

78437

STATE OF IDAHO

Ident. No. 95-16549

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Avista Corporation (re: Post Falls - Falls Park Pond Water System) Phone (509) 495-2571
 Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address: ATTN: Linda Kiefer, EA Dept., MSC - 1, PO Box 3727 City Spokane

State WA Zip 99220-3727 Email: linda.kiefer@avistacorp.com

2. Source of water supply Spokane River which is a tributary of Columbia River

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
50N	5W	3	5		SE	NW	Kootenai	Spokane River	Pond intake pipe #1
50N	5W	3	5		SE	NW	Kootenai	Spokane River	Pond intake pipe #2

4. Water will be used for the following purposes:

Amount 0.3 cfs for Diversion to Storage purposes from Jan. 1 to Dec. 31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount 0.09 cfs for Recreation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount 7.1 AF for Recreational Storage purposes from Jan. 1 to Dec. 31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount 0.09 cfs for Aesthetics purposes from Jan. 1 to Dec. 31 (both dates inclusive) ⁽⁴⁾

⊕ Amount 7.1 AF for Aesthetics Storage purposes from Jan. 1 to Dec. 31 (both dates inclusive)

5. Total quantity to be appropriated is (a) 0.3 cfs cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Two pumps (1 hp & 5 hp) pull water from Corbin Ditch Canal (Spokane R.) through two - 2" poly pipes to the water feature area in the center of the pond/reservoir.

b. Height of storage dam avg. 7' feet; active reservoir capacity 3.6 acre-feet; total reservoir capacity 3.6 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 n/a inches; proposed depth of well is n/a 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 n/a;

Well was drilled for (well owner) n/a; Drilling Permit No. n/a.

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

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; show name of municipality or the applicant's qualifications as a municipal provider. n/a

d. Domestic; show number of households n/a

e. Other; describe fully. (1) Diversion to Storage (0.3 cfs); (2) Recreation (0.09 cfs); (3) Recreational Storage (7.1 AF); (4) Aesthetics (0.09 cfs); and (5) Aesthetics Storage (7.1 AF).

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	
50N	5W	3							R	R									
50N	5W	3							J	J									

Total number of acres to be irrigated: n/a

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? No other known water rights on file for above project.
10. a. Who owns the property at the point of diversion? Avista Corporation
- b. Who owns the land to be irrigated or place of use? Avista Corporation
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: n/a
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Avista Corporation owns this property NE of the Post Falls Dam and leases it to City of Post Falls (see Agreement No. R-23864, (2006)), for the purposes of a public City Park. In early 1990's, the City obtained approval, technical and funding assistance from ID Fish & Game and other entities to construct a park pond for the purpose of public family fishing opportunities for handicapped and youth. The pond was dedicated to the public in 1999. The storage pond is refilled continuously 24/7 for 365 days per year with a 1 hp (40 gpm) pump, to maintain pond level for fish health and habitat. A 5 hp (90 gpm) pump augments the refilling flow if/as needed, during summer low flows (see Attachment A.)
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.


 Signature of Applicant
Linda M. Kiefer, Environmental Resource Specialist
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

For Department Use:

Received by db Date 2/12/13 Time _____ Preliminary check by _____
 Fee \$ 250.00 Received by db Receipt No. NO29645 Date 2/12/13



Outflow: Two 4" pipes
drain into old spillway
from Corbin Ditch Canal

Pedestrian Bridge

22230 Sq. Ft.

Aeration Fountain

Distribution Pole
Controls for Pumps

Inflow:
From Spokane River
in Corbin Ditch Canal
Two 2" Intake Pipes

Corbin Ditch Canal

Spokane River

0 25 50 100 Feet



Falls Park Pond

Post Falls, Idaho

T50N, R5W, Sec. 3, SE 1/4 NW 1/4

* REVISED FEB. 26, 2013 *JK*



Legend

-  Falls Park Pond
-  Avista Property

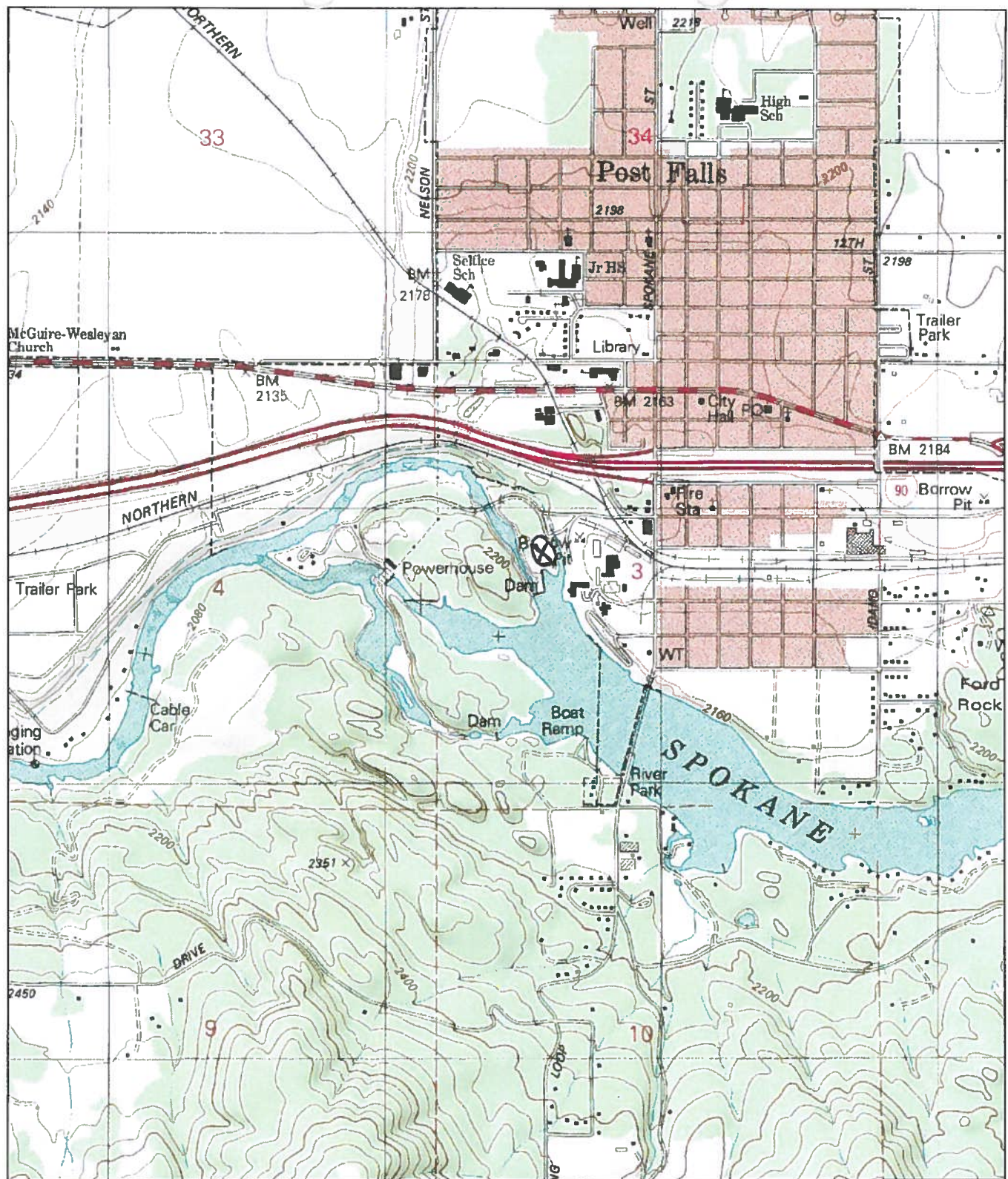


NW Sec 3, T50N, R5W

0 200 400
Feet

1 inch = 200 feet

**Falls Park Pond
Post Falls HED Property**



0 0.5 Mi
0 2000 Ft

Map provided by MyTopo.com

T50N, R5W
SEC. 3, SE¼NW¼

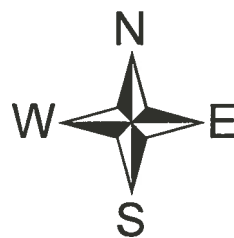
⊗ - FALLS PARK POND
FALLS PARK
POST FALLS, IDAHO

95-16549



Legend

-  workingpod
-  workingpou
-  QQ



BACKGROUND ON POST FALLS - FALLS PARK POND

For

Avista Water Right Application

February 26, 2013 Corrected Edition

DEVELOPMENT OF FALLS PARK & POND

The Falls Park is a city park located on the southwesterly corner of the city of Post Falls, Idaho. The park, including the pond and land north and west of the park is part of the Post Falls Hydroelectric Development owned by Avista Corporation (previously known as Washington Water Power (WWP)).

In November 1990, WWP (Avista) received approval from Federal Energy Regulatory Commission (FERC) to lease this land to the City of Post Falls (City) for the development of the Falls Park. Avista now holds a long-term lease of the park lands with the City (see Public Park/Recreation Contract Lease No. R-23864, between Avista and City of Post Falls (May, 2006)). The City's Parks Department manages the Falls Park. The Parks Dept. contact person is Brian Bergstrom, Maintenance Supervisor, phone (208) 773-8147.

During the early 1990's, the City collaborated with various community organizations, along with Avista, Idaho Fish & Game, Idaho Water Resources and other local, state and federal agencies in the planning stages for the Falls Park. On 4/1/1991, Avista received FERC approval to begin construction of the Falls Park. The park was constructed in the early 1990's, with many community volunteers and funding from multiple grants, and dedicated in 1993.

The park fish pond was completed in 1995, and dedicated to the public for the designated purpose of an accessible public family fishing pond for the handicapped and youth. The Idaho Dept. of Fish & Game stock the pond several times per year with trout. The park pond has four (4) fish platforms, one (1) pedestrian bridge and three (3) picnic shelters, all which are wheelchair accessible.

WATER SYSTEM FOR POND:

To augment natural seepage into the pond, water for the pond is pumped in from a water pump system located in the center of the Corbin Ditch Canal, part of the North Channel of the Spokane River. The river water is only used for filling and maintaining the level of the pond.

Two pumps are used in the filling operations of the pond. The first pump (1 hp) runs 24/7, 365 days per year, maintaining the pond level and to flow through the pond aerator to help maintain water quality in the pond and for fish habitat. The second pump (5 hp) is periodically used from May through October each year on an as needed basis, and is set on a timer, to help maintain water level in pond.

(NOTE: The City of Post Falls supplies water supply to the park's bathrooms and to irrigate the park lawns from city's municipal water supply system.)

Pond Info:

- CONSTRUCTION COMPLETED & YEAR DEDICATED: 1999
- POND SIZE: 22,230 sq. ft (approx. 0.51 acre in size) x 7' deep (avg. depth).
- WATER STORAGE: Approx. 3.6 AF
- INFLOW & OUTFLOW:
 - INFLOW: Water supply for the pond is from the Spokane River via the Corbin Ditch Canal, an extension of the Spokane River.
 - Two Intake Pipes: Two – 2” poly pipes begin at the center of the Canal and run underground into the center of the southeast corner of the Falls Pond. (approx. lat/long: 47°42'41”N, 116° 57'3”W.)
 - OUTFLOW: The pond’s outflow pipes (two 4” PVC pipes) are located near the center of the northerly line of the pond (approx. lat/long: 47° 42'42”N, 116°56'59”W.) One of the 4” PVC pipes serves as the overflow for the pond. The second 4” pipe is used to drain the pond for maintenance purposes. The outflow drains back into the old spillway from the Corbin Ditch Canal, which flows back into the Spokane River.
- PUMPS & PIPES:
 - Pump #1 for Intake Pipe #1: 1 HP, pumps 40 gpm on a 24/7, 365 days per year schedule, to maintain pond level and operate aeration foundation (maintaining water quality of pond);
 - Pump #2 for Intake Pipe #2: 5 HP, pumps 90 gpm, is operated on a timer, from May through October, as needed, to help maintain water level and water quality of pond.
- AERATION FOUNTAIN:

Aeration fountain runs 24/7, 365 days per year, to maintain water quality and beautification of the pond.
- OTHER WATER SUPPLY FOR PARK:

The City of Post Falls provides municipal potable water supply to the Falls Park, for the restrooms and irrigation of the park lawns.

NOTE: For calculations used in determining the water supply needs for each use, see next page.

CALCULATIONS USED FOR ESTIMATING WATER QUANTITIES FOR EACH USE:

1. Diversion to Storage: (40 gpm + 90 gpm = 130 gpm = 0.3 cfs) 0.3 cfs

2. Recreation (constant flow 365 days yr., (40 gpm pump = 0.09 cfs): 0.09 cfs
 (Est. annual use: 0.09 cfs x 1.9835)(365 days yr) = approx. 65.2 AF)

3. Recreational Storage (for Fishing): 7.1 AF
 - a. Pond size: 0.51 ac. x 7’deep = 3.57 AF = 3.6 AF
 - b. Evap.: (22,230 sq. ft. surface area)

$$\frac{1386 \text{ gpd loss} \times 365}{325.850 \text{ sq. ft.}} = 1.6 \text{ AF}$$
 - c. Seepage:
$$\frac{1663 \text{ gpd} \times 365}{325,850} = 1.9 \text{ AF}$$

Total AF = 7.1 AF

4. Aesthetics (used same calculation as Item #2 above): 0.09 cfs

5. Aesthetics Storage (used same calculations as Item #3 above): 7.1 AF

BACKGROUND ON POST FALLS - FALLS PARK POND**For****Avista Water Right Application**

February 11, 2013

DEVELOPMENT OF FALLS PARK & POND

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Two pumps are used in the filling operations of the pond. The first pump (1 hp) runs 24/7, 365 days per year, maintaining the pond level. This pump also runs the pond aerator from April through October, to help maintain water quality in the pond and for fish habitat. The second pump (5 hp) is periodically used from May through October each year on an as needed basis, and is set on a timer, to help maintain water level in pond.

(NOTE: The City of Post Falls supplies water supply to the park's bathrooms and to irrigate the park lawns from city's municipal water supply system.)

BACKGROUND – Avista's Falls Park Pond Water Right Application

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 - Total AF = 7.1 AF

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5. Aesthetics Storage (used same calculations as Item #3 above): 7.1 AF

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, April 11, 2013 4:50 PM
To: Legal Notices-CdA Press - Amber Tice; Legal Notices-CdA Press
Cc: Davis, Eric
Subject: Application for Permit No. 95-16547, 95-16548, 95-16549, 95-16550, 95-16565
Attachments: LegalNotice 04-11-13 CdA e-mail 95-16547-16550 and 16565.doc

Good afternoon, Amber,

Please publish the enclosed legal notice on the dates indicated, April 18 and 25, 2013, (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/preview copy for my review before this goes to press. We prefer the 2-column format and this should be pretty close to press ready except for your legal publication number.

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 5/6/2013. Your cooperation is appreciated.

Thanks for all your help on our legals. You are truly appreciated.

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

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

95-16547

EUGENE FLAMAND

NANCY FLAMAND

4970 N MANUFACTURING WAY STE. 2

COEUR D ALENE, ID 83815-6082

Point of Diversion L3(NWSE) S17 T50N R03W KOOTENAI CO

Source FERNAN LAKE tributary COEUR D ALENE LAKE

Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS

Use: IRRIGATION 03/15 to 11/15 0.16 CFS

Total Diversion: 0.2 CFS

Date Filed: 2/13/2013

Place of Use: IRRIGATION and FIRE PROTECTION

T50N R03W S17 SWNE L3(NWSE)

Total Acres: 8

95-16548

SCOTT BLEW

JEAN MARIE BLEW

4810 S MORROW PARK RD

SPOKANE, WA 99206

Point of Diversion L1(SWSE) S35 T53N R05W KOOTENAI CO

Source TWIN LAKES tributary RATHDRUM CREEK

Use: DOMESTIC 03/15 to 11/15 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 2/12/2013

Place of Use: DOMESTIC T53N R05W S35 L1(SWSE)

Domestic use is for 1 home with less than 1/2 acre irrigation.

95-16549

AVISTA CORPORATION

PO BOX 3727

SPOKANE, WA 99220-3727

Points of Diversion(2) L5(SENW) S3 T50N R05W KOOTENAI CO

Source SPOKANE RIVER tributary COLUMBIA RIVER

Use: AESTHETIC 01/01 to 12/31 0.09 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 7.1 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.3 CFS

Use: RECREATION 01/01 to 12/31 0.09 CFS

Use: RECREATION STORAGE 01/01 to 12/31 7.1 AF

Total Diversion: 0.3 CFS

Date Filed: 2/12/2013

Place of Use: RECREATION and RECREATION STORAGE

T50N R05W S3 L5(SWNW) L5(SENW)

Place of Use: AESTHETIC and AESTHETIC STORAGE

T50N R05W S3 L5(SWNW) L5(SENW)

Recreation use is for fishing

95-16550

STAN STRANG

12206 E 27TH AVE

SPOKANE VALLEY, WA 99206

Point of Diversion L4(SWSWSE) S13 T49N R04W KOOTENAI CO

Source SPRING tributary SINKS

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 2/22/2013

Place of Use: DOMESTIC T49N R04W S13 L4(SWSE)

Domestic use is for 1 home.

95-16565

ROSEMARY DICKSON

763 S MANOR HEIGHTS DR

POST FALLS, ID 83877

Point of Diversion SESE S8 T50N R05W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.18 CFS

Total Diversion: 0.18 CFS

Date Filed: 3/27/2013

Place of Use: IRRIGATION T50N R05W S8 SESE

Total Acres: 9

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 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 5/6/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/18/2013 and 4/25/2013



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

GARY SPACKMAN
Director

April 11, 2013

AVISTA CORPORATION
ATTN - LINDA KIEFER
PO BOX 3727
SPOKANE, WA 99220-3727

Application For Permit No. 95-16549

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 4/18/2013 and 4/25/2013. 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,

Keith Franklin
Program Manager

Ball, Dianne

From: Ball, Dianne
Sent: Friday, April 12, 2013 10:30 AM
To: mary.terra-berns@idfg.idaho.gov; bbaeumel@idl.idaho.gov
Subject: RE: Application for Permit No. 95-16547; 95-16548; 95-16549;
Attachments: 95-16547_app_and_map.pdf; 95-16548_app_and_map.pdf; 95-16549_app_and_maps.pdf

Dear Mary and Brittany:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. A copy of each of the applications is enclosed for your reference.

Being prepared for publication in the CDA press on April 18 and 25, 2013 with May 6, 2013 as final date for protests to be received in our office.

Your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this 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.

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

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

Franklin, Keith

From: Kiefer, Linda [Linda.Kiefer@avistacorp.com]
Sent: Tuesday, February 26, 2013 11:27 AM
To: Franklin, Keith
Cc: Kiefer, Linda
Subject: RE: Corrected Map & Background for Post Falls - Falls Park Pond Application
Attachments: 022613 corrected map_Background Falls Pond.pdf

Importance: High

2/16/13

Hi Keith,

I've now attached the pdf of both the corrected map AND background info. Sorry, the previous attachment was just the map.

Linda Kiefer

Avista Corporation
Environmental Affairs MSC-1
1411 E Mission Ave
PO Box 3727
Spokane, WA 99220-3727

Office: 509.495.2571 / E-Mail: linda.kiefer@avistacorp.com

From: Kiefer, Linda
Sent: Tuesday, February 26, 2013 11:24 AM
To: Keith Franklin (keith.franklin@idwr.idaho.gov)
Cc: Kiefer, Linda
Subject: Corrected Map & Background for Post Falls - Falls Park Pond Application
Importance: High

2/26/2013

RE: Corrected Map & Background Packet for Avista's Post Falls- Falls Park Pond Water Right Application

Hello Keith.

Per my recent phone call, attached are the corrected map and background document for Avista's Post Falls – Falls Park Pond water right application that was mailed to you back on February 11, 2013.

The corrections were brought to my attention by the Post Falls Parks Department. No changes were made to the applications, only corrections to the map and background. For your information, I have listed the corrections below that were made to these documents:

1. **MAP:**

- The Outflow site was moved to the NW side of the pond to its correct location.
- The Distribution Pole for the pump controls was moved north above the inflow lines, to reflect its correct location.

2. BACKGROUND DOCUMENT:

- Construction Dates: The dates of the park construction/dedication and pond construction were corrected to reflect the correct dates (page 1, paragraphs 3 and 4.)
- Pond Aerator: Information on the pond aerator was corrected on page 1, paragraph 6 and page 2, information under 'Aeration Fountain' bullet, to correctly state it runs 24/7, 365 days per year.

Please add and/or replace this corrected information to the documents that were sent to you on February 11. If you have any questions, please call me at (509) 495-2571.

Thank you!

Linda Kiefer

Avista Corporation
Environmental Affairs MSC-1
1411 E Mission Ave
PO Box 3727
Spokane, WA 99220-3727

Office: 509.495.2571 / E-Mail: linda.kiefer@avistacorp.com

<< File: 022613 Corrected Pond map3.pdf >>