

Ident. No. 87-10063

75546

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

RECEIVED
APR 13 2009
IDWR/North

1. Name of Applicant Timothy and Patricia Greene Phone (208) 883-5324
Mailing address 1026 Wallen Road, Moscow, ID 83843 Email _____
2. Source of water supply unnamed stream which is a tributary of Palouse River
3. Location of point of diversion is Township 39N Range 5W Sec. 1, in the SE $\frac{1}{4}$,
SE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot _____, B.M., Latah County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount 4 AF for Recreational storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount 4 AF for Wildlife storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount 4 AF for Fire Protection storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount 4 AF for Aesthetic storage purposes from 1/1 to 12/31 (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)
5. Total quantity to be appropriated is (a) _____ and/or (b) 4 AF
 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 _____
 - b. Height of storage dam three (3) feet; active reservoir capacity four (4) acre-feet;
total reservoir capacity four (4) 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. Recreational storage, wildlife storage, fire protection storage, aesthetic storage.
List recreation uses: 1. fishing 2. swimming 3. boating

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	
39N	5W													F					
39N	5W													R					
39N	5W													W					
39N	5W													J					

Total number of acres to be irrigated: ---

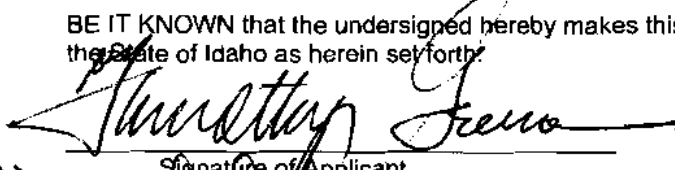
10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? no other water rights

11. a. Who owns the property at the point of diversion? Applicants, Timothy and Patricia Greene
- b. Who owns the land to be irrigated or place of use? Applicants, Timothy and Patricia Greene
- 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.


 Signature of Applicant

Timothy Greene

Print Name (and title, if applicable)

For Department Use:

Received by cm Date 4-13-09 Time 10:13 am Preliminary check by _____

Fee \$ 100.00 Receipted by cm Receipt No. N020288 \$50.00 Date 4-13-09

N019776 \$50.00

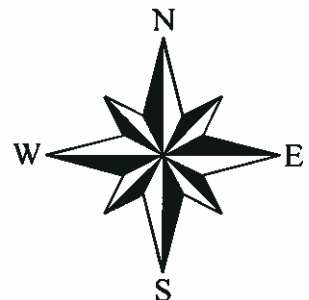
87-10063



0 75 150 300 450 600 Feet

Legend

-  workingpod
-  workingpou
-  Taxlots
-  QQ





RONALD J. LANDECK, P.C.

ATTORNEY AT LAW

P.O. Box 9344
693 Styner Avenue, Suite 9
Moscow, Idaho 83843

Telephone: (208)883-1505
Fax: (208)883-4593
e-mail: attorneys@moscow.com

April 10, 2009

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

RECEIVED

APR 13 2009

IDWR/North

Re: Timothy and Patricia Greene
Application for Permit

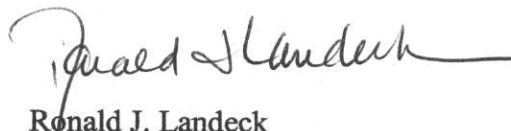
Dear Mr. Franklin:

I enclose an Application for Permit by Timothy Greene and Patricia Greene. Also enclosed is this firm's check in the amount of \$50.00 which you stated was the remaining amount due for this Application as you would apply the Greenes' fees previously paid in connection with their Amended Application for Permit No. 87-10055 which has, at your instruction, been withdrawn.

Please keep me informed in regard to the processing of this Application.

Thank you.

Sincerely,
Ronald J. Landeck, P.C.



Ronald J. Landeck

RJL/re
Enclosures
c: Timothy Greene and Patricia Greene



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 27, 2009

RAY HENNEKEY
IDAHO DEPARTMENT OF FISH & GAME
3316 16TH STREET
LEWISTON, ID 83501

Re: Water Permit Application No. 87-10063

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 and 14, 2009 in the Moscow-Pullman Daily News

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: Monday, April 27, 2009 2:24 PM
To: rhennekey@idfg.idaho.gov
Subject: Agency Comment Request re 87-10063 - Greene
Attachments: 87-10063 Greene.pdf; Agency Comment Request Ltr.doc

Good afternoon, Ray,

This is the first of 3 WR applications on which we are requesting your comments. The other two hopefully will follow later today.

This one is for GREENE - 87-10063. Copy of application with map is also attached FYI.

Please respond to Keith Franklin on this.

Thanks and have a great day.

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

4/27/2009

We note also that the applicant intends to use the recreational storage for fishing. The applicant should be informed that a permit is required prior to stocking private ponds with fish. In addition, unless the fish to be stocked are delivered by a commercial hatchery (required for trout), the applicant must acquire a fish transport permit to bring fish to the pond. Both permits are available from Idaho Department of Fish and Game.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dave Cadwallader".

Dave Cadwallader

DC/rh/gl

CC: Sharon Kiefer, IDFG HQ



IDAHO DEPARTMENT OF FISH AND GAME
CLEARWATER REGION
3316 16th Street
Lewiston, Idaho 83501

C.L. "Butch" Otter/Governor
Cal Groen/Director

April 27, 2009

RECEIVED

MAY -7 2009

IDWR/North

Mr. Keith Franklin
Idaho Department of Water Resources
Northern Region
7600 Mineral Drive
Suite 100
Coeur d'Alene, Idaho 83815

*Econ in data
base / computer
5/8/09*

RE: Water Permit Application No. 87-10063

IDFG has reviewed the application No. 87-10063 from Timothy and Patricia Green for a permit to appropriate waters of the State of Idaho. The Greenes wish to construct a four foot dam on an unnamed stream tributary to Palouse River to store 4 AF per annum for recreation, wildlife, fire protection and aesthetics.

We recommend against permitting construction of a pond on the stream. Even small perennial and intermittent streams serve many important biological functions that deserve protection. An in-stream impoundment is likely to contribute to elevated stream temperatures, may impede migrations of fish, amphibians and other wildlife and have other potentially adverse impacts on flow, water quality and stream function. Furthermore, it is unlikely that the requested pond will provide benefits to wildlife. Water is not limiting for wildlife in this area, and ponds generally provide less complex and lower quality habitat for wildlife than do streams.

We recommend that the applicant should be required either to withdraw water from the creek on an as-needed basis or install storage off-stream. For pumped diversions, water intakes should be screened to prevent entrainment or impingement of fish. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.

If IDWR does permit an in-stream impoundment, the applicants should be made aware that any structure intended to impound water must be designed, installed and maintained to allow fish passage per Idaho Code 36-906. Fish and Game will inspect the structure to ensure compliance.

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-799-5010 • Fax: 208-799-5012 • Idaho Relay (TDD) Service: 1-800-377-3529 • <http://fishandgame.idaho.gov>



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

April 29, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

PATRICIA GREENE
TIMOTHY GREENE
1026 WALLEN RD
MOSCOW ID 83843

RE: Application for Permit No 87-10063

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 Moscow Pullman Daily News 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: Wednesday, April 29, 2009 3:05 PM
To: Legal Notices-MoscowPullmanDailyNews
Subject: CoverLetter 04-29-09 MP e-mail 87-10063,64,65.doc

Letter includes legal notice as second page.

Please send a proof/preview copy for my review before this goes to press. Thanks for all your help.
Dianne



State of Idaho

DEPARTMENT OF WATER RESOURCES

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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 29, 2009

TOM NIEMANN
LEGAL NOTICE DEPARTMENT
MOSCOW-PULLMAN DAILY NEWS
PO BOX 8187
MOSCOW ID 83843-8187

RE: Application for Permit No. 87-10063, 87-10064 and 87-10065

Dear Tom:

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 greatly appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

4/29/2009



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

DAVID R. TUTHILL, JR
Director

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Fax (208) 762-2819 ~ e-mail dianne.ball@idwr.idaho.gov
Thanks, Dianne*

April 29, 2009

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LEGAL NOTICE DEPARTMENT
MOSCOW-PULLMAN DAILY NEWS
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Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

87-10063

PATRICIA GREENE

TIMOTHY GREENE

1026 WALLEN RD

MOSCOW ID 83843

Point of Diversion SESESW S1 T39N R05W LATAH County

Source UNNAMED STREAM tributary to PALOUSE RIVER

Use: WILDLIFE STORAGE 01/01 To 12/31 4 AFA

Use: RECREATION STORAGE 01/01 To 12/31 4 AFA

Use: FIRE PROTECTION STORAGE 01/01 To 12/31 4 AFA

Use: AESTHETIC STORAGE 01/01 To 12/31 4 AFA

Total Diversion: 4 AFA

Date Filed: 04/13/2009

Place Of Use: AESTHETIC STORAGE

T39N R05W S1 NWSW

Place Of Use: ALL OTHER USES same as AESTHETIC STORAGE

Remark: Recreation storage is for fishing, swimming and boating.

87-10064

CHAD GLEASON

SIDRA GLEASON

315 E EVANS

GENESEE ID 83832

Point of Diversion SWNENE S14 T37N R05W LATAH County

Source SPRING tributary to SINKS

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

Total Diversion: 0.02 CFS

Date Filed: 04/15/2009

Place Of Use: IRRIGATION

T37N R05W S14 NENE

Number of Acres: 0.5

87-10065

DON L GALLOWAY

484 E VALLEY VIEW

GENESEE ID 83832

Point of Diversion NENENE S14 T37N R05W LATAH County

Source SPRING tributary to SINKS

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

Total Diversion: 0.02 CFS

Date Filed: 04/15/2009

Place Of Use: IRRIGATION

T37N R05W S14 NENE

Number of Acres: 0.5

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 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 and 14, 2009

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

87-10063

PATRICIA GREENE

TIMOTHY GREENE

1026 WALLEN RD

MOSCOW ID 83843

Point of Diversion SESESW S1 T39N R05W LATAH County

Source UNNAMED STREAM tributary to PALOUSE RIVER

Use: WILDLIFE STORAGE 01/01 To 12/31 4 AFA

Use: RECREATION STORAGE 01/01 To 12/31 4 AFA

Use: FIRE PROTECTION STORAGE 01/01 To 12/31 4 AFA

Use: AESTHETIC STORAGE 01/01 To 12/31 4 AFA

Total Diversion: 4 AFA

Date Filed: 04/13/2009

Place Of Use: AESTHETIC STORAGE

T39N R05W S1 NWSW

Place Of Use: ALL OTHER USES same as AESTHETIC STORAGE

Remark: Recreation storage is for fishing, swimming and boating.

87-10064

CHAD GLEASON

SIDRA GLEASON

315 E EVANS

GENESEE ID 83832

Point of Diversion SWNENE S14 T37N R05W LATAH County

Source SPRING tributary to SINKS

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

Total Diversion: 0.02 CFS

Date Filed: 04/15/2009

Place Of Use: IRRIGATION

T37N R05W S14 NENE

Number of Acres: 0.5

87-10065

DON L GALLOWAY

484 E VALLEY VIEW

GENESEE ID 83832

Point of Diversion NENENE S14 T37N R05W LATAH County

Source SPRING tributary to SINKS

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

Total Diversion: 0.02 CFS

Date Filed: 04/15/2009

Place Of Use: IRRIGATION

T37N R05W S14 NENE

Number of Acres: 0.5

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

DAVID R. TUTHILL, JR., Director

Legal#

Published May 7 and 14, 2009