

75694

Ident. No. 96-9435

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JUN 22 2003

8 IDWR/North
284 5602

1. Name of Applicant Baker Exempt Trust Phone 208 284 5602
Mailing address 8216 Lankershim Blvd. #3 North Hollywood, CA 91603 Email stu@eiglerconsulting.com
2. Source of water supply Lake Pend Oreille which is a tributary of Pend Oreille River
3. Location of point of diversion is Township 56N Range 1E Sec. 1, in the SW $\frac{1}{4}$,
SE $\frac{1}{4}$, Govt. Lot 7, B.M., Bonner County;
additional points of diversion if any: Green's Addition Lot 3 AKA 31 Bass Lane, Hope, ID 83836
4. Water will be used for the following purposes:
- Amount .05 CFS for Irrigation purposes from Apr 1 to Oct 31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount .2 CFS for Fire Protection purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) .2 cfs. and/or (b) _____
cubic feet per second acre feet per year
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source 1 1/2" Flex hose to 1 1/2 hp pump for irrigation, 2 1/2" Flex hose to 5hp pump for Fire Protection
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Fire Protection - One pump to two hydrants with 2" 100 foot hoses to 2 buildings

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	
56N	1E	1															1.5	.25	1.5
56N	1E	1															F	F	

Total number of acres to be irrigated: 1.75

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? Domestic water supplied by a private water system established for Green's Addition

11. a. Who owns the property at the point of diversion? Baker Exempt Trust
- b. Who owns the land to be irrigated or place of use? Baker Exempt Trust
- 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. 1 1/2" flex hose to 1 1/2 hp pump with a 5 gallon pressure storage tank to feed 10 stations of up to 7 heads each delivering a maximum of 2.4 GPM per head with each station running approximate 30 minutes per day. Approximate 5040 Gallons per Day X 210 Days = 3.25 AF.
- Fire Protection is supplied by a 2 1/2" flex hose to a 5 Hp gas engine with a maximum output of 220 GPM or .5 CFS to supply two stations with 100' of fire hose to protect two buildings wooded area.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"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.

Digitally signed by Stuart A. Eigler
DN: cn=Stuart A. Eigler, o, ou,
email=stu@eiglerconsulting.com, c=US
Date: 2009.06.19 09:49:21 -07'00'

Stuart A. Eigler

Signature of Applicant

Stuart A. Eigler, Trustee

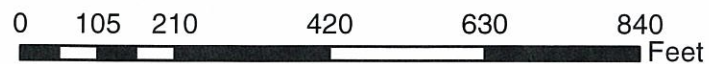
Print Name (and title, if applicable)

For Department Use:

Received by Dianna Date 7/18/08 Time 10:00 AM Preliminary check by _____
Fee \$ 100.00 Received by Dianna Receipt No. ND19418 Date 7/18/08

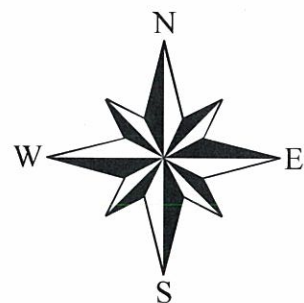
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____ Dates Published _____

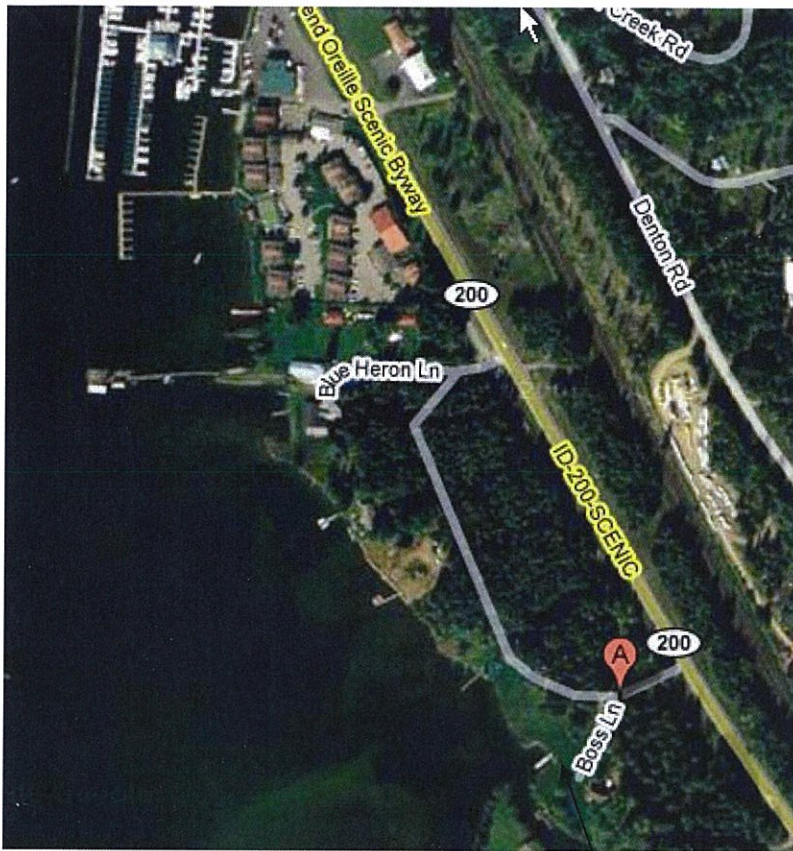
96-9435



Legend

-  workingpod
-  workingpou
-  QQ
-  Taxlots

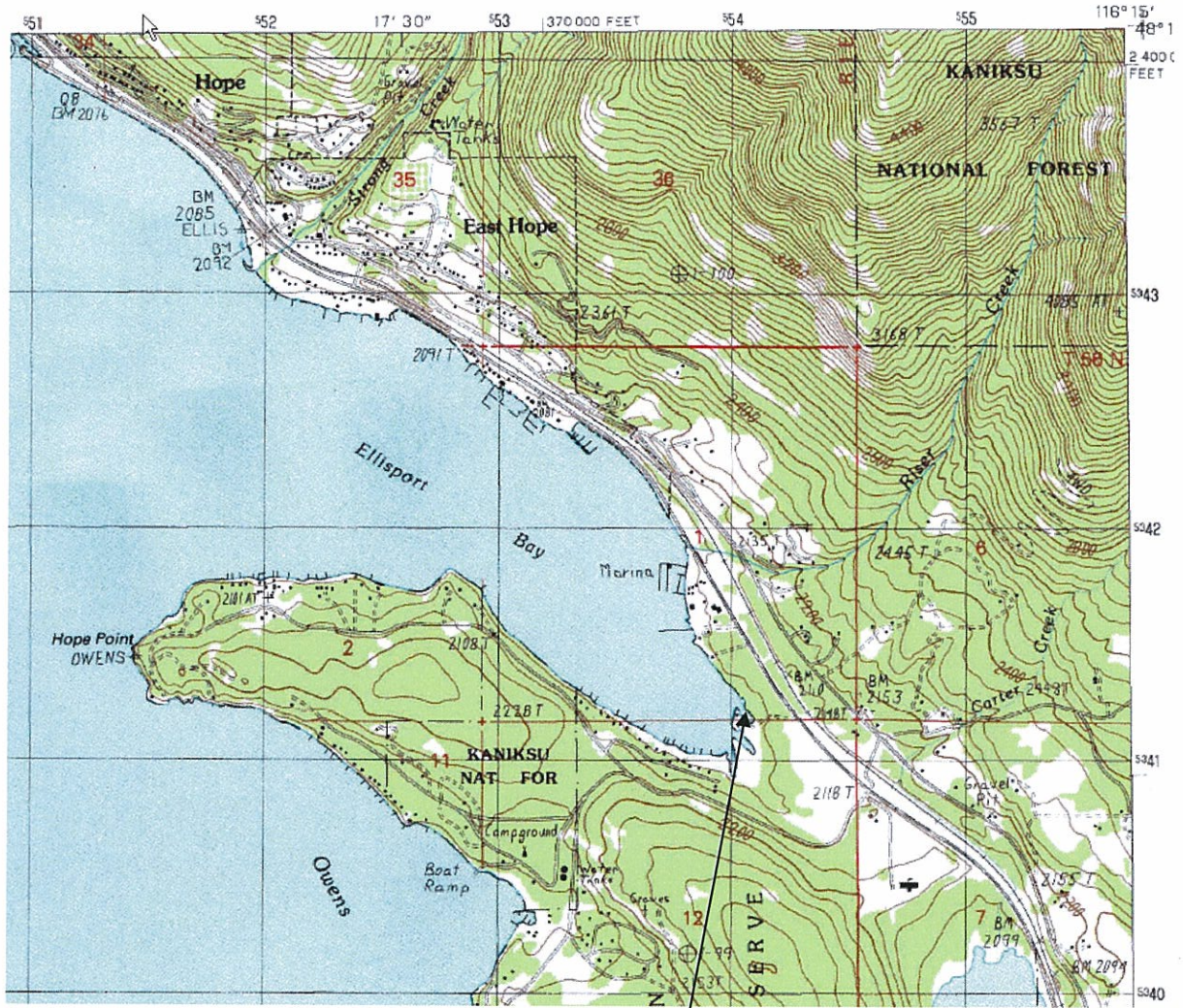




Point of Diversion.

The point of Diversion is at the northeast corner of this little inlet next to the dock. A pump station with; 1 electric 1 ½ hp drawing a 1 ½ inch flex line and 1 gas 5 hp drawing a 2 ½ inch flex line.

96-9435



Point of Diversion

96-9435



Point of Diversion

96-9435

ACTING COUNTY ENGINEER'S CERTIFICATE

DATE 2-23-81 TIME 10:00 AM PLACE Boise, Idaho

COUNTY COMMISSIONER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD AND ACCEPTED BY THE BOARD OF COUNTY COMMISSIONERS OF BOISE COUNTY, IDAHO, THIS 23 DAY OF February, 1981.

James J. McCall
COUNTY COMMISSIONER

STATE HEALTH DEPARTMENT'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD AND ACCEPTED BY THE STATE HEALTH DEPARTMENT, BOISE, IDAHO, THIS 23 DAY OF February, 1981.

NOTE

REMARKS: SEE CERTIFICATE NO. 12 OF 1980 CONCERNING THE SAME. SEE ALSO CERTIFICATE NO. 12 OF 1980 CONCERNING THE SAME.

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS

PLANNING COMMISSION CERTIFICATE

THIS PLAT WAS FILED FOR RECORD AND ACCEPTED BY THE PLANNING COMMISSION OF BOISE COUNTY, IDAHO, THIS 23 DAY OF February, 1981.

COUNTY TREASURER'S AFFIDAVIT

I, James J. McCall, County Treasurer of Boise County, Idaho, do hereby certify that the above described plat has been duly filed for record and accepted by the Board of County Commissioners.

COVENANTS, CONDITIONS AND RESTRICTIONS

None.

ASSESSOR'S AFFIDAVIT

I, James J. McCall, Assessor of Boise County, Idaho, do hereby certify that the above described plat has been duly filed for record and accepted by the Board of County Commissioners.

LEGEND

1. 30' x 30' lots
2. 15' x 15' lots
3. 10' x 10' lots
4. 5' x 5' lots
5. 2' x 2' lots
6. 1' x 1' lots
7. 1/2' x 1/2' lots
8. 1/4' x 1/4' lots
9. 1/8' x 1/8' lots
10. 1/16' x 1/16' lots

SCALE 1" = 100'

RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD AND ACCEPTED BY THE CLERK OF BOISE COUNTY, IDAHO, THIS 23 DAY OF February, 1981.

OWNER'S CERTIFICATE - LEGAL DESCRIPTION

THIS PLAT WAS FILED FOR RECORD AND ACCEPTED BY THE CLERK OF BOISE COUNTY, IDAHO, THIS 23 DAY OF February, 1981.

ACKNOWLEDGMENT

CLARENCE A. CHAMBERLAIN
COUNTY CLERK
BOISE, IDAHO

GREEN'S ADDITION INC.
P.O. BOX 505
CLARKS FORK, IDAHO 83401

**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 1, 2009

Stuart A Eigler, Trustee
Baker Exempt Trust
44 West Riser Creek Rd.
Hope, ID 83836

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

Dear Mr. Eigler:

The Idaho Department of Water Resources has an application for a water right for Baker Exempt Trust that hasn't been processed due to needed corrections. The application is being returned for the following reasons:

Item #3 Point of Diversion

The application indicates the point of diversion is located in Section 8 of Township 56 North, Range 1 East. The map submitted with the application and Bonner County tax lot information shows the point of diversion being located in the SWSE Government Lot 7 of Section 1. Please make the necessary correction to the application.

Item # 4 and #5 Purpose of Use

The application indicates an instantaneous diversion of 0.5 cfs for Fire Protection with a total diversion of 0.2 cfs listed on Item #5. If you list 0.5 cfs on Item 5 that will generate a higher fee than what has already been paid. To stay within the \$100.00 fee, the total diversion should be 0.2 cfs. Please make the necessary change on the application.

Item #8 (e) Description of Proposed Use

The application suggests two stations for fire protection. I assume this means two hydrants and not two points of diversion from the lake. If two points of diversion are intended, Item #3 will have to indicate two points of diversion. Please clarify.

Item #9 Place of Use

The application indicates fire protection and the irrigation of 1.5 acres are to be used within the SESW of Section 8. Please refer to the attached aerial photograph, it appears the location for this would be in the SWSE of Section 1 Government Lot 7. The 0.25 acres of irrigation and fire protection that are shown to be in the SESE of Section 8, are actually in Section 1. Please make the necessary changes on the application.

COPY

Ball, Dianne

From: Ball, Dianne
Sent: Friday, June 26, 2009 11:39 AM
To: mary.terra-berns@idfg.idaho.gov
Subject: Agency Comment Request re 96-9435 - Baker Exempt Trust

Attachments: Agency Comment Request.doc; 96-9435 Baker Exempt Trst.pdf

Good morning, Mary,

Attached is our letter requesting your comments on WR Application 96-9435 - Baker Exempt Trust. Copy of application also attached.

Please reply to Keith on this one.

Thanks, and have a great day.



Agency Comment
Request.doc (31...



96-9435 Baker
Exempt Trst.pdf ...

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

DAVID R. TUTHILL, JR
Director

June 26, 2009

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

Re: Water Permit Application No. 96-9435 – Baker Exempt Trust

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 July 2 and 9, 2008 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 **July 20, 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: Friday, June 26, 2009 11:42 AM
To: jbrady@idl.idaho.gov
Subject: Agency Comment Request re 96-9435 - Baker Exempt Trust

Attachments: Agency Comment Request.doc; 96-9435 Baker Exempt Trst.pdf

Good morning, Jim,

Attached is our letter requesting your comments re WR Application 96-9435 - Baker Exempt Trust. Copy of application also attached FYI.

Please respond to Keith on this one.

Thanks and have a great day.



Agency Comment
Request.doc (31...



96-9435 Baker
Exempt Trst.pdf ...

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

DAVID R. TUTHILL, JR
Director

June 26, 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. 96-9435 – Baker Exempt Trust

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 July 2 and 9, 2008 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 **July 20, 2009**. That is also the final date for protest to be received in our office.

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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 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 26, 2009

BAKER EXEMPT TRUST
8216 LANKERSHIM BLVD #3
NORTH HOLLYWOOD CA 91603

RE: Application for Permit No 96-9435

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number 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 July 2 & 9, 2009. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). 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, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Keith E. Franklin
Senior Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

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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 26, 2008

Stuart Eigler
44 W. Riser Creek
Hope, ID 83836

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

Dear Mr. Eigler:

Enclosed please find enclosed two aerial photographs of your property, showing parts of lot 2 and lot 3 that extend into the SE of the SE quarter of Section 1, as we discussed on the phone. Please determine if any irrigation will take place in that quarter quarter and if so mark the appropriate acreage on the application when submitted.

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: Friday, June 26, 2009 2:21 PM
To: Legal Notices-Bonner Co Daily Bee-Sheri Jones
Subject: Legal notice for publication 7/2 & 9/09

Attachments: CoverLetter 06-26-09 BCDB e-mail 96-9435.doc; LegalNotice 06-26-09 BCDB e-mail 96-9435.doc

Good afternoon, Sheri,

Attached is a legal notice we wish to have published July 2 and 9, 2009. Our cover letter requesting such publication is also attached.

Please send a proof/preview copy before this goes to press.

Thanks VERY much for all your help.

Any questions, please call me or reply to this e-mail.



CoverLetter
5-26-09 BCDB e-mail 96-9435.doc



LegalNotice
5-26-09 BCDB e-mail 96-9435.doc

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

DAVID R. TUTHILL, JR
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

June 26, 2009

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

RE: Application for Permit No. 96-9435

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, July 2 and 9, 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 07/20/2009. Your cooperation is always greatly appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

96-9435

BAKER EXEMPT TRUST

8216 LANKERSHIM BLVD #3

NORTH HOLLYWOOD CA 91603

Points of Diversion(2) L7 (SWSE) S1 T56N R01E BONNER County

Source PEND OREILLE LAKE tributary to PEND OREILLE RIVER

Use: IRRIGATION 04/01 To 10/31 0.05 CFS

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

Total Diversion: 0.2 CFS

Date Filed: 07/18/2008

Place Of Use: IRRIGATION

T56N R01E S1 SWSE Lot 7 SESE

Number of Acres 1.75

Place Of Use: FIRE PROTECTION same as IRRIGATION

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 Resource, 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 07/20/2009.

The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Legal #

Published July 2 & 9, 2009