

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

W.R. # 95-10985

APPLICATION ID # 75844

ENT. ED

BCA 10/19

OK to Publish 10/15/09

APPLICANT: Floyd A Darnen

INITIAL REVIEW

BY: ED

DATE: 8/13/2009

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)

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

ADDITIONAL INFORMATION

(Yes)(No)

- ☒ Shape File Created Date 8-13-09 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: 8/13/2009

☒
 ☒

(Include Moratorium Remark)

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

ADVERTISE IN:

Newspaper: Chamberlain County

Dates scheduled for publication 11/5+12/09

Affidavit of Publication received: 11/16/09

Dates actually published: 11/5 & 12/09

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 11/23

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: Water District 95A & fish screen 1/2 inch
- ☐ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: John Darnen

Date: 12/15/2009 Sr. Agent initial ED

RECEIVED
AFFIDAVIT OF PUBLICATION

NOV 16 2009

STATE OF IDAHO,
County of Kootenai,

} ss.

IDWR / NORTH

Kelli Builey being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

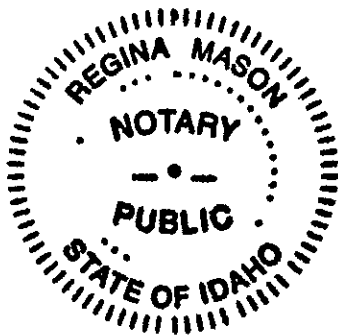
of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 5 day of November 2009, and ending on the 12 day of November 2009, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Kelli Builey. On this 12 day of November in the year of 2009, before me, a Notary Public, personally appeared Kelli Builey, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Regina Mason
Notary Public for the State of Idaho,

residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/15



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

94-7522
THOMAS G COLLINS
34714 S HWY 3
ST MARIES, ID 83861
Point of Diversion L4(NWNW) S5 T47N R02W KOOTENAI CO
Source CAVE LAKE tributary to Coeur d'Alene River
Use: IRRIGATION 03/15 to 10/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 8/10/2009
Place Of Use: IRRIGATION T47N R02W S5 L4(NWNW)
Total Acres: 2
95-10970
CHRIS KRAFT
LINDA KRAFT
5173 E HUDLOW RD
HAYDEN, ID 83835-7758
Point of Diversion SESWNE S29 T52N R03W KOOTENAI County
Source SPRING tributary to UNNAMED STREAM
Point of Diversion SWNE S29 T52N R03W KOOTENAI County
Source UNNAMED STREAM tributary to UNNAMED STREAM
Use: IRRIGATION 03/15 to 11/15 0.2 CFS
Use: IRRIGATION STORAGE 01/01 to 12/31 34.4 AF
Use: IRRIGATION FROM STORAGE 03/15 to 11/15 30 AF
Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS
Use: FIRE PROTECTION STORAGE 01/01 to 12/31 4.4 AF
Total Diversion: 0.2 CFS 34.4 AF

Date Filed: 8/7/2009
Place Of Use: IRRIGATION T52N R03W S29 SWNE
Place Of Use: All other uses same as IRRIGATION
Total Acres: 10
95-10980
BRADFORD H BODLEY
19709 27TH AVE NW
SEATTLE, WA 98177
Point of Diversion L3(SWNE) S15 T51N R03W KOOTENAI County
Source HAYDEN LAKE tributary to SINKS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 8/17/2009
Place Of Use: DOMESTIC T51N R03W S15 L3(SWNE)
Domestic use is for 1 home.
95-10981
JOHN L ANDREWS
DEBRA L ANDREWS
132 OAKVIEW DR
CRANBERRY TWP, PA 16066
Point of Diversion L5(SWNW) S5 T52N R04W KOOTENAI County
Source TWIN LAKES tributary to Rathdrum Creek
Use: IRRIGATION 03/15 to 11/15 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 8/12/2009
Place Of Use: IRRIGATION T52N R04W S5 L5(SWNW)
Total Acres: 1
95-10984
FRANZ VISOUL
DIANE VISOUL
2304 E VENTURE TRAIL
HARRISON, ID 83833
Point of Diversion SWNW S29 T49N R03W KOOTENAI County
Source UNNAMED STREAM tributary to TURNER CREEK
Use: IRRIGATION 03/15 to 11/15 0.03 CFS
Use: IRRIGATION STORAGE 01/01 to 12/31 6.7 AF
Use: IRRIGATION FROM STORAGE 03/15 to 11/15 3 AF
Use: WILDLIFE 01/01 to 12/31 0.03 CFS
Use: WILDLIFE STORAGE 01/01 to 12/31 3.7 AF
Use: RECREATION 01/01 to 12/31 0.03 CFS
Use: RECREATION STORAGE 01/01 to 12/31 3.7 AF
Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS
Use: FIRE PROTECTION STORAGE 01/01 to 12/31 3.7 AF
Use: AESTHETIC 01/01 to 12/31 0.03 CFS
Use: AESTHETIC STORAGE 01/01 to 12/31 3.7 AF
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS 6.7 AF

Date Filed: 8/20/2009
Place Of Use: IRRIGATION T49N R03W S29 SWNW
Place Of Use: All other uses same as IRRIGATION
Total Acres: 1
Recreational use is for swimming and fishing
95-10985
FLOYD A DAMON
316 W HIGH DR
SPOKANE, WA 99203
Point of Diversion L2(SENE) S15 T51N R03W KOOTENAI County
Source HAYDEN LAKE tributary to SINKS
Use: IRRIGATION 03/15 to 11/15 0.06 CFS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.06 CFS

Date Filed: 8/13/2009
Place Of Use: DOMESTIC T51N R03W S15 L2(SENE)
Place Of Use: IRRIGATION same as DOMESTIC
Total Acres: 2
Domestic use is for 1 home.
95-10991
TERRY J HORNICK
30072 HORNICK LN
SPIRIT LAKE, ID 83869
Point of Diversion L2(NWSW) S8 T53N R04W KOOTENAI County
Source SPIRIT LAKE tributary to SPIRIT CREEK
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 8/14/2009
Place Of Use: DOMESTIC T53N R04W S8 L2(NWSW)
Domestic use is for 1 home.
95-10992
UPPER COLUMBIA CORPORATION OF SEVENTH DAY ADVENTISTS
PO BOX 19039
SPOKANE, WA 99219-0039
Point of Diversion L4(SENW) S11 T51N R03W KOOTENAI County
Source HAYDEN LAKE tributary to SINKS
Use: IRRIGATION 04/01 to 10/31 0.7 CFS
Use: IRRIGATION STORAGE 01/01 to 12/31 116.5 AF
Use: IRRIGATION FROM STORAGE 04/01 to 10/31 105 AF
Use: FIRE PROTECTION 01/01 to 12/31 0.7 CFS
Use: FIRE PROTECTION STORAGE 01/01 to 12/31 11.5 AF
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.7 CFS
Total Diversion: 0.7 CFS 116.5 AF

Date Filed: 7/23/2009
Place Of Use: DIVERSION TO STORAGE
T51N R03W S11 L4(SENW)
Place Of Use: FIRE PROTECTION STORAGE
T51N R03W S11 NWSE
Place Of Use: IRRIGATION STORAGE T51N R03W S11 NWSE
Place Of Use: IRRIGATION and IRRIGATION FROM STORAGE
T51N R03W S11 L4(SENW) L6(NESW) NWSE
Place Of Use: FIRE PROTECTION same as IRRIGATION
T51N R03W S11 L4(SENW) L6(NESW) NWSE
Total Acres: 35
95-11008
WILLIAM J BAIER
578 CLERMONT DR
RICHLAND, WA 99352
Point of Diversion L6(NESE) S18 T53N R04W KOOTENAI County
Source SPIRIT LAKE tributary to SPIRIT CREEK
Use: DOMESTIC 01/01 to 12/31 0.01 CFS
Total Diversion: 0.01 CFS

Date Filed: 8/13/2009
Place Of Use: DOMESTIC T53N R04W S18 L6(NESE)
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 11/23/2009. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Interim Director
Legal 8172
November 5, 12, 2009

RECEIVED
NOV 16 2009
IDWR / NORTH

Ball, Dianne

From: Carl Washburn [cwashburn@idl.idaho.gov]
Sent: Tuesday, November 03, 2009 1:02 PM
To: Ball, Dianne
Subject: RE: Application for Permit No. 95-10985

Go on computer
b

Dianne,

Application 95-10985 will require an encroachment permit from IDL for the water line encroachment into Hayden Lake. Please term you permit stating a permit is required from the Department of Lands prior to installing the water intake line. The Mica Area will forward a letter to the applicant advising them that a permit is needed.

Thank you for the opportunity to offer comments.

Carl

From: Ball, Dianne [mailto:Dianne.Ball@idwr.idaho.gov]
Sent: Thursday, October 15, 2009 3:35 PM
To: Carl Washburn
Subject: RE: Application for Permit No. 95-10985

Dear Carl:

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

<<95-10985 Damon.pdf>>

Scheduled to publish 11/5 and 12/2009 with final date for protests to be received in our office Nov. 23, 2009.

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.

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

11/3/2009



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

January 7, 2010

FLOYD A DAMON
316 W HIGH DR
SPOKANE WA 99203

RE: Permit No.95-10985

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

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

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

Sincerely,

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

Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

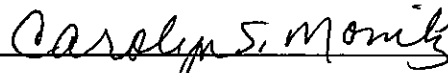
CERTIFICATE OF SERVICE

I hereby certify that on 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.

95-10985

**FLOYD A DAMON
316 W HIGH DR
SPOKANE WA 99203**

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

**Carolyn S. Monitz
Technical Records Clerk**

Statement of Available Procedures and Applicable Time Limits

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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