

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09454

Priority: December 15, 2009

Maximum Diversion Rate: 0.04 CFS

This is to certify, that JEFF WINKLER
43 STILLWATER RD
BOLTON MA 01740-9219

has applied for a permit to appropriate water from:

Source: LAKE PEND OREILLE

Tributary: PEND OREILLE RIVER

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

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

LAKE PEND OREILLE L3 (NE1/4SW1/4) Sec. 17, Twp 56N, Rge 01E, B.M. BONNER County

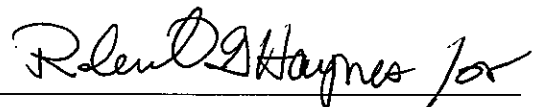
PLACE OF USE: DOMESTIC

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	01E	17																X	
																		L 3	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2012**.
2. Subject to all prior water rights.
3. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. This right does not grant any right-of-way or easement across the land of another.

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 4th day of March, 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

March 5, 2010

JEFF WINKLER
43 STILLWATER RD
BOLTON MA 01740-9219

RE: Permit No.96-9454

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 stylized with a large, looped "K" and a cursive "Franklin".

Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

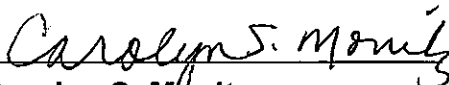
CERTIFICATE OF SERVICE

I hereby certify that on March 5, 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.

96-9454

**JEFF WINKLER
43 STILLWATER RD
BOLTON MA 01740-9219**



**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.

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 96-9454

APPLICATION ID # 76188

ENT. E.D.

BCA 11/14/10

OK to Publish 11/14/10

APPLICANT: Jeff Winkler

INITIAL REVIEW

BY: ED

DATE: 12/17/2009

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)

PROCESSING

(Yes)(No)

PRIORITY DATE: 12/15/2009

☒ ☒

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

ADVERTISE IN:

Newspaper: BONNER County
 Dates scheduled for publication 1/21+28/10
 Affidavit of Publication received: _____
 Dates actually published: _____
 Application published correctly. Yes _____ No _____
 If not, action taken: _____

Final Date for Protest: 2/8/10

Protests Received: Yes _____ No _____

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

ADDITIONAL INFORMATION

(Yes)(No)

☒ Shape File Created Date 12-17-09 By: E.D.
 _____ Field check by: _____
 _____ Field report attached
 _____ Analysis Supp. Attached (>5cfs/500af)

_____ Water delivered by water master? Water District # _____

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. Final order response date: ____/____/____
 _____ Further information required from applicant _____

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

Approval Recommended by: E.D.

Date: 2/9/2010 Sr. Agent initial E.D.

RECEIVED

FEB 03 2010

IDWR / NORTH

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

96-9454

JEFF WINKLER

43 STILLWATER RD.

BOLTON, MA 01740-9219

Point of Diversion L3(NESW) S17 T56N R01E BONNER CO

Source LAKE PEND OREILLE tributary PEND OREILLE RIVER

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 12/15/2009

Place Of Use: DOMESTIC T56N R01E S17 L3(NESW)

Domestic use is for 1 home.

96-9455

CARL T BELL

1320 E 300 N

AMERICAN FORK, UT 84003

Point of Diversion L2(SWNW) S10 T56N R03W BONNER CO

Source GROUNDWATER

Use: DOMESTIC

01/01 to 12/31

0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 12/15/2009

Place Of Use: DOMESTIC T56N R03W S10 L2(SWNW)

Domestic use is for 9 small cabins, 3 showers & latrine facilities

96-9456

CARL T BELL

1320 E 300 N

AMERICAN FORK, UT 84003

Point of Diversion L2(SWNW) S10 T56N R03W BONNER CO

Source UNNAMED POND Tributary POND OREILLE RIVER

Use: IRRIGATION

04/01 to 10/31

0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 12/15/2009

Place Of Use: IRRIGATION T56N R03W S10 L2(SWNW)

Total Acres: 10

96-9457

CARL T BELL

1320 E 300 N

AMERICAN FORK, UT 84003

Point of Diversion L2(SWNW) S10 T56N R03W BONNER CO

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31

0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 12/15/2009

Place Of Use: DOMESTIC T56N R03W S10 L2(SWNW)

Domestic use is for 1 home and small apartment with future use to entail lodge, meeting center and up to 15 small cabins and shower-latrines facilities to support cabins.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-211. 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 2/8/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

SNP Legal 11482

January 21, 28, 2010

AFFIDAVIT OF PUBLICATION

RECEIVED
FEB 03 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 application.
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.

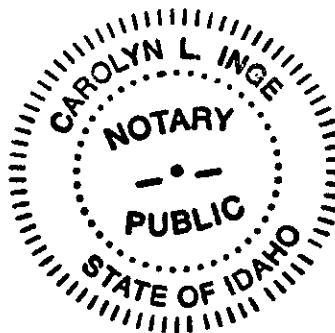
4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 21st day of January, 2010, and ending on the 28th day of January, 2010.

Jennifer Albert

State of Idaho, county of Bonner ss.

On this 29 day of Jan, 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



Ball, Dianne

From: Ball, Dianne
Sent: Thursday, January 14, 2010 3:46 PM
To: Legal Notices-Bonner Co Daily Bee-Sheri Jones
Subject: Application for Permit No. 96-9454, 96-9455, 96-9456, 96-9457

Attachments: LegalNotice 01-14-10 BCDB e-mail 96-9454,55,56,57.doc

Please publish the enclosed legal notice on the dates indicated, January 21 and 28, 2010, (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 actually goes to press.

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 2/8/2010. Your cooperation is appreciated.

If you have ANY questions, please call me or reply to this e-mail.



LegalNotice
I-14-10 BCDB e-ma.

Thank you VERY much, and have a great evening,

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

January 14, 2010

JEFF WINKLER
43 STILLWATER RD
BOLTON, MA 01740-9219

Application For Permit No. 96-9454

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, PRIEST RIVER TIMES on 1/21/2010 and 1/28/2010. 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,

A handwritten signature in black ink, appearing to read 'Eric J. Davis', is written over a horizontal line.

Eric J. Davis
Sr. Water Resource Agent

Enc., Receipt No. N023009

Ball, Dianne

From: Jim Brady [jbrady@idl.idaho.gov]
Sent: Thursday, January 14, 2010 1:19 PM
To: Ball, Dianne
Subject: RE: Application for Permit No. 96-9454

*Entered in
Workflow
D*

I hope I can just respond to you.

→ 96-9454 Winkler needs to make application with IDL to place the water intake. I am meeting his builder in the morning on another issue and will inform him.

96-9456 Bell is not within our jurisdiction so we have no comment.

Happy New Year!!!!

Jim Brady

From: Ball, Dianne [mailto:Dianne.Ball@idwr.idaho.gov]
Sent: Thursday, January 14, 2010 1:10 PM
To: mary.terra-berns@idfg.idaho.gov; Jim Brady
Subject: RE: Application for Permit No. 96-9454

Dear Mary and Jim:

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 attached for your reference.

<<96-9454 Winkler.pdf>> <<96-9456 Bell.pdf>>

These are being prepared and scheduled for publication on January 21 and 28, 2010 in the Bonner County Daily Bee with February 8, 2010 as final date for protests to be filed.

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, and also forwarding a copy to the applicant.

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

1/25/2010

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, January 14, 2010 1:10 PM
To: mary.terra-berns@idfg.idaho.gov; jbrady@idl.idaho.gov
Subject: RE: Application for Permit No. 96-9454

Attachments: 96-9454 Winkler.pdf; 96-9456 Bell.pdf

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96-9454
Winkler.pdf (302 KB)



96-9456 Bell.pdf
(486 KB)

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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

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To: Ball, Dianne
Subject: RE: Application for Permit No. 96-9454 ✓ 9456

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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

1/14/2010