

96-9426

Ident. No. 75444

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

**RECEIVED****MAR - 2 2009**

IDWR/North

To appropriate the public waters of the State of Idaho

1. Name of Applicant Rude Trust (Ruby Rude) Phone 208-772-5531  
Mailing address 7128 Rude street, Dalton Gardens, Id. Email \_\_\_\_\_

2. Source of water supply Pend Oreille River which is a tributary of Columbia River

3. Location of point of diversion is Township 56 N Range 3 W Sec. 3, in the SE  $\frac{1}{4}$ ,  
SW  $\frac{1}{4}$ , SN  $\frac{1}{4}$ , Govt. Lot 7, B.M., Benner County;

additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 0.4 cfs for irrigation purposes from 4-1 to 10-31 (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)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 0.4 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 30 hp

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. \_\_\_\_\_

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 | 3W  | 3   |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 20 |    | 20     |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated: 20

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? 96-2245

to add more acres to this irrigation off of the source.

11. a. Who owns the property at the point of diversion? Rude Trust (Ruby Rude)
- b. Who owns the land to be irrigated or place of use? Jack Peterson
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Attached copy of easement

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.

Ruby M. Rude  
Signature of Applicant

Ruby M. Rude  
Print Name (and title, if applicable)

**For Department Use:**

Received by cm Date 3-2-09 Time 12:38pm Preliminary check by \_\_\_\_\_  
Fee \$ 250.00 Receipted by cm Receipt No. ND20016 Date 3-2-09

Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_  
Publication approved \_\_\_\_\_ Date \_\_\_\_\_ Dates Published \_\_\_\_\_



Lic  
96-2245

POU  
IRR

50N 47.3SW 5E

EASEMENT

THIS EASEMENT Made and entered into this 20th day of August, 1962, by and between JAMES PETERSON AND GERALDINE PETERSON, his wife, Grantors, and R. M. JUDGE, Grantee,

WITNESSETH: That

WHEREAS, Grantors are owners of Lot 7 in Section 3, Township 56 North of Range 3, West of the Boise Meridian, Bonner County, Idaho, and Grantee is the owner of a part of the South Half of Southeast Quarter of said Section 3, and

WHEREAS, Grantee uses and requires an easement for a water line and power line for using the pump which operates the same to serve his said properties, and Grantors are amenable to said Grantee's use of the same as it now exists over the said Lot 7, Now Therefore, in consideration of One Dollar and other valuable considerations,

Grantors do convey and transfer to Grantee a perpetual easement to run with his land, 20 feet wide, being 10 feet on each side of the existing water pipe line now in place, for the purposes of maintaining and operating a water pipe or pipes with power poles and lines for operating the pump therefor. Said easement is now in existence and starts at a point which is North 620 feet from the South line of said Section 3 and on the West side of the County Road and runs thence Westerly over Lot 7 to the waters of Pend Oreille River.

IN WITNESS WHEREOF, Grantors have hereunto set their hands and seals the day and date first above written.

James Peterson  
Geraldine Peterson

# 96-9426



0 300 600 1,200 1,800 2,400 Feet

## Legend

-  Taxlots
-  QQ
-  Application POU
-  Application POD



**Ball, Dianne**

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**From:** Ball, Dianne  
**Sent:** Wednesday, March 04, 2009 10:30 AM  
**To:** mtterrabe@idfg.idaho.gov  
**Subject:** Agency Comment Request re 96-9426 Rude Trust  
**Attachments:** 96-9426 - Rude Trust.pdf; Agency Comment Request Ltr.doc

Hello again,

Attached is our letter requesting your comments on a water right application #96-9426 for Rude Trust. Copy of the application is also attached.

Please respond to Eric Davis on this one, and if you have any questions, contact Eric at [Eric.Davis@idwr.idaho.gov](mailto:Eric.Davis@idwr.idaho.gov) or by phone at our office, 762-2800.

We need your comments no later than April 6, 2009 - last date for protests to be received in our office.

*Too blessed to be stressed.*

*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**

3/4/2009



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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR  
Director

March 4, 2009

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

Re: Water Permit Application No. 96-9426

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 March 19 and 26, 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 **April 6, 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 [Eric.Davis@idwr.idaho.gov](mailto:Eric.Davis@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**

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**From:** Ball, Dianne  
**Sent:** Wednesday, March 04, 2009 10:44 AM  
**To:** jbrady@idl.idaho.gov  
**Subject:** Agency Comment Request re WR App 96-9426 Rude  
**Attachments:** 96-9426 - Rude Trust.pdf; Agency Comment Request Ltr.doc

Good morning, Jim,

Attached is our letter requesting your comments on water right application 96-9426 Rude Trust. Copy of application also attached.

Please send comments no later than April 6, 2009 - last date for protests to be filed on this application.

Please send comments to Eric Davis at our office - [Eric.Davis@idwr.idaho.gov](mailto:Eric.Davis@idwr.idaho.gov).

If you have any questions, check with Eric - 762-2800.

Thanks,

*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**

3/4/2009



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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR  
Director

March 4, 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. 96-9426

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 March 19 and 26, 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 **April 6, 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 [Eric.Davis@idwr.idaho.gov](mailto:Eric.Davis@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**

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**From:** Jim Brady [jbrady@idl.idaho.gov]  
**Sent:** Wednesday, March 04, 2009 11:53 AM  
**To:** Davis, Eric  
**Cc:** Ball, Dianne  
**Subject:** 96-9426

Eric, I could not find an encroachment permit under Rude, Peterson or Judge at the POD. I will notify them they need an encroachment permit from us as well. Have a good day.

Jim Brady, Lands Resource Specialist Sr.-  
Minerals and Navigable Waters  
Idaho Department of Lands  
2550 Highway 2 West  
Sandpoint Idaho 83864  
(208) 263-5104 (208) 263-0724 fax

*Entered in workflow  
3/4/09 B*



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](http://www.idwr.idaho.gov)

March 11, 2009

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

RUDE TRUST  
7128 RUDE STREET  
DALTON GARDENS ID 83815

RE: Application for Permit No 96-9426

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 March 19 and 26, 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**

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**From:** Ball, Dianne  
**Sent:** Wednesday, March 11, 2009 1:25 PM  
**To:** Legal Notices-Bonner Co Daily Bee-Sheri Jones  
**Subject:** Legal notice for publication Marcy 19 and 26, 2009 - 96-9426 Rude Trust  
**Attachments:** CoverLetter 03-11-09 BCDB e-mail 96-9426.doc; LegalNotice 03-11-09 BCDB e-mail 96-9426.doc

Good afternoon, Sheri,

Attached is our cover letter requesting publication of a legal notice on March 19 and 26, 2009. The legal notice is also attached.

If you have any questions, please call me or e-mail me.

Will you please send a proof/preview copy for my review before this goes to press.

Thanks for all your wonderful help. You're *super!*

*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

3/11/2009



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](http://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](mailto:dianne.ball@idwr.idaho.gov)  
Thanks, Dianne*

March 11, 2009

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

RE: Application for Permit No. 96-9426

**Dear Sheri:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, March 19 and 26, 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 04/06/2009. Your cooperation is very 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:

96-9426

RUDE TRUST

7128 RUDE STREET

DALTON GARDENS ID 83815

Point(s) of Diversion L7 (SWSW) S3 T56N R03W BONNER CO

Source PEND OREILLE RIVER tributary to COLUMBIA RIVER

Use: IRRIGATION 04/01 To 10/31 0.4 CFS

Total Diversion: 0.4 CFS

Date Filed: 03/02/2009

Place Of Use: IRRIGATION

T56N R03W S3 SWSE

Number of Acres 20

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 04/06/2009.

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

DAVID R. TUTHILL, JR., Director

Published on March 19 and 26, 2009