

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 96-09444

Priority: August 18, 2009

Maximum Diversion Rate: 0.84 CFS

This is to certify, that HUMBUG TREE FARM ASSN
39 E EVERGREEN RD
SAGLE ID 83860
(208) 290-3464

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>
DOMESTIC	01/01 to 12/31	0.18 CFS
IRRIGATION	04/01 to 10/31	0.66 CFS

LOCATION OF POINT(S) OF DIVERSION:

PEND OREILLE RIVER, L5 (NW1/4SE1/4), Sec. 9, Twp 56N, Rge 03W, B.M., BONNER County
PEND OREILLE RIVER, L5 (NW1/4SE1/4), Sec. 9, Twp 56N, Rge 03W, B.M., BONNER County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
56N 03W 9												X	X	X			
												L 6		L 5			

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
56N 03W 9												.2	9.0	24.0			33.2
												L 6		L 5			

Total Acres: 33.2

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 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. Domestic use is for 15 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.

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 6th day of January, 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

January 7, 2010

HUMBUG TREE FARM ASSN
39 E EVERGREEN RD
SAGLE ID 83860

RE: Permit No.96-9444

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

Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

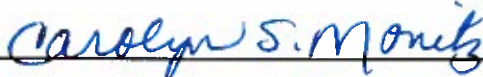
CERTIFICATE OF SERVICE

I hereby certify that on January 7, 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.

96-9444

**HUMBUG TREE FARM ASSN
39 E EVERGREEN RD
SAGLE ID 83860**



**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
APPLICATION ANALYSIS SHEET**

W.R. # 96-9444

APPLICATION ID # 75941

ENT. 9/24/09 BCA 11/9/09 OK to Publish 10/28/09

APPLICANT: Humboldt Treefarm Assn. INITIAL REVIEW

BY: KJ DATE: 9/24/2009

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes)(No)

- ☒ Shape File Created Date 9/24 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: 8/12/2009

(Include Moratorium Remark)

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

ADVERTISE IN:

Newspaper: Bonner County

Dates scheduled for publication 11/5 & 12/09

Affidavit of Publication received: 12/2/09

Dates actually published: 11/5 & 12/09

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: _____

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: _____

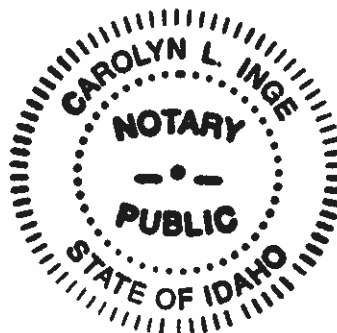
FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- ☒ Notice of pending void order issued. 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: Keith S. Smith Date: 12/22/2009 Sr. Agent initial KJ



RECEIVED
DEC 02 2009
IDWR / NORTH

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

96-9443

EUGENE PUCCI

107 DRIFTWOOD SHORE

SAGLE, ID. 83860

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

Source: PEND OREILLE LAKE tributary to PEND OREILLE

RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 9/16/2009

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

Domestic use is for 1 home.

96-9444

HUMBUG TREE FARM ASSN

39 E EVERGREEN RD

SAGLE, ID. 83860

Points of Diversion(2) L5(NWSE) S9 T56N R03W BONNER

CO

Source: PEND OREILLE RIVER tributary to COLUMBIA

RIVER

Use: IRRIGATION 04/01 to 10/31 0.66 CFS

Use: DOMESTIC 01/01 to 12/31 0.18 CFS

Total Diversion: 0.84 CFS

Date Filed: 8/18/2009

Place Of Use: DOMESTIC

T56N R03W S9 L6(SSEW) NESE L5(NWSE)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 38.2

Domestic use is for 15 homes.

96-9445

GERALD A. BRINGHURST

123 MAC LANE DR

SAGLE, ID. 83860

Point of Diversion: L1(NWNW) S8 T56N R01E BONNER CO.

Source: PEND OREILLE LAKE tributary to PEND OREILLE

RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 9/28/2009

Place Of Use: DOMESTIC T56N R01E S8 L1(NWNW)

Domestic use is for 1 home.

96-9446

ABBOTT FAMILY TRUST

45 ELLIOT ST RD

SAGLE, ID. 83860

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

Source: PEND OREILLE LAKE tributary to PEND OREILLE

RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 9/29/2009

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

Domestic use is for 1 home.

96-9447

ARTHUR R. YOUNG

PO BOX 515

COGOLALLA, ID. 83813

Point of Diversion: L6(SWNE) S7 T55N R02W BONNER CO.

Source: COGOLALLA LAKE tributary to COGOLALLA

CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 10/2/2009

Place Of Use: DOMESTIC T55N R02W S7 L6(SWNE)

Domestic use is for 1 home.

96-9448

ARTHUR R. YOUNG

PO BOX 515

COGOLALLA, ID. 83813

Point of Diversion: L6(SWNE) S7 T55N R02W BONNER CO.

Source: COGOLALLA LAKE tributary to COGOLALLA

CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 10/5/2009

Place Of Use: DOMESTIC T55N R02W S7 NENW

Domestic use is for 1 home.

96-9449

TROLD TRUST

1990 S BUNDY DR STE 200

LOS ANGELES, CA. 90025

Point of Diversion: SENW S13 T56N R02E BONNER County

Source: UNNAMED STREAM tributary to LIGHTNING

CREEK

Use: WILDLIFE STORAGE 01/01 to 12/31 42.7 AF

Use: RECREATION STORAGE 01/01 to 12/31 42.7 AF

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 42.7 AF

Total Diversion: 42.7 AF

Date Filed: 10/20/2009

Place Of Use: RECREATION STORAGE

T56N R02E S13 SENW

Place Of Use: ALL OTHER USES same as RECREATION

STORAGE

Recreation storage is for swimming and fishing.

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 11/23/2009. The protestant must also send a

copy of the protest to the applicant.

SNP Legal 11221

November 5, 12, 2009

GARY SPACKMAN, Interim Director

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

96-9443

EUGENE PUCCI
107 DRIFTWOOD SHORE
SAGLE, ID 83860

Point of Diversion L3(NESW) S17 T56N R01E BONNER CO
Source PEND OREILLE LAKE tributary to PEND OREILLE RIVER

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

Date Filed: 9/16/2009

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

Domestic use is for 1 home.

96-9444

HUMBUG TREE FARM ASSN
39 E EVERGREEN RD
SAGLE, ID 83860

Points of Diversion(2) L5(NWSE) S9 T56N R03W BONNER CO
Source PEND OREILLE RIVER tributary to COLUMBIA RIVER

Use: IRRIGATION 04/01 to 10/31 0.66 CFS
Use: DOMESTIC 01/01 to 12/31 0.18 CFS
Total Diversion: 0.84 CFS

Date Filed: 8/18/2009

Place Of Use: DOMESTIC

T56N R03W S9 L6(SESW) NESE L5(NWSE)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 33.2

Domestic use is for 15 homes.

96-9445

GERALD A BRINGHURST
123 MAC LANE DR
SAGLE, ID 83860

Point of Diversion L1(NWNW) S8 T56N R01E BONNER CO
Source PEND OREILLE LAKE tributary to PEND OREILLE RIVER

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

Date Filed: 9/28/2009

Place Of Use: DOMESTIC T56N R01E S8 L1(NWNW)

Domestic use is for 1 home.

96-9446

ABBOTT FAMILY TRUST
45 ELLIOT PT RD
SAGLE, ID 83860

Point of Diversion L3(NESW) S17 T56N R01E BONNER CO
Source PEND OREILLE LAKE tributary to PEND OREILLE RIVER

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

Date Filed: 9/29/2009

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

Domestic use is for 1 home.

96-9447

ARTHUR R YOUNG
PO BOX 515
COCOLALLA, ID 83813

Point of Diversion L6(SWNE) S7 T55N R02W BONNER CO
Source COCOLALLA LAKE tributary to COCOLALLA CREEK

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

Date Filed: 10/2/2009

Place Of Use: DOMESTIC T55N R02W S7 L6(SWNE)

Domestic use is for 1 home.

96-9448

ARTHUR R YOUNG
PO BOX 515
COCOLALLA, ID 83813

Point of Diversion L6(SWNE) S7 T55N R02W BONNER CO
Source COCOLALLA LAKE tributary to COCOLALLA CREEK

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

Date Filed: 10/5/2009

Place Of Use: DOMESTIC T55N R02W S7 NENW

Domestic use is for 1 home.

96-9449

TROLD TRUST
1990 S BUNDY DR STE 200
LOS ANGELES, CA 90025

Point of Diversion SENW S13 T56N R02E BONNER County
Source UNNAMED STREAM tributary to LIGHTNING CREEK

Use: WILDLIFE STORAGE	01/01 to 12/31	42.7 AF
Use: RECREATION STORAGE	01/01 to 12/31	42.7 AF
Use: FIRE PROTECTION STORAGE	01/01 to 12/31	42.7 AF
	Total Diversion:	42.7 AF

Date Filed: 10/20/2009

Place Of Use: RECREATION STORAGE

T56N R02E S13 SENW

Place Of Use: ALL OTHER USES same as RECREATION STORAGE

Recreation storage is for swimming and fishing.

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 11/23/2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 11/5/2009 and 11/12/2009

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, October 28, 2009 4:08 PM
To: Legal Notices-Bonner Co Daily Bee-Sheri Jones
Subject: Applications for Permit Nos. 96-9443, 96-9444, 96-9445, 96-9446, 96-9447, 96-9448, 96-9449
Attachments: LegalNotice 10-28-09 BCDB e-mail 96-9443,44,45,46,47,48,49.doc

Good afternoon, Sheri,

Attached is a copy of the legal notice we are asking you to publish on the dates indicated, November 5 and 12, 2009, (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 before this goes to press for my review so I can check layout and review my work also to make sure I didn't miss something. It seems these are getting longer all the time. I'm trying to shorten the prep time by not attaching a separate letter to my e-mail - just the legal notice. Let me know if this is OK or if you need my letter attached also, requesting the publication, etc.

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 11/23/2009. Your cooperation is greatly appreciated, as always!!

Thanks and have a wonderful evening. I'll be out of the office on Friday for some foot surgery but should be back Monday - Tuesday at the latest unless I run into complications.



LegalNotice
10-28-09 BCDB e-mail

Happiness in life depends on the quality of your thoughts.

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: Wednesday, October 28, 2009 12:03 PM
To: mary.terra-berns@idfg.idaho.gov
Subject: RE: Application for Permit No. 96-9443, 44, 45, 46, 47, 48, 49

Attachments: 96-9443 Pucci.pdf; 96-9444 Humbug Treefarm Assn.pdf; 96-9445 Bringhurst.pdf; 96-9446 Abbott Family Trust.pdf; 96-9447 Young.pdf; 96-9448 Young.pdf; 96-9449 Troid Trust.pdf

Dear Mary:

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.



96-9443 Pucci.pdf
(326 KB)



96-9444 Humbug
Treefarm Assn.p...



96-9445
Bringhurst.pdf (137 KB)



96-9446 Abbott
Family Trust.pdf...



96-9447 Young.pdf
(614 KB)



96-9448 Young.pdf
(411 KB)



96-9449 Troid
Trust.pdf (348 KB)

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.

Final date for protests to be received in our office is November 23, 2009.

Please contact this office if you have any questions regarding the application. For Pucci and Troid Trust please contact Keith Franklin. For the other 5, please contact Eric Davis.

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: Thursday, October 29, 2009 1:51 PM
To: jbrady@idl.idaho.gov
Cc: cwashburn@idl.idaho.gov
Subject: FW: RE: Application for Permit No. 96-9443

Attachments: 96-9443 Pucci.pdf; 96-9444 Humbug Treefarm Assn.pdf; 96-9445 Bringhurst.pdf; 96-9446 Abbott Family Trust.pdf; 96-9447 Young.pdf; 96-9448 Young.pdf; 96-9449 Troid Trust.pdf

Good afternoon, Jim

Is is snowing up your way? I has been off and on down here - but now mostly just rainy.

Yesterday I inadvertently sent this to Carl in the CDA Office - they should have gone to you because these are all from your area. Sorry about that.

Copying Carl to let him know what I did ~ and am doing now by forwarding these on to you. Message remains the same.

Have a marvelous rest of the day.

Don 't count the days, let the days count.

Dianne

From: Ball, Dianne
Sent: Wednesday, October 28, 2009 12:09 PM
To: cwashburn@idl.idaho.gov
Subject: RE: Application for Permit No. 96-9443

Dear Carl:

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 application is enclosed for your reference.



96-9443 Pucci.pdf
(326 KB)



96-9444 Humbug
Treefarm Assn.p...



96-9445
Bringhurst.pdf



96-9446 Abbott
Family Trust.pdf



96-9447 Young.pdf
(614 KB)



96-9448 Young.pdf
(411 KB)



96-9449 Troid
Trust.pdf (348 K...

For Pucci and Troid Trust, please send your comments to Keith Franklin. For the other 5, please contact Eric Davis.

The only one I'm not sure about your having an interest in is the Troid Trust application because it is from an unnamed stream tributary to Lightning Creek.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt reponse 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.

Final date for protests to be received in our office is November 23, 2009.



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

October 28, 2009

HUMBUG TREE FARM ASSN
39 E EVERGREEN RD
SAGLE ID 83860

Application For Permit No. 96-9444

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 11/5/2009 and 11/12/2009. 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 B. Franklin
Sr. Water Resource Agent

Enclosure(s) Receipt No. N021785



TUCKER ENGINEERING CONSULTANTS

617 CHURCH STREET, SANDPOINT, IDAHO 83864 * (208) 263-8558 * FAX (208) 263-5522

CIVIL ENGINEERING - SURVEYING - CONSTRUCTION

October 29, 1999

RECEIVED

AUG 18 2009

IDWR/North

Mr. Bill Hulett
170 E. Evergreen Rd.
Sagle, ID 83860

Re: Humbug Tree Farm
Water System Capacity

Dear Bill:

Thank you for the information you furnished regarding the river pump capacity and the actual storage tank size. Based on that information, the installed capacity of the system is as follows:

River Pump Capacity (measured)	35 gpm
Storage Tank Capacity (4.67 x 6 x 11.5)	2,410 gallons
Pressure Pump Capacity	75 gpm

The number of homes that can be served by the water system based on the ability of the system to meet the maximum instantaneous demand (MID) of the users is calculated as follows:

$$MID = \frac{ES}{150} + Q = \frac{2,400}{150} + 35 = 51 \text{ gpm}$$

ES = Equalization Storage
Q = Supply Discharge

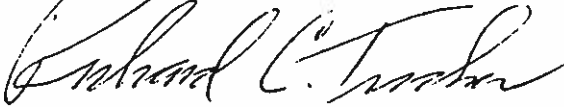
Using a table developed for domestic water requirements east of the Cascade Mountains where irrigation water is available from a separate system, the MID of 51 gpm is the amount required for 19 homes.

The answer to your question regarding the ability of the system to furnish water to 15 homes is "Yes" from a capacity standpoint.

I have not attempted to assess the water quality of the system. If the water coming through the filter meets IDEQ standards for quality now it would still meet the standards with 15 homes on the system.

Very truly yours,

TUCKER ENGINEERING CONSULTANTS

A handwritten signature in cursive script, appearing to read "Richard C. Tucker".

Richard C. Tucker, P.E.
Civil Engineer

cc: Mike Klaus, IDEQ
File

HW
3
47.70

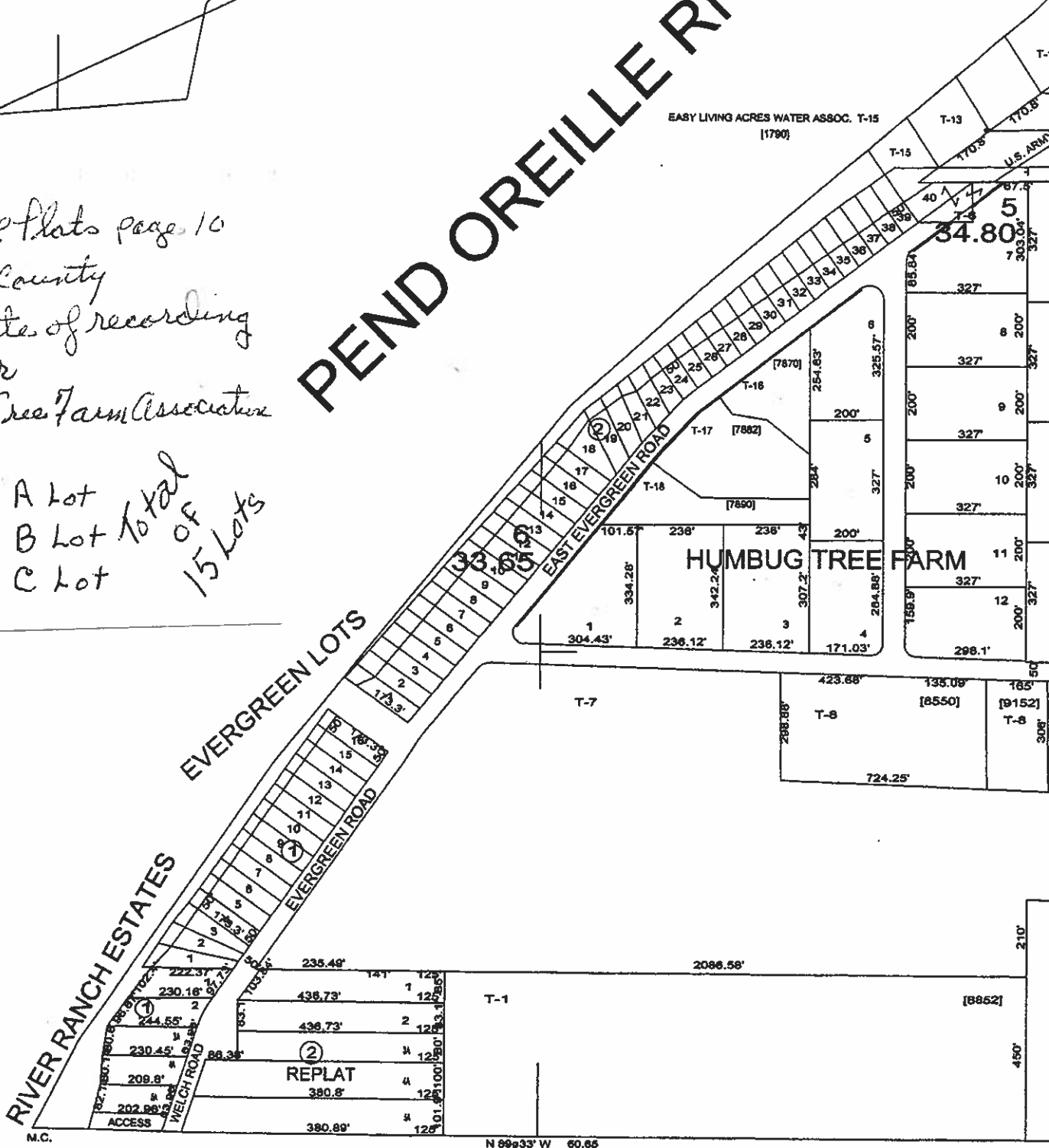
2
21.70

1998 Record
96-9444

9-56-3W

PEND OREILLE RIVER

Book 4 of plats page 10
Bonner County
1998 Date of recording
for
Humbug Tree Farm Association
Lots:
T-16 = A Lot
T-17 = B Lot
T-18 = C Lot
total of 15 Lots



N 89°33' W 60.65

HUMBUG TREE FARM

A TRACT OF LAND LOCATED IN GOVERNMENT LOTS 5 AND 6, SECTION 9, TOWNSHIP 56 NORTH, RANGE 3 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO.

OWNERS CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED, WILLIAM H. HULETT AND DORCAS Y. HULETT HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND HEREBY PLATTED, SAID PLAT TO BE KNOWN AS HUMBUG TREE FARM, THE SAME BEING A TRACT OF LAND LOCATED IN GOVERNMENT LOTS 5 AND 6, SECTION 9, TOWNSHIP 56 NORTH, RANGE 3 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 9; THENCE S 0° 31' 30" W ALONG THE EAST LINE OF SAID SECTION 9 A DISTANCE OF 1320.00 FEET; THENCE N 89° 35' 45" W A DISTANCE OF 1320.00 FEET; THENCE N 0° 31' 30" E A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE INITIAL POINT; THENCE S 0° 31' 30" W A DISTANCE OF 5.00 FEET; THENCE N 87° 39' 50" W A DISTANCE OF 1428.68 FEET; THENCE N 59° 45' 55" E A DISTANCE OF 422.72 FEET; THENCE S 89° 35' 45" E A DISTANCE OF 573.57 FEET; THENCE N 0° 31' 30" E A DISTANCE OF 538.63 FEET; THENCE N 53° 17' 23" E A DISTANCE OF 470.56 FEET; THENCE N 89° 57' 14" E A DISTANCE OF 62.29 FEET; THENCE N 0° 02' 46" W A DISTANCE OF 46.37 FEET; THENCE N 53° 17' 23" E A DISTANCE OF 104.40 FEET; THENCE N 89° 52' 45" E A DISTANCE OF 67.50 FEET; THENCE S 0° 31' 30" W A DISTANCE OF 1303.04 FEET TO THE POINT OF BEGINNING HUMBUG LANE AND AN ADDITIONAL FIVE FEET ADJACENT TO EVERGREEN ROAD IS HEREBY DEDICATED AS PUBLIC ROADS. LOT 24 OF EVERGREEN LOTS BLOCK 2 IS HEREBY DEDICATED TO THE HUMBUG LOT OWNERS AS A COMMON AREA FOR THEIR USE.

SIGNED THIS 13 DAY OF January 1983.
William H. Hulett Dorcas Y. Hulett
WILLIAM H. HULETT DORCAS Y. HULETT

ACKNOWLEDGEMENT

STATE OF Idaho COUNTY OF Boone
ON THIS 13 DAY OF January 1983, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED, DORCAS Y. HULETT, TO ME KNOWN TO BE THE INDIVIDUAL WHO EXECUTED THE FOREGOING OWNERS CERTIFICATE AND ACKNOWLEDGED TO ME THAT SHE SIGNED THE SAME AS HER FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES HEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

Rene M. Wilson NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA, RESIDING AT Boone, Ca. THEREIN.

THE UNDERSIGNED LIENHOLDER HEREBY CONCURS IN THE SUBDIVISION AND RECORDING OF THE PLAT OF HUMBUG TREE FARM AS SHOWN HEREON.

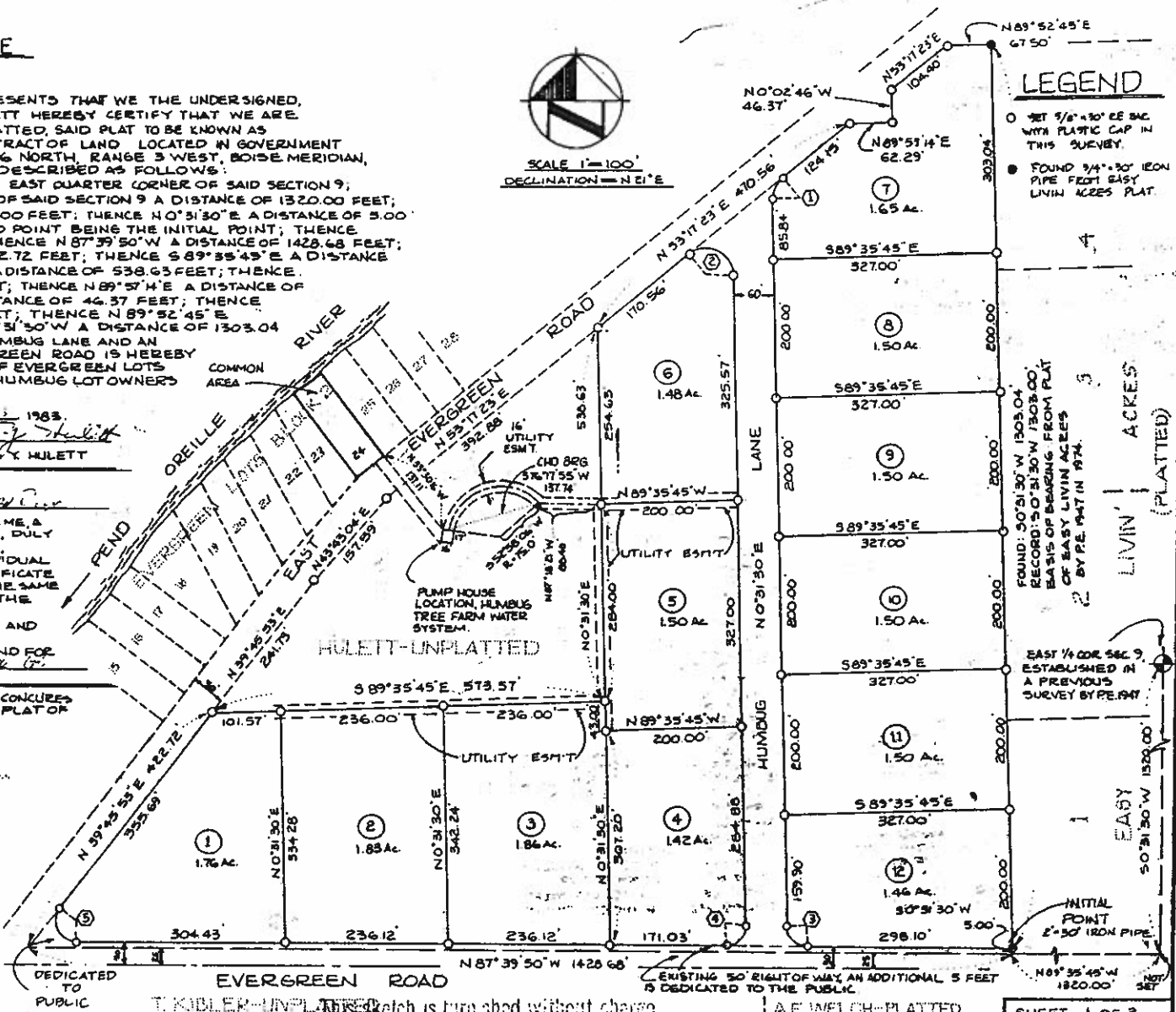
SIGNED THIS 21 DAY OF NOVEMBER 1983.
R. C. Welch

CURVE TABLE

RADIUS	ANGLE	LENGTH	CHORD	CHORD BEARING
10.00	52° 45' 53"	36.81	19.84	38.39° N 26° 54' 27" E
20.00	127° 14' 07"	88.89	80.64	71.67° S 63° 05' 34" E
30.00	88° 11' 20"	46.18	29.07	41.75° N 89° 34' 10" W
40.00	84° 16' 36"	44.39	27.94	40.43° S 46° 25' 30" W
50.00	127° 25' 49"	66.72	60.74	53.80° N 29° 56' 59" W



SCALE 1"=100'
DECLINATION = N 21° E



LEGEND

- SET 1/4 COR. SEC. 9. WITH PLASTIC CAP IN THIS SURVEY.
- FOUND 2 1/2" x 30" IRON PIPE FEET EASY LIVIN' ACRES PLAT

FOUND: S 0° 31' 30" W 1305.04 RECORD: S 0° 31' 30" W 1303.00. BASIS OF BEARING FROM PLAT OF EASY LIVIN' ACRES. 2 BY TYPE 147 IN 1974.

EAST 1/4 COR. SEC. 9. ESTABLISHED IN A PREVIOUS SURVEY BY REAR.

INITIAL POINT 2" x 30" IRON PIPE.

T. KIDLER - UNPLATTED

A.E. WELCH - PLATTED

This sketch is furnished without charge solely for the purpose of assisting in locating said premises and the Company assumes no liability for inaccuracies therein.

28016 96-9444 10

HUMBUG TREE FARM

A TRACT OF LAND LOCATED IN GOVERNMENT LOTS 5 AND 6, SECTION 9, TOWNSHIP
56 NORTH, RANGE 3 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO.

SURVEYORS CERTIFICATE

I HEREBY CERTIFY that the plat of HUMBUG TREE FARM was prepared under my direction and is based upon an actual survey and subdivision of land in the SOUTH 1/2 of Section 9, T56N, R3W, B.M., Bonner County, Idaho, that all lot corners are properly set and that all provisions of applicable state law and local ordinances have been complied with.

Dated this 10th day of November, 1983

Richard C. Trench
LICENSED ENGINEER

ACKNOWLEDGEMENT

State of Idaho
County of Bonner

On this 15 day of Dec., 1983, before me, a notary public in and for the state of Idaho, duly commissioned and sworn, personally appeared,

William H. Hulitt

to me known to be the individuals who executed the foregoing owners certificate and acknowledged to me that they signed the same as their free and voluntary act and deed for the uses and purposes herein mentioned.

WITNESS my hand and official seal the day and year first above written.

Thomas Sommersfeld
NOTARY PUBLIC in and for the
State of Idaho
Residing at Sanford there in.

PLANNING COMMISSION CERTIFICATE

This plat has been examined and approved this 16th day of December, 1983

Richard Hutson
Chairman
Bonner County Planning Commission

COUNTY COMMISSIONER'S CERTIFICATE

This plat has been approved and accepted by the board of county commissioners of Bonner County, Idaho this 12th day of December, 1983.

David Anderson
Chairman
Board of County Commissioners

COUNTY ENGINEER'S CERTIFICATE

This plat has been examined this 15th day of December, 1983, for conformance with the laws relating to the filing of plats.

SIGNED
AND SEALED: John J. Peterson

RESTRICTIONS

These tracts may not be further subdivided without written approval of the planning and zoning coordinator and county commissioners.

COUNTY PLANNING AND ZONING COORDINATOR'S CERTIFICATE

This plat has been examined and approved this 15th day of Dec., 1983.

Paul F. Linsen
COUNTY PLANNING & ZONING COORDINATOR

STATE HEALTH DEPARTMENT'S CERTIFICATE

This plat has been examined and approved this 12th day of Dec., 1983, for conformance with requirements of the State Board of Health.

Robert P. Camp
Idaho State Health Officer.

COUNTY TREASURER'S AFFIDAVIT

I hereby certify that taxes on this plat have been fully paid up to and including the year 1983.

Dated this 15th day of December, 1983.

John H. Hulitt
BONNER COUNTY TREASURER

RECORDERS CERTIFICATE

Filed this 19 day of Dec., 1983, at 11:58 A.M.
in Book 7 of plats at Page 10 at
the request of William H. Hulitt

CLIFFORD D. CHAPIN
COUNTY RECORDER
By J. Roberts, clk



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
Interim Director

September 14, 2009

Betty Nuss
Humbug Treefarm Association
39 E Evergreen Rd.
Sagle, ID 83860

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho

Dear Ms. Nuss:

Enclosed is an electronic version of your application with all of the changes incorporated as we discussed on September 14, 2009. Please review the application and if it meets with your approval have Neil Tietgen and Angelo Lonisero sign and return the document, within the next 30 days so as not to delay processing. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure

COPY