

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09466

Priority: May 14, 2010

Maximum Diversion Rate: 0.05 CFS

This is to certify, that WILLIAM R BORTON
2580 BORTON RD
YAKIMA WA 98903
(509) 966-6633

has applied for a permit to appropriate water from:

Source: PEND OREILLE RIVER **Tributary:** COLUMBIA RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.05 CFS

LOCATION OF POINT(S) OF DIVERSION:

PEND OREILLE RIVER, L1 (NW1/4NW1/4NE1/4), Sec. 31, Twp 56N, Rge 03W, B.M., BONNER County

PLACE OF USE: IRRIGATION

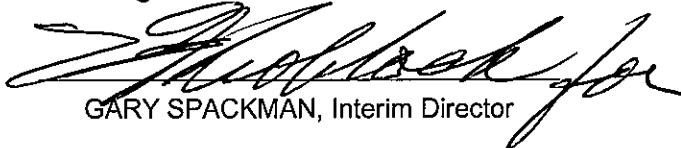
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N 03W 31		2.5															2.5
		L 1															

Total Acres: 2.5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2011**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
6. This right when combined with right 96-7616 cannot exceed a diversion rate of 0.05 cfs.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 30th day of July, 2010


GARY SPACKMAN, Interim Director



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
Interim Director

August 3, 2010

WILLIAM R BORTON
2580 BORTON RD
YAKIMA WA 98903

RE: Permit No.96-9466

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

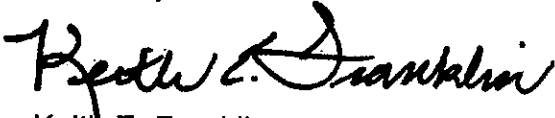
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 762-2800.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith E. Franklin". The signature is fluid and cursive, with the first name "Keith" being more prominent.

Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

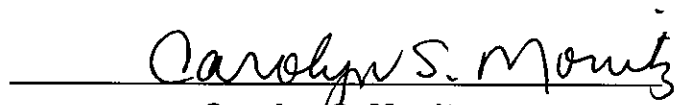
CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2010 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

96-9466

**WILLIAM R BORTON
2580 BORTON RD
YAKIMA WA 98903**

A handwritten signature in cursive script, reading "Carolyn S. Monitz", is written over a horizontal line.

Carolyn S. Monitz

Technical Records Clerk

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Knoblock, Ken

From: Haynes, Bob
Sent: Wednesday, July 28, 2010 2:39 PM
To: Spackman, Gary; Peppersack, Jeff; Galloway, Chuck; Northern Region
Subject: Delegation

I'll be out of the office from July 28 thru August 2. Ken Knoblock is authorized to act in my place.

Bob

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 96-9466

APPLICATION ID # 76533

ENT 5-14 BCA 7/28

OK to Publish

5/28/10

APPLICANT: William Borton

INITIAL REVIEW

BY: KJ

DATE: 5/14/2010

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
5. ☒ Nature of Proposed Use
6. ☒ Period of Use
7. ☒ Total Quantity
8. ☒ Description of diverting works
9. ☒ Time required for b/u
10. ☒ Proposed use
11. ☒ Place of use or acres irrigated
12. ☒ Other water Rights
13. ☒ Ownership
14. ☒ Map
15. ☒ Signature
16. ☒ Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y() N()

ADDITIONAL INFORMATION

(Yes)(No)

- ☒ Shape File Created Date 5-14 By: KJ
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. attached(>5cfs/500af)
- ☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 5/14/2010

☐ ☐

(Include Moratorium Remark)

Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN:

Newspaper: BCDB Bonner County

Dates scheduled for publication 6/3-4/10/10

Affidavit of Publication received: 7/6/10

Dates actually published: _____

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 6/21

Protests Received: Yes ☐ No ☒

LETTERS SENT REQUESTING:

- ☐ Dam Information ☐ Fish Information
- ☐ Power Information ☐ Other: _____

INFORMATION RECEIVED:

- ☐ Dam Information ☐ Fish Information
- ☐ Power Information ☐ Other: _____

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y() N()
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y() N()
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y() N()

- ☐ Groundwater management area
- ☐ Critical ground water area
- ☐ Well Drilling Permit required
- ☐ Well Drilling Application and Fees received
- ☐ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- ☒ Notice of pending void order issued.
- ☒ Further information required from applicant

Final order response date: ____/____/____

- ☒ Measuring device required
- ☒ Measuring port required
- ☒ Special conditions: _____
- ☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by:

Keith L. Smith

Date: 7/8/2010 Sr. Agent initial

KJ

AFFIDAVIT OF PUBLICATION

RECEIVED
JUL 06 2010
IDWR/NORTH

STATE OF IDAHO)

) ss.

County of Bonner)

Jennifer Albert, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years; a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached legal notice.
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

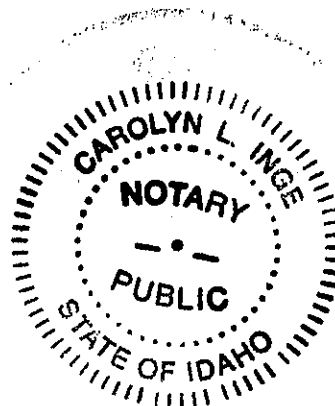
4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 3rd day of June, 2010, and ending on the 10th day of June, 2010.

Jennifer Albert

State of Idaho, county of Bonner ss.

On this 10 day of June, in the year of 2010, before me, Carolyn Inge, Notary Public, personally appeared Jennifer Albert, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Carolyn L Inge
Notary Public
Residing at: Sandpoint
Comm. Exp.: 8-7-12



RECEIVED
JUL 06 2010
IDWR / NORTH

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

96-9465

TERRY L MELTON
JEROME COOK
JOHN R COOK
1257 E GLENMORE CT
HAYDEN, ID 83835

Point of Diversion NWSWSW S3 T53N R01W BONNER CO
Source SPRING Tributary SINKS

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

Date Filed: 5/12/2010

Place Of Use: DOMESTIC T53N R01W S3 SWSW

Domestic use is for 1 home.

96-9466

WILLIAM R BORTON
2580 BORTON RD
YAKIMA, WA 98903

Point of Diversion L1 (NWNWNE) S31 T56N R03W
BONNER CO

Source PEND OREILLE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION 04/01 to 10/31 0.05 CFS
Total Diversion: 0.05 CFS

Date Filed: 5/14/2010

Place Of Use: IRRIGATION T56N R03W S31 L1 (NWNE)

Total Acres: 2.5

96-9467

JOHN R KILLEN
OLIVE M KILLEN
PO BOX 1051
PONDERAY, ID 83852

Point of Diversion L3 (SENW) S3 T54N R01W BONNER CO
Source PEND OREILLE LAKE

Tributary PEND OREILLE RIVER

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

Date Filed: 5/21/2010

Place Of Use: DOMESTIC T54N R01W S3 L3 (SENW)

Domestic use is for 1 home.

Permits will be subject to all prior water rights. 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 6/21/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

SNP Legal 11940

June 3, 10, 2010

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

96-9465

TERRY L MELTON

JEROME COOK

JOHN R COOK

1257 E GLENMORE CT

HAYDEN, ID 83835

Point of Diversion NWSWSW S3 T53N R01W BONNER CO

Source SPRING Tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 5/12/2010

Place Of Use: DOMESTIC T53N R01W S3 SWSW

Domestic use is for 1 home.

96-9466

WILLIAM R BORTON

2580 BORTON RD

YAKIMA, WA 98903

Point of Diversion L1(NWNWNE) S31 T56N R03W BONNER CO

Source PEND OREILLE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION 04/01 to 10/31 0.05 CFS

Total Diversion: 0.05 CFS

Date Filed: 5/14/2010

Place Of Use: IRRIGATION T56N R03W S31 L1(NWNE)

Total Acres: 2.5

96-9467

JOHN R KILLEN

OLIVE M KILLEN

PO BOX 1051

PONDERAY, ID 83852

Point of Diversion L3(SENW) S3 T54N R01W BONNER CO

Source PEND OREILLE LAKE Tributary PEND OREILLE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 5/21/2010

Place Of Use: DOMESTIC T54N R01W S3 L3(SENW)

Domestic use is for 1 home.

Permits will be subject to all prior water rights. 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 6/21/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 6/3/2010 and 6/10/2010

Ball, Dianne

From: Ball, Dianne
Sent: Friday, May 28, 2010 9:53 AM
To: Legal Notices-Bonner Co Daily Bee-Sheri Jones
Subject: Applications for Permit Nos. 96-9465, 96-9466, 96-9467

Good morning, Sheri,

Please publish the enclosed legal notice on the dates indicated, June 3 and 10, 2010, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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 6/21/2010. Your cooperation is appreciated.

Please also send a proof/preview copy for my review. I try to match your columns and font but occasionally because you fully justify setup, we need minor adjustments.

Thanks for ALL your wonderful help over the time we've worked through these together.



LegalNotice
5-28-10 BCDB e-ma.

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



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
Interim Director

May 28, 2010

WILLIAM R BORTON
2580 BORTON RD
YAKIMA, WA 98903

Application For Permit No. 96-9466

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 BONNER COUNTY DAILY BEE on 6/3/2010 and 6/10/2010. 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
Sr. Water Resource Agent

Enc. Receipt No. N024340 for your records

Ball, Dianne

From: Jim Brady [jbrady@idl.idaho.gov]
Sent: Tuesday, June 01, 2010 8:07 AM
To: Ball, Dianne; mary.terra-berns@idfg.idaho.gov
Subject: RE: Applications for Permit Nos. 96-9465 Melton or Cook - Spring, 96-9466 Borton - Pend Oreille River, 96-9467 Killrn - Pend Oreille Lake

Dianne, Melton does not need a permit from us.
Borton- I will contact because he needs a permit from us.
Killen- I will contact because he needs a permit from us.

Thanks

Jim Brady

From: Ball, Dianne [mailto:Dianne.Ball@idwr.idaho.gov]
Sent: Friday, May 28, 2010 10:08 AM
To: mary.terra-berns@idfg.idaho.gov; Jim Brady
Subject: Applications for Permit Nos. 96-9465 Melton or Cook - Spring, 96-9466 Borton - Pend Oreille River, 96-9467 Killrn - Pend Oreille Lake

Dear Interested Party:

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

Jim, you probably won't be interested in 96-9465— from a spring.

These are being scheduled for publication in the Bonner County Daily Bee on June 3 and 10, 2010, making June 21, 2010 final date for protests to be received in our office.

<<96-9465 Melton or Cook.pdf>> <<96-9466 Borton.pdf>> <<96-9467 Killen.pdf>>

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 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 application.

Sincerely,

Dianne Ball

Administrative Assistant

Idaho Department of Water Resources

Ball, Dianne

From: Ball, Dianne
Sent: Friday, May 28, 2010 10:08 AM
To: mary.terra-berns@idfg.idaho.gov; jbrady@idl.idaho.gov
Subject: Applications for Permit Nos. 96-9465 Melton or Cook - Spring, 96-9466 Borton - Pend Oreille River, 96-9467 Killrn - Pend Oreille Lake

Dear Interested Party:

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96-9465 Melton or
Cook.pdf



96-9466 Borton.pdf



96-9467 Killen.pdf

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Please contact this office if you have any questions regarding the 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

Converting Addresses to/from Latitude/Longitude in One Step

Stephen P. Morse, San Francisco

Batch Mode (Forward)	Batch Mode (Reverse)	Deg/Min/Sec to Decimal	Computing Distances
Frequently Asked Questions		My Other Webpages	

address	385 river run drive	latitude	
city	laclede	longitude	
state	id	<i>above values must be in decimal with minus signs for south and west</i>	
zip	83864		
country	United States		
Determine Lat/Lon reset		Determine Address reset	

from google	latitude	longitude
decimal	48.1628557	-116.7527569
deg-min-sec	48° 9' 46.2805"	-116° 45' 9.9248"

from usc	latitude	longitude
decimal	48.3879224536804	-116.473310663089
deg-min-sec	48° 23' 16.5208"	-116° 28' 23.9184"

385 RIVER RUN DR laclede ID

from geocoder	latitude	longitude
decimal	48.3879224536804	-116.473310663089
deg-min-sec	48° 23' 16.5208"	-116° 28' 23.9184"

from yahoo	latitude	longitude
decimal	48.3879224536804	-116.473310663089
deg-min-sec	48° 23' 16.5208"	-116° 28' 23.9184"

from terraserver	latitude	longitude
decimal	48.16269303	-116.75493948
deg-min-sec	48° 9' 45.6949"	-116° 45' 17.7821"

River Run Dr, Priest River, ID 83856

from ibegin	latitude	longitude
decimal	48.163459	-116.753859
deg-min-sec	48° 9' 48.4524"	-116° 45' 13.8924"

385 River Run Dr , LACLEDE, ID 83856

PEND OREILLE
SUPERVISORY AREA
2550 Highway 2 West
Sandpoint ID 83864
Phone (208) 263-5104
Fax: Area (208) 263-0724
Fax: District (208) 265-7263



GEORGE B. BACON, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
C. L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Donna M. Jones, State Controller
Tom Luna, Sup't of Public Instruction

MEMORANDUM

TO: Idaho Department of Fish and Game
Idaho Department of Environmental Quality
Idaho Department of Water Resources
Idaho Department of Transportation
US Army Corps of Engineers-CDA
Bonner County Planning & Zoning
Bonner County Public Works
Bonner County Marine Division
Panhandle Health District 1-Sandpoint
Tri-State Water Quality Council
Lakes Commission
Lake-A-Syst
Idaho Conservation League
Adjacent Neighbors

FROM: Jim Brady, Lands Resource Specialist, Senior-Minerals and Navigable Waters

DATE: June 1, 2010

SUBJECT: NOTICE OF APPLICATION L-96-S-973A – William R. Borton

Enclosed is an application and plats requesting permission to place a water intake line for irrigation 50' into the Pend Oreille River.

Please submit your comments, recommendations or objections to IDL by **July 1, 2010**, regarding the likely effect of the proposed encroachments upon adjacent property, lake, and streambed value factors of navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, or water quality. If you have concerns or are opposed to the project as proposed, please list your specific reasons for concern or opposition and any facts or documentation to support your position.

You should recommend alternate plans if they are economically feasible to accomplish the purpose of the proposed encroachment. You should also recommend any mitigation measures or special restrictions/provisions you would like included as part of the permit if one is issued.

If you do not submit a comment, IDL will assume you have no objections to the application. If you have questions concerning the application, we suggest you contact the applicant. If the applicant cannot answer your questions, please contact us.

jb
enclosures

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS - IDAHO DEPARTMENT OF WATER RESOURCES - IDAHO DEPARTMENT OF LANDS

Authorities: The Department of Army Corps of Engineers (Corps), Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL) established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and State of Idaho. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill materials into waters of the United States, including adjacent wetlands. State permits are required under the State of Idaho, Stream Protection Act (Title 42, Chapter 33, Idaho Code and Lake Protection Act (Section 58, Chapter 13 et seq., Idaho Code)).

Joint Application: Applicant will need to send a completed application, along with one (1) set of legible and reproducible drawings illustrating the location and character of the proposed activities/project to both the Corps and the State of Idaho. Information provided on this application will be used in evaluating the proposed activities. Disclosure of requested information is voluntary, however, if the information is not provided, the application may not be processed and permits may not be issued. Information requested in Block 26 and Block 27 are not required to process the application. DO NOT START WORK UNTIL YOU RECEIVE ALL PERMITS FROM BOTH THE CORPS AND THE STATE OF IDAHO.

Drawings & Supplemental Requirements: See Instruction Guide for required vicinity map, plan-view, and section-view drawings on 8-1/2 x 11 paper size.

INCOMPLETE APPLICATIONS MAY NOT BE PROCESSED

¹ DATE: March 2, 2010

² CONTACT INFORMATION - APPLICANT: *Required*Name: William R. Borton

Company: _____

Mailing Address: 2580 Borton RdCity: Yakima State: WA Zip: 98903PH #: (509) 966-66-33 E-mail: _____³ CONTACT INFORMATION - AGENT: *Completion of Block #29 Required*

Name: _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

PH #: () E-mail: _____

⁴ PROJECT NAME OR TITLE:N/A⁵ PROJECT STREET ADDRESS:385 River Run Dr.⁶ PROJECT CITY:Laclede, ID⁷ PROJECT COUNTY:Bonner, CO⁸ PROJECT ZIP CODE:83841⁹ NEAREST WATERWAY/WATERBODY:Pend O'Reille River.¹⁰ TAX PARCEL ID#:RP027040000¹¹ LATITUDE/LONGITUDE (Supply with Vicinity Map):60A Lat, 48-162852, Long 116-752757^{12a} 1/4^{12b} 1/4^{12c} SECTION531^{12d} TOWNSHIPT56N R3W^{12e} RANGE267M^{13a} ESTIMATED START DATE: May '10^{13b} ESTIMATED END DATE: June '10¹⁴ DESCRIBE INTENDED USE (Commercial, Industrial, Public, Private, Other):Private—Irrigation of Lawn and Landscape¹⁵ HAVE ALL ADJACENT PROPERTY OWNERS BEEN NOTIFIED OF PROPOSED ACTIVITY OR PROJECT? NO X YES

Complete the attached sheet by providing list of contact information (including names, address, phone number) of all adjacent property owners.

¹⁶ ☐ CHECK BOX IF ALTERATION(S) ARE LOCATED ON PUBLIC TRUST LANDS ADMINISTERED BY STATE OF IDAHO DEPARTMENT OF LANDS.¹⁷ DIRECTIONS TO PROJECT SITE Include vicinity map with legible crossroads, street numbers/names, landmarks; attach additional sheet(s), if needed:385 River Run Dr.¹⁸ HAS WORK BEGAN ON THIS PROJECT/ACTIVITY? X NO YES If yes, describe ALL work that has occurred, including dates; attach additional sheet(s), if needed:¹⁹ PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS:NONE²⁰ TYPE(S) AND MATERIALS BEING DISCHARGED AND THE AMOUNT OF EACH TYPE IN CUBIC YARDS: NONE1) TYPE Cubic Yards (2) TYPE Cubic Yards (3) TYPE Cubic Yards²¹ SURFACE AREA IN ACRES OF WETLAND OR OTHER WATERS FILLED See Instruction Guide: NONEAcres OR Square Feet²² SIZE AND FLOW CAPACITY OF BRIDGE OR CULVERT & DRAINAGE AREA SERVED: NONESquare Miles²³ IS PROJECT LOCATED IN A MAPPED FLOODWAY? X NO YES If yes, contact the floodplain administrator in the local government jurisdiction in which the project is located. A floodplain Development permit and a No-Rise Certification may be required.

FOR AGENCY USE ONLY

Corps of Engineers #: _____

ID Water Resources #: _____

ID Dept. of Lands #: L-96-5-973A

Date Received: _____

Date Received: _____

Date Received: _____

☐ Incomplete App. - Return Date: _____

Fee Received: _____

Receipt #: _____

Fee Received: _____

Receipt #: _____

MAR 17 2010

PEND OREILLE LAKE

24a OVERALL DESCRIPTION & PURPOSE OF PROJECT TO WATERS OF U.S., INCLUDING WETLANDS Attach additional sheet(s) if needed:

Irrigation of lawn and landscape-This would entail installation of a 1 1/2 H>P self-priming pump with a 2" section pipe into the river. Use of irrigation water from June to Sept. Withdrawal rate of 15 to 20 G.P.M 3-days a wk for 12 hq. = 10,800 gpm/day.

24b DETAILED DESCRIPTION OF EACH INDIVIDUAL ACTIVITY, WITHIN OVERALL PROJECT Include dimensions, equipment, construction, methods, etc.:

25a DESCRIBE MEASURES TAKEN TO AVOID, MINIMIZE, COMPENSATE FOR IMPACTS TO WATERS OF THE UNITED STATES, INCLUDING WETLANDS:

See Instruction Guide for specific details.

Currently irrigation received from Laclede water district. The district would like us to use river water rather than delivered water from district. All work in river & riverbank to be done by hand. Visual parts of pipe to be covered by rock rip-rap.

25b PROPOSED MITIGATION PLAN: Attach copy of proposed mitigation plan or statement/reasoning why no mitigation plan is required. Attach additional sheet(s), if needed.

26 LIST EACH IMPACT TO STREAM, RIVER, LAKE, RESERVOIR, INCLUDING SHORELINE. Attach site map with location of EACH impact listed; attach additional sheet(s).

Activity Number	Name of Waterbody	Seasonal or Perennial	Avg. Stream Width (Linear Feet)	Description of Impact (road crossing, impound, culvert, etc.)	Impact Length (Linear Feet)
1	Pend O'Reille R	Seasonal	2500'		
2					
3					
4					

TOTAL STREAM IMPACTS (Linear Feet):

27 LIST EACH WETLAND IMPACT, INCLUDING MECHANIZED CLEARING, FILL, EXCAVATION, FLOOD, DRAINAGE, ETC.

Attach site map with location of EACH impact listed; attach additional sheet(s), if needed.

Activity Number	Wetland Type (Emergent, Forested, Scrub/Shrub)	Distance to Waterbody (Linear Feet)	Description of Impact (purpose of road crossing, impoundment, culvert, etc.)	Impact Size (Acres or Square Feet)
1				
2	NONE			
3				
4				

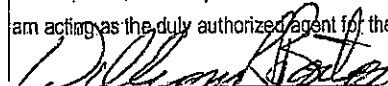
TOTAL WETLAND IMPACTS (Square Feet):

28 AUTHORIZATION OF AGENT: I hereby authorize the Agent (listed in Block 3 of this application) to act in my behalf in the processing of this application and to furnish all information, drawings, maps, and supplemental information in support of this application.

Signature of Applicant

Date

29 CERTIFICATION: Application is hereby made for permit, or permits, to authorize the work and uses of the work as described in this application and all supporting documentation. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein; or I am acting as the duly authorized agent for the applicant.*


Signature of Applicant

3-15-10
Date

Signature of Agent

DEPT OF LANDS

* The application must be signed by the person who desires to undertake the proposed activity AND signed by a duly authorized agent, if the authorization statement in both Blocks 3 AND 28 have been completed and signed. 18 USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department of the United States, knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguise a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or representations or any such thing, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

PEND OREILLE LAKE

Summer water depths

20' from shore water is $3\frac{1}{2}$ ' deep

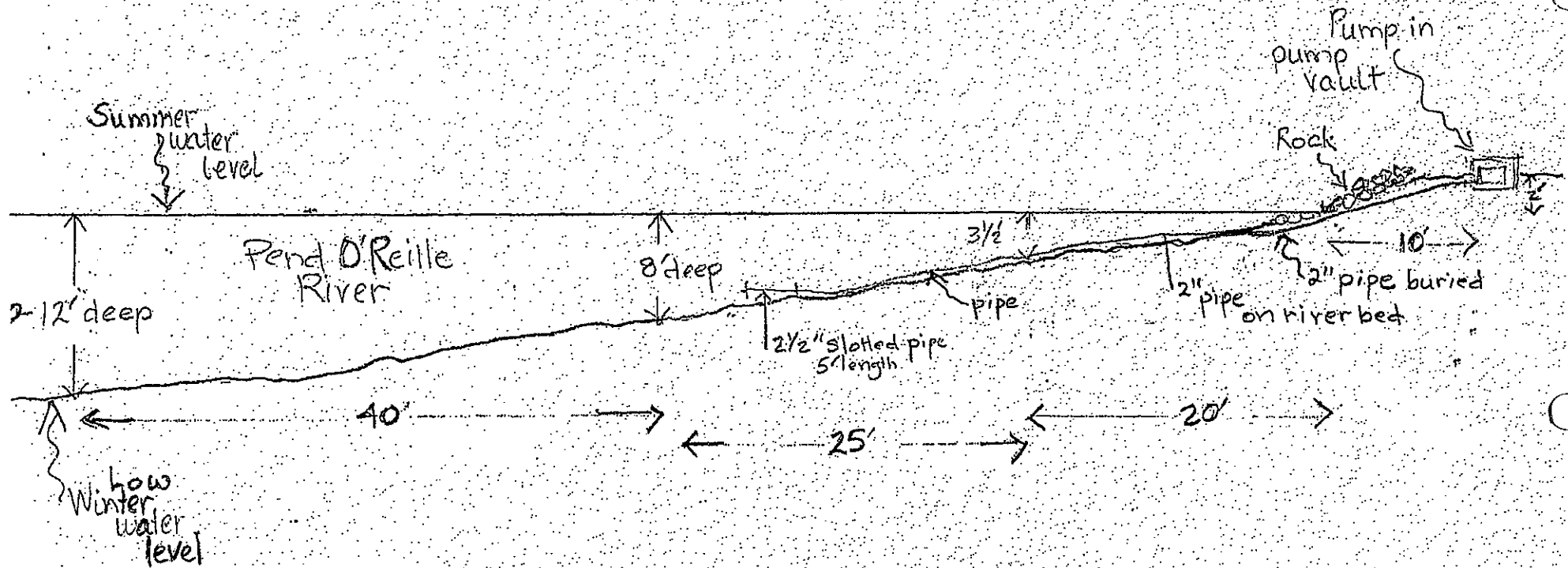
45' $\approx$ 8' deep

85' $\approx$ 12' deep

Proposed pump is $\approx$ 2' above water line
installed in a pump vault

Suction line to be 2" PVC pipe

Last 5' of pipe is $2\frac{1}{2}$ " slotted
supported 6" over river bed



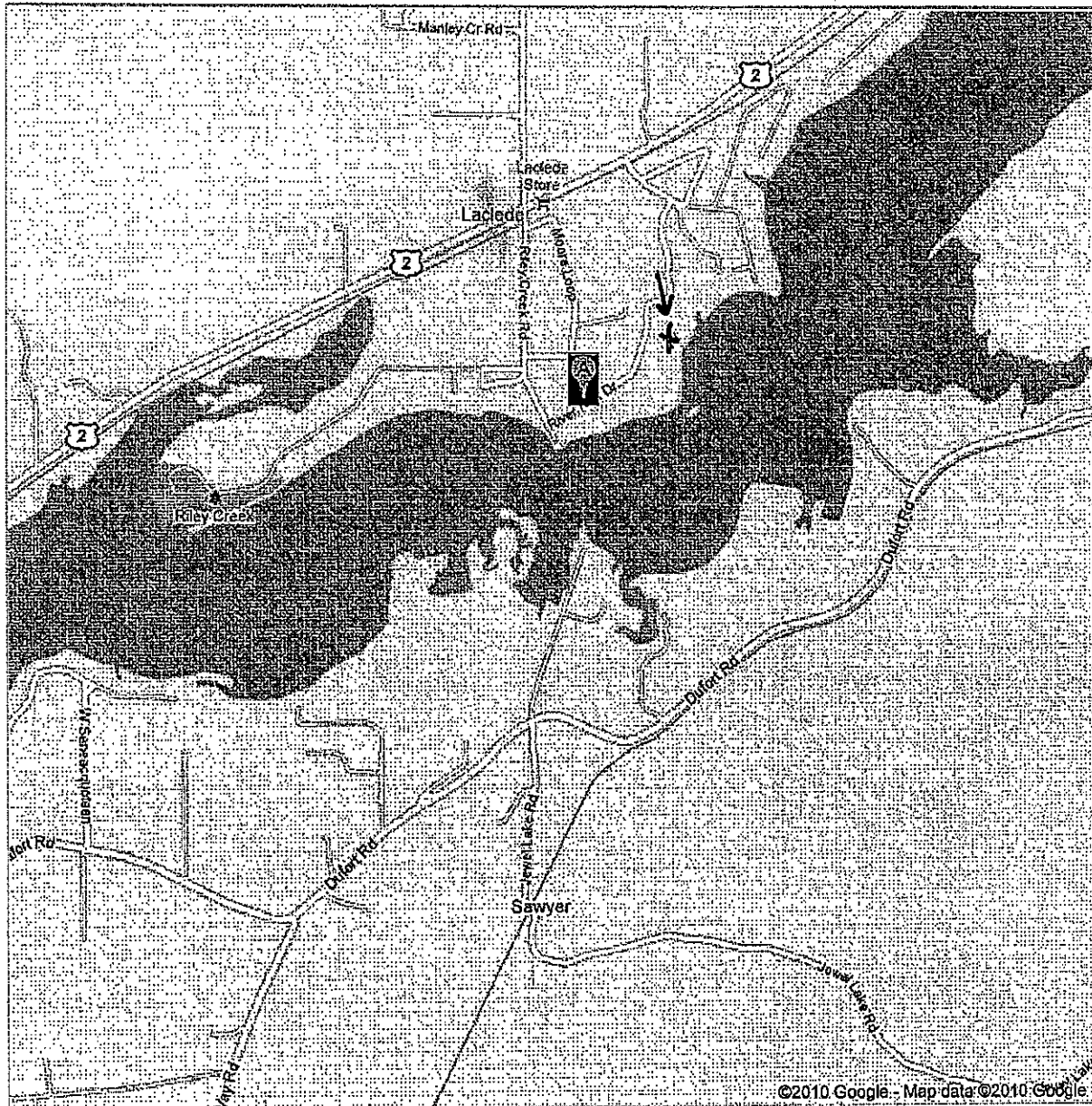
1" = 10' Scale
Profile Drawing
Pend O'Reille River Bed
385 River Run Drive 83841

Google maps

Address 385 River Run Dr
Sandpoint, ID 83864

Get Google Maps on your phone

Text the word "GMAPS" to 466453



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