

80853

Ident. No. 95-17153

RECEIVED

MAR 30 2016

IDWR/NORTHERN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) RAYMOND & JOYCE LABOURE FAMILY TRUST Phone 808-875-6066
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 1668 S ALANIU PL City KIHEI
 State HI Zip 96753 Email _____
2. Source of water supply unnamed stream, hauser creek, gw which is a tributary of HAUSER LAKE
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
51N	5W	6			SE	SW	KOOTENAI	UNNAMED STREAM	
51N	5W	6			SE	SW	KOOTENAI	UNNAMED STREAM	
51N	5W	7			NE	NW	KOOTENAI	UNNAMED STREAM	
51N	5W	6			SE	SW	KOOTENAI	GROUNDWATER	

4. Water will be used for the following purposes:
 Amount 0.20 CFS for DIVERSION TO STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount 0.20 CFS for WILDLIFE purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount 77.5 AF for WILDLIFE STORAGE purposes from 1/1 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)
5. Total quantity to be appropriated is (a) 0.20 cubic feet per second (cfs) and/or (b) 77.5 AF acre feet per year (af).
6. Proposed diverting works:
 a. Describe type and size of devices used to divert water from the source. APPLICANT HAS TWO PONDS FOR WILDLIFE PURPOSES
 b. Height of storage dam 5 feet; active reservoir capacity 44.0 acre-feet; total reservoir capacity 44.0 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total 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. _____
7. Description of proposed uses (if irrigation only, go to item 8):
 a. Hydropower; show total feet of head and proposed capacity in kW. _____
 b. Stockwatering; list number and kind of livestock. _____
 c. Municipal; complete and attach the [Municipal Water Right Application Checklist](#).
 d. Domestic; show number of households _____
 e. Other; describe fully. _____

8. 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	
51N	05W	6												W					
51N	05W	7					W												

Total number of acres to be irrigated: _____

9. 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?

10. 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:

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

APPLICANT HAS BUILT PONDS WITH HELP FROM IDAHO DEPARTMENT OF FISH AND GAME AND NRCS FOR WILDLIFE PURPOSES.

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

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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.

Raymond W. Laboure
Signature of Applicant

Signature of Applicant

Raymond W. Laboure
Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by db Date 3/30/16 Time _____ Preliminary check by _____
Fee \$ 250.00 Received by Interagency Receipt No. 8LL059201 Date Funds Rcvd 5/6/16
Billed

Ident. No. _____

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

[illegible]

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.

[illegible]

**RAYMOND & JOYCE LABOURE FAMILY TRUST APPLICATION
POND ANALYSIS SHEET**

POND 1 (EAST POND) – 9.3 AC X 4 FEET DEEP = 37.2 AF

POND 2 (WEST POND) – 1.7 AC X 4 FEET DEEP = 6.8 AF

EVAPORATION (POND 1) – 25,253 GPD X 365 DAYS / 325,850 GAL/AF = 28.3 AF

EVAPORATION (POND 2) – 4,616 GPD X 365 DAYS / 325,850 GAL/AF = 5.2 AF

SEEPAGE – NO SEEPAGE, GROUNDWATER AS SOURCE

77.5 AF	WILDLIFE STORAGE	A) POND SIZES	44.0 AF
		B) EVAPORATION	33.5 AF
		C) SEEPAGE	0.0 AF
		TOTAL	77.5 AF

LABOURE FAMILY TRUST APPLICATION MAP



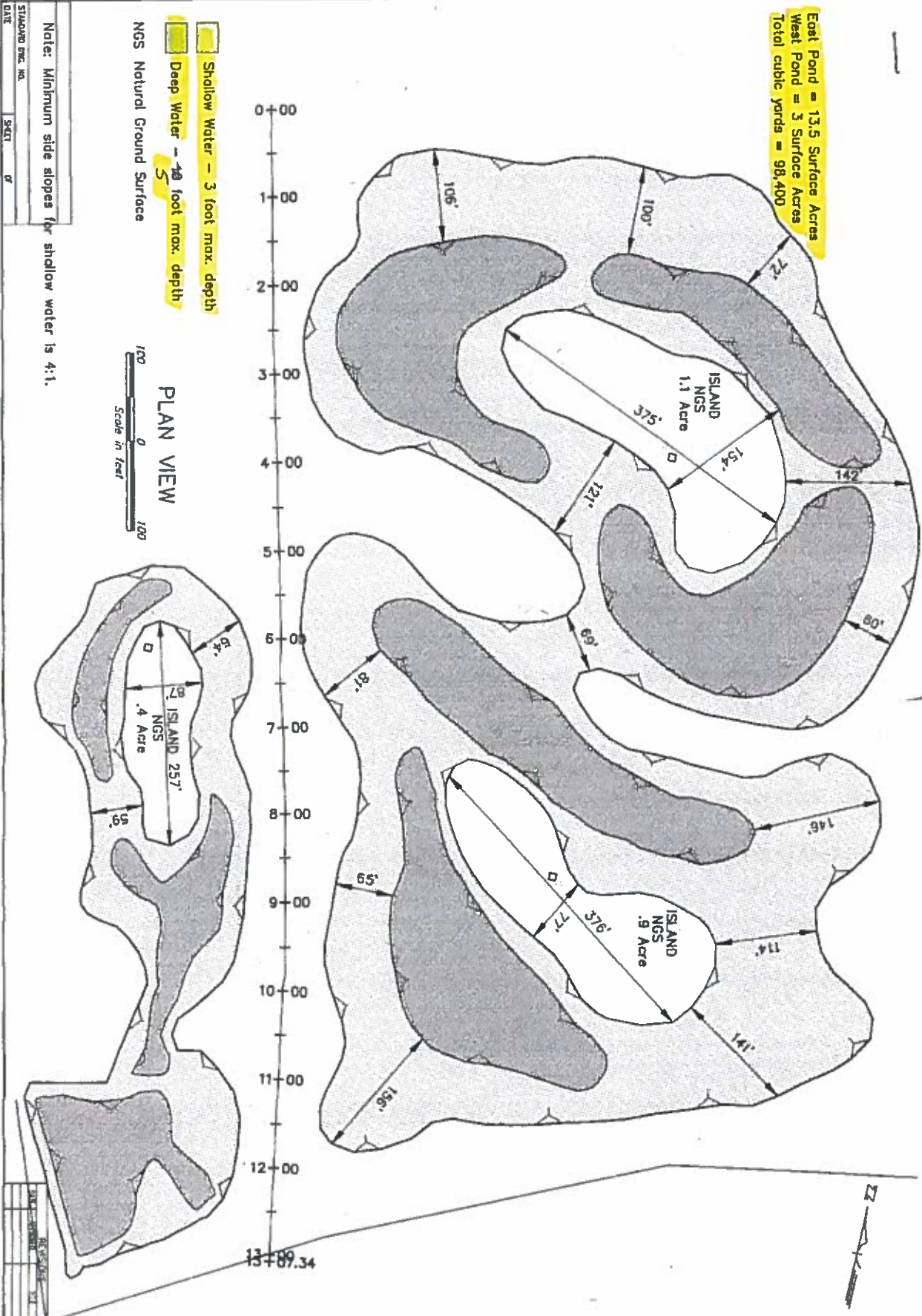
Legend

- Taxlots
- Sections
- QQ

0 0.0325 0.065 0.13 Miles



East Pond = 13.5 Surface Acres
 West Pond = 3 Surface Acres
 Total cubic yards = 98,400



02-K-1-005 HIP Agree. No.

208 733-0228 Telephone No.

IDAHO DEPARTMENT OF FISH AND GAME
HABITAT IMPROVEMENT PROGRAM
COOPERATIVE AGREEMENT

This agreement entered into this 6th day of November 2002, between the Idaho Department of Fish and Game (hereafter the Department) and Raymond W. Laboure' (hereafter the Cooperator) residing at 15807 North Hauser Lake Road in Kootenai County, Idaho is made in reference to the following facts:

RECITALS

A. The Department will enhance habitat for waterfowl and upland game birds by reimbursing some or all of the costs incurred by persons who cooperate with the Department in improving habitat on their property under the Habitat Improvement Program.

B. Cooperator is a person cooperating with the Department under the Habitat Improvement Program. The lands on which the Cooperator is improving habitat are described or depicted on Exhibit A hereto. These lands are located in Kootenai County and owned by: Raymond W. Laboure'.

NOW THEREFORE, in consideration of the recitals stated above, the parties agree as follows:

AGREEMENT

A. Cooperator agrees to complete the following project (see Exhibit A):

Construct two excavated ponds in existing hayfields at the north end of Hauser lake adjacent to Hauser Creek. The ponds are to be constructed in accordance with the provided NRCS design including any modifications that the COE may require. Total surface acres of the two ponds are approximately 3 acres and 13.5 acres. The cooperator will also place a minimum of three triangular log fish habitat structures, 1 in the smaller and two in the larger ponds. Wetland woody plantings including pink spirea, nootka and/or Wood's rose, red ozier dogwood, geyer willow, golden willow, water birch, paper birch, hawthorn, black cottonwood. Substitution or addition of plant species may be done with approval of IDFG regional wildlife habitat biologist. Place and maintain artificial waterfowl nesting structures.

B. The Department will reimburse Cooperator for the following costs, not to exceed \$ \$20,000 :

100% of all plant materials. 100% of all planting accessories (tubes, stakes, weed mats etc.). All labor to plant plant materials. 100 % of all materials, construction, and placement of waterfowl nesting structures.

C. The Cooperator will pay the following costs: 100% of pond construction costs. 100% of all costs associated with construction and placement of log fish habitat structures

D. Cooperator agrees that to be reimbursed for agreed costs, s/he will submit a letter certifying that s/he has completed the project as agreed to in paragraph A above, along with an invoice and all receipts for supplies and materials purchased, to the following Department representative within 30 days of the completion of the project:

David J. Leptich (Regional Habitat Biologist)

2750 Kathleen Ave.

Coeur d'Alene, ID 83815

(208) 769-1414

E. The Department will reimburse the Cooperator within 45 days after receipt of certification, the project invoice, and appropriate receipts.

F. The Cooperator shall be regarded as an independent contractor and agrees to indemnify and hold harmless the Department and its employees from activities associated with this project, provided, however, that the Department shall be liable for its own negligence and that of its employees.

G. This agreement shall take effect on 6 November, 20 02, and shall remain in effect through 6 November 2022. Actual work on this project must begin by 31 December, 20 03, or this agreement is terminated.

H. If the Cooperator removes the habitat development, does not meet the provisions of Exhibit A, charges for hunting or trespass rights on land covered by this agreement, or if the Cooperator is issued a Shooting Preserve Permit for land covered by this agreement before expiration of this agreement, the Cooperator agrees to reimburse the Department for all funds spent by the Department for development. This reimbursement will be within thirty (30) days of notice by the Department that one or more of these occurrences referenced above have taken place.

I. The covenants and agreements herein shall be binding upon the successors, assigns, heirs, and personal representatives of the parties hereto.

J. The Cooperator agrees that the Department shall have access at all times to inspect the project.

Regional Habitat Biologist
Idaho Department of Fish and Game

Date _____

Cooperator

Date _____

Ball, Dianne

From: Ball, Dianne
Sent: Monday, May 16, 2016 10:29 AM
To: kiira.siitari@idfg.idaho.gov
Cc: Case, Morgan; Frederick, Adam
Subject: RE: Application for Permit No. 95-17153

Dear Kiira:

Not the usual notice because this is one with which you are involved because of IDFG's Habitat Improvement Program, but to let you know that this is being prepared for publication in the Coeur d'Alene Press on May 19 and 26, 2015, with June 6, 2016 as final date for protests to be received in our office.

Please contact Adam Frederick in this office if you have any questions regarding this application.

Sincerely,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

Ball, Dianne

From: Ball, Dianne
Sent: Friday, May 13, 2016 1:50 PM
To: Legal Notices-CdA Press
Cc: Frederick, Adam; Case, Morgan
Subject: Application for Permit No. 95-17150, 95-17152, 95-17153, 95-17154
Attachments: LegalNotice 05-13-16 CDA e-mail 95-17150, 17152, 53, 54.doc

Good afternoon,

Please publish the enclosed legal notice in the Coeur d'Alene Press on the dates indicated, May 19, and 26, 2016 (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

This should be very close to press ready – for 2-column, 8pt, Century Old Style font.

Please note the area(s) under **USE** containing dates and water amounts that are offset and lined up. Our legal should appear in this format.

Please also send a proof/preview copy for my review before this actually goes to press.

If you have any questions, please contact me as early as possible.

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 6/6/2016.

Thanks for all your help in getting our legals published as submitted. Your help is greatly appreciated.

Dianne Ball

Have a marvelous weekend.

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

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

95-17150

JMAC RESOURCES INC
1505 N MILLER STE 260
WENATCHEE, WA 98801
Point of Diversion SENE S25 T51N R06W KOOTENAI County
Source GROUND WATER
Use: COMMERCIAL 01/01 to 12/31 2.4 CFS
Use: INDUSTRIAL 01/01 to 12/31 2.4 CFS
Use: IRRIGATION 03/15 to 11/15 2.4 CFS
Total Diversion: 2.4 CFS

Date Filed: 4/1/2016
Place of Use: COMMERCIAL T51N R06W S25 NWSE
Place of Use: IRRIGATION T51N R06W S25 NENE SWNE SENE
NESE NWSE
Place of Use: INDUSTRIAL T51N R06W S25 NWSE
Total Acres: 120
Commercial & Industrial uses are both for Gravel/Concrete
Processing & Sales.

95-17152

PHILIP H SCHWARTZ
VICTORIA D SCHWARTZ
4192 ESCUDERO DR
IRVINE, CA 92620-3213
Point of Diversion SWSW S7 T48N R04W KOOTENAI County
Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.06 CFS
Use: IRRIGATION 03/15 to 11/15 0.07 CFS
Total Diversion: 0.13 CFS

Date Filed: 3/25/2016
Place of Use: DOMESTIC T48N R04W S7 SWSW
Place of Use: IRRIGATION T48N R04W S7 SWSW
T48N R04W S18 NWNW
Total Acres: 2.5
Domestic use is for 2 homes.

95-17153

RAYMOND & JOYCE LABOURE FAMILY TRUST
1668 S ALANIU PL
KIHU, HI 96753
Point of Diversion SESW S6 T51N R05W KOOTENAI County
Source UNNAMED STREAM tributary HAUSER LAKE
Point of Diversion SESW S6 T51N R05W KOOTENAI County
Source UNNAMED STREAM tributary HAUSER LAKE
Point of Diversion NENW S7 T51N R05W KOOTENAI County
Source UNNAMED STREAM tributary HAUSER LAKE
Point of Diversion SESW S6 T51N R05W KOOTENAI County
Source GROUND WATER
Point of Diversion SESW S6 T51N R05W KOOTENAI County
Source HAUSER CREEK tributary HAUSER LAKE
Point of Diversion SESW S6 T51N R05W KOOTENAI County
Source GROUND WATER
Point of Diversion NENW S7 T51N R05W KOOTENAI County
Source HAUSER CREEK tributary HAUSER LAKE
Point of Diversion NENW S7 T51N R05W KOOTENAI County
Source GROUND WATER
Point of Diversion NENW S7 T51N R05W KOOTENAI County
Source GROUND WATER
Use: DIVERSION to Storage 01/01 to 12/31 0.2 CFS
Use: WILDLIFE 01/01 to 12/31 0.2 CFS
Use: WILDLIFE Storage 01/01 to 12/31 77.5 AF
Total Diversion: 0.2 CFS

Date Filed: 3/30/2016
Place Of Use: WILDLIFE T51N R05W S6 SESW
T51N R05W S7 NENW
Place Of Use: WILDLIFE Storage T51N R05W S6 SESW
T51N R05W S7 NENW

95-17154

ASPEN CREEK WATER ASSN INC
5801 W QUAKING ASPEN DR
COEUR D'ALENE, ID 83814
Point of Diversion L3(NWNENW) S4 T49N R04W KOOTENAI CO
Source GROUND WATER
Use: MUNICIPAL 01/01 to 12/31 0.18 CFS
Total Diversion: 0.18 CFS

Date Filed: 2/2/2016

Place of Use: MUNICIPAL

Municipal use is within the service area of the applicant

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800; or for a full description of the right(s), please see:

www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

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 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 6/6/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/19/2016 and 5/26/2016



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

GARY SPACKMAN
Director

May 13, 2016

RAYMOND & JOYCE LABOURE FAMILY TRUST
1668 S ALANIU PL
KIHEI, HI 96753

Application For Permit No. 95-17153

Dear Applicant(s):

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 COEUR D ALENE PRESS on 5/19/2016 and 5/26/2016. 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,

A handwritten signature in cursive script that reads "Adam Frederick".

Adam Frederick
Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, April 06, 2016 3:13 PM
To: Marston, Sascha; Sutcliffe, Lorna
Cc: Case, Morgan; Frederick, Adam
Subject: INTERAGENCY BILLING REQUEST
Attachments: INTERAGENCY BILLING - different from usual - Laboure-Family-Trust-agmt-with-IDFG-pay.pdf

Good afternoon, Sascha and Lorna

We have an unusual interagency billing request from Idaho Department of Fish and Game, in conjunction with an application from the RAYMOND & JOYCE LABOURE FAMILY TRUST.

There is a special agreement between F&G and the applicant regarding a Habitat Improvement Cooperative Agreement (02-K-1-005). Attached is copy of the Application for Permit, as well as the letter from Fish and Game with instructions. Please interagency bill F&G as requested in their letter dated April 1, 2016. All information necessary for doing this should be in the letter from IDFG.

Our PCA code would be 65103 – for Water Right Application Fees

Please let me know the Billing Number and also the date that we receive the funds.

If you have any questions, please let me know or contact Adam Frederick at our office.

Thank you very much, and have a great rest of the day.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819



RECEIVED

APR - 6 2016

IDWR/NORTHERN

IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION

2885 West Kathleen Avenue

Coeur d'Alene, Idaho 83815

C.L. "Butch" Otter/Governor

Virgil Moore/Director

April 1, 2016

Mr. Adam Frederick
Idaho Department of Water Resources
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Dear Adam:

REFERENCE: Raymond & Joyce Laboure Family Trust Application

In 2002, Raymond Laboure entered in to an Idaho Department of Fish and Game Habitat Improvement Cooperative Agreement (02-K-1-005) to construct two excavated ponds on his property at the north end of Hauser Lake, adjacent to Hauser Creek. No water right was obtained at the time and thus the ponds are currently out of compliance. As of April 1, 2016, we understand Mr. Laboure has returned the signed application, sans payment, to divert 0.20 cfs (77.5 AF) for wildlife purposes.

Please initiate the Interagency Billing process for \$250.00 for this application. The PCA is 81802 and the ABC code is C399. Please send the billing documents to IDFG Headquarters Office, Attention: Walt Poole, PO Box 25, Boise, ID 83707.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Chip Corsi".

Chip Corsi
Regional Supervisor

CEC:KJS:njk

C: Sharon Kiefer, IDFG Boise
Gary Vecellio, IDFG Idaho Falls

File: LaboureWR_20160401

INTERAGENCY BILLING DATA ENTRY

SECTION A - AGENCY NAME (BILLING AGY)				AGENCY CODE	CONTACT NAME	PHONE #	DOCUMENT DATE	CUR DOCUMENT #
Department of Water Resources				360	Lorna Sutcliffe	287-4818	04/07/16	BILL0592
SFX	TC/ RVS	INDEX/ PCA	SEC AGY	SUBSIDIARY	REV SUBOBJ	AMOUNT	INVOICE DESCRIPTION	
01	130	65103	260	2600000	1155	\$250.00	WATER RIGHT APPLICATION FEE	
SECTION B - THIS SECTION CONTAINS THE DESCRIPTION AND PRICE OF MATERIALS AND SERVICES SUPPLIED								
DESCRIPTION							AMOUNT	
WATER RIGHT APPLICATION FEE							\$250.00	
TOTAL							\$250.00	

SECTION C - AGENCY NAME (PAYING AGY)				AGENCY CODE	CONTACT NAME	PHONE #	DATE	CUR DOCUMENT #		
Department of Fish & Game				260	WALT POOLE	287-2714				
SFX	TC/ RVS	INDEX/ PCA	SEC AGY	SUBSIDIARY	EXP SUBOBJ	AMOUNT	PROP#COMP	INVOICE#	VENDOR#SFX	G = GRANT/PH P = PROJECT/PH
01	240		380	3600000		\$250.00		BILL059201	826000952 / DP	/
										/
										/
										/
										/
										/
TOTAL										\$250.00

PAYING AGENCY'S AUTHORIZED SIGNATURE _____

DATE _____