

To appropriate the public water of the State of Idaho

RECEIVED
AUG - 3 2009
IDWR/North

- [illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

PLACE OF USE: POWER FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
57N 01W 34	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	X																

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

SMALL HYDROPOWER SYSTEM FOR DOMESTIC USE IN OFF GRID HOME.

11. Map of proposed point of diversion and place of use attached? [X]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

6/5/09

Applicant

Received by _____ Date 8/3/09 Time _____ Preliminary check by _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

Receipt No. N020827

Date: 6/5/09

Received by: Cm

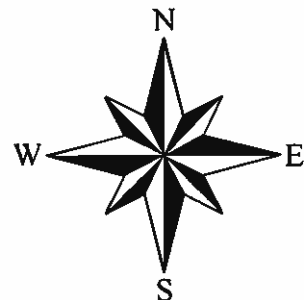
96-9438



0 205 410 820 1,230 1,640 Feet

Legend

-  workingpod
-  workingpou
-  QQ
-  Taxlots



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AFFIDAVIT FOR WATER RIGHTS TO BE USED FOR POWER PURPOSES

RECEIVED

JUN - 5 2009

IDWR/North

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or Individual Members of a Partnership:

I, James W. Akers of Sagle,
(name) (city)
County of Bonner, State of Idaho, being duly sworn, do hereby
certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, _____ of _____,
(name) (city)
County of _____, State of Idaho, being duly sworn, depose and
say: That I am the designated registered agent of the _____
_____ that as such I am in charge of the registered office of the said
(name of corporation)
corporation as required by Section 30-1-12, **Idaho Code**, at _____
(city)
Idaho, wherein are kept the corporate records required by Section 30-1-52, **Idaho Code**; and that _____
_____ is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)
of the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for Permit:

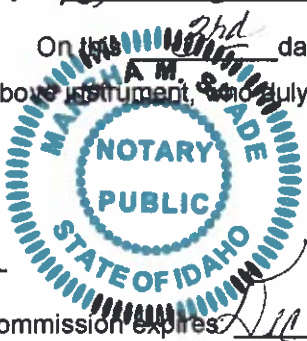
(check one)

- ☐ Will **not** utilize existing man-made irrigation facilities such as a dam or a canal.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
- ☒ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner is the signee of this affidavit.

Applicant James W. Akers

STATE OF IDAHO)
County of Bonner) ss

On this 2nd day of June, 2009, personally appeared before me the signer(s) of
the above instrument and duly acknowledged to me that he (she) (they) executed the same.

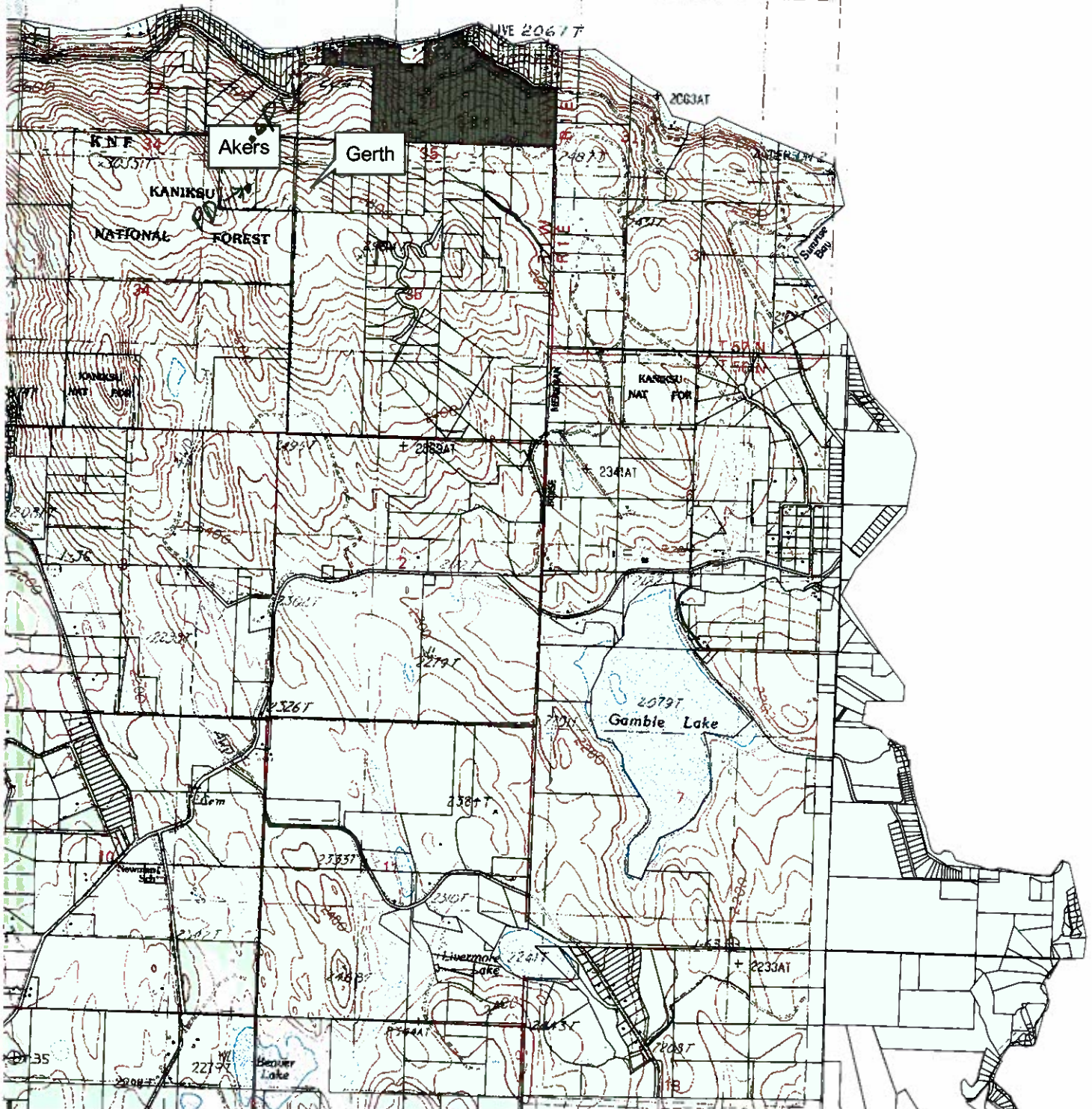


Marsha M. Spate
Notary Public residing at
Dundreant

SEAL

My commission expires

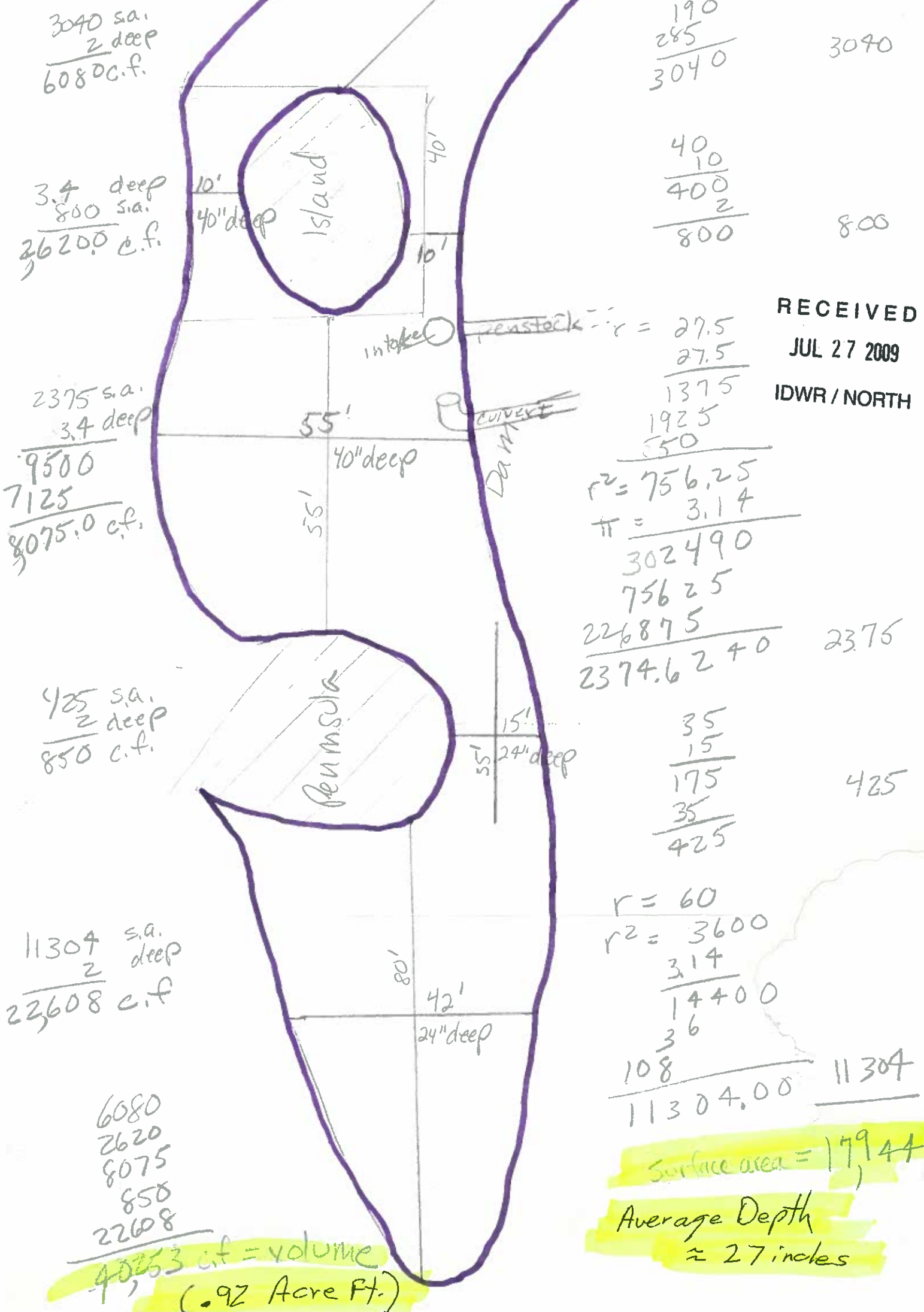
December 14, 2012

+ Mile
125 $7 \frac{123}{123}$ 

AKLRS/GERTH
Seasonal pond



Elevation
of
spillway
at top of
culvert.



RECEIVED
JUL 27 2009
IDWR / NORTH

23 July, 2009

Keith E. Franklin
Department of Water Resources
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

RECEIVED

JUL 27 2009

IDWR/NORTH

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

Dear Mr. Franklin,

First, please pardon my tardiness in getting back with the data you requested about our seasonal pond. Suffice it to say it's been a busy early summer!

Please find enclosed a sketch of said pond, with calculations, and the specific data you requested, ie. approximate total area, and approximate average depth. Those data are highlighted in yellow. They are 17,944 sq. ft. and 27 inches, respectively. This yields a total volume of approximately .92 acre-feet. As you can see from the sketch, the shape of the pond is quite irregular, but we (my wife Nancy and I) broke it up into more manageable shapes to achieve the the final numbers.

Best regards, and thank you for your attention,



James Akers
5046 Eureka Rd.
Sagle, ID 83860



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

DAVID R. TUTHILL, JR.
Director

June 12, 2009

James W. Akers
5046 Eureka Rd
Sagle, ID 83860-8839

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

Dear Mr. Akers:

The Idaho Department of Water Resources is in receipt of your application, however it is not in a form that can be processed. Hydroelectric and storage components can be quite complicated when developing an application. I suggest you give me a call to set up an appointment where we can go over your request to make sure the application is correct. I can be reached at 208-762-2800.

Thank you.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

COPY



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

July 28, 2009

James Akers
5046 Eureka Rd
Sagle, ID 83860-8839

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

Dear Mr. Akers:

From the additional information your sent I developed an electronic version of the application that has incorporated within several needed changes.

The Power Storage was calculated as follows;

1. Pond size	1 AF
2. Yearly evaporation	2.6 AF
3. Seepage Instream pond, no seepage	0 AF
4. Power	5 AF
Total	8.6 AF

Please review the application and if it meets with your approval, sign and return the document to me 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(s)

COPY

Ball, Dianne

From: Ball, Dianne
Sent: Monday, August 17, 2009 3:11 PM
To: jbrady@idl.idaho.gov
Subject: Agency Comment Request.doc

Attachments: Agency Comment Request.doc; 96-9438 Akers.pdf

Good afternoon, Jim,

I'm not sure if you want this one or not - but because it's trib to Lake Pend Oreille I thought you might.

Attached is our letter requesting your comments, together with copy of the application for WR App 96-9437 - Fishback.

Please respond to Keith on this one.



Agency Comment
Request.doc (31...



96-9438 Akers.pdf
(145 KB)

Thanks,

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

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 17, 2009

JIM BRADY, SR. RESOURCE SPECIALIST
IDAHO DEPARTMENT OF LANDS
PEND OREILLE SUPERVISORY AREA
2550 HWY 2 W
SANDPOINT ID 83864-7307

Re: Water Permit Application No. 96-9438 – Akers

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 follows for your reference.

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 by sending a copy of your protest to the applicant. This will be scheduled for publication on August 20 and 27, 2009, in the Bonner County Daily Bee.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **September 8, 2009**. That is also the final date for protest to be received in our office.

If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 762-2819, or by e-mail to Keith.Franklin@idwr.idaho.gov.

We request that you send a copy of your comments regarding, and/or notice that you intend to protest this application to the applicant as well as to our office.

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

Sincerely,

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Monday, August 17, 2009 3:05 PM
To: mary.terra-berns@idfg.idaho.gov
Subject: Agency Comment Request re WR App 96-9438 - Akers

Attachments: Agency Comment Request.doc; 96-9438 Akers.pdf

Good afternoon,

Attached is our letter requesting your comments, together with copy of the application for WR App 96-9438 - Akers

Please respond to Keith on this one, also.



Agency Comment
Request.doc (31...



96-9438 Akers.pdf
(145 KB)

Thanks,

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 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 17, 2009

MARY TERRA-BERNS
IDAHO DEPARTMENT OF FISH AND GAME
2885 W KATHLEEN AVE.
COEUR D'ALENE, ID 83815

Re: Water Permit Application No. 96-9438 – Akers

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 follows for your reference.

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

Sincerely,

Dianne

Dianne Ball
Administrative Assistant



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

August 17, 2009

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

JAMES W AKERS
5046 EUREKA RD
SAGLE, ID 83860-8839

Application For Permit No. 96-9438

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 August 20 and 27, 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.

Sincerely,

Keith E. Franklin
Administrative Assistant

Enclosure(s) – Receipt No. N020827

Ball, Dianne

From: Ball, Dianne
Sent: Monday, August 17, 2009 4:28 PM
To: Legal Notices-Bonner Co Daily Bee-Sheri Jones
Subject: LegalNotice 08-17-09 BCDB e-mail 95-10939, 96-9436,37,38.doc for publication 8/20 and 27, 2009

Attachments: LegalNotice 08-17-09 BCDB e-mail 95-10939, 96-9436,37,38.doc; CoverLetter 08-17-09 BCDB 95-10939, 95-9436,37,38.doc

Hi, Sheri - just under the wire - with request to publish August 20 and 27, 2009.

Any questions, call me in the morning - have to run now to get to the bank.



LegalNotice
3-17-09 BCDB e-ma.



CoverLetter
8-17-09 BCDB 95-1.

Thanks bunches -

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

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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*

August 17, 2009

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

RE: Application For Permit No.: 95-10939, 96-9436,37 AND 38

Dear Sheri,

Please publish the enclosed legal notice on the dates indicated, August 20 and 27, 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 9/14/2009. Your cooperation is ever so much appreciated.

Sincerely,

Dianne

Dianne Ball
Administrative Assistant

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

95-10939

TIMOTHY TOPE
BEVERLY JOAN TOPE
132 SUNSET RD
ATHOL, ID 83801

Point of Diversion SESW S18 T54N R02W BONNER CO
Source CAREYWOOD CREEK tributary to SINKS
Point of Diversion(2) SWSE S18 T54N R02W BONNER CO
Source CAREYWOOD CREEK tributary to SINKS

Use: IRRIGATION	04/01 to 10/31	0.5 CFS
Use: IRRIGATION STORAGE	01/01 to 12/31	81.2 AF
Use: IRRIGATION FROM STORAGE	04/01 to 10/31	75 AF
Use: WILDLIFE STORAGE	01/01 to 12/31	6.2 AF
Use: RECREATION STORAGE	01/01 to 12/31	6.2 AF
Use: FIRE PROTECTION STORAGE	01/01 to 12/31	6.2 AF
Use: DIVERSION TO STORAGE	01/01 to 12/31	1 CFS
Total Diversion:	1 CFS	81.2 AF

Date Filed: 8/3/2009

Place Of Use: DIVERSION TO STORAGE
T54N R02W S18 SWSE SESW

Place Of Use: IRRIGATION T54N R02W S18 SWSE SESW

Place Of Use: All other uses same as IRRIGATION

Total acres 25

96-9436

LIAM THOMAS FITZGERALD
PAMELA HANSEN
PO BOX 920049

SNOWBIRD, UT 84092

Point of Diversion SWNW S8 T56N R01E BONNER CO
Source PEND OREILLE LK tributary to PEND OREILLE RVR

Use: DOMESTIC	01/01 to 12/31	0.02 CFS
Total Diversion:		0.02 CFS

Date Filed: 6/30/2009

Place Of Use: DOMESTIC T56N R01E S8 SWNW

Domestic use is for 1 home.

96-9437

JAMES FISHBACK
ANNETTE FISHBACK
PO BOX 2163
SANDPOINT, ID 83864

Point of Diversion NWSW S25 T58N R01W BONNER CO
Source LOST LAKE tributary to UNNAMED STREAM

Use: IRRIGATION	04/01 to 10/31	0.15 CFS
Use: IRRIGATION STORAGE	01/01 to 12/31	20 AF
Use: IRRIGATION FROM STORAGE	04/01 to 10/31	15 AF
Use: FIRE PROTECTION	01/01 to 12/31	0.15 CFS
Use: FIRE PROTECTION STORAGE	01/01 to 12/31	5 AF
Use: DIVERSION TO STORAGE	01/01 to 12/31	0.15 CFS
Total Diversion:	0.15 CF	20 AF

Date Filed: 7/21/2009

Place Of Use: DIVERSION TO STORAGE
T58N R01W S25 NWSW

Place Of Use: IRRIGATION
T58N R01W S25 NWSW

Place Of Use: All other uses same as IRRIGATION

Place Of Use: All other uses same as IRRIGATION

Total acres 5

96-9438

JAMES W AKERS
5046 EUREKA RD
SAGLE, ID 83860-8839

Point of Diversion NENE S34 T57N R01W BONNER CO
Source UNNAMED STREAM tributary to LK PEND OREILLE

Use: POWER STORAGE	01/01 to 12/31	8.6 AF
Use: POWER FROM STORAGE	01/01 to 12/31	5 AF

Total Diversion 8.6 AF

Date Filed: 6/5/2009

Place Of Use: POWER STORAGE T57N R01W S34 NENE

Place Of Use: POWER FROM STORAGE

T57N R01W S34 NENE

Small hydropower system for domestic use in off-grid home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

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 9/8/2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published 8/20, 27, 2009