

Ident. No. 96-943775766

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JUL 21 2009

IDWR/North

To appropriate the public waters of the State of Idaho

- Name of Applicant James Fishback and/or Annette Fishback Phone (208) 263-9336
Mailing address P.O. Box 2163 Sandpoint, Id. 83864 Email afishback@SANDPOINT.NET
- Source of water supply Lost Lake which is a tributary of Unnamed Stream
- Location of point of diversion is Township 58N Range 1W Sec. 25, in the NW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot N/A, B.M., Bonner County;
additional points of diversion if any: None
- Water will be used for the following purposes:

Amount <u>0.15</u> (cfs or acre-feet per year)	for <u>Div. to Storage</u>	purposes from <u>1-1</u> to <u>12-31</u>	(both dates inclusive)
Amount <u>0.15</u> (cfs or acre-feet per year)	for <u>IRRIGATION</u>	purposes from <u>4/1</u> to <u>11/15</u>	(both dates inclusive)
Amount <u>220</u> (cfs or acre-feet per year)	for <u>IRRIGATION STORAGE</u>	purposes from <u>1/1</u> to <u>12/31</u>	(both dates inclusive)
Amount <u>15</u> (cfs or acre-feet per year)	for <u>IRRIGATION FROM STORAGE</u>	purposes from <u>4/1</u> to <u>11/15</u>	(both dates inclusive)
Amount <u>0.15</u> (cfs or acre-feet per year)	for <u>FIRE PROTECTION</u>	purposes from <u>1/1</u> to <u>12/31</u>	(both dates inclusive)
Amount <u>5</u> (cfs or acre-feet per year)	for <u>FIRE PROTECTION STORAGE</u>	purposes from <u>1/1</u> to <u>12/31</u>	(both dates inclusive)
- Total quantity to be appropriated is (a) 0.15 cubic feet per second and/or (b) 20 acre feet per year
- Proposed diverting works:
 - Describe type and size of devices used to divert water from the source 1 1/2 horse power pump
 - Height of storage dam 9 ft. feet; active reservoir capacity 2 acre-feet;
total reservoir capacity 2 Acre acre-feet
 - Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - Is ground water with a temperature of greater than 85°F being sought? _____
 - If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
- Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)
- Description of proposed uses (if irrigation only, go to item 9):
 - Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. _____
 - Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
S8N	1W	2S										5							5
												F							

Total number of acres to be irrigated: 5

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? None

11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. _____

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Annette Fishback
Signature of Applicant

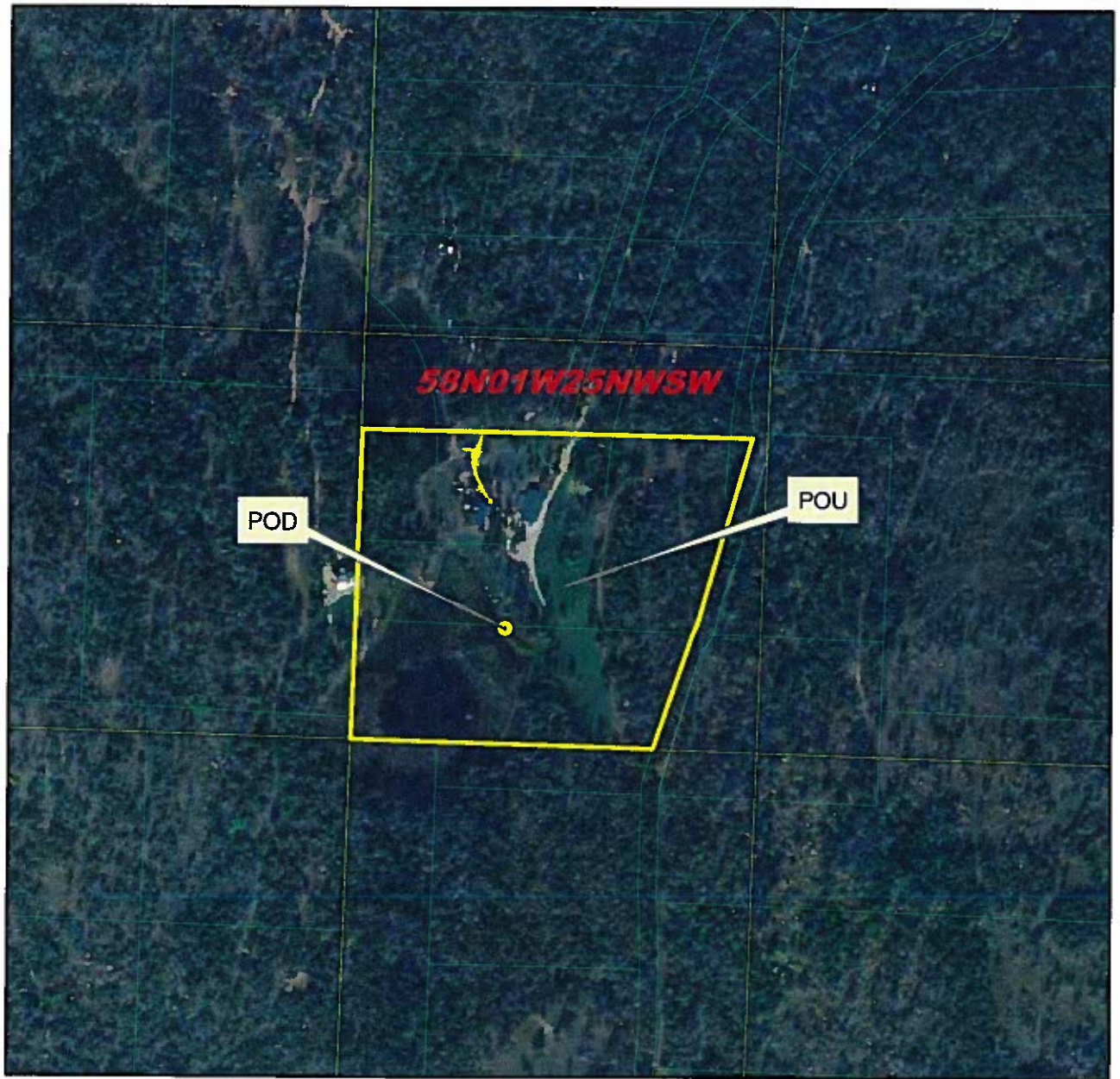
Annette Fishback
Print Name (and title, if applicable)

For Department Use:

Received by KSD Date 7/21/09 Time 11:00 AM Preliminary check by _____

Fee \$ 100 Receipted by KSD Receipt No. ND21463 Date 7/21/09

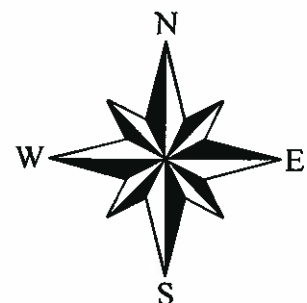
96-9437

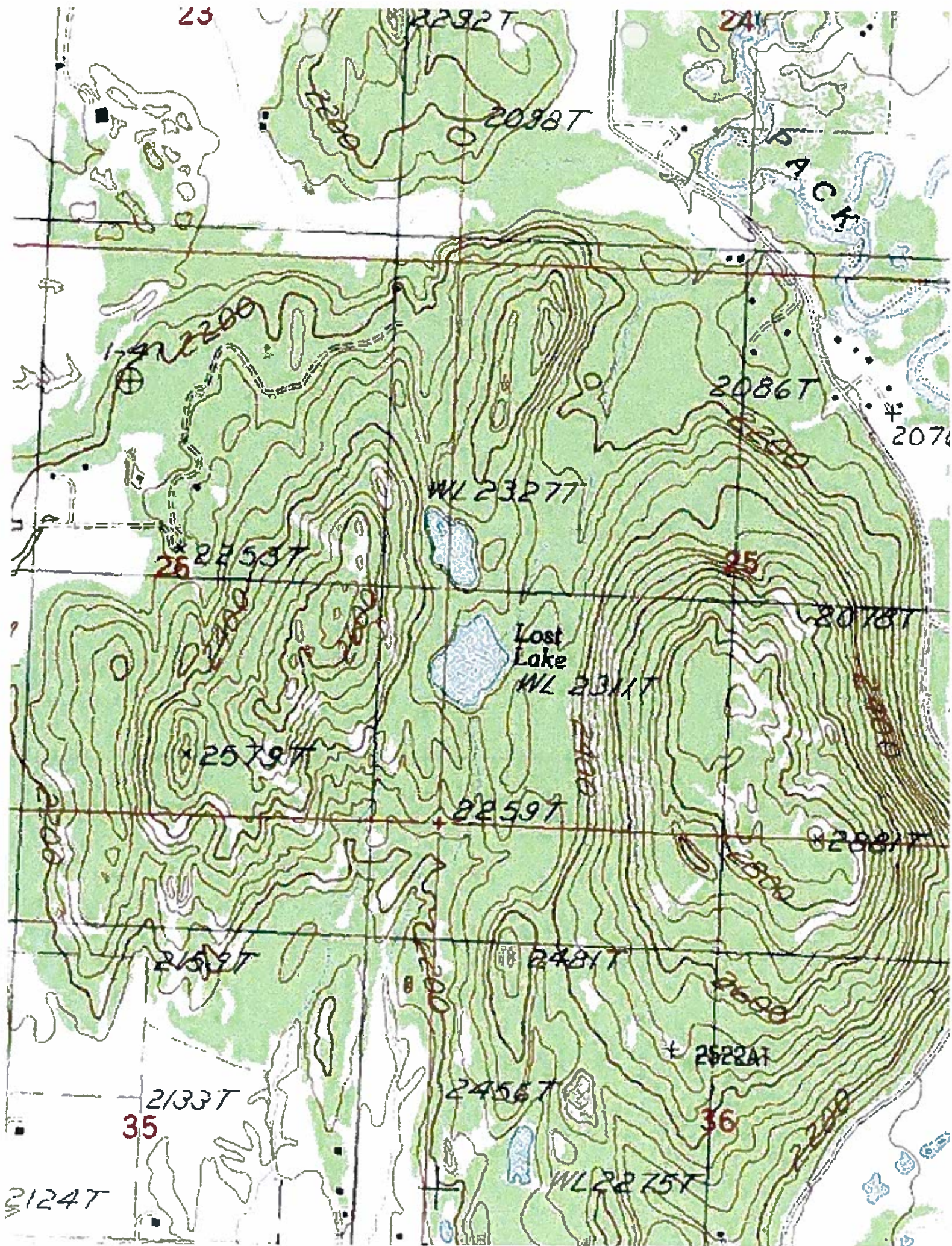


0 220 440 880 1,320 1,760 Feet

Legend

- workingpod
- workingpou
- QQ
- Taxlots





T58N
RIW

26 25



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 23, 2009

James Fishback
Annette Fishback
PO Box 2163
Sandpoint, ID 83864

RE: Notice of Violation of Water for Irrigation Purposes, Violation of Idaho Code §§ 42-351 and 42-1701B.

Dear Mr. and Mrs. Fishback:

The Idaho Department of Water Resources (IDWR) has determined that you are without authority diverting water from Lost Lake, for irrigation purposes, which is in violation of Idaho Code § 42-351. The violation is associated with the irrigation of approximately 5 acres of a recreational golf course located within the NW¼ of the SW¼ of Section 25, Township 58 North, Range 1 West, Boise Meridian.

Under Idaho Code § 42-1701B, the director of IDWR may commence an administrative enforcement action to obtain a civil penalty for irrigation uses equal to three hundred dollars (\$300.00) annually for each acre irrigated, in whole or in part, by the unauthorized use of diversion.

Pursuant to Idaho Code § 42-1701B, IDWR requires that the following action be taken immediately:

1. File an application for permit with IDWR for the above said purpose of use.

If you object to any provision in this notice, you have the opportunity to schedule a compliance conference to discuss the violation with IDWR. Your written request must be received at this office within fourteen (14) days of receipt of this notice. Failure to comply with the requirements of this notice will be cause for IDWR to initiate a civil enforcement action through the Attorney General in district court.

Please contact me or Keith Franklin of my staff at 208-762-2800 if you have any questions regarding this matter.

Sincerely,

Robert G Haynes
Regional Manager

COPY

July 24, 2009

MEMO TO: JAMES AND ANNETTE FISHBACK
FROM: KEITH FRANKLIN
SUBJECT: NOTICE OF VIOLATION

AS WE DISCUSSED, ATTACHED IS THE NOTICE OF VIOLATION AND THE ACTION THAT NEEDS TO BE TAKEN. YOU HAVE SATISFIED THE ACTION BY FILING THE APPLICATION FOR PERMIT, SO THERE IS NOTHING MORE FOR YOU TO DO AT THIS TIME. I'VE PROCESSED YOUR APPLICATION AND HAVE SENT IT TO THE PERSON WHO DOES THE ADVERTISING, SO YOU WILL BE GETTING A NOTICE ON WHEN AND WHERE IT WILL BE ADVERTISED. I'VE ALSO ATTACHED A COPY OF YOUR RECEIPT FOR THE APPLICATION FOR PERMIT.

IF YOU HAVE ANY QUESTIONS, FEEL FREE TO CALL.

Fishback

WP # 32

POD, N48°20' E 1.8

W 116°24' E 7.7

Estimated Pond Size 3 48' x 238' x 6' = 1.90 AC

0.15 cfs Div. To Storage

0.15 cfs Irrigation (SAC x 0.03 cfs/AC)

20 AF Irrigation Storage a) Pond Size 2 AF

b) Evap. 3 AF

c) Seepage 0 (instream)

d) Irrig. 15 AF

Total 20 AF

15 AF Irr. from Storage (SAC x 3 AF/AC)

0.15 cfs Fire Protection

5 AF Fire Protection Storage a) Pond Size 2 AF

b) Evap. 3 AF

c) Seepage 0

Total 5 AF

Ball, Dianne

From: Ball, Dianne
Sent: Monday, August 17, 2009 2:56 PM
To: mary.terra-berns@idfg.idaho.gov
Subject: Agency Comment Request for WR App 96-9437 Fishback
Attachments: Agency Comment Request.doc; 96-9437 Fishback.pdf

Good afternoon,

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, also.



Agency Comment
Request.doc (31...



96-9437
ishback.pdf (241 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

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

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. 96-9437

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



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 FISHBACK
ANNETTE FISHBACK
PO BOX 2163
SANDPOINT, ID 83864

Application For Permit No. 96-9437

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,

A handwritten signature in black ink, appearing to read 'Keith E. Franklin'.

Keith E. Franklin
Administrative Assistant

Enclosure(s) – Receipt No. N021463

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

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

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

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