES

APPLICATION # 97-07377

***** INITIAL REVIEW *****

APPLICANT: GARVER BY: AB DATE: 5/9/97

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
13. (X) Map
(X) Signature
(X) Fee (Amt, recpt, acknowlegment)

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

ADDITIONAL INFORMATION

Yes No

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

PROCESSING

Yes No

PRIORITY DATE: 5/9/97

X (Include Moratorium Remark)

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

PT/Wed/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 *****

(Yes) (No)

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

Checked by: _____ Date: ____/____/____

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 AB

____ Protests received. Final protest date: 6/9/97

____ Measuring device required

____ Measuring port required

____ Special conditions: _____

____ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: AB PJA Date: 6/12/97

- PROTEST FAXED, THEN CALLED SAID POD WAS NOT ON
BONNER CO. PROPERTY. AGREED TO FAX LETTER WITHDRAWING
PROTEST 6/10/97 AB.



BONNER COUNTY

BOARD OF COUNTY COMMISSIONERS

Dale Van Stone • Larry Allen • Bud Mueller

June 10, 1997

Department of Water Resources
Attn: Al Beardsly
Phone 769-1450
Fax 769-1454

Re: James Garver's Diversion Application

Bonner County respectfully requests that the letter of protest submitted on June 9, 1997 be removed. Upon further investigation and review, it appears that the point of diversion is not located on Bonner County property.

Thank you for your time on this matter.

Sincerely,

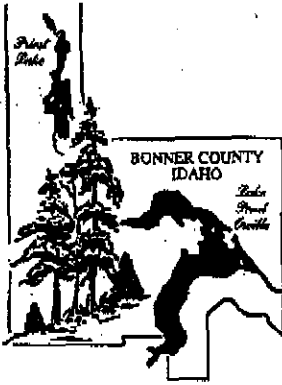
A handwritten signature in cursive script, appearing to read "Larry Allen", is written over a horizontal line.

Larry Allen, Commissioner
District #2

LA/pr

MICROFILMED

JAN 12 1998



BONNER COUNTY

BOARD OF COUNTY COMMISSIONERS

Dale Van Stone • Larry Allen • Bud Mueller

June 9, 1997

Department of Water Resources

Attn.: Al Beardsly *KARL DREHER - DIRECTOR*

Phone 769-1450

Fax 769-1454

Re: James Garver's Diversion Application

Bonner County hereby submits this letter protesting the permit to divert water from the Priest River applied for by James D. Garver. The protest is based on the point of diversion. It appears that the point of diversion is located on Bonner County property. The legal description available is 57 N 4W Sec 29, NE of SW

The \$25.00 fee is being sent separately.

Please consider this protest when reviewing this application for diversion. Thank you.

Sincerely,

Larry Allen
Larry Allen, Commissioner
District #2

LA/pr
Garver.doc

MICROFILMED

JAN 12 1998

AFFIDAVIT OF PUBLICATION

State of Idaho

SS.

County of Bonner,

Carolyn Russell

being duly sworn, says that he is the office clerk

of the PRIEST RIVER TIMES, a weekly newspaper printed and published at Priest River, Bonner County, Idaho, and has been continuously and uninterruptedly published in said County during a period

of 78 consecutive weeks prior to the first publication of the annexed notice for publication, is a newspaper of general circulation made up of at least eight pages of at least six columns each, printed from typewritten or stereotyped forms of at least nineteen and three-fourths inches depth, has at least 1250 bona fide subscribers living within said Bonner County, and is published at regular weekly intervals. That the annexed

is a true copy of the notice for publication in the case of

2223

as it was published in the regular and entire issue of the said paper for a period of ONE consecutive weeks, commencing on 21 day of May, 1997 and ending on the 21 day of May, 1997 and that said notice was published in said newspaper.

On this 21 day of May in the year of 1997, before me, a Notary Public, personally appeared Carolyn Russell, 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.

London J. Jordan
Notary Public for Idaho

Residing at Priest River, Id.

My commission expires 1899

NOTICE OF APPLICATION
FOR WATER RIGHT

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

97-07377

GARVER, JAMES D

P O BOX 1970

PRIEST RIVER, ID 83856

Source: PRIEST RIVER

Tributary: PEND OREILLE RIVER

Diversion Pt: NESW Sec 29 T 57N R

04W in BONNER County

Use: DOMESTIC (0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 5/9/1997

In: BONNER County

T57N R04W S29 NESW

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 JUNE 9, 1997.

KARL J. DREHER, Director
#2223 PRT May 21, 28, 1997

RECEIVED

JUN 09 1997

NORTHERN REGION
IDWR

JAN 12 1998

June 4, 1997

Mr. James D. Garver
PO Box 1970
Priest River ID 83856

RE: Application for Permit Number 97-07377

Dear Mr. Garver:

We are writing in regard to the above listed water right application for diverting water from Priest River for domestic purposes.

We have been made aware that the property where your point of diversion is located is Bonner County property. An easement, or agreement will need to be made between yourself and Bonner County for your diverting works to be located on their property.

We have contacted Mr. Larry Allen, County Commissioner, and suggest you also contact him to discuss easement to this property.

An approved water right permit does not grant the authority to trespass, or grant an easement to land of another.

If you have any questions, please feel free to contact me at this office.

Sincerely,

Allen Beardslee
Sr. Water Resource Agent

MICROFILMED

JAN 12 1998

6/2/97

NOTE TO FILE

POWR RECEIVED A CALL FROM A
BONNER CO. RESIDENT, EXPLAINING
THAT GARVER'S POD IS LOCATED ON
BONNER CO. PROPERTY. *AF*

6/3/97

I CALLED LARRY ALLEN, BONNER CO.
COMMISSIONER NOTIFYING HIM OF ABOVE
INFORMATION. *AF*

SEE LETTER TO GARVER, DATED 6/3/97. *AF*

MICROFILMED

JAN 12 1998

May 14, 1997

James D. Garver
P O Box 1970
Priest River ID 83856

Re: Water Appropriation Application No. 97-07377

Dear Mr. Garver:

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. Enclosed for your file is Receipt Number N011173.

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

JAN 12 1998



Tributary: PEND OREILLE RIVER

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

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In: BONNER County
T57N R04W S29 NESW

JAN 12 1938