

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

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

[illegible]

Scale: 2 inches equal 1 mile.

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

Frank Bogner
(Applicant)
Celia Bogner

Affidavit of Publication

STATE OF IDAHO, }
County of Lewis, } ss.

I, ROBERT E. WHERRY, being first duly sworn, depose and say that I am the Publisher of the LEWIS COUNTY HERALD, a weekly newspaper, published and issued weekly at Nezperce, Lewis County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the one hereto is attached is a true copy, was published in said newspaper

for 2 weeks being published 2

times, the first publication being on the 7th

day of January, 19 93, and the last

publication on the 14th day of

January, 19 93; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Robert E. Wherry

STATE OF IDAHO, }
County of Idaho, }

On this 15th day of January in the year of 1993, before me, a Notary Public, personally appeared Robert E. Wherry, 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.

Robert E. Wherry
Notary Public for Idaho

Residing at Cottonwood

My commission expires: 12/94

NOTICE OF APPLICATION FOR WATER RIGHT

The following application has been filed to appropriate the public waters of the State of Idaho:

85-07585

BOGNER, FRANK

BOGNER, CLETA

RT. 1 BOX 56

NEZPERCE, ID 83543

Source: SPRING Tributary: FIVEMILE CREEK.

Diversion Pt: NENWNW Sec 28 T 35N R 02E in LEWIS County.

Use: STOCKWATER (.040 CFS). Total Diversion (.040 CFS).

Date Filed: 12/17/1992.

In: LEWIS County T35N R02E S28 NWNW SESW.

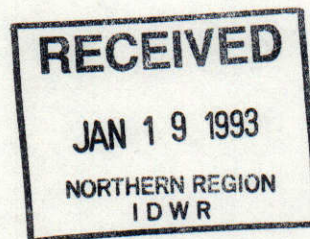
For additional information concerning the property location, call the Northern Regional Office at 765-4639.

The permit will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Northern Region, 1920 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814 on or before JANUARY 25, 1993.

R. KEITH HIGGINSON, Director

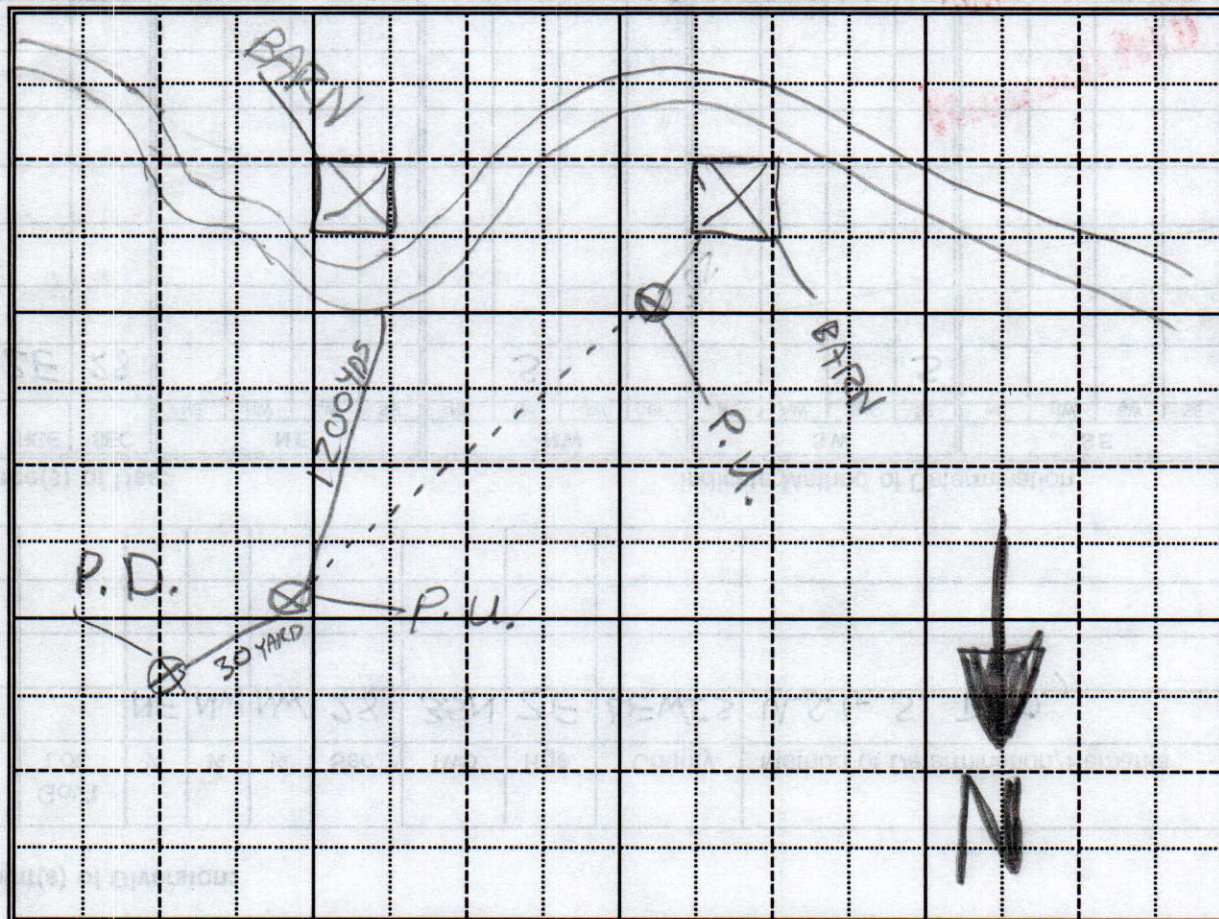
Published January 7 and 14, 1993

R
1/22/93



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MAY 21 1993

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
					GRAVITY FEED
					1 1/4" PVC PIPE

*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
NONE						

2. Measurements: NONE

JAN 20 1994

#85-07585

MR. BOGNIER'S
DEVELOPED SPRING

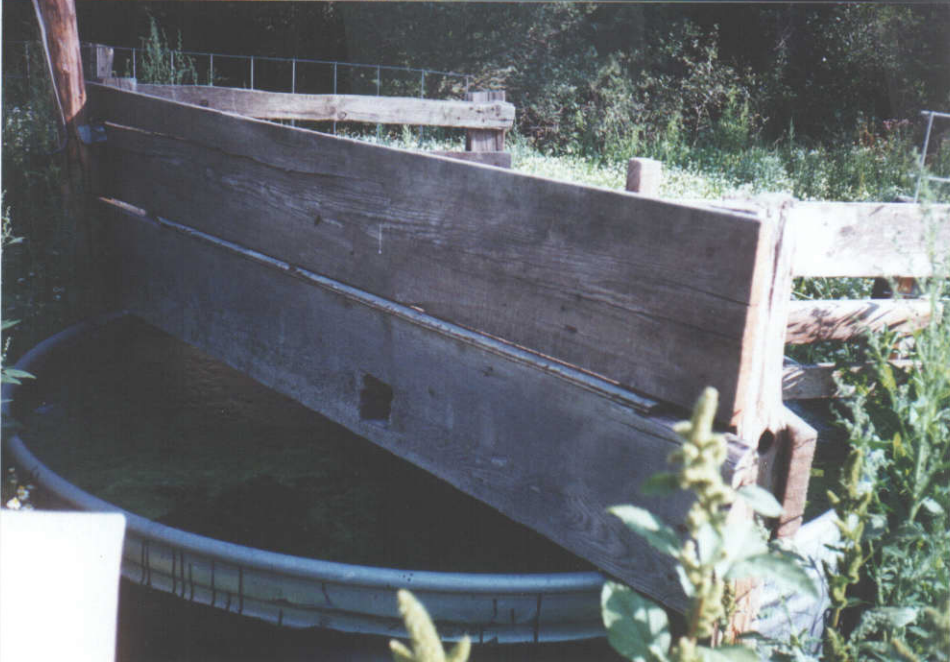
← P.D.



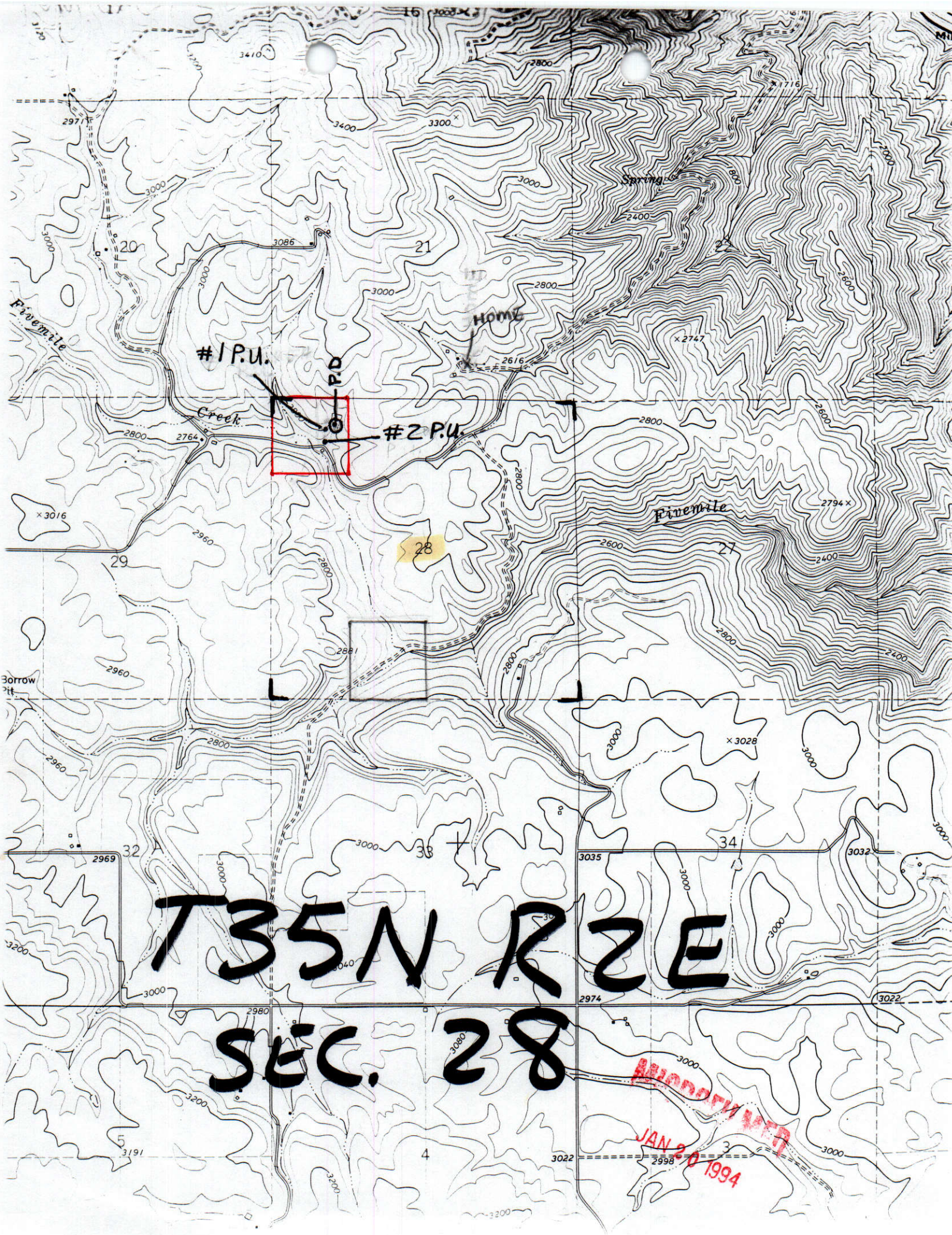
#1 TROUGH
← (P.U.)



#2 TROUGH
← (P.U.)



APPROVED
JAN 20 1994



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 85-07585

Priority: December 17, 1992

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that FRANK BOGNER
CLETA BOGNER

RT 1 BOX 56

NEZ PERCE ID 83543

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 17, 1992; and has submitted Proof of Beneficial Use on April 19, 1993. An examination indicates that the works have a diversion capacity of .040 cfs of water from:

SPRING

tributary to FIVEMILE CREEK

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	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NENWNW , Sec. 28, Township 35N, Range 02E
LEWIS County

PLACE OF USE: STOCKWATER

TWN RGE SEC

35N 02E 28

NWNW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Stockwater use is for 150 range cattle.

JAN 20 1994

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 15TH day of JANUARY, 1994.


Acting for R. Keith Higginson, Director

RECEIVED

APR - 8 1993

Department of Water Resources

APR 19 1993

OFFICE USE ONLY
Amt. of Fee \$ 50.00
Date 4-19-93
Receipt No. 0027254
Receipt by CA

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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 35-07585 Telephone No. 208 937-2383
2. Name(s) of Permit Holder(s): FRANK BOGNER + CLETA BOGNER
3. Mailing Address: RT. 1 Box 56 NEZPERCE ID 83543
4. Source of Water: SPRING

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater 150 RANGE CATTLE (No. and type of stock)

Irrigation _____ (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 0.04 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ____ Yes ☒ No Installed? ____ Yes ____ No

OR

Flow Measurement Port: Required? ____ Yes ☒ No Installed? ____ Yes ____ No

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

FRANK BOGNER
Name

208 937-2383
Telephone No.

RT 1 Box 56 NEZPERCE, ID 83543
Address

10. The above information 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.

4/3/93
Date

Frank Bogner
Signature (and title, if on behalf of a company or organization)

MAY 21 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 85-07585

Proposed Priority: December 17, 1992 Maximum Diversion Rate: 0.04 CFS

This is to certify, that **FRANK BOGNER**
CLETA BOGNER
RT 1 BOX 56
NEZ PERCE ID 83543

has applied for a permit to appropriate water from:

SPRING

tributary of **FIVEMILE CREEK**

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	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION: NENWNW , Sec. 28, Township 35N, Range 02E
LEWIS County

PLACE OF USE: STOCKWATER
TWN RGE SEC

35N 02E 28 NWNW SESW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1994.
2. Subject to all prior water rights.
3. Stockwater use is for 150 range cattle.

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

19th day of February, 1993

for 
R. Keith Higginson, Director

MICROFILMED

MAY 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Frank & Cleta Bogner Phone (208) 937-2383
Post office address Rt. 1 Box 56 Nezperce, ID 83543
2. Source of water supply ~~Ground Water~~ (Spring) which is a tributary of 5 Mile Creek
3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 28 Township 35N Range 2E B.M. Lewis County; additional
points of diversion if any: Same
4. Water will be used for the following purposes:
Amount .04 cfs for Stockwater 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)
5. Total quantity to be appropriated is (a) .04 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 3 Stock Water Troughs filled by under-ground line from spring

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 the completion of the works and application of the water to be proposed beneficial use is
Completed 11/92 years (minimum 1 year).

MINNEAPOLIS
MAY 21 1993

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. 150 Beef Cows with Calves
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
35N	2E	28					S							S					

Total number of acres to be irrigated 0

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

None

11. a. Who owns the property at the point of diversion? Applicants

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

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

12. Remarks: _____

MICROFILMED

MAY 21 1993

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

MICROFILMED
 MAY 21 1993

Scale: 2 inches equal 1 mile.

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

Frank Bogner
(Applicant)
Olivia Bogner

Received by Date 12/17/92 Time 3:00 PM Preliminary check by
Fee \$ 30.00 Receipted by # NG204 Date 12/17/92
Publication prepared by Date 12/30/92 Published in Idaho City Herald
Publication approved Date 1/22/93

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MICROFILMED

MAY 21 1993

Affidavit of Publication

STATE OF IDAHO, }
County of Lewis, } ss.

I, ROBERT E. WHERRY, being first duly sworn, depose and say that I am the Publisher of the LEWIS COUNTY HERALD, a weekly newspaper, published and issued weekly at Nezperce, Lewis County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the one hereto is attached is a true copy, was published in said newspaper

for 2 weeks being published 2

times, the first publication being on the 7th

day of January, 19 93, and the last

publication on the 14th day of

January, 19 93; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Robert E. Wherry

STATE OF IDAHO, }
County of Idaho, }

On this 15th day of January in the year of

1993, before me, a Notary Public, personally appeared Robert E.

Wherry, 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.

Shirley E. Wherry
Notary Public for Idaho

Residing at Cottonwood

My commission expires: 12/94

The following application has been filed to appropriate the public waters of the State of Idaho:
85-07585

BOGNER, FRANK

BOGNER, CLETA

RT. 1 BOX 66

NEZPERCE, ID 83643

Source: SPRING Tributary: FIVEMILE CREEK

Diversion Pt: NENWNW Sec 28 T 35N R 02E in LEWIS County.

Use: STOCKWATER (040 CFS). Total Diversion (040 CFS).

Date Filed: 12/17/1992

In: LEWIS County T35N R02E S28 NWNW S1SW.

For additional information concerning the property location, call the Northern Regional Office at 765-4639.

The permit will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Northern Region, 1920 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814 on or before JANUARY 25, 1993.

R. KENT HEDGINS, Director

Published January 7 and 14, 1993

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JAN 19 1993

NORTHERN REGION
IDWR

RETURNED
MAY 21 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 18, 1994

FRANK BOGNER
CLETA BOGNER
RT 1 BOX 56
NEZ PERCE ID 83543

RE: WATER RIGHT NO. 85-07585

Dear Water Right Holder(s):

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

Sincerely,

A handwritten signature in black ink, appearing to be 'Jim Johnson', written over a horizontal line.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

RECORDED

JAN 20 1994

LICENSE REVIEW CHECKLIST

Permit # 85-1585 Date 1/11/94 Cindy Zimmerman ✓

	Yes	No	
NAME	<u> </u>	<u>✓</u>	Or Address Change?
PRIORITY DATE	<u> </u>	<u>✓</u>	Proof Due <u>3/1/94</u> Proof R'cd <u>4/8/93</u>
<u>12/17/92</u>	<u> </u>	<u>✓</u>	Advance? <u> </u> Advanced to: <u> </u>
<u> </u>	<u> </u>	<u>✓</u>	Order to Reinstate Needed?
<u> </u>	<u> </u>	<u>✓</u>	Incorrect Fee for rate recommended?
SOURCE	<u> </u>	<u>✓</u>	Changes? Clarification of Originally
<u>Sp/5m Cr.</u>	<u> </u>	<u> </u>	Intended source <u> </u>
<u> </u>	<u> </u>	<u> </u>	Notice of Intent to Void - Source change.
P/D	<u> </u>	<u>✓</u>	Amendment Needed? <u> </u>
<u> </u>	<u> </u>	<u> </u>	Overlap(s) <u> </u>
P/U	<u> </u>	<u>✓</u>	Amendment Needed? <u>No use in SESW</u>
<u>NW 1/4 Sec 35 SW</u>	<u> </u>	<u> </u>	Overlap(s) <u> </u>
<u>S 28 T 35 N R 2 E</u>	<u> </u>	<u> </u>	<u> </u>
TOTAL CFS	<u> </u>	<u>✓</u>	Measurement Done? <u> </u>
<u>.04</u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	System Capacity <u>.04</u>
<u> </u>	<u> </u>	<u> </u>	Allowable Amount: <u>.04</u>
TOTAL VOLUME	<u> </u>	<u>✓</u>	Season of Use: <u>1/1 - 12/31</u>
<u> </u>	<u> </u>	<u> </u>	Calculations: <u> </u>
<u> </u>	<u> </u>	<u> </u>	Flow limit: <u> </u> x <u> </u> x 1.9835 = <u> </u>
<u> </u>	<u> </u>	<u> </u>	Recommended volume <u>1.2</u> AF
USES	<u> </u>	<u>✓</u>	Change(s) in Nature of Use? <u> </u>
<u>Stock/150 RC.</u>	<u> </u>	<u> </u>	Amendment Needed? <u> </u>
REMARKS	<u> </u>	<u>✓</u>	Multiple P/Ds in 1/4 1/4? <u> </u>
<u> </u>	<u> </u>	<u> </u>	Special Overlap <u> </u>
<u>✓</u>	<u> </u>	<u> </u>	Other <u>Stock/150 RC</u>
CONDITIONS	<u> </u>	<u>✓</u>	Measure/Lock Devices <u> </u>
<u> </u>	<u> </u>	<u> </u>	W/Master Control <u> </u> Water Dist
<u> </u>	<u> </u>	<u> </u>	Irrigation Overlap <u>12/17/92</u> App Rec'd
<u> </u>	<u> </u>	<u> </u>	Water Quality <u>8/5/93</u> Exam Made
COMMENTS:	<u> </u>	<u> </u>	<u> </u>

RECOMMENDED	CFS	DIV VOL
<u>Stock/150 RC</u>	<u>.04</u>	<u>1.2</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

LICENSE	<u>✓</u>
1ST AMEND LETTER	<u> </u>
2ND AMEND LETTER	<u> </u>

WR0749NP
No. L85-07585

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/11/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRANK BOGNER	12/17/1992	STOCKWATER	01-01 12-31	0.04 CFS	1.2 AFA
C	CLETA BOGNER					
	RT 1 BOX 56					
	NEZ PERCE ID 83543			TOTAL DIVERSION:	0.04 CFS	1.2 AFA
	(208) 937-2383					

Water Source: SPRING

Tributary to: FIVEMILE CREEK

Stage: LICENSE

Point(s) of Diversion Capacity: 0.04 CFS

Point(s) of Diversion: T35N R02E S28 NENWNW LEWIS County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
35N	02E	28	:					:					:					:					:
			:					:					:					:					:

Pou County: LEWIS

Remarks: Stockwater use is for 150 range cattle.

Dates: App. Received: 12/17/1992 Priority Date: 12/17/1992
Proof Due Date: 03/01/1994 Proof Made Date: 04/19/1993
Exam Made Date: 08/05/1993 Exam Sent to S.O.: 01/03/1994
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 01/11/94 ZIMMERMA 01/11/94 ZIMMERMA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JAN 03 1994

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 85-07585

1. Owner: FRANK BOGNER Phone No. _____

Current Address: RT. 1 BOX 56 NEZ PERCE, ID. 83543

2. Accompanied by: FRANK & CLETA BOGNER EXAM DATE: 8-5-93

Address: SAME Phone No. 937-2383

Relationship to Permit Holder: OWNER

3. Source: SPRING tributary to FIVEMILE CREEK

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

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	NW	NW	28	35N	2E	LEWIS	U.S.G.S. TOPO.

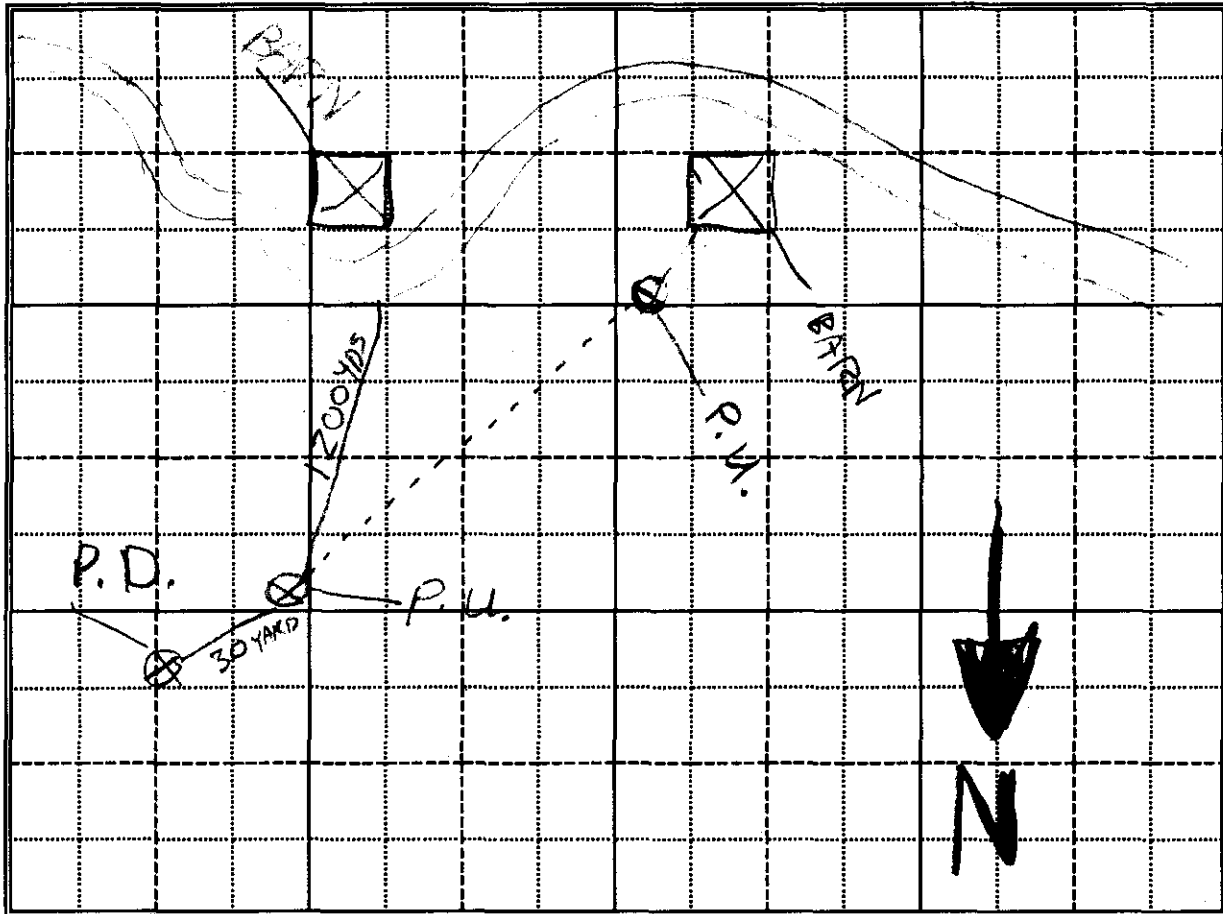
2. Place(s) of Use:

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	
35N	2E	28					S												

Microfilm
JAN 20 1994

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 Quadrange 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
					GRAVITY FEED
					1 1/4" PVC PIPE

*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
NONE						

2. Measurements: NONE

JAN 20 1994

E. NARRATIVE/REMARKS/COMMENTS

SECOND POINT OF USE SESW DOESN'T EXIST.

* THERE IS ONLY ONE POINT OF DIVERSION AND
THE P.D. FEED'S TWO PLACES OF USE. BOTH IN THE
NW NW, SEC. 28, T35N, R.2E.

Have conditions of permit approval been met? X yes ___ no

APPROVED
JAN 20 1994

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

NONE**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ NONE $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

NONE**H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>STOCKWATER</u>	<u>01-01</u>	<u>12-31</u>	<u>0.04</u>	<u>1.2</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.04</u>	<u>1.2</u>

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 Jon M. Kunz Date 8-12-93

Reviewer _____ Date _____

SEAL

JAN 20 1994

- #85-07585

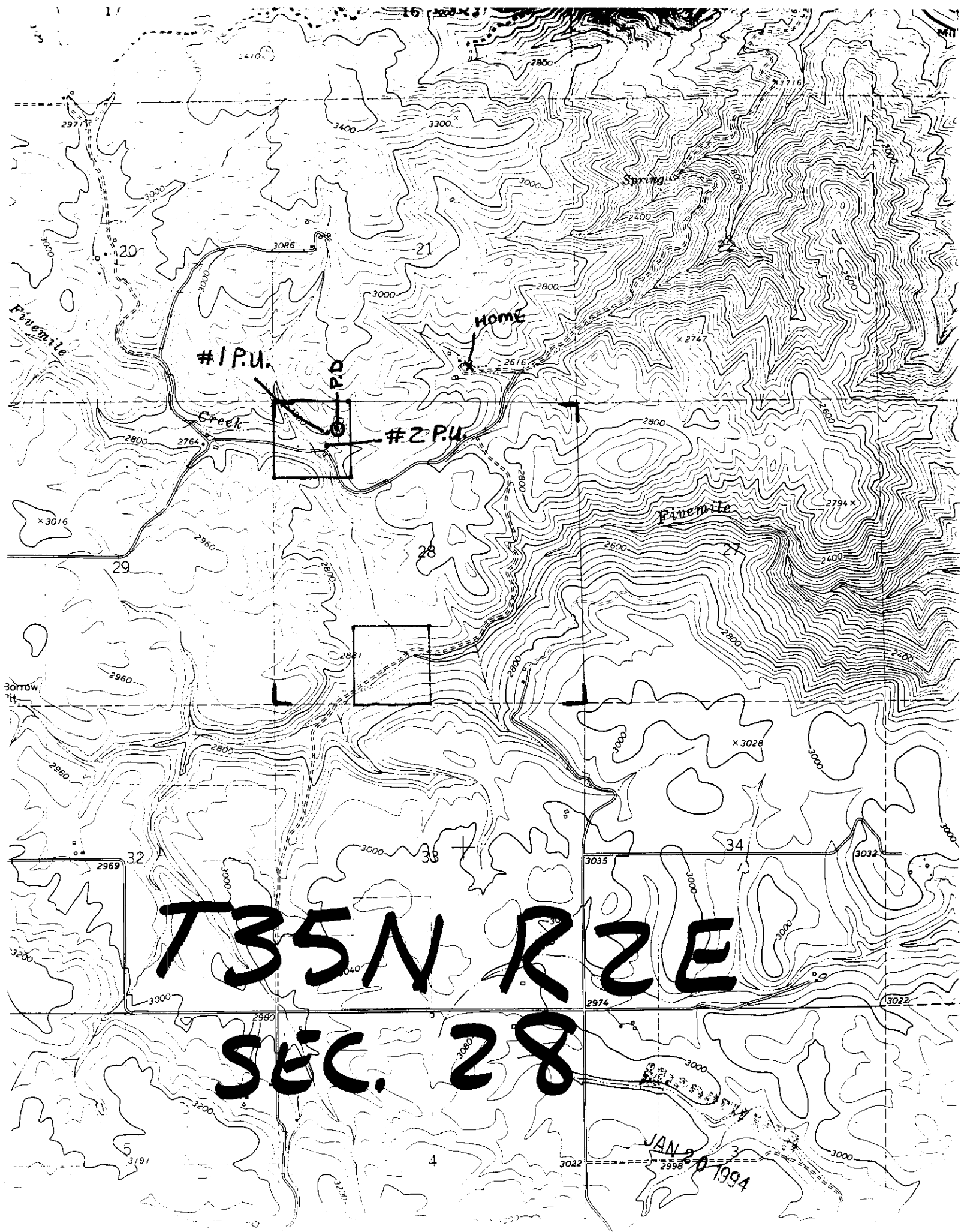
MR. BOGNER'S
DEVELOPED SPRING

← P. D.

1 TROUGH
← (P. U.)

2 TROUGH
← (P. U.)

JAN 20 1994



April 23, 1993

FRANK BOGNER
CLETA BOGNER
RT 1 BOX 56
NEZ PERCE ID 83543

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 85-07585

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.

If you have questions concerning this matter, please feel free to contact the NORTHERN Regional Office in Coeur D' Alene at (208)765-4639.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED

MAY 21 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 9, 1993

Frank and Cleta Bogner
Rt 1 Box 56
Nez Perce, ID 83543

Re: Permit No. 85-07585

Dear Permit Holder:

Returned is the proof of beneficial use you submitted in connection with the above referenced permit. Unfortunately, it is unacceptable as filed.

The Department has determined, from pertinent sections of the Idaho Code, that the permit holder must meet two requirements in order to be exempt from the license exam fee. They are:

1. The water right must use a groundwater (well) source.
2. The rate of diversion must be .04 cfs or 4.0 AF or less.

As you can see, you do not meet requirement #1 since you use a spring (surface) for your source. Therefore, a license examination fee of \$50 applies to your permit. I have enclosed a copy of the Instructions for the Proof of Beneficial Use for your convenience.

In order to be in compliance with all of the required dates, you must return the original proof and fee on or before March 1, 1994.

If you have any questions or if I can be of any further assistance, please feel to contact me.

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosure

MICROFILMED

MAY 21 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

March 10, 1993

RECEIVED

MAR 22 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Department of Water Resources

FRANK BOGNER
CLETA BOGNER
RT 1 BOX 56
NEZ PERCE ID 83543

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 85-07585

Dear Permit Holder(s):

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

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. 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,

Brenda L. Miller

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosure

We received this letter and a "Permit to Appropriate Water" (copy enclosed). There were no other forms enclosed with them. Please send the needed forms and instructions. The project has been completed.*

RECEIVED

MAY 21 1993

3/23/93 - Beneficial Use forms & instructions sent today. cz.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 22, 1993

FRANK BOGNER
CLETA BOGNER
RT 1 BOX 56
NEZ PERCE ID 83543

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 85-07585

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

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. 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,

A handwritten signature in cursive script that reads "Brenda L. Miller".

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosures

MICROFILMED

MAY 21 1993

85-07585

BOGNER, FRANK
BOGNER, CLETA
RT 1 BOX 56
NEZPERCE, ID 83543

Source: SPRING

Tributary: FIVEMILE CREEK

Diversion Pt: NENWNW Sec 28 T 35N R 02E in LEWIS County.

Use: STOCKWATER (.040 CFS)
Total Diversion: (.040 CFS)

Date Filed: 12/17/1992

In: LEWIS County
T35N R02E S28 NWNW SESW

RECORDED

MAY 21 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 5, 1993

Mr. Frank Bogner
Rt. 1 Box 56
Nezperce, Id. 83543

Subject: Water Application for Permit Number 85-7585.

Dear Mr. Bogner:

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. Enclosed is Receipt Number N6204. Please refer to your Application for Permit Number in future matters concerning this water right application.

Your Application for Permit is currently being prepared for advertising in the local county newspaper. The advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for submittal of protests.

If your application is not protested, it will be forwarded to Boise for processing. If your Application for Permit is protested, 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 your Application for Permit can be approved. If the protest is not resolved, 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 your Application for Permit is for a well (groundwater) that was constructed after July 1, 1987, you must apply for a well drilling permit upon approval of your Application for Permit if no permit was obtained by previous owners to construct the well. Well Drilling Permits can only be issued by this office to holders of approved Applications for Permit.

If I can be of further assistance, please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resource Agent

RECEIVED

MAY 21 1993