

RECEIVED

JAN 25 2019

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Ident. No.

96-9731

RECEIVED

AM

JAN 25 2019

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

AMENDED

PG. 1 OF APPLICATION

IDWR/NORTHERN

IDWR/NORTH

1. Name of applicant(s) Stephen Patrick Brishine & Eileen Kloth Phone 208-240-5311
 Mailing address P.O. Box 8151 City Idaho
 State Idaho ZIP 83836 Email pbishine@sonpoint.com
 Name connector (check one): ☒ and ☐ or ☐ and/or
2. Name of representative, if any same Phone _____
 Mailing address _____ City _____
 State _____ ZIP _____ Email _____

- a. ☒ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
 b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.

3. Source of water supply unnamed stream which is a tributary of Lake Jordan Creek
 4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
5N	1E	35	5		SE	SE	BONNAPPA		RPT

5. Water will be used for the following purposes:
 Amount .06 for irrigation purposes from 06-01 to 10-31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) .06 cubic feet per second (cfs) and/or (b) .6 acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Electric/Gas pump 5' high hoses
 b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
 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? ☐ Yes ☐ No
 e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ _____ Received by _____ Receipt No. _____ Date _____

RECEIVED

JAN 17 2019

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Ident. No. 96-9731

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

IDWR/NORTHERN

1. Name of applicant(s) Stephen Patrick Brishine & Eileen K. Kott Phone 208-290-5311Mailing address P.O. Box 8151 City HopeState Idaho ZIP 83836 Email pbrishine@snappoint.com2. Name of representative, if any same Phone _____

Mailing address _____ City _____

State _____ ZIP _____ Email _____

a. ☒ Send all correspondence for this application to the representative and not to the applicant OR☒ Send original correspondence to the applicant and copies to the representative.b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.3. Source of water supply unnamed stream which is a tributary of Lake Jordan

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
57N	1E	35	5		SE	SE	Bonner		RD 1
									Edg 7000100304

5. Water will be used for the following purposes:

Amount .06 for irrigation purposes from 01-01 to 10-31 (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

6. Total quantity to be appropriated is (a) .06 cubic feet per second (cfs) and/or (b) 3 acre-feet per year (af).

7. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. electric/gas pump & 2 1/2" hoses

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____

acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For

dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application

for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No

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? ☐ Yes ☐ No

e. If well is already drilled, when? _____; drilling firm _____;

well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 100.00 Received by SK Receipt No. ND34004 Date 1-17-2019

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

- a. Hydropower; show total feet of head and proposed capacity in kW. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households _____
- e. Other; describe fully. Irrigation landscaping garden

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	1E	35																	2.2

Total number of acres to be irrigated: .2

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? none

11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: no

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. diversion and appropriation from unnamed stream for beneficial use of irrigation of lawn garden & landscaping

13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Stephen P. Bisdorf
Signature of Applicant
Stephen P. Bisdorf
Print Name (and title, if applicable)

Eileen V. Hlatt
Signature of Applicant
Eileen V. Hlatt
Print Name (and title, if applicable)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

Attachment to: ☒ Application for Permit to Appropriate Water ☐ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☒ Yes	57N	01E	35					Bonner	Unnamed stream	
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- 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.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N	01E	35																	0.20 acres

State of Idaho
Department of Water Resources
Application For Permit
96-XXXXXXX



☒ Point of Diversion

- ☐ PLS Sections
- ☐ Taxlots

0 0.0175 0.035 0.07 Miles



Tax parcel information provided by Bonner County.

RPE06760010030A



Bonner County provides the data "as is" with no claim as to its accuracy.

May 2, 2018

Address RNB

Structure RNB

Intersection/Other RNB

Encroachments RNB

Address

● FINAL

● PENDING

● RE-ADDRESS

Structure

✚ FINAL

✚ PENDING

✚ RE-ADDRESS

Intersection/Other

▲ Intersection/Other

▲ Begin County Maintenance

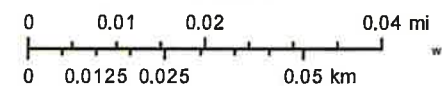
▲ End County Maintenance

▲ Ownership Type Change



Lift Station

1:1,386



Created by: Bisline



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene ID 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819

Website: idwr.idaho.gov • Email: northerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

February 13, 2019

STEPHEN P BISTLINE
PO BOX 151
HOPE, ID 83836

EILEEN V KLATT
PO BOX 151
HOPE, ID 83836

Application For Permit No. 96-9731

Dear Applicants:

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the BONNER COUNTY DAILY BEE on 2/21/2019 and 2/28/2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Tammy Alleman
Administrative Assistant

Alleman, Tammy

From: Alleman, Tammy
Sent: Wednesday, February 13, 2019 2:53 PM
To: June.Bergquist@deq.idaho.gov; 'Anna.Moody@deq.idaho.gov'; 'Siitari,Kiira'
Subject: Request for Comments
Attachments: 96-9731 Application for Permit.pdf

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right application. You can find copies of the application attached to the email and also at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. **The deadline for comments on the application is March 11, 2019.**

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the application.

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, ID 83815
Tammy.Alleman@idwr.idaho.gov
208-762-2800 Phone
208-762-2819 Fax*

Alleman, Tammy

From: Alleman, Tammy
Sent: Wednesday, February 13, 2019 12:42 PM
To: 'bcdblegals@cdapress.com'
Subject: Legal Notice for WR 96-9731 to 96-9735
Attachments: Legal Notice for 96-9731 to 96-9735.doc

Please publish the enclosed legal notice in the **Bonner County Daily Bee** on the dates indicated **February 21st and February 28th, 2019** (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. Please send a proof once you have the article ready for print for our review.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 3/11/2019. Your cooperation is appreciated.

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, ID 83815
Tammy.Alleman@idwr.idaho.gov
208-762-2800 Phone
208-762-2819 Fax*

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

96-9731

STEPHEN P BISTLINE
EILEEN V KLATT
PO BOX 151
HOPE, ID 83836
Point of Diversion L5(SESE)
S35 T57N R01E
BONNER County
Source UNNAMED STREAM
Tributary LAKE PEND OREILLE
Use: IRRIGATION
04/01 to 10/31
0.01 CFS 0.6 AF
Total Diversion:
0.01 CFS 0.6 AF
Date Filed: 1/17/2019
Place Of Use: IRRIGATION
T57N R01E S35
L5(SESE)
Total Acres: 0.2

96-9732

ROBERT SCHWARTZ
4108 S HELENA
SPOKANE, WA 99203
Point of Diversion L3(NENW)
S2 T56N R02W
BONNER County
Source FRY CREEK
Tributary LAKE PEND OREILLE
Use: IRRIGATION
04/01 to 10/31 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 1/22/2019
Place Of Use: IRRIGATION
T56N R02W S2
L3(NENW)
Total Acres: 1

96-9733

RICHARD S CRAMER
JENNIFER L CRAMER
31 E EVERGREEN RD
SAGLE, ID 83860
Point of Diversion NWSE
S9 T56N R03W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 1/30/2019
Place Of Use: DOMESTIC
T56N R03W S9
L5(NWSE)

96-9734

STEVEN J WRIGHT
CINDY L WRIGHT
PO BOX 3011
HAYDEN, ID 83835-3011
Point of Diversion L1(SESE)
S26 T57N R03W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
04/01 to 10/31 0.01 CFS
Total Diversion: 0.01 CFS
Date Filed: 1/30/2019
Place Of Use: IRRIGATION
T57N R03W S26
L1(SESE)

96-9735

STEVEN J WRIGHT
CINDY L WRIGHT
PO BOX 3011
HAYDEN, ID 83835-3011

Point of Diversion L1(SESE)
S26 T57N R03W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 1/30/2019
Place Of Use: DOMESTIC
T57N R03W S26
L1(SESE)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of \$25.00 for each application on or before 3/11/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/21/2019 and 2/28/2019

MEMORANDUM

Date: January 25, 2019
To: Water Right File 96-9731
From: smaxey
Re: PRIORITY DATE 1/17/2019

<u>DOCUMENT</u>	<u>PRIORITY DATE</u>	<u>ISSUE</u>
APPLICATION RECEIVED	1/17/2019	APPLICATION RECV'D ACCEPTABLE FOR FILING. EXCESSIVE AF AMOUNT FOR IRRIGATION.
AMENDED PG. 1 APPLICATION RECEIVED	1/17/2019	CHANGE MADE BY APPLICANT TO REDUCE AF TO 0.6 AF FOR IRRIGATION. CHANGE INITIALED & DATED 1/23/2019. RECEIVED VIA U.S. MAIL 1/25/2019.

CONVERSATION MEMO

OV- Office Visit T-Telephone M-Meeting O- Other

TO Right No. 96-9731

FROM Shaun Maxey, IDWR

☐ OV ☒ T ☐ M ☐ Other _____ DATE 1/22/19 WITH BISTLINE, Stephen P.

Left Voicemail for Mr. BISTLINE regarding quantity Line 6(B) of Application for Permit requesting callback. Also stated e-mail sent to Mr. Bistline today on same subject & indicated communication from Mr. Bistline needed to avoid delay in publication of legal notices.

☐ OV ☒ T ☐ M ☐ Other _____ DATE 1/23/19 WITH BISTLINE, Stephen P.

Received incoming call from Mr. Bistline in response to my voicemail messages. We discussed correction to AF amount shown for IRRIGATION on Application. Mr Bistline indicated he would e-mail correction today and send hard copy via U.S. mail.

☐ OV ☒ T ☐ M ☐ Other _____ DATE 1/23/19 WITH BISTLINE, Stephen P.

Spoke to Mr. BISTLINE concerning content of 1/23/19 E-mail from me about correct Govt Lot number in POU legal description. Mr. Bistline asked if there are any other active Applications near his Application. Referred him to IDWR web site. Told Mr. Bistline contents of 1/23/19 e-mail indicating no further info. needed from him.

☐ OV ☒ T ☐ M ☐ Other _____ DATE 1/25/19 WITH BISTLINE, Stephen P.

Left Voicemail for Mr. BISTLINE that Pg. 4 of Application (Amended) had arrived by U.S. mail.

MEMORANDUM

Date: January 23, 2019
To: Water Right File 96-9731
From: smaxey
Re: Correct Place Of Use Legal Description & Irrigation Acre Feet (AF) Quantity

The correct legal description for the Place Of Use (POU), shown on the Application Map, was reviewed with the Co-Applicant (Stephen Patrick Bistline) via telephone after receipt of his original Application on January 17, 2019. Page 2 of the original Application shows a POU legal description on Line 9 of the Application that does not include Government Lot 5 (GL5). Maps accompanying the Application show that the Point of Diversion (POD) and POU are located on the same tax parcel within Government Lot 5 T57N R01E S.35

Ms. Bistline initialed and dated a new Page 1 for the Application changing the Irrigation AF quantity to 0.6 AF. This was e-mailed to IDWR on January 23, 2019. Mr. Bistline stated he will mail the original copy of Page 1 of the corrected Application to IDWR via U.S. mail.

The corrected POU Legal Description and Irrigation AF Amount for Line 6 (b) of the Application will be used for advertising of legal notices in accordance with IDWR Application Processing Memorandum 9.

Maxey, Shaun

From: Maxey, Shaun
Sent: Wednesday, January 23, 2019 3:31 PM
To: 'Pat Bistline'
Subject: RE: Line 6(a) on Your Application For Permit 96-9731

Mr. Bistline:

Thanks for your prompt response.

Please be advised that the second page of your Application left off the 'Government Lot 5' for the Pace of Use (POU) legal description. The two maps included with your Application make it clear that both the Point of Diversion (POD) from the stream and the POU are on the same tax parcel that lies within Govt Lot 5, Township 57N, Range 1 East, Section 35, SE SE.

It is not necessary for you to send in a correction on this. We will continue processing of your Application with the correct legal descriptions and you will get a letter that notifies you of the scheduled legal notice publication dates.

Please contact me if you have any questions.

Thanks,

Shaun Maxey (IDWR)

From: Pat Bistline [mailto:pbistline@sandpoint.com]
Sent: Wednesday, January 23, 2019 12:38 PM
To: Maxey, Shaun <Shaun.Maxey@idwr.idaho.gov>
Cc: 2082905311@VTEXT.COM
Subject: Re: Line 6(a) on Your Application For Permit 96-9731

Shaun:
I put original in today's mail to you.
Thank you.
Pat

Pat Bistline
Associate Broker
208-290-5311
pbistline@sandpoint.com

CONVERSATION MEMO

OV- Office Visit T-Telephone M-Meeting O- Other

TO Right No. 96-9731

FROM Shaun M. Maxey

☐ OV ☒ T ☐ M ☐ Other _____ DATE 1/23/19 WITH ~~P. B.~~ Stephen BISTLINE
Mr. BISTLINE responded to my voicemail message left
1/22/19. He will send in e-mail and U.S. mail copy
changing line 6 (b) of Application to read. D. 6 AF.

☐ OV ☐ T ☐ M ☐ Other _____ DATE _____ WITH _____

☐ OV ☐ T ☐ M ☐ Other _____ DATE _____ WITH _____

☐ OV ☐ T ☐ M ☐ Other _____ DATE _____ WITH _____

Maxey, Shaun

From: Maxey, Shaun
Sent: Tuesday, January 22, 2019 10:00 AM
To: 'Pat Bistline'
Cc: '2082905311@VTEXT.COM'
Subject: Line 6(a) on Your Application For Permit 96-9731
Attachments: Pg. 1 APP for PERMIT 96-9731.pdf

Mr. Bistline:

Pl ease refer to the attachment and telephone me at (208) 762.2816 about the quantity of water that you have shown on Line 6 (b), on the first page, of your water right Application for Permit.

The Acre Feet (AF) quantity you have shown (3.0 AF) would be correct for 1.0 acres of irrigation. The amount of land in the tax parcel for the Place Of Use shown on your Application For Permit is only 0.2 acres. So the correct quantity for line 6 (b) should be 0.6 AF.

Thanks,

Shaun Maxey

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral DR Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762.2816 /2800
Fax (208) 762.2819
www.idwr.idaho.gov

RECEIVED
JAN 17 2019
IDWR / NORTH

~~RECEIVED~~
~~AUG 17 2018~~
~~LM~~
~~IDWR / NORTH~~

TO:

Idaho Dept. of Water Resources

Re: new water permit.

I have filled the application out the best I can. If you have additional questions, please contact me.

Thank you.

Stephen Patrick Butters

208-290-5311