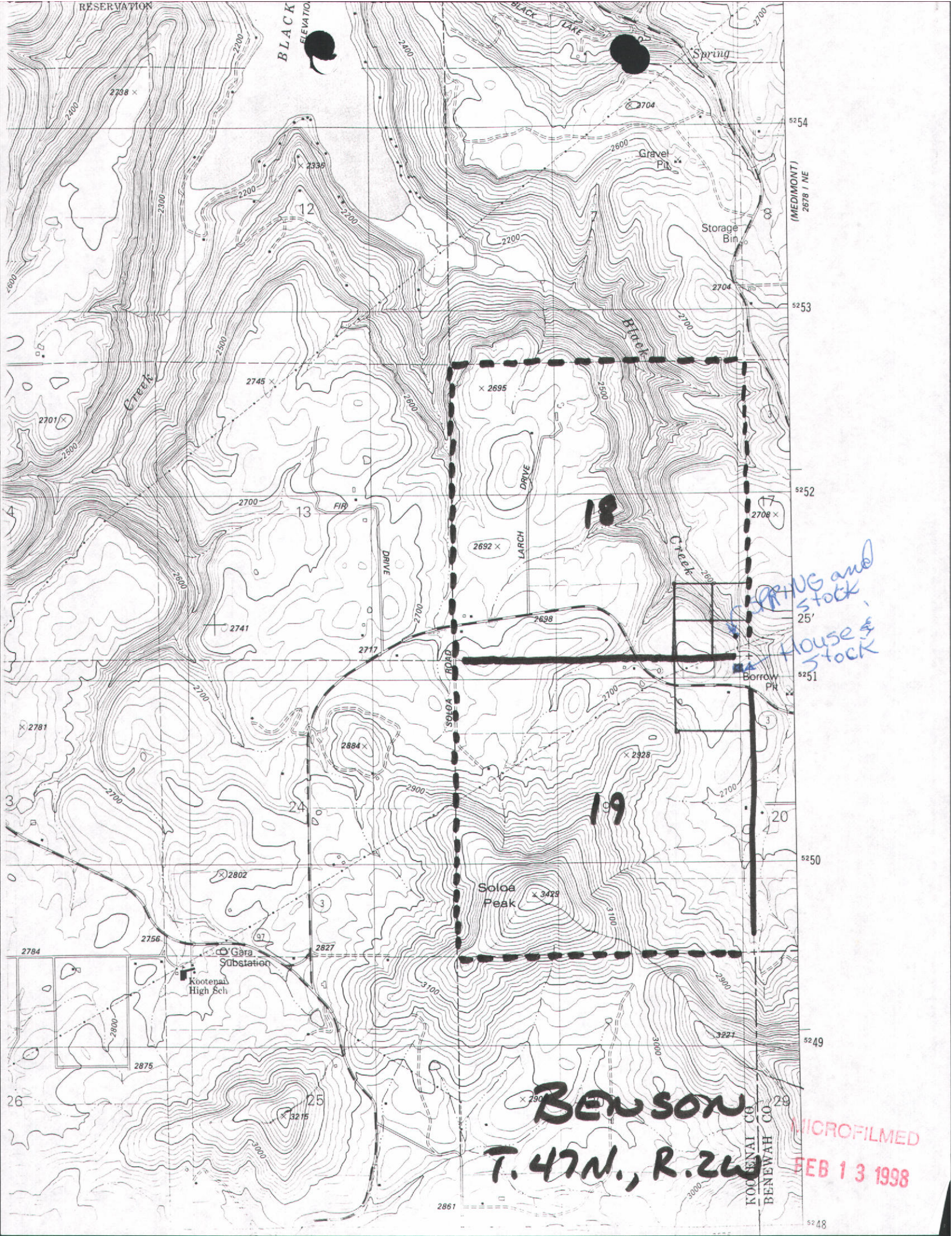




BLACK
ELEVATION

Spring

(MEDIMONT)
2678 / NE

Storage Bin

Gravel Pit

Black Creek

Creek

LARCH DRIVE

FIR DRIVE

Creek

Borrow Pit

Soloe Peak

Gara Substation

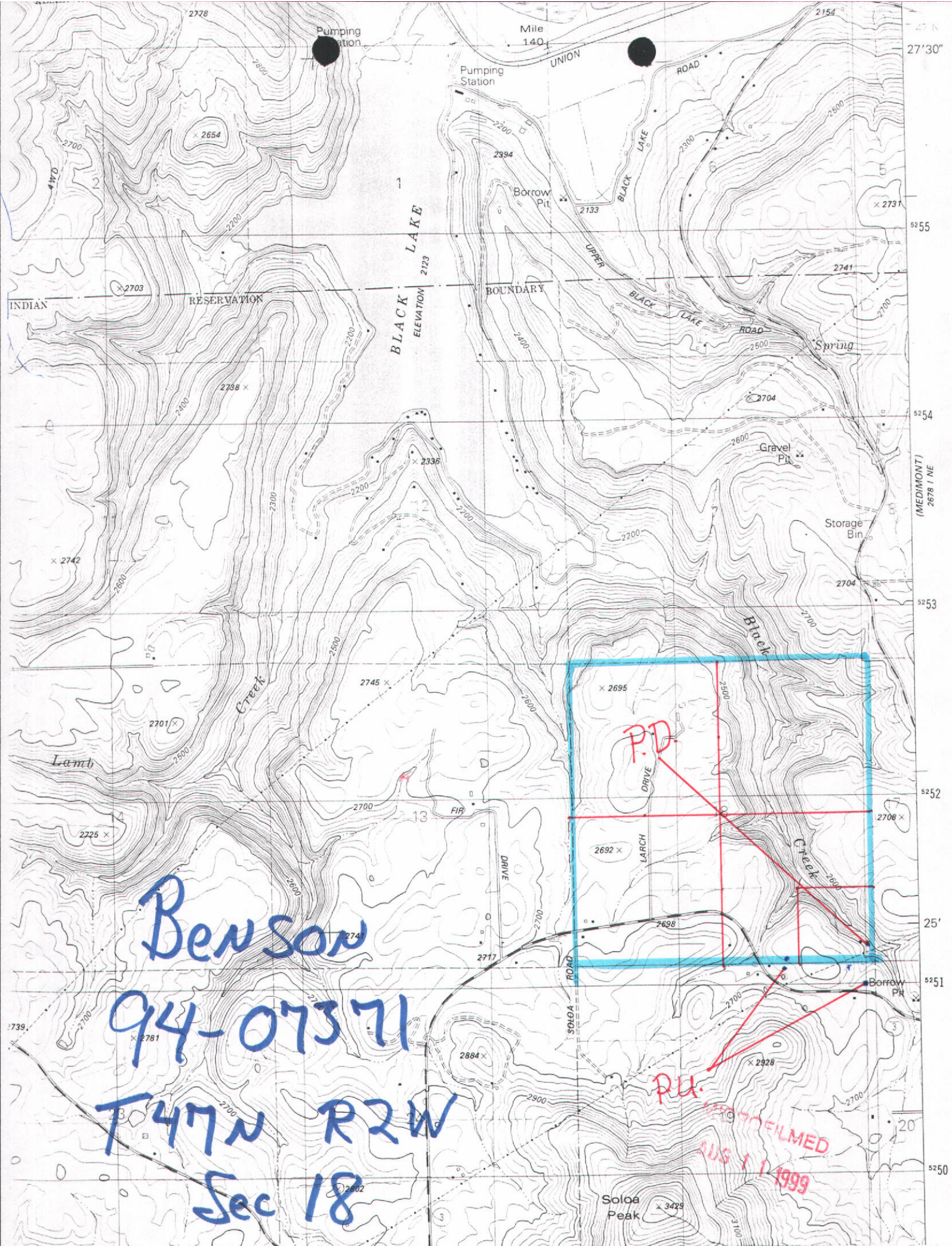
Kootenai High Sch

BENSON

T. 47N., R. 2W

MICROFILMED
FEB 13 1998

KOOTENAI CO
BENEAH CO



PERMIT # 94-07371

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PERMIT #
S



Point
of
Diversion



Place
of
Use

MICROFILMED
AUG 11 1999

PERMIT # 94-07371

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

PHOTOGRAPHS



Place
of
USE



Pressure
System

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AUG 11 1999

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 94-07371

Priority: July 18, 1997

Maximum Diversion Rate:

0.01 CFS

Maximum Diversion Volume:

1.4 AF

This is to certify, that BRIAN BENSON
28635 STATE HWY 3

ST MARIES ID 83861 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated July 18, 1997; and
has submitted Proof of Beneficial Use on September 28, 1998. An examination indicates
that the works have a diversion capacity of 0.060 cfs of water from:

SPRING

tributary to SINKS

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>
STOCKWATER	01/01 to 12/31	0.01 CFS	0.2 AF
DOMESTIC	01/01 to 12/31	0.01 CFS	1.2 AF
	Totals	0.01 CFS	1.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SESESE , Sec. 18, Township 47N, Range 02W
KOOTENAI County

PLACE OF USE: STOCKWATER

TWN RGE SEC

47N 02W	18	SESE
	19	NENE

PLACE OF USE: DOMESTIC

TWN RGE SEC

47N 02W	19	NENE
---------	----	------

CONDITIONS OF APPROVAL AND REMARKS

1. 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 28th day of

APRIL, 1999.


Acting for KARL J. DREHER, Director

MICROFILMED

AUG 11 1999

FOR OFFICE USE ONLY
 Amt. of Fee \$: 30.00
 Receipt No. 6413515
 Receipt By: JS
 Date Received: 9/28/98

RECEIVED

SEP 28 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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. 94-07371 Telephone No. 208 689 3048
2. Name(s) of Permit Holder(s): Brian Benson
3. Mailing Address: 28635 ST HY 3 SAINT MARIES ID 8386
4. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled: mo. N/A yr. N/A
- a. Well Driller: N/A Drilling Permit Number:
- b. **OPTIONAL:**
Pump Horsepower: 1 HP Pressure (psi): 35 Dynamic pumping level (ft):
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): 2 HORSES
Irrigation (No. of acres): N/A Other:
6. Total rate of diversion and/or volume for which proof is submitted: 60 gal DAY 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 <u> </u> | or | No <u>X</u> |
| | Has the measuring device been installed? | Yes <u> </u> | or | No <u>X</u> |
| Flow Measurement Port: | Is a flow measurement port required? | Yes <u> </u> | or | No <u>X</u> |
| | Has the measurement port been installed? | Yes <u> </u> | or | No <u>X</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.
- Signature of permit holder: Brian Benson Date: 9/18/98
(include your title, if on behalf of company or organization)
- RECORDED
NOV 27 1998

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 94-07371

Proposed Priority: July 18, 1997

Maximum Diversion Rate:

0.01 CFS

This is to certify, that **BRIAN BENSON**
28635 STATE HWY 3
ST MARIES ID 83861
has applied for a permit to appropriate water from:
SPRING tributary of **SINKS**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.01 CFS
DOMESTIC	01/01 to 12/31	0.01 CFS
	Totals	0.01 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESESE , Sec. 18, Township 47N, Range 02W
KOOTENAI County

PLACE OF USE: STOCKWATER

TWN RGE SEC

47N 02W 18 SESE
19 NENE

PLACE OF USE: DOMESTIC

TWN RGE SEC

47N 02W 19 NENE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1993.
2. Subject to all prior water rights.
3. Stockwater use is for up to 30 head of mixed stock.
4. Domestic use is for external 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

17th day of September, 1997.

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED

FEB 13 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 94-7371
RECEIVED
SEP 05 1997
Department of Water Resources

1. Name of Applicant BRIAN BENSON Phone 689 3046
Mailing address 28635 ST H 3 SAINT MARIES ID 83861
2. Source of water supply Spring which is a tributary of Sinks
3. Location of point of diversion is Township 47 N Range 2 W Sec. 18 in the SE 1/4.
SE 1/4, SE 1/4, Govt. Lot _____, B.M., KOOTENAI County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .01 for Stock purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .01 for DOMESTIC purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .01 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 Polley Urthue Tank
1W crushed washed Rock Pump
 - b. Height of storage dam _____ feet; active reservoir capacity ~~3000~~ 900 acre-feet; total
reservoir capacity _____ acre-feet
 - c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (If irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. 25-30 head mixed
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. LAWN GARDEN WATER
 - e. Other; describe fully. _____

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FEB 13 1998

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.

[illegible]

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

ddv
ddv

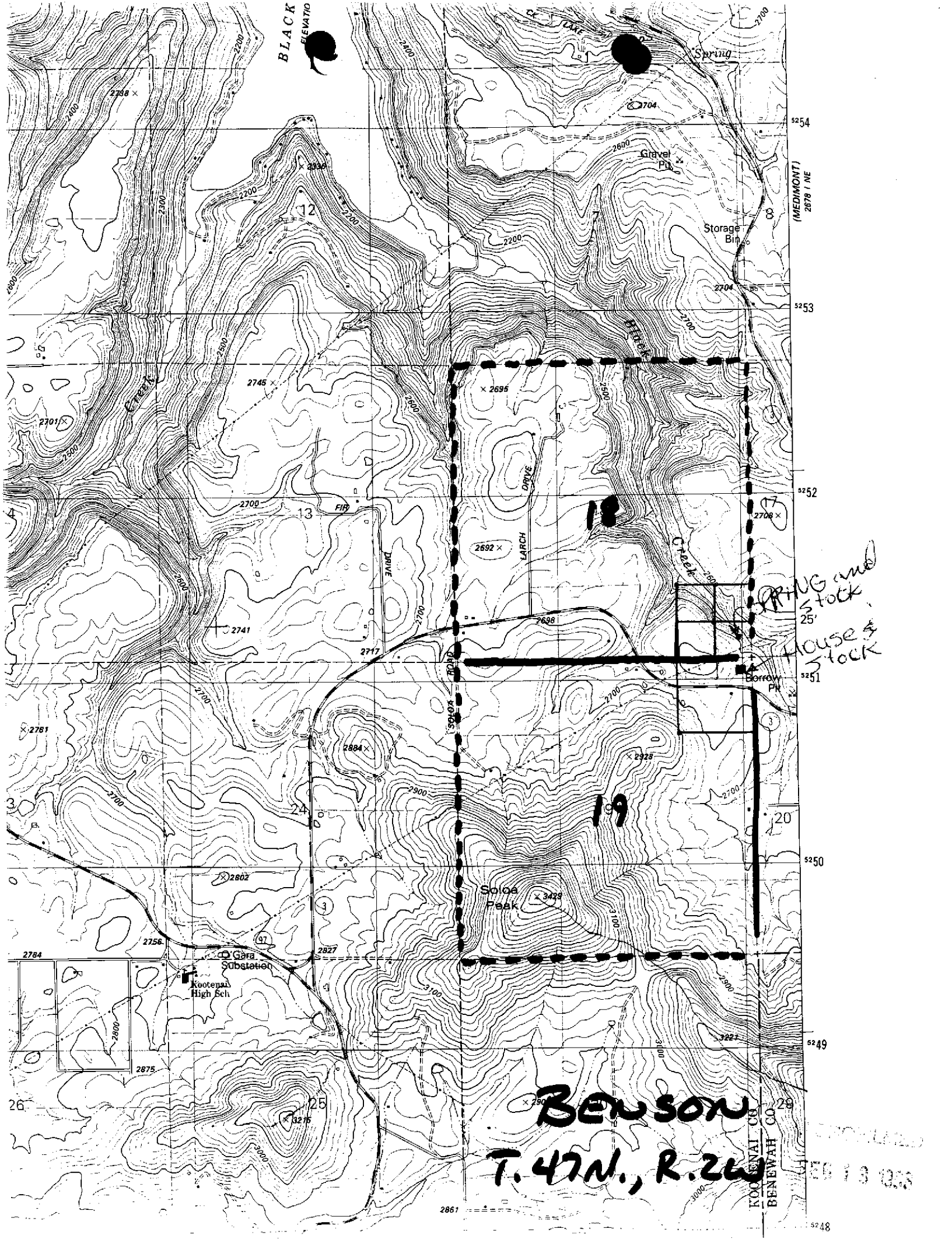
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make

12. Remarks:

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.

[Handwritten signature]

<u>Received by</u>	<u>Date</u>	<u>Time</u>	<u>Preliminary check by</u>
<u>50.00</u>	<u>7/18/97</u>	<u>11:45 a</u>	<u>N 011448</u>
<u>Fee \$</u>	<u>Received by</u>	<u>#</u>	<u>Date</u>
<u>50.00</u>	<u>7/30/97</u>	<u>Published in CDA Press</u>	<u>7/18/97</u>
<u>Publication prepared by</u>	<u>Date</u>	<u>Published in</u>	<u>Date</u>
<u>Publication approved</u>	<u>8/19/97</u>	<u>8/19/97</u>	<u>8/19/97</u>



BLACK
ELEVATION

Spring

2704

Gravel Pit

Storage Bin

5254

(MEDMONT)
2678 1 NE

5253

5252

5251

5250

5249

5248

SPRING and
stock
house &
stock

Benson
T. 47N., R. 2W.

KOOTENAI CO
BENEFICIAL CO

APPROXIMATE
DATE 13 1956

2861



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

April 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRIAN BENSON
28635 STATE HWY 3
ST MARIES ID 83861

RE: WATER RIGHT NO. 94-07371

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.

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

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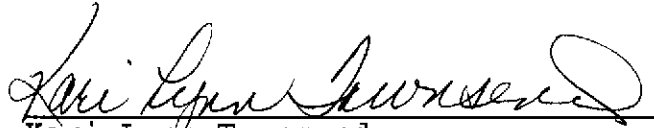
AUG 11 1999

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of April, 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. 94-07371

BRIAN BENSON
28635 STATE HWY 3
ST MARIES ID 83861


Kari Lynn Townsend
Secretary

MICROFILMED

AUG 11 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.

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AUG 11 1999

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.

MICROFILMED

AUG 11 1999

MEMORANDUM

TO: File 94-07371

FROM: Sharla

DATE: April 21, 1999

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 94-07371 are as follows:

B. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion: SESESE, S18, T47N, R2W

H. RECOMMENDATIONS

Stockwater	1/1 - 12/31	0.01 cfs	0.2 afa
Domestic	1/1 - 12/31	0.01 cfs	1.2 afa

Springs require a 10-acre description for point of diversion.

Stockwater volume has been calculated as follows: 5 cows + 5 horses = 10 X 12 gpd X 365 days + 5 gpd (5 gallons per 100 chickens, allowed 5 gpd for 20 chickens) X 365 days/325,850 = 0.24 af, rounded to 0.2 af.

The permit was for one home; the license is limited to one home, thus the domestic volume is 1.2 af.

Exam Date: February 8, 1999
Examiner: Dave Pagel

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AUG 11 1999

LICENSE REVIEW CHECKLIST

PERMIT NO. 94-07371 DATE 4/21/99 REVIEWER: SHARLA

NAME Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK Change (P39 /P47) Add (P45/P42) Feds - P40
 W32 (multiple in 1/4)
 W36 (overlap)
 W59 (subd. desc)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PLACE OF USE OK Change (P41/P47) Add (P41/P42) Feds - P43
 W60 (subd. desc)
 W27 (ppu acre limit)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate .01 cfs
 Fee limit .20 cfs \$50⁰⁰
 Measured ✓ cfs
 Theoretical .06 cfs
 Recommended Total Div Rate .01 cfs

WATER USES	<u>OK</u>	Change (P46)		
<u>Stock</u>	<u>.01</u> cfs	<u>.2</u> af	Irrig -	overlap (R58-R61, R62-R65, R66-R69)
<u>Dom</u>	<u>.01</u> cfs	<u>1.2</u> af		supp. gw (WB7/065/079)
				overlap spec. combined rts (W35)
				<1acre (W31)
			Domestic	(W01/WB5/070/071/075)
			Power	(W42 or W43/025/027/R22 or R23)
			Fish (042)	Fire (077) Wtr Quality (081/R07)
TOTALS	<u>.01</u> cfs	<u>1.4</u> af		

Flow rate .01 cfs X 365 days X 1.98 = 7.3 af

REMARKS external use / home

ADD'L CONDITIONS _____ Watermaster Control WD# _____
 _____ GW Measurement/Measuring Device
 _____ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority yes ✓ no

SRBA Claim N/A

Adjust Memo 10-acc pld
 Amend letters _____

10x12x365
 325,850
 + chickens
 = .24 af

plus 1 home
 10-acc pld

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 22 1999

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 94-07371

1. Owner: Brian Benson Phone No. (208) 689-3046

Current Address: 28635 State Hwy 3 St. Maries, Idaho 83861

2. Accompanied by: Brian Benson EXAM DATE: Feb 8, 1999

Address: Same Phone No. _____

Relationship to Permit Holder: Self

3. Source: Spring tributary to Sinks

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
			SE	SE	18	47N	2W	Kootenai	USGS 7.5' 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	
47N	2W	18																5	
47N	2W	19	5																
47N	2W	19	D	D															

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AUG 7 1999

2. Measurements:

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

D. FLOW MEASUREMENTS

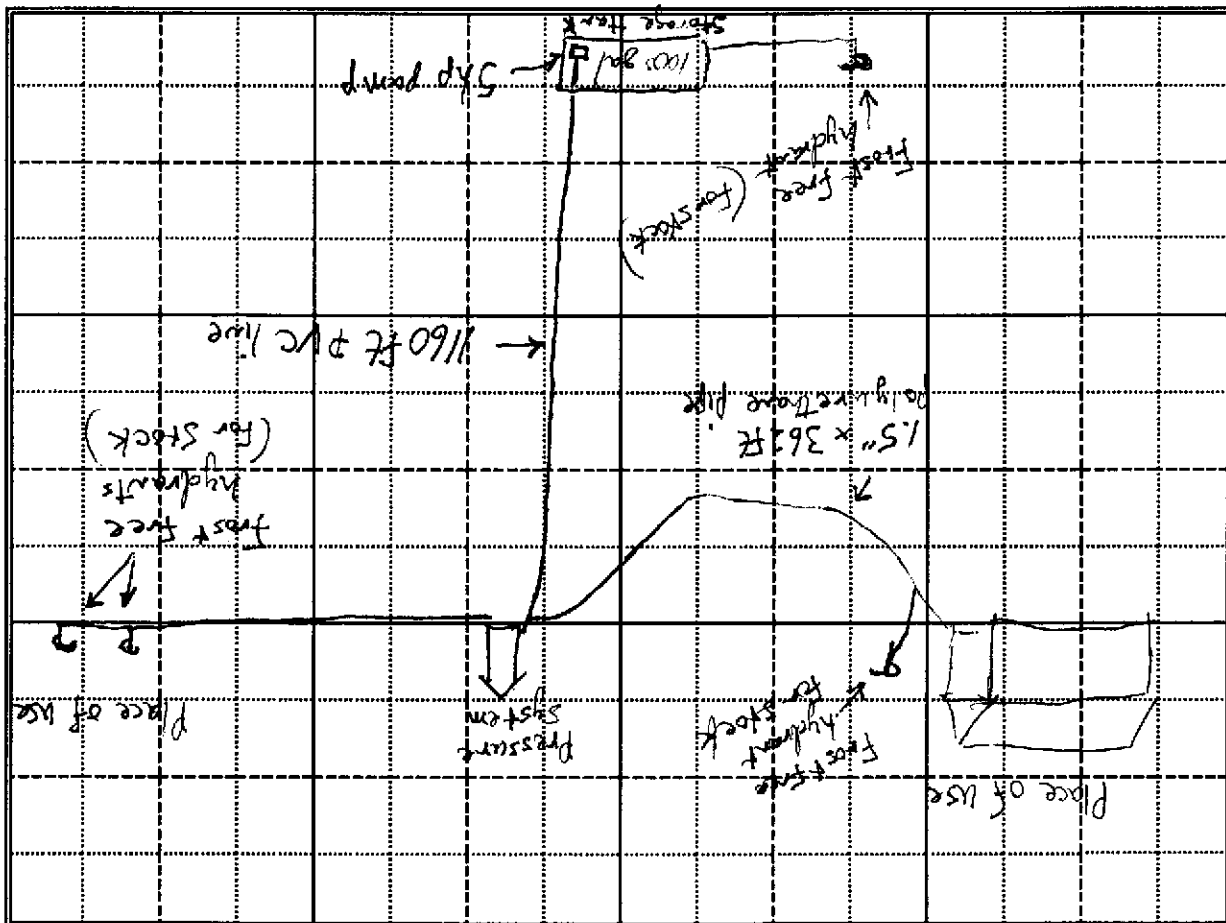
*Code to correspond with No. on map and aerial photo

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		5		Submersible	

4.

✓ 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

Scale: 1" = 1/4



3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe i.d. as applicable.

E. NARRATIVE/REMARKS/COMMENTS

Water is being diverted from spring. For domestic and stockwater use. A 5 horsepower pump is used to pump water from the spring up to the pressure tank through 1160 Ft of 2" PVC line.

Domestic use is for 1 existing home and a second home is to be built. The water line is plumbed in.

Stockwater use is for horses, cattle, chickens, and dogs.

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

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AUG 11 1983

F. FLOW CALCULATIONS

Measured Method:

See detailed calculation

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

$$5 \text{ horses} = .2 \times 5 = 1.0$$

$$5 \text{ cows} = .2 \times 5 = 1.0$$

$$20 \text{ chickens} = 5 \text{ gal} \times 365 \text{ days} = 1825 \text{ gal/yr.}$$

$$1825 / 325,850 \text{ gal} = .006$$

H. RECOMMENDATIONS

1. Recommended Amounts

2. Recommended Amendments

Change P.D. as reflected above
Change P.U. as reflected above

Add P.D. as reflected above
Add P.U. as reflected above
None
Other

I. AUTHENTICATION

Field Examiner's Name

David M. Regel

Date

Feb 17, 1999

Reviewer

Date

SEAL

MICROFILMED

1998 1 1 1999

Beneficial Use
Stockwater
Domestic

Period of Use
From 01/01 To 12/31
From 01/01 To 12/31

Rate of Diversion
Q (cfs)
.01 cfs
.01 cfs

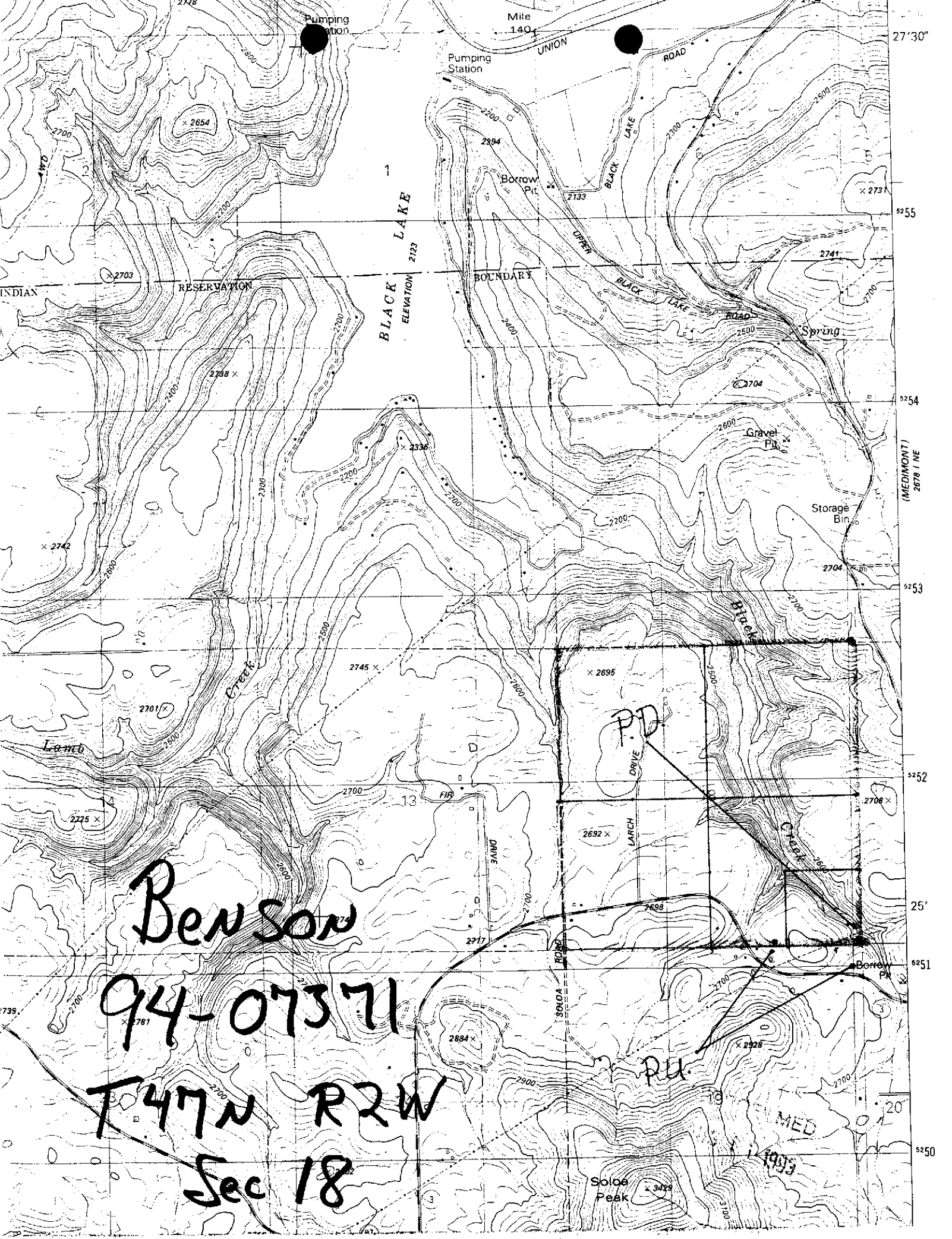
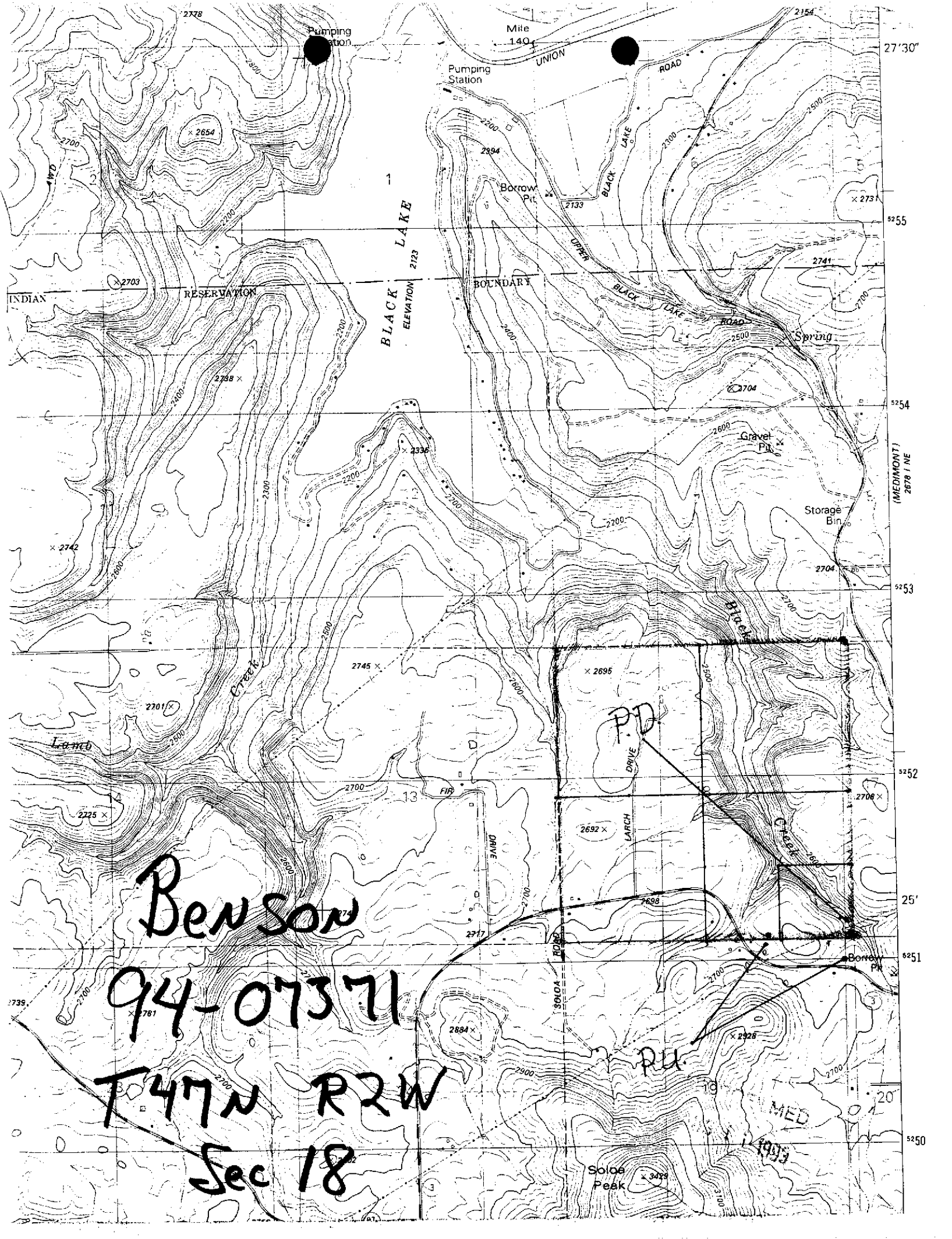
Annual Volume
V (afa)
2.006 afa
2.4 afa
4.406 afa

Totals:

.01 cfs

4.406 afa

$$1.0 + 1.0 + 2.006 \text{ afa} = 4.006 \text{ afa}$$



Benson
94-07371
T47N R2W
Sec 18

P.D.

P.U.

MED

Solos Peak

BLACK LAKE
ELEVATION 2123

BOUNDARY

Borrow Pit

Pumping Station

Mile 140

UNION ROAD

BLACK LAKE

UPPER BLACK LAKE

Spring

Gravel Pit

Storage Bin

13

DRIVE

DRIVE

LARCH

DRIVE

Borrow Pit

1993

THEORETICAL PUMP EFFICIENCY CALCULATIONS

FILE: 94-07371, BRIAN BENSON

DATE: 9-FEB-99

COMPLETE BY: PAGEL

HORSEPOWER = 5

PUMP EFFICIENCY = 70%

DYNAMIC LIFT = 350 FEET

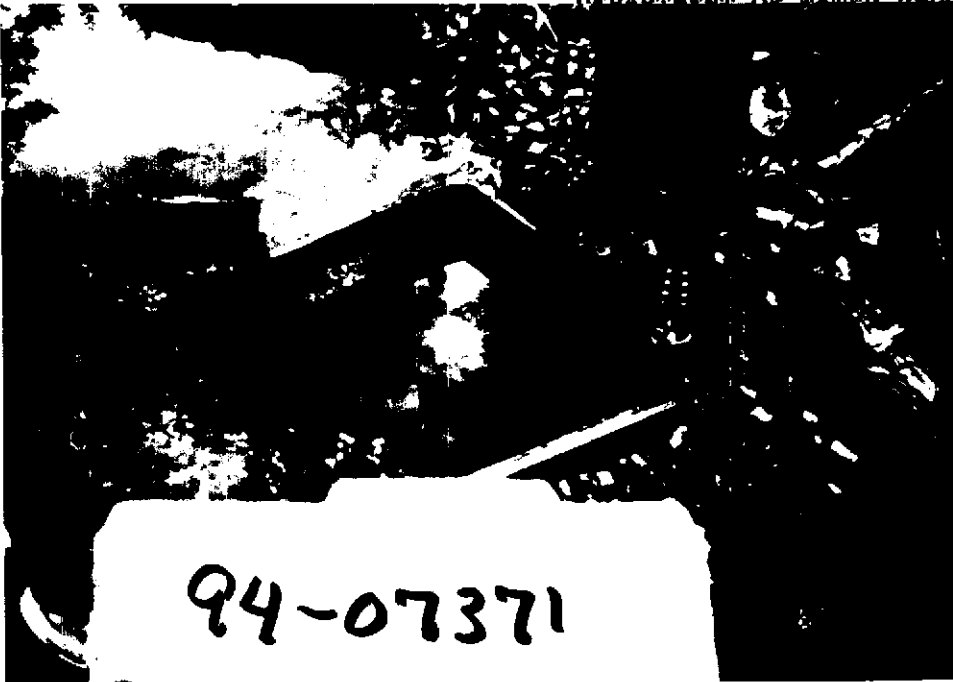
SYSTEM PRESSURE = 60 PSI

QUANTITY = 0.06 CFS

MICROFILMED
AUG 11 1999

PERMIT # 94-07371

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PERMIT



Point
of
Diversion

94-07371



Place
of
Use

RECEIVED
206 1 1 1999

PERMIT # 94-07371

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

P H O T O G R A P H S



Place
of
USE



Pressure
System

MICROFILMED
AUG 11 1993

94-07371

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 94-07371 Reviewed by [Signature] Date 11-12-98

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 9-28-98



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

November 12, 1998

Brian Benson
28635 State HWY 3
St Maries ID 83861

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 94-07371

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,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
NOV 27 1998

July 31, 1998

BRIAN BENSON
28635 STATE HWY 3
ST MARIES ID 83861

PROOF DUE NOTICE

RE: PERMIT NO. 94-07371

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 October 1, 1998.

(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.

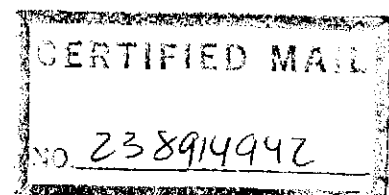
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

NOV 27 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

September 18, 1997

BRIAN BENSON
28635 STATE HWY 3
ST MARIES ID 83861

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 94-07371

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.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

RECORDED

FEB 13 1998

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of September, 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. 94-07371

BRIAN BENSON
28635 STATE HWY 3
ST MARIES ID 83861


Kari Lynn Townsend
Secretary

RECORDED
FEB 19 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*
 No.: 94-07371 Name: Benson Date: 9/16/97 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/no proof

P16

>1 year

- 26A-P17

~~GROUNDWATER:~~ (✓ FLO-CH)

WMD (✓ MAP)

>0.24 cfs/5 acres

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

≤ 0.24 cfs/5 acres

- No MD

WMD >0.24 cfs

- 01M (report when notified)

>5 a.

- 01M; 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

≤ 0.24 cfs/5 acres

- No MD

DRILLING PERMIT:

Existing well

- NA (pre 7/1/87; ✓ WDQ3)

Included w/permit

- Permit No. _____ - _____ - _____ - _____ P99

No drilling permit?

- 046-46B-P23 (post 7/1/87)

irr. in WD

- P05 (new well location)

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

IN MIN. STR. FLOW (✓ MAP)

- 31A (modify remark *WB9)

WD (✓ MAP & LISTING)

- R04 (WD # _____)-01J-P08 (MD)

Pumped >0.20 cfs

- 01H-P01 (LD & MD) 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-P07 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

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

USE:

Domestic surface

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

>1 in rest. area

- 070-071- P53

Fish Propagation

- 029-007-042(req)-081-R07 (WQ)-P10; 044 (N of 1000 Springs)

Irr ≤ 5 acres

- R49/R50/R51/R52 (0.03 cfs/acre +AF)

> 5 acres

- R29/R30/R31/R32 (0.02 cfs/acre +AF)

Mining

- 054(req)-081-R07-P10

Muni (in restricted areas)

- 022, 075, 004 (+memo?)

Power

- 17H/17K(+uses)-08A-025-01N(P19)-028-081-R07(P10); 027 (if no other cons. use);

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

Stock (BLM/USFS)

- R37

Storage (✓3 compo.)

- 080; 18A (in- & out-flow MD within district), 18B-P09 (>10' dam),

LOCATION:

42-248 area

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

Basins 71-79

- 029 (fish screens)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Irr Dist/Canal Co.

- 023 (Twin Falls area)

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:

- 0202/30 mifed 02001/1/97

BENEFICIAL USE DUE:

- 10/1/ 1998

COMMENTS:

-

No. a
4/87-06/92n

DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

SEP 05 1997

WR
WRA
EC

APPLICATION # 94-7371

DEPARTMENT OF WATER RESOURCES

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

APPLICANT: BENSON BY: AS DATE: 7/18/97

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, acknowledgment)

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

PROCESSING

Yes No PRIORITY DATE: 7/18/97
X (Include Moratorium Remark)
X Statewide Avertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: ROSTOWA County.

LETTERS SENT REQUESTING:

() Dam Information () Fish Information
() Power Information () Other: N/A

INFORMATION RECEIVED:

() Dam Information () Fish Information
() Power Information () Other: N/A

ADDITIONAL INFORMATION

Yes No

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

***** GROUNDWATER SECTION *****

(Yes)(No)

Checked by: _____ Date: ____/____/____

Remarks: _____

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

***** FINAL REGIONAL PROCESSING/REVIEW *****

(Yes)(No)

- ____ Notice of pending void order issued. Final order response date: ____/____/____
____ Further information required from applicant
8/19/97 X Affidavit of publication received
8/28/97 X Application published correctly, If not, record action taken: _____

- 7/30/97 X Publication dates and paper recorded on application | Sr. Agent initial AS
X Protests received. Final protest date: 8/25/97
X Measuring device required
X Measuring port required
X Special conditions: _____
X Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: AS Date: 7/2/97

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO,
County of Kootenai, } ss.

AUG 19 1997

Michelle Price NORTHERN REGION IDWR being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive Weeks commencing on the 7th day of August 1997, and ending on the 14th day of August 1997, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Michelle Price

Subscribed and sworn to before me this 14th day of August 1997

Regina Maxwell

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/03

NOTICE OF APPLICATION FOR WATER RIGHT

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

94-07371

BENSON, BRIAN
28635 STATE HIGHWAY 3
ST MARIES, ID 83861
Source: SPRING
Tributary: SINKS
Diversion Pt: SESESE Sec 18 T 47N R 02W in KOOTENAI County.
Use: STOCKWATER (0.010 CFS)
DOMESTIC (0.010 CFS)
Total Diversion: (0.010 CFS)

Date Filed: 7/18/1997
In: KOOTENAI County
T47N R02W S18 SESE
S19 NENE

95-08965

HUCKLEBERRY WHOLESALERS
12566 N GOVERNMENT WAY
HAYDEN, ID 83835
Source: GROUNDWATER
Diversion Pt: NWNWNW Sec 12 T 51N R 04W in KOOTENAI County.
Use: IRRIGATION (0.530 CFS)
Total Diversion: (0.530 CFS)

Date Filed: 7/7/1997
In: KOOTENAI County
T51N R04W S01 SWSW
S11 NENE SENE
S12 NWNW
26.5 ACRES TOTAL
95-08966

FARLEY, BRIAN T
PO BOX 1836
HAYDEN LAKE, ID 83835
Source: UNNAMED STREAM
Tributary: CHILCO LAKE
Diversion Pt: SESW Sec 9 T 52N R 03W in KOOTENAI County.
Use: STOCKWATER (0.020 CFS)
Total Diversion: (0.020 CFS)

Date Filed: 6/27/1997
In: KOOTENAI County
T52N R03W S09 SESW
95-08967

FARLEY, BRIAN T
PO BOX 1836
HAYDEN LAKE, ID 83835
Source: UNNAMED SPRING
Tributary: UNNAMED STREAM
Diversion Pt: NENESW Sec 9 T 52N R 03W in KOOTENAI County.
Use: STOCKWATER (0.020 CFS)
Total Diversion: (0.020 CFS)

Date Filed: 6/27/1997
In: KOOTENAI County
T52N R03W S09 NESW
95-08968

FARLEY, BRIAN T
PO BOX 1836
HAYDEN LAKE, ID 83835
Source: UNNAMED SPRING
Tributary: UNNAMED STREAM
Diversion Pt: NESW Sec 9 T 52N R 03W in KOOTENAI County.
Use: STOCKWATER (0.020 CFS)
Total Diversion: (0.020 CFS)

Date Filed: 6/27/1997
In: KOOTENAI County
T52N R03W S09 SESW
95-08969

NIBLER, BRIAN
950 LUNCEFORD #3
COEUR D ALENE, ID 83814
Source: HAYDEN LAKE
Tributary: SINKS
Diversion Pt: SENW Sec 16 T 51N R 03W in KOOTENAI County.
Use: DOMESTIC (0.010 CFS)
Total Diversion: (0.010 CFS)

Date Filed: 7/23/1997
In: KOOTENAI County
T51N R03W S16 SENW
95-08970

WARD, MICHAEL ROBERT
WARD, CAROL MARIE
4125 W RIVERVIEW DRIVE
POST FALLS, ID 83854
Source: SPOKANE RIVER
Tributary: COLUMBIA RIVER
Diversion Pt: LOT 5 (NESE) Sec 7 T 50N R 05W in KOOTENAI County.
Use: IRRIGATION (0.030 CFS)
Total Diversion: (0.030 CFS)

Date Filed: 7/25/1997
In: KOOTENAI County
T50N R05W S07 Lot 5(NESE) SESE
1.5 ACRES TOTAL

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 AUGUST 25, 1997.

KARL J. DREHER, Director

Legal 732
August 7, 14, 1997

94-07371

BENSON, BRIAN
28635 STATE HIGHWAY 3
ST MARIES, ID 83861

Source: SPRING

Tributary: SINKS

Diversion Pt: SESESE Sec 18 T 47N R 02W in KOOTENAI County.

Use: STOCKWATER	(	0.010 CFS)
DOMESTIC	(	0.010 CFS)
Total Diversion:	(	0.010 CFS)

Date Filed: 7/18/1997

In: KOOTENAI County	
T47N R02W S18	SESE
S19	NENE

MICROFILMED

FEB 18 1998

July 30, 1997

Brian Benson
28635 State Highway 3
St Maries ID 83861

Re: Water Appropriation Application No. 94-07371

Dear Mr. Benson:

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

RECEIVED

FEB 13 1998