

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 96-09442

Priority: August 28, 2009

Maximum Diversion Rate: 0.04 CFS

This is to certify, that **TERRIE GUTHRIE**
2 EAST SUMMER #1
SPOKANE WA 99202

has applied for a permit to appropriate water from:

Source: PEND OREILLE LAKE

Tributary: PEND OREILLE 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	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

PEND OREILLE LAKE SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7, Twp 57N, Rge 01W, B.M. BONNER County

PEND OREILLE LAKE SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7, Twp 57N, Rge 01W, B.M. BONNER County

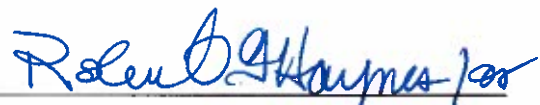
PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N 01W 7			X														

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2012**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. This right does not grant any right-of-way or easement across the land of another.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
7. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

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 3rd day of December, 2009.


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

December 4, 2009

TERRIE GUTHRIE
2 EAST SUMMER #1
SPOKANE WA 99202

RE: Permit No.96-9442

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,


Keith L. Franklin
Sr. Water Resources Agent

Enclosure(s)

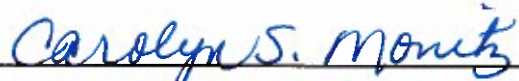
CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2009 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.

96-9442

**TERRIE GUTHRIE
2 EAST SUMMER #1
SPOKANE WA 99202**



**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. # 96-9442 APPLICATION ID # 75904 ENT. ED BCA 10/19/09 OK to Publish 10/19/09
 APPLICANT: TERRIE Guthrie INITIAL REVIEW BY: ED DATE: 8/28/09

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 8-28 By: ED
☐ Field check: by _____
☐ Field report attached
☐ Analysis Supp. Attached (>5cfs/500af)
☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 8/28/09
☒ (Include Moratorium Remark)
☒ Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).
 ADVERTISE IN: BANNER County
 Newspaper: BCDB
 Dates scheduled for publication 10/15 + 22/09
 Affidavit of Publication received: 11/5/09
 Dates actually published: 10/15 + 22/09
 Application published correctly. Yes ☒ No _____
 If not, action taken: _____
 Final Date for Protest: 11/2/09
 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: Eric P. Smith Date: 11/20/2009 Sr. Agent initial E.P.

RECEIVED
NOV 05 2009
IDWR/NORTH

AFFIDAVIT OF PUBLICATION

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.

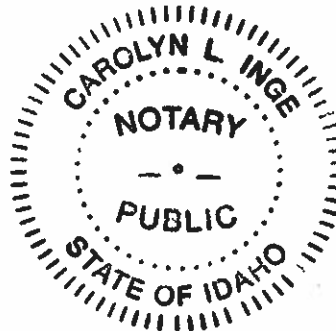
4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 15th day of Oct., 2009, and ending on the 22nd day of Oct., 2009.

Jennifer Albert

State of Idaho, county of Bonner ss.

On this 22 day of Oct, in the year of 2009, 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
NOV 05 2009
IDWR / NORTH

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

96-9439

ATKINSON TRUST

PO BOX 1282

SANDPOINT, ID 83864

Point of Diversion NESE S17 T57N R02W BONNER County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31 0.01 CFS

Total Diversion: 0.01 CFS

Date Filed: 8/10/2009

Place Of Use: DOMESTIC T57N R02W S17 NESE

Remarks: Domestic use is for a 4-plex.

96-9440

BRAD GOLPHENEE

389 UPLAND DR

SANDPOINT, ID 83864

Point of Diversion NENW S20 T57N R02W BONNER County

Source UNNAMED STREAM tributary to CHUCK'S SLOUGH

Use: IRRIGATION 03/15 to 11/15 0.12 CFS

Use: IRRIGATION STORAGE 03/15 to 11/15 19 AF

Use: IRRIGATION FROM STORAGE 03/15 to 11/15 18 AF

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

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 2 AF

Use: AESTHETIC 01/01 to 12/31 0.12 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 2 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.2 CFS

0.2 CFS 19 AF

Total Diversion: 0.2 CFS 19 AF

Date Filed: 8/13/2009

Place Of Use: DIVERSION TO STORAGE

T57N R02W S20 NENW

Place Of Use: IRRIGATION

T57N R02W S20 NWNE NENW

Place Of Use: All other uses same as IRRIGATION

Total Acres: 6

96-9441

FRED OMODT

OMODT PATTY

488 SHINGEE MILL RD

SANDPOINT, ID 83864

Point of Diversion L7(NWNE) S6 T57N R01W BONNER

County

Source BOYER SLOUGH tributary to PEND OREILLE LAKE

Use: IRRIGATION 04/01 to 10/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 8/13/2009

Place Of Use: IRRIGATION T57N R01W S6 L7(NWNE)

Total Acres: 10

96-9442

TERRIE GUTHRIE

2 EAST SUMMER #1

SPOKANE, WA 99202

Points of Diversion(2) SWNE S7 T57N R01W BONNER

County

Source PEND OREILLE LAKE tributary to COLUMBIA

RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 8/28/2009

Place Of Use: DOMESTIC T57N R01W S7 SWNE

Remarks: 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 § 42-211.

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 11/2/2009. The protestant must also send a copy

of the protest to the applicant.

GARY SPACKMAN, Interim Director

SNP Legal 11139

October 15, 22, 2009



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

*Please Fax or e-mail proof/preview copy to me before this goes to press.
Fax (208) 762-2819 ~ e-mail dianne.ball@idwr.idaho.gov
Thanks, Dianne*

October 10, 2009

SHERI JONES
LEGAL NOTICE DEPARTMENT
BONNER COUNTY DAILY BEE
PO BOX 159
SANDPOINT, ID 83864

RE: Application For Permit No(s) 96-9439, 96-9440, 96-9441 and 96-9442

Dear Sheri:

Please publish the enclosed legal notice on the dates indicated, October 15 and 22, 2009, (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 11/2/2009. Your cooperation is always greatly appreciated.

Thanks for all your super help!

Sincerely,

Dianne

Dianne Ball
Administrative Assistant

Enclosure(s)

Ball, Dianne

From: Ball, Dianne
Sent: Saturday, October 10, 2009 12:08 PM
To: Legal Notices-Bonner Co Daily Bee-Sheri Jones; Legal Notices-Bonner Co Daily Bee2 - Sheri Jones
Subject: Legal notice for publication Oct. 15 and 22, 2009
Attachments: CoverLetter 10-10-09 BCDB e-mail 96-9439,40,41,42.doc; LegalNotice 10-10-09 BCDB e-mail 96-9439,40,41,42.doc

Good day to you, Sheri,

Attached is our cover letter requesting publication of a legal notice on Oct. 15 and 22, 2009. The legal notice is also attached.

If you have ANY quesitons, please call me.

Also, please send proof/preview copy for my review before this goes to press, just in case we need a minor layout adjustment.

Thanks for all your wonderful help.



CoverLetter
10-10-09 BCDB e-ma.



LegalNotice
10-10-09 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

October 10, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

TERRIE GUTHRIE
2 EAST SUMMER #1
SPOKANE, WA 99202

Application For Permit No. 96-9442

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 10/15/2009 and 10/22/2009. 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,

Eric J. Davis
Sr. Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Saturday, October 10, 2009 12:29 PM
To: mary.terra-berns@idfg.idaho.gov
Subject: RE: Application for Permit No. 96-9440, 9441 and 9442

Attachments: 96-9440 Golphenee.pdf; 96-9441 Omodt.pdf; 96-9442 Guthrie.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 the applications enclosed for your reference, and available on our website under Search Tools by entering the Permit Number(s).



96-9440
phenee.pdf (384 KB)



96-9441 Omodt.pdf
(303 KB)



96-9442
Guthrie.pdf (399 KB)

Final date for protests November 2.

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
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819