

TP-95-76

Received by dp Date 4/29/08 Time 10:50a
\$50.00 fee received by dp # N019198 Date 4/29/08
Watermaster Comments received? _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that the department has examined this application for temporary approval to use water under the provisions of Section 42-202a, Idaho Code, and has determined that:

- ☐ a) The application for temporary approval should be denied.
- ☒ b) The application for temporary approval should be approved, since
1. The temporary approval can be properly administered.
 2. Other water sources are not readily available.
 3. The approval is in the public interest.
 4. The approval will not injure known public values associated with the water source or any known water rights.

This application is therefore hereby:

- ☐ a) DENIED
- ☒ b) APPROVED, subject to the following conditions:
1. Diversion and use of water under this approval is subject to all valid existing water rights.
 2. The applicant assumes all risk the use of the water under this approval may injure other water rights.
 3. This approval authorizes a maximum diversion of 0.5 AF and a maximum rate of diversion of 0.06 cfs.
 4. This approval does not grant a right-of-way across the land of another, does not create a continuing right to use the water and may not be used in connection with a use which requires a continuing water supply.
 5. The department may cancel this approval at any time if the department identifies injury to other water rights.
 6. This approval expires on 10/30/08.
 7. This approval does not create a continuing right to use water.
 8. The holder of this temporary permit shall not divert at a rate or in a manner that will significantly reduce the flow in the water source or otherwise adversely affect fish, wildlife or other public vaules.
 9. Other: Water intakes should be screened to prevent entrainment or impingement of fish or other aquatic life. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second.
 10. Contact the DEPARTMENT OF WATER RESOURCES prior to diversion of water from streams.

DATED this 22 day of May, 2008.

Robert B. Haynes
For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(5 AF of less)

Name of Applicant David L. Eubanks Phone 676-1084Address 5924 W. Clemetson Rd. CDA ID 838141. Source of water LAKE CDA Tributary to Spokane River2. Location of point of diversion SW 1/4 SE 1/4 Sec. 9 Township 49N, Range 3W B.M.,
County Kootenai3. Location of place of use NE 1/4 SW 1/4 Sec. 20 Township 50N, Range 4W B.M.,
County Kootenai4. Proposed use of water Agricultural

5. Amount of water:

Maximum rate of diversion _____ cfs or 25 gpm.Maximum daily volume _____ AF; Total volume 0.5 AF.6. Duration of diversion: From May 31st to October 30th
Day-month Day-month7. Proposed diverting works 3 1/2 hp gas pump + 2" suction line8. Who owns the property at the requested point of diversion? Idaho fish + game9. Describe the arrangement allowing access to the water Verbal agreement with F+G.

10. Remarks _____

I hereby acknowledge that I assume all risk if the diversion and use of the water under this approval injures other water rights. I certify this is a temporary use and that I am not seeking a continuing right to use water.

April 28, 2008
DateDavid L. Eubanks
Applicant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

05/23/2008

DAVID L EUBANKS
5924 W CLEMETSON RD
COEUR D ALENE ID 83814

RE: Temporary Permit No. TP-95-76

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-95-76.

Please be advised that THE PERMIT IS SUBJECT TO THE EFFECTIVE DATES AND CONDITIONS STATED ON PAGE TWO OF THE APPLICATION.

If you have any questions or if this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Haynes". The signature is written in a cursive, flowing style.

Robert G. Haynes, P.E.
Regional Manager

Enclosure

Franklin, Keith

From: Terra-Berns, Mary [mterrabe@idfg.idaho.gov]
Sent: Wednesday, May 21, 2008 12:31 PM
To: Franklin, Keith
Subject: david eubanks temp wr

Hi Keith,

I talked with David Eubanks (the school teacher) about his temp wr to water his garden. Of course after talking to him for less than two minutes I remembered our conversation from last year. He has a tank in the back of his truck that he fills only when necessary. He uses our access site, which is fine just as long as he doesn't back his truck on the ramp. So, we are ok with issuing the permit. Do you want me to send a letter?

Thanks!

Mary Terra-Berns
Environmental Staff Biologist
Idaho Department of Fish & Game
2885 W. Kathleen Ave.
Coeur d'Alene, ID 83814
208-769-1414 208-769-1418 fax
mterrabe@idfg.idaho.gov

COPY

5/22/2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 8, 2008

David Eubanks
5924 W. Clemetson Rd.
Coeur d' Alene, ID 83814

Re: Application For Temporary Water Appropriation

Dear Mr. Eubanks:

During the comment period for your application, the Department of Fish & Game brought up an issue regarding access to Lake Coeur d' Alene at your proposed point of diversion. Before the Department of Water Resources can finish processing your application, this issue has to be settled. Please contact Mary Terra Berns of the Idaho Department of Fish & Game at 208-769-1414 for further information.

Once the issue of access is settled, please provide me with a letter of agreement from Fish & Game so I can complete your application. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

COPY

Franklin, Keith

From: Terra-Berns, Mary [mterrabe@idfg.idaho.gov]
Sent: Wednesday, May 07, 2008 11:25 AM
To: Franklin, Keith
Subject: David Eubanks temp application

Keith,

Mr. Eubanks application indicates that he has a verbal agreement with Fish and Game to use our access site as the POD for his temporary water right. I have talked with several folks here and none of them recall a conversation with him or a verbal agreement.

We would like to meet with Mr. Eubanks prior to discuss his application prior to IDWR permitting his temporary water right.

Thanks, Mary

Mary Terra-Berns
Environmental Staff Biologist
Idaho Department of Fish & Game
2885 W. Kathleen Ave.
Coeur d'Alene, ID 83814
208-769-1414 208-769-1418 fax
mterrabe@idfg.idaho.gov

5/7/2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

5/2/08 FAX TRANSMITTAL COVER SHEET

DATE: Mary Terra Berns

TO: _____

FROM: Keith Franklin

FAX #: 208-769-1418

NOTE: BLANK FORMS ARE AVAILABLE ON THE INTERNET AT:
www.idwr.state.id.us/info/forms.htm

DOCUMENT DESCRIPTION:

Temporary Water Appropriation

TOTAL PAGES SENT: 5 PLUS (+) COVER SHEET

CONTACT:

Keith Franklin
(NAME OF SENDER)

CHARGES: One (1) free copy per request, cover sheet not included. Two (2) or more copies per request are \$0.25 per page with a \$0.50 minimum

PLEASE CONSIDER THIS DOCUMENT AS A BILLING STATEMENT.

THE CHARGE FOR YOUR FAX COPIES IS \$ _____

PLEASE REMIT BY RETURN MAIL TO THE ABOVE ADDRESS.

PHONE NO: (208) 762-2800

FAX NO: (208) 762-2819

FAXED



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 2, 2008

MARY TERRA BERNES
IDAHO DEPARTMENT OF FISH & GAME
2885 KATHLEEN AVE.
COEUR D' ALENE, ID 83815

Re: Application For a Temporary Approval of a Water Appropriation

Dear MARY:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 0.5 acre-feet of water from Lake Coeur d' Alene, by David Eubanks for gardening purposes. This is a renewal of a permit that was issued last year. A copy of the application is attached for your reference.

Would you please submit your comments no later than May 9, 2008? If we do not hear from you by that date, we will assume that no comment from you, means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 762-2819 or by e-mail to keith.franklin@idwr.idaho.gov.

If you have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin
Water Resources Agent

Encl/kf

FAXED