

75537
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Ronald W & Pamela J Spencer ETUX Phone (208) 683-2179
Mailing address 16504 E. 6th Street, P.O. Box 362 Bayview ID 83803 Email rp61997@verizon.net
2. Source of water supply Bayview Creek which is a tributary of Bayview Creek - Oldman Creek
3. Location of point of diversion is Township 54N Range 2W Sec. 34 in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot , B.M., Basin 95 Kootenai County;
additional points of diversion if any: 16504 E. 6th Street, Bayview ID 83803
4. Water will be used for the following purposes: 4/1 10/31
Amount 0.02 CFS for Irrigation purposes from March to Nov. (both dates inclusive)
(cfs or acre-feet per year)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per year)
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(cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) 0.02 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 Siphon for direct application
 - b. Height of storage dam NA feet; active reservoir capacity NA acre-feet;
total reservoir capacity acre-feet
 - c. Proposed well diameter is NA inches; proposed depth of well is feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? No; 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 5 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. 1 household
 - e. Other; describe fully. For irrigation of 1 acre

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.

"Commencing @ the Southeast corner of the Northwest Quarter of the Southwest Quarter of Section 34..."

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
54N	2W	34																	

Total number of acres to be irrigated: 1

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? Bayview water and Sewer, & Silver Water Assoc.; both sources plus irrigation from creek when flowing

11. a. Who owns the property at the point of diversion? Ronald & Pamela Spencer

b. Who owns the land to be irrigated or place of use? Ronald & Pamela Spencer

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: no

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. We plan to establish a direct siphoning system from the creek uphill from point of use to apply water to lawn and garden as needed; no storage tank planned as direct fall should be sufficient. no interference or alteration of creek bed or stream.

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.

Ronald W. Spencer
Pamela J. Spencer
 Signature of Applicant

Ronald W. Spencer
Pamela J. Spencer
 Print Name (and title, if applicable)

Received by Ken Date 4/15/9 Time 1:00P Preliminary check by
 Fee \$ 100.00 Receipted by Ken Receipt No. N020321 Date 4/15/9

08. I. PIPE
west of

T#-1469

WILDWOOD
TRAILER
PARK

5525

182.42

3.51.01.00N

8 15' W
5 47'

6

5

4

R'S

3

Y
C
□
—
E

S00*13'13'

S00°05' W. 3.0'
to 3/4" I Pipe

S89°57'33"W 208.70' (M-D)

So 87' of T#-1469

8.70KDX

Find 1/2" I Pin
Replaced in Position
5/8" #5078

207.30 (M)

4174 (D)

100.26' (M)
100.21.54°W
100.00' (D)

T#-1471

43490 S F

5860

10440000

MA 70, (M-D)

But

End 1/2" I. Pin
Replaced in Position
w/ 5/8" #5078

N89°55'24"E

417 40' (D)

101.11°
S00°42'59"W

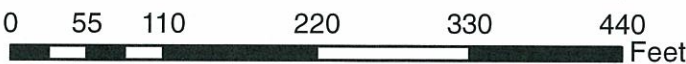
T#-12088

Find 1/2" : Pipe

Find 1/2" 1 Pipe
Replaced w/ 5/8"

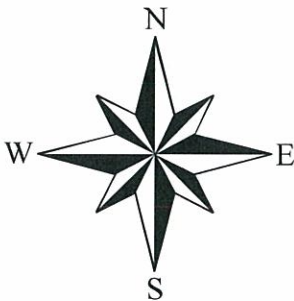
157.71

95-10382



Legend

-  workingpod
-  Permit POU
-  workingpou
-  Taxlots
-  QQ





54N02W34NWSW

POU

POD

POD

RECORD OF SURVEY

COUNTY PARCEL #5860 TX #1471
IN NW 1/4 SW 1/4 SECTION 34,

T. 54N., R.2W., B.M.
KOOTENAI COUNTY, IDAHO

AUGUST, 2006

6TH ST.

N00°10'13"E
15.67'

BLOCK 140

BAYVIEW



LEGEND

- CALC. POINT (NOT SET)
 - Mon. End per (P) except as described
 - SET 5/8"x30" LPin w/ Cap LS 5078
 - △ SET 3/8" LPin w/ Cap "Prop Line"
 - (R1) Record of Survey Book 18 pg.412
 - (R2) Record of Survey Book 17 pg.263
 - (R3) Record of Survey Book 4 pg. 384
 - (R4) Record of Survey Book 5 pg. 54A
 - (R5) Record of Survey Book 21 pg. 446
 - (D) LEGAL DESCRIPTION EXHIBIT Inst. #1664742
 - (P1) PLAT OF "SCHAEFFERS FIRST ADD TO BAYVIEW" Book "D" pg. 171
 - (P2) PLAT OF "BAYVIEW" Book "C" pg. 88
 - (P3) PLAT OF "SCHAEFFERS 2nd. ADD. TO BAYVIEW" Book "E" pg. 3
 - (U1) Unrecorded Survey -Milt Booth 2/29/80
 - (M) Measured
- Basis of Bearing from (R5)



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

April 24, 2009

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

Re: Water Permit Application No. 95-10382 - SPENCER

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 May 7 & 14, 2009, in the Coeur d'Alene Press.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **May 26, 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, April 24, 2009 3:35 PM
To: mterrabe@idfg.idaho.gov
Subject: Agency Comment Request re 95-10382 - SPENCER
Attachments: 95-10382 Spencer.pdf; Agency Comment Request Ltr.doc

Good afternoon, Mary,

Attached is our letter requesting your comments on WR application 95-10382 - Spencer. Copy of application is also attached FYI.

Please send comments to Keith by or before May 26, 2009.

If you have any questions, please contact him.

Thanks for your response,

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

4/24/2009



State of Idaho

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C. L. "BUTCH" OTTER
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Director

April 28, 2009

RONALD W SPENCER
PAMELA J SPENCER
PO BOX 362
BAY VIEW ID 83803

RE: Application for Permit No 95-10382

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 Coeur d'Alene Press on May 7 and 14, 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

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, April 28, 2009 4:53 PM
To: Legal Notices-CdA Press
Subject: Legal notice for publication May 7 and 14, 2009
Attachments: CoverLetter 04-28-09 CdA e-mail 95-10363,68,82,92,95 & 10402.doc; LegalNotice 04-28-09 CdA e-mail 95-10363,10368,10382,10392,10395,10402.doc

Good afternoon, Kattie,

Another long one – just our regular format – for publication May 7 and 14, 2009.

Our cover letter is attached and so is the legal notice.

Please send proof/preview copy for my review before this actually goes to press.

Hopefully the copy and paste process will be helpful.

Thanks for all your wonderful help.

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

4/28/2009



State of Idaho

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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

April 28, 2009

KATTIE HOY
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

RE: Application for Permit No. 95-10363, 95-10368, 95-10382, 95-10392, 95-10395 and 95-10402

Dear Kattie:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, May 7 and 14, 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 05/26/2009. Your cooperation is very greatly appreciated.

Thanks for all your hard work on our behalf.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

95-10363

BRIAN MELKA

41542 S HWY 97

HARRISON ID 83833

Point of Diversion L1 (NENW) S23 T48N R04W KOOTENAI County

Source COEUR D'ALENE LAKE tributary to SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 03/13/2009

Place Of Use: DOMESTIC

T48N R04W S23 NENW Lot 1

Remark: Domestic use is for 1 home.

95-10368

STEVE RICE

512 S ROCKY POINT CT

POST FALLS ID 83854

Point of Diversion L2 (NWNE) S12 T50N R05W KOOTENAI County

Source SPOKANE RIVER tributary to COLUMBIA RIVER

Use: IRRIGATION 03/15 To 11/15 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 04/13/2009

Place Of Use: IRRIGATION

T50N R05W S12 NWNE Lot 2

Number of Acres 1

95-10382

RONALD W SPENCER

PAMELA J SPENCER

PO BOX 362

BAY VIEW ID 83803

Points of Diversion(2) NWSW S34 T54N R02W KOOTENAI County

Source BAYVIEW CREEK tributary to LAKE PEND OREILLE

Use: IRRIGATION 04/01 To 10/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 04/15/2009

Place Of Use: IRRIGATION

T54N R02W S34 NWSW

Number of Acres 1

95-10392

MARY ANITA SKROBUT

723 S GREENS FERRY RD

POST FALLS ID 83854

Point of Diversion L4 (SWNW) S12 T50N R05W KOOTENAI County

Source SPOKANE RIVER tributary to COLUMBIA RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 04/16/2009

Place Of Use: DOMESTIC

T50N R05W S12 NWNW Lot 4 SWNW Lot 4

Remark: Domestic use is for 1 home.

95-10395

MARY LOU JOHNSON

DANIEL J SCHAFFER

3319 W 23RD AVE

SPOKANE WA 99224

Point of Diversion L3 (NWNW) S11 T51N R03W KOOTENAI County

Source HAYDEN LAKE tributary to SINKS

Use: IRRIGATION 03/15 To 11/15 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 04/13/2009

Place Of Use: IRRIGATION

T51N R03W S11 NWNW Lot 3

Number of Acres 1

95-10402

RONALD K WALLER

3839 E BRIDGEVIEW DR

HARRISON ID 83833

Point of Diversion L1 (NESW) S32 T50N R03W KOOTENAI County

Source COEUR D'ALENE LAKE tributary to SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 04/17/2009

Place Of Use: DOMESTIC

T50N R03W S32 NESW Lot 1

Remark: Domestic use is for 1 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 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 05/26/2009. The protestant must also send a copy of the protest to the applicant.
DAVID R. TUTHILL, JR., Director
Legal #
Published May 7 & 14, 2009