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SEP 11 2018

FORM 202 Rev. 09/16

IDWR / NORTH

82687

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 96-9720

1. Name of applicant(s) JOHN & NANCY H. LIVINGSTON Phone (509) 939-3400
Mailing address 3610 E. SUMAC DR. City SPOKANE
State WA ZIP 99223 Email js157@msn.com
2. Name of representative, if any STANLEY BIRNBAUM Phone (208) 263-4748
Mailing address 312 S. 1ST STREET City SANDPOINT
State ID ZIP 83864 Email stanley@sandpointlaw.com
- 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 PEND OREILLE RIVER which is a tributary of COLUMBIA RIVER

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	03W	35	2		NW	NE	Bonner	Pend Oreille River	

5. Water will be used for the following purposes: Domestic 01/01 to 12/31/18
Amount 2.50 cfs for LANDSCAPING purposes from 06/01 to 09/01 (both dates inclusive)
(cfs or acre-feet per year)
- Amount 0.4 cfs for Domestic purposes from 01/01 to 12/31 (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)

6. Total quantity to be appropriated is (a) 0.4 cubic feet per second (cfs) and/or (b) 3.5 acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. 1.5 HP RED LION PUMP
70 GPM CONNECTED TO SPRINKLER SYSTEM + IN HOME SYSTEM
- b. Height of storage dam N/A 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 N/A 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? N/A; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by Ja Date 9-11-18 Time _____ Preliminary check by _____
Fee \$ 100.00 Receipted by Ja Receipt No. N033758 Date 9-11-18

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. _____
- Municipal; must complete and attach the Municipal Water Right Application Checklist.
- Domestic; show number of households 1
- 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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N	03W	35		D															
				G12															

Total number of acres to be irrigated: _____

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?

96-8548 (Westwood Acres HOA - Irrigation - Well)

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. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

APPLICANT PROPOSES TO PUMP WATER FROM THE PEND ORIELLE RIVER TO BE USED TO IRRIGATE DOMESTIC LANDSCAPING

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

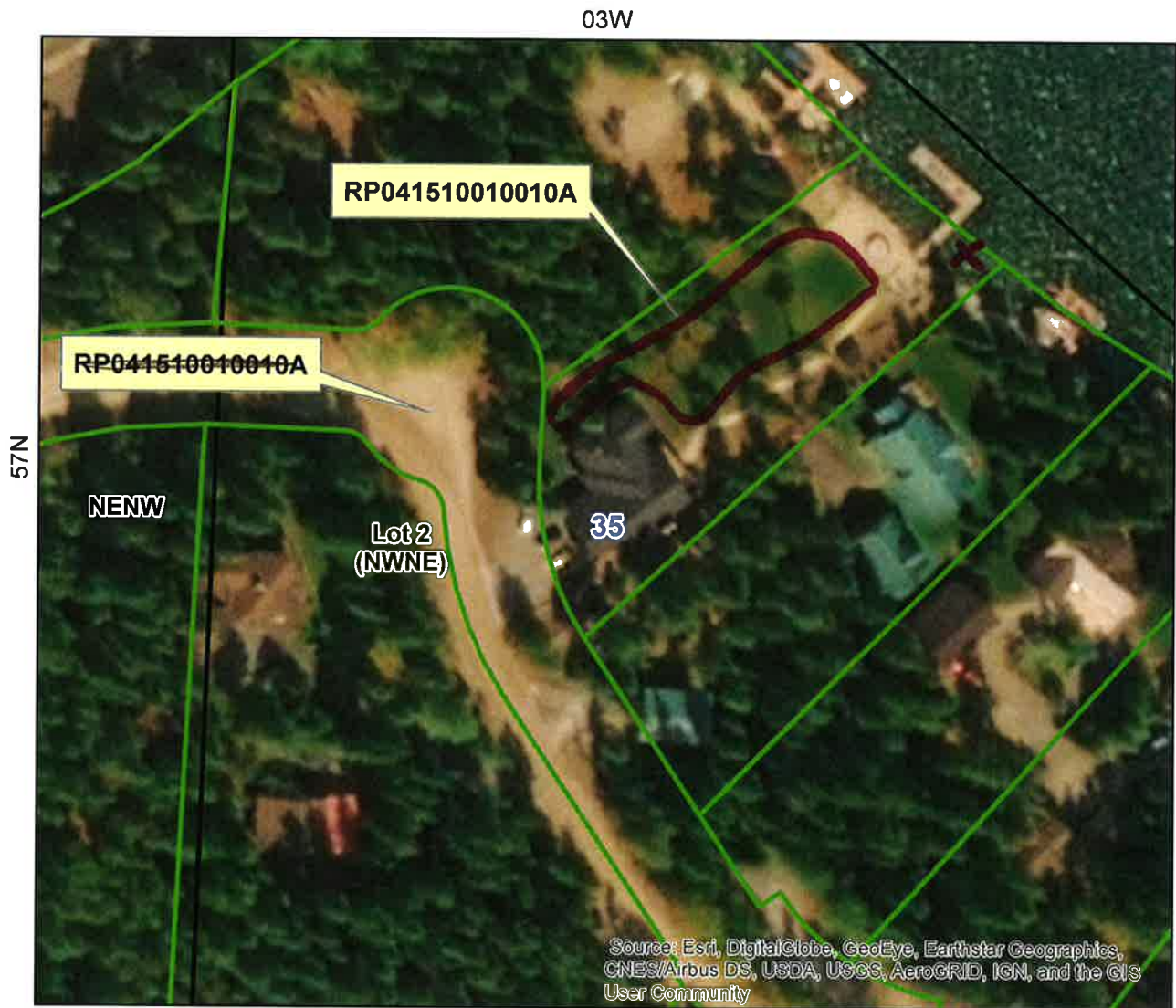
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

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.

[Signature]
Signature of Applicant
JOAN S. LIVINGSTON
Print Name (and title, if applicable)

Nancy H. Livingston
Signature of Applicant
NANCY H. LIVINGSTON
Print Name (and title, if applicable)

State of Idaho
Department of Water Resources
Application For Permit



- Townships
- PLS Sections

0 0.0125 0.025 0.05 Miles

Point of Diversion
 Domestic Place of Use



Tax parcel information provided by Bonner County.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 27, 2018

JOHN S LIVINGSTON
NANCY H LIVINGSTON
3610 E SUMAC DR
SPOKANE, WA 99223

Application For Permit No. 96-9720

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 10/4/2018 and 10/11/2018. 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

CC:

STANLEY BIRNBAUM
312 S 1ST ST
SANDPONT, ID 83864

Alleman, Tammy

From: Alleman, Tammy
Sent: Thursday, September 27, 2018 4:36 PM
To: Clark, Cynthia Bridge; Skoro, Emily; 'Siitari,Kiira'; June.Bergquist@deq.idaho.gov; 'Mike Ahmer'
Cc: 'Anna.Moody@deq.idaho.gov'
Subject: Request for Comments on WR#96-9720
Attachments: 96-9720 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 applications. You can find copies of the applications attached to the email and also at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the applications 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(s), 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 applications is October 22, 2018.**

Please contact the Northern Region Office at (208) 772-2800 if you have any questions regarding the applications.

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: Thursday, September 27, 2018 2:23 PM
To: 'bcdblegals@cdapress.com'
Subject: Legal Notice for 96-9719 to 96-9723
Attachments: Legal Notices for WR 96-9719 to 96-9723.doc

Please publish the enclosed legal notice in the **Bonner County Daily Bee** on the dates indicated October 4th and October 11th (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 10/22/2018. 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:

96-9719

ANN M KRITZECK
87 WOODCREST DR
SANDPOINT, ID 83864
Point of Diversion SWSW
S25 T57N 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: 9/10/2018
Place Of Use: DOMESTIC
T57N R03W S25 L1(SWSW)

96-9720

JOHN S LIVINGSTON
NANCY H LIVINGSTON
3610 E SUMAC DR
SPOKANE, WA 99223
Point of Diversion L2(NWNE)
S35 T57N 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: 9/11/2018
Place Of Use: DOMESTIC
T57N R03W S35 L2(NWNE)

96-9721

STEVEN RAY ALLEN
CAROLINE KAY ALLEN
2819 W SPRING CREEK RD
HOPE, ID 83836
Point of Diversion NESW
S9 T56N R02E
BONNER County
Source SPRING CREEK
Tributary LIGHTNING CREEK
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.04 CFS
Date Filed: 9/12/2018
Place Of Use: DOMESTIC
T56N R02E S9 SWSE
Place Of Use: STOCKWATER
T56N R02E S9 SWSE

96-9722

BILL DOWNING
SHARON DOWNING
454 SNUG HARBOR
SANDPOINT, ID 83864
Point of Diversion L1(SESE)
S26 T57N R03W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
04/01 to 10/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 9/25/2018
Place Of Use: IRRIGATION
T57N R03W S26 L1(SESE)
Total Acres: 0.4

96-9723

SUSEN FAY
PO BOX 25
KOOTENAI, ID 83840
Point of Diversion SWSW
S24 T58N R01W
BONNER County
Source GROUND WATER

Point of Diversion SWSW
S24 T58N R01W
BONNER County
Source GROUND WATER
Use: AESTHETIC STORAGE
01/01 to 12/31 2.8 AF
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 2.8 AF
Use: IRRIGATION FROM STORAGE
04/01 to 10/31 3 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 3 AF
Use: RECREATION STORAGE
01/01 to 12/31 2.8 AF
Use: WILDLIFE STORAGE
01/01 to 12/31 2.8 AF
Total Diversion: 5.8 AF
Date Filed: 9/20/2018
Place Of Use: AESTHETIC STORAGE
T58N R01W S24 SWSW
Place Of Use: WILDLIFE STORAGE
T58N R01W S24 SWSW
Place Of Use: RECREATION STORAGE
T58N R01W S24 SWSW
Place Of Use: FIRE PROTECTION STORAGE
T58N R01W S24 SWSW
Place Of Use: IRRIGATION STORAGE
T58N R01W S24 SWSW
Place Of Use: IRRIGATION FROM STORAGE
T58N R01W S24 SWSW
Total Acres: 1

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 10/22/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/4/2018 and 10/11/2018

Maxey, Shaun

From: John Livingston <jsl56@msn.com>
Sent: Tuesday, September 11, 2018 6:33 PM
To: Maxey, Shaun
Subject: RE: Correction

"and" will work

From: Maxey, Shaun <Shaun.Maxey@idwr.idaho.gov>
Sent: Tuesday, September 11, 2018 6:32 PM
To: John Livingston <jsl56@msn.com>
Subject: RE: Correction

Mr. Livingston:

I noticed that the Name Connector block on your Application was left blank while data entering information on your Application For Permit. I will enter this as '...and /or..' unless you prefer one of the other choices.

Shaun Maxey IDWR
(208) 762.2800

From: John Livingston [<mailto:jsl56@msn.com>]
Sent: Tuesday, September 11, 2018 4:30 PM
To: Maxey, Shaun <Shaun.Maxey@idwr.idaho.gov>
Subject: Correction

Hi Shaun – Please correct the entry on line 5 of the Application of Permit from 0.4 to 0.04. Thanks for all of your help.
John Livingston