

TP-95-47

Received by [Signature] Date 7/12/05 Time 11:10am  
 \$50.00 fee receipted by [Signature] # N017032 Date 7/12/05  
 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 5 AF and a maximum rate of diversion of 1.34 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 Dec. 31, 2005.
  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 14th day of July, 2005.

[Signature: Robert D. Haynes]  
 For the Director

[Signature: Regional Manager]  
 Regional Manager



**IDAHO TRANSPORTATION DEPARTMENT**

600 W. Prairie Ave.  
Coeur d'Alene, ID 83815-8764

(208) 772-1200  
itd.idaho.gov

August 22, 2005

Gregory Pindras  
Project Manager  
PO Box 4008  
Spokane, WA 99220-0008

Re: Surface Water Extraction  
US 95 Setters to Bellgrove – Stage 2  
Project No.: NH-5110(157)  
Key No.: 9146

Dear Mr. Pindras:

Please be advised that ITD has been informed by the Coeur d'Alene Tribe that there will be no extraction of surface water within the boundaries of the reservation without prior written approval from the Tribe. The CdA Tribe is currently working through the approval process with the IDWR so that permitting conflicts between the agencies does not arise in the future.

Your cooperation in this matter is greatly appreciated and please feel free to contact me if you have any questions concerning this matter.

Sincerely,

Marvin Fenn, P.E.  
CDA Resident Engineer

cc. HDR Engineering  
Project file – Correspondence  
Mr. Francis SiJohn, Coeur d'Alene Tribe  
Ms. Tiffany Allgood, EAP Coordinator  
Mr. Greg Taylor, Idaho Department of Water Resources - CdA

TRANSPORTATION BOARD  
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*Director*

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*Board Secretary*

RECEIVED  
AUG 23 2005  
IDWR/North



**IDAHO TRANSPORTATION DEPARTMENT**

600 W. Prairie Ave.  
Coeur d'Alene, ID 83815-8764

(208) 772-1200  
itd.idaho.gov

August 22, 2005

Mr. Dan Barham, President  
SA Gonzales Construction  
PO Box 430  
Newman Lake, WA 99025

Re: Surface Water Extraction  
US 95 Setters to Bellgrove – Stage 1  
Project No.: NH-5110(136)  
Key No.: 8070

Dear Mr. Barham:

Please be advised that ITD has been informed by the Coeur d'Alene Tribe that there will be no extraction of surface water within the boundaries of the reservation without prior written approval from the Tribe. The CdA Tribe is currently working through the approval process with the IDWR so that permitting conflicts between the agencies does not arise in the future.

Your cooperation in this matter is greatly appreciated and please feel free to contact me if you have any questions concerning this matter.

Sincerely,

Marvin Fenn, P.E.  
CDA Resident Engineer

cc. HDR Engineering  
Project file – Correspondence  
Mr. Francis SiJohn, Coeur d'Alene Tribe  
Ms. Tiffany Allgood, EAP Coordinator  
Mr. Greg Taylor, Idaho Department of Water Resources - CdA

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**RECEIVED**  
**AUG 23 2005**  
**IDWR/North**



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615  
(208) 769-1450

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

August 9, 2005

SA Gonzales Construction Inc  
PO Box 430  
Newman Lake WA 99025

RE: Temporary Permit Nos. TP-95-46 and TP-95-47.

Jeannie:

You may consider this letter as an additional modification to permit Nos. TP-95-46 and TP-95-47. The modifications add Coeur d'Alene Lake at Sun Up Bay and a pond as sources. The same conditions that were on the original Permits apply to these sources and the Temporary Permits will expire on December 31, 2005.

If you have any questions, please do not hesitate to contact me at this office.

Sincerely,

A handwritten signature in cursive script that reads 'Gregory J. Taylor'.

Gregory J. Taylor  
Sr. Water Resource Agent

S.A. GONZALES CONSTRUCTION, INC  
 PO BOX 430  
 NEWMAN LAKE, WA 99025  
 Voice: 509-226-9988  
 Fax: 509-226-3070  
 sagonzalesconst@comcast.net

# S.A. GONZALES CONSTRUCTION, INC.

To: Dept of Water Resources

Fax:

Attn: Greg

Date: 8/5/2005

Re: Setters to Bellgrove

Pages: 3 w/ 1 cover sheet

☐ Urgent

For Review

☐ Please Comment

Please Reply

☐ Please Recycle

Greg, for your review and approval please find attached our request to replace the second permit you have canceled with this application for temporary water appropriation at Sun up Bay. Please let us know your determination on the Sun up Bay permit ASAP as not to impact the project further. Also attached for your consideration this pond located on site, which may be feasible and we have received permission from the homeowner.

Your help is appreciated in this matter. Jeannie

If you did not receive all pages clearly please call us at (509) 226-9988

EQUAL OPPORTUNITY EMPLOYER

pdm 202a 11/99

Indent. No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION**  
(5 AF of less)

- Name of Applicant S.A. Gonzales Construction, Inc Phone 509-226-9988  
 Address PO Box 430 Newman Lake, Washington 99025
1. Source of water Lake Coeur d'Alene Tributary to Coeur d'Alene River
  2. Location of point of diversion 1/4 19 48N 5W B.M.,  
 County Kootenai 1, 11, 15, 22
  3. Location of place of use 1/4 7 48N 5W B.M.,  
 County Kootenai
  4. Proposed use of water Dust Abatement & Misc use on the  
Idaho Transportation Dept Highway Project  
Setters to Bellgrove Stage 1
  5. Amount of water: \*This water will not be used daily for the duration of project  
 Maximum rate of diversion 1.34 cfs or 600 gpm. only as needed for  
 Maximum daily volume 60,000.00 AF; Total volume          AF. dust abatement
  6. Duration of diversion: From July 1 2005 DEC 31, 2005  
Day-month Day-month
  7. Proposed diverting works 6 inch Gorman Rupp Pump
  8. Who owns the property at the requested point of diversion? State of Idaho
  9. Describe the arrangement allowing access to the water Public boat launch at Sun up Bay on Lake  
Coeur d'Alene to the left of the launch, on the bank.
  10. Remarks THIS PUMP WOULD BE IN A PLACE AND POSITION TO PROTECT  
THE PUBLIC, THE PUMP AND THE LAKE BED.

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.

8-5-05  
Date

Jannie Cuba  
Applicant

Form 202a 11/99

Indent No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(5 AF of less)

Name of Applicant S.A. GONZALES CONSTRUCTION, INC Phone (509) 226-9988Address PO Box 430 Newman Lake, WA 990251. Source of water POND Tributary to \_\_\_\_\_2. Location of point of diversion NW4 1/4 NW4 1/4 Sec. 14 Township 48N Range 5W B.M.,  
County Kootenai 11, 15 & 22 (Sec.)3. Location of place of use 1/4 1/4 Sec. \_\_\_\_\_ Township 48N Range 5W B.M.,  
County Kootenai4. Proposed use of water Dust Abatement & Misc Use on theIdaho Transportation Dept Hwy ProjectSettlers to Bellgrove Stage 1NH-5110 (136) Key 8070

5. Amount of water: \* This water will not be used daily but as a secondary source

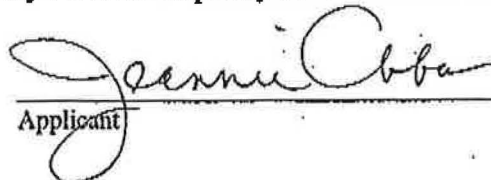
Maximum rate of diversion \_\_\_\_\_ cfs or 250 gpm.Maximum daily volume 20,000 gal/AF; Total volume \_\_\_\_\_ AF.6. Duration of diversion: From July 11, 2005 to Dec 31, 2005  
Day-month Day-month7. Proposed diverting works 3" Groman Rupp Pump8. Who owns the property at the requested point of diversion? MATHESON FAMILY9. Describe the arrangement allowing access to the water Placement of Pump will be aprox 50 ft  
off embankment with hose to waterway10. Remarks Pump would be in place and position to protect public;  
pump and water intake will be screened to prevent entrainment or  
impingement of aquatic life. Maximum screen mesh size will be 0.25"

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.

Date

8/5/2005

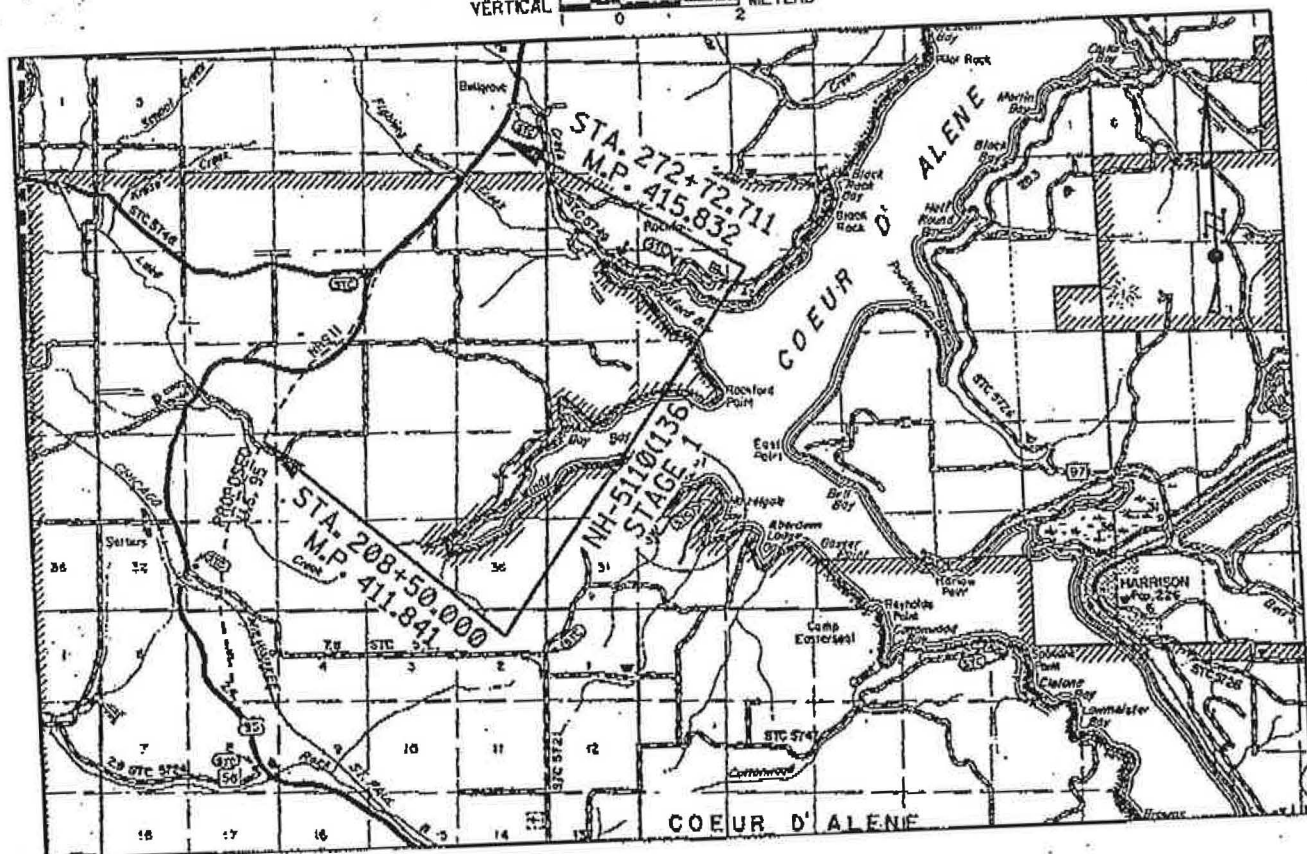
Applicant





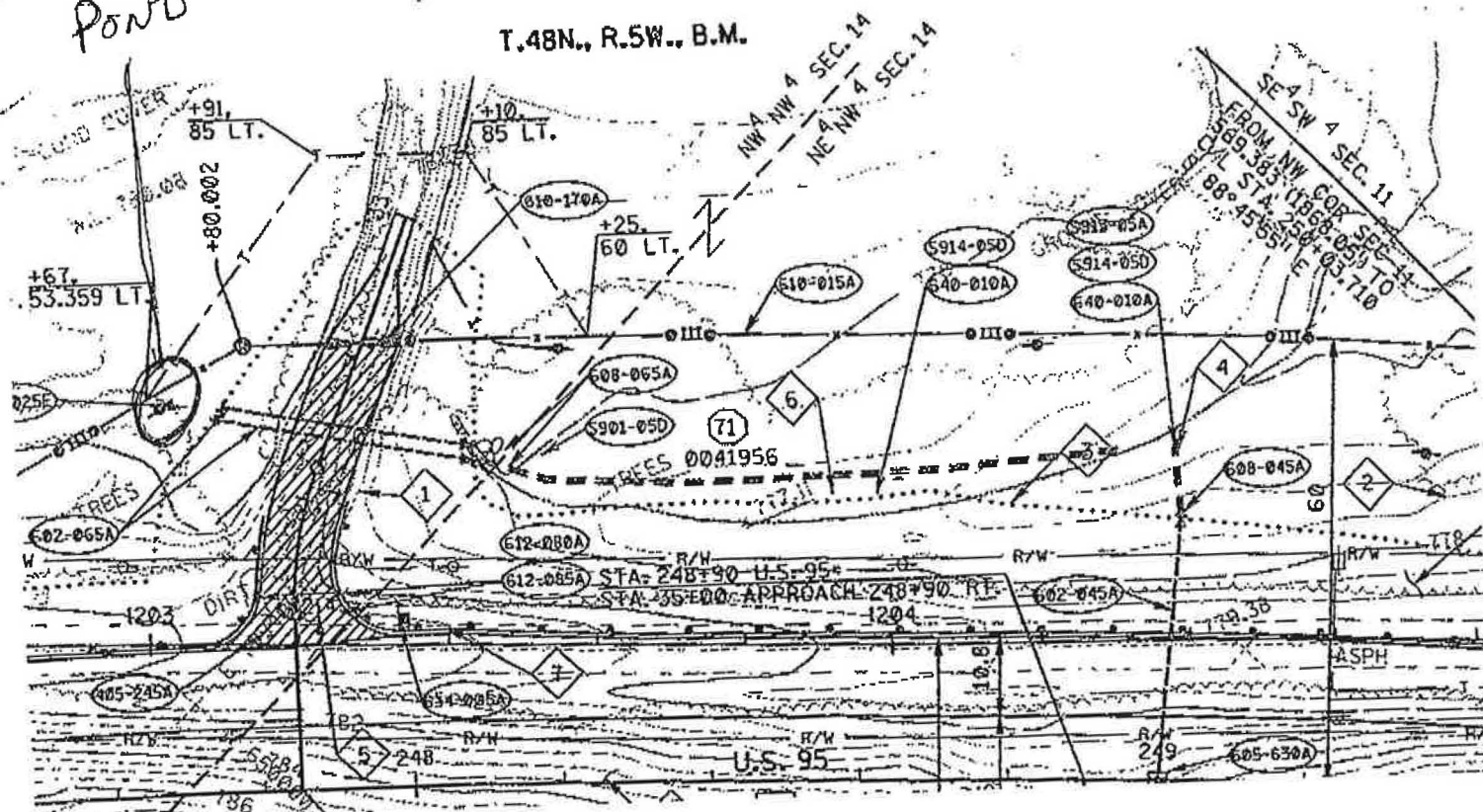
MARCH 2004

HORIZONTAL 10 0 20 METERS  
VERTICAL 1 0 2 METERS



MATHESON  
POND

T.48N., R.5W., B.M.







**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615  
(208) 769-1450

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

August 3, 2005

SA Gonzales Construction Inc  
PO Box 430  
Newman Lake WA 99025

RE: Temporary Permit Nos. TP-95-46 and TP-95-47.

Dear Mr. Barham:

Based on our field observations, telephone conversations and fax from Jeannie dated 8-3-2005, we have modified TP-95-46 TP-95-47 to reflect the new source as ground water and the point of diversion as the old McDowell Rest Area for these two Temporary Permits. If you wish to divert from a different source and/or point of diversion than the well at the rest area, you will need to file for a new Temporary Permit. You will also need to file for new Temporary Permits after December 31 because these rights expire at the end of the calendar year.

We have received your letter dated August 2, 2005. You were informed that you were no longer allowed to divert from Lake Creek because of fish and wildlife concerns raised by the Coeur d'Alene Tribe. You are no longer allowed to divert from Fighting Creek because of concerns raised by the holder of a valid existing, downstream water right on Fighting Creek.

The Temporary Permits that are issued for projects like yours do not go through the same public scrutiny that a permanent water right goes through. For that reason, the Department must insure that there are no injuries to existing water rights, fish, wildlife or other public values. The second page of the Temporary Permit may also help explain why we informed you that you were no longer allowed to divert from these sources.

If you have any questions, please do not hesitate to contact me or Greg Taylor at this office.

Sincerely,

Robert G. Haynes P.E.  
Northern Regional Manager

EQUAL OPPORTUNITY EMPLOYER



CONTRACTORS LICENSE1  
SAGONCI158DJ

## ***S.A. GONZALES CONSTRUCTION, INC.***

POST OFFICE BOX 430 • NEWMAN LAKE, WASHINGTON 99025

TELEPHONE 509-226-9988 • FAX 509-226-3070

E-MAIL: [sagonzalesconst@comcast.net](mailto:sagonzalesconst@comcast.net)

August 2, 2005

Mr. Robert Haynes, PE  
State of Idaho  
Dept of Water Resources  
1910 Northwest Blvd. Ste 210  
Coeur d'Alene, Idaho 83814-2615

Re: Temporary Permits No(s) TP-95-46 & TP-95-47  
Setters to Bellgrove Stage - 1

Dear Sir,

We are in receipt of your faxed correspondence dated August 2, 2005, informing us that we are longer allowed to divert water from Fighting Creek or Lake Creek.

Concurrently, under permits TP-95-46 and TP-95-47 approved by your office on July 14, 2005, S.A. Gonzales Construction respectfully requests an explanation as to the reasoning the Department of Water Resources relied on to prompt such action.

Thank you in advance for your attention to this request as your timely response is appreciated.

Best Regards,

Dan Barham  
President

DBj: ja

Form 202a 11/99

Indent No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(5 AF or less)

- Name of Applicant S.A. GONZALES CONSTRUCTION, INC Phone (509) 226-9988
- Address PO Box 430 Newman Lake, WA 99025
1. Source of water PRIVATE WELL @ the McDowell Rest Area (closed) SUN UP BAY ROAD
2. Location of point of diversion SW 1/4 SW 1/4 Sec. 14 Township 48N Range 3N B.M.  
County Kootenai Sections 11, 15, 22
3. Location of place of use NE 1/4 SW 1/4 Sec. Township 48N Range 3W B.M.  
County Kootenai
4. Proposed use of water Dust Abatement & Misc Use on the  
Idaho Transportation Dept Hwy Project  
Setters to Bellgrove Stage 1  
NH-5110 (136) Key 8070
5. Amount of water: \* This water will not be used daily for the duration of project  
Maximum rate of diversion \_\_\_\_\_ cfs or 26 gals gpm on a as needed basis for  
Maximum daily volume \_\_\_\_\_ AF; Total volume 38,000 gallons per day
6. Duration of diversion: From July 28, 2005 to Dec 31, 2005  
Day-month Day-month
7. Proposed diverting works existing pump @ well site
8. Who owns the property at the requested point of diversion? State of Idaho
9. Describe the arrangement allowing access to the water PRIVATE WELL @ MCDOWELL REST AREA  
WHICH IS CLOSED TO THE PUBLIC
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.

Date

8-2-05

Applicant

Jannie Caba

S.A. GONZALES CONSTRUCTION, INC  
PO BOX 430  
NEWMAN LAKE, WA 99025  
Voicc: 509-226-9988  
Fax: 509-226-3070  
sagonzalesconst@comcast.net

# S.A. GONZALES CONSTRUCTION, INC.

To: Dept of Water Recourses

Fax:

Attn: Gregg

Date: 8/2/2005

Re: Setters to Bellgrove

Pages: 1 w/ 1 cover sheet

☐ Urgent

For Review

☐ Please Comment

Please Reply

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Greg, for your review please find attached our amended temporary application for water appropriation for the above captioned project. **Please let us know if you have questions or concerns.** Best Regards, Jeannie



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

**NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615**  
**(208) 769-1450**

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

August 2, 2005

SA GONZALES CONSTRUCTION INC  
PO BOX 430  
NEWMAN LAKE WA 99025

Re: Temporary Permit Nos. TP-95-46 and TP-95-47

Dear Sirs:

**This is to inform you that you are no longer allowed to divert water from Fighting Creek or Lake Creek.**

Sincerely,

A handwritten signature in cursive script that reads "Robert G. Haynes".

Robert G. Haynes, P.E.  
Northern Regional Manager

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION**

(5 AF of less)

Name of Applicant S.A. GONZALES CONSTRUCTION, INC Phone (509) 226-9988

Address P0 Box 430 Newman Lake, WA 99025

1. Source of water Lake Creek Tributary to Coeur d'Alene River

2. Location of point of diversion NE 1/4 SW 1/4 Sec. 21 Township 48N, Range 5W B.M.,  
County Kootenai Sec. 11, 15 & 22

3. Location of place of use 1/4 1/4 Sec. Township 48N, Range 5W B.M.,  
County Kootenai

4. Proposed use of water Dust Abatement & Misc Use on the

Idaho Transportation Dept Hwy Prpject

Setters to Bellgrove Stage 1

NH-5110 (136) Key 8070

5. Amount of water: \* This water will not be used daily for the duration of project but  
Maximum rate of diversion 600 cfs or 600 gpm. on a as needed basis for Dust

Maximum daily volume 60,000 gpd AF; Total volume Dec. 31, 2005 AF

6. Duration of diversion: From July 11, 2005 to July 10, 2006  
Day-month Day-month

7. Proposed diverting works 6" Gorman Ropp Pump

8. Who owns the property at the requested point of diversion? State of Idaho

9. Describe the arrangement allowing access to the water Placement of Pump will be aprox 50 ft  
off embankment with hose to waterway

10. Remarks Pump would be in place and position to protect public creek bed;  
pump and water intake will be screened to prevent entrainment or  
impingement of aquatic life. Maximum screen mesh size will be 0.25"

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.

7/7/2005  
Date

Juanita Alba  
Applicant

RECEIVED  
JUL 12 2005  
IDWR/North



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

**NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615**  
**(208) 769-1450**

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

July 11, 2005

MARY TERRA-BERNS  
IDAHO DEPARTMENT OF FISH & GAME  
2750 KATHLEEN AVE.  
COEUR D'ALENE, ID 83815

FAXED TO MARY - 5 pages total

RE: **Two** Temporary Water Right Permit Application for S.A.Gonzales Construction

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **July 14, 2005**. We realize this is a short turnaround but we will appreciate your expediting this one.

We will assume that no comment from you by that date means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send your comments by FAX to 208-769-1454 or by e-mail to [Dianne.Ball@idwr.idaho.gov](mailto:Dianne.Ball@idwr.idaho.gov).

Thanks very much,

Robert G. Haynes, P.E.  
Regional Manager

By Dianne Ball, Administrative Assistant



S.A. GONZALES CONSTRUCTION, INC  
PO BOX 430  
NEWMAN LAKE, WA 99025  
Voice: 509-226-9988  
Fax: 509-226-3070  
sagonzalesconst@comcast.net

# S.A. GONZALES CONSTRUCTION, INC.

To: Dept of Water Recourses

Fax:

Attn: Greg

Date: 7/8/2005

Re: (2) Temp Water App

Pages: 3 w/ 1 cover sheet

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

Greg, for your review please find attached two Applications for Temporary Water

Appropriation. Please let us know if we have not completed these applications correctly or

if you require additional information. . Further, I have enclosed a copy of our check.

pending your approval. Please let us know if you have questions or concerns.

Best Regards, Jeannie

*D,  
Go ahead and send to F&G*

If you did not receive all pages clearly please call us at (509) 226-9988

EQUAL OPPORTUNITY EMPLOYER

Form 202a 11/99

Indent. No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(5 AF of less)

Name of Applicant S.A. GONZALES CONSTRUCTION, INC Phone (509) 226-9988Address PO Box 430 Newman Lake, WA 990251. Source of water Lake Creek Tributary to Coeur d'Alene River2. Location of point of diversion NE 1/4 SW 1/4 Sec. 21 Township 48N Range 5W B.M.,  
County Kootenai Sec. 11, 15 & 223. Location of place of use 1/4 1/4 Sec. Township 48N Range 5W B.M.,  
County Kootenai4. Proposed use of water Dust Abatement & Misc Use on the  
Idaho Transportation Dept Hwy Prpject  
Setters to Bellgrove Stage 1  
NH-5110 (136) Key 80705. Amount of water: \* This water will not be used daily for the duration of project but  
Maximum rate of diversion 1.34 cfs or 600 gpm on a as needed basis for DustMaximum daily volume 60,000 gpd AF; Total volume \_\_\_\_\_ AF.6. Duration of diversion: From July 11, 2005 to July 10, 2006  
Day-month Day-month7. Proposed diverting works 6" Gorman Ropp Pump8. Who owns the property at the requested point of diversion? State of Idaho9. Describe the arrangement allowing access to the water Placement of Pump will be approx 50 ft  
off embankment with hose to waterway10. Remarks Pump would be in place and position to protect public creek bed;  
pump and water intake will be screened to prevent entrainment of  
impingement of aquatic life. Maximum screen mesh size will be 0.25"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.7/8/2005  
DateJeanni Aban  
Applicant

Form 202a 11/99

Indent. No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(5 AF of less)

Name of Applicant S.A. GONZALES CONSTRUCTION, INC Phone (509) 226-9988Address PO Box 430 Newman Lake, WA 990251. Source of water Fighting Creek Tributary to Coeur d'Alene River2. Location of point of diversion GOVT 1/4 5 1/4 Sec. 12 Township 48N Range 5W B.M.  
SW 1/4 NWCounty Kootenai 11, 15 & 22 (Sec.)3. Location of place of use 1/4 1/4 Sec. Township 48N Range 5W B.M.County Kootenai4. Proposed use of water Dust Abatement & Misc Use on theIdaho Transportation Dept Hwy ProjectSettlers to Bellgrove Stage 1NH-5110 (136) Key 80705. Amount of water: \* This water will not be used daily for the duration of project but  
Maximum rate of diversion 1.34 cfs or 600 gpm. on a as needed basis for Dust.Maximum daily volume 60,000 SPD AF; Total volume          AF.6. Duration of diversion: From July 11, 2005 to July 10, 2006  
Day-month Day-month7. Proposed diverting works 6" Gorman Ropp Pump8. Who owns the property at the requested point of diversion? State of Idaho9. Describe the arrangement allowing access to the water Placement of Pump will be approx 50 ft  
off embankment with hose to waterway10. Remarks Pump would be in place and position to protect public creek bed;  
pump and water intake will be screened to prevent entrainment or  
impingement of aquatic life. Maximum screen mesh size will be 0.25"

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.

Date

7/8/05

Applicant

Jeanne Chba

Does Can you  
get AD for this  
your last?