

Ident. No. 95-10162

75430
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED**FEB 24 2009****IDWR/North**

1. Name of Applicant Frank N. Tomlinson Phone (714)-529-1335
Mailing address P.O. Box 759, Brea, CA 92822-0759 Email TOMENT1@aol.com
2. Source of water supply an unnamed stream which is a tributary of Sinks
3. Location of point of diversion is Township S1N Range 03W Sec. 06 In the _____
SW 1/4, NE 1/4, Govt. Lot _____, B.M., Kootenai County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount 36.1 ~~37.0~~ AF for Irrigation Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount 30 AF for Firm Irrigation Storage purposes from 3/15 to 11/15 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount 6.5 ~~6.5~~ AF for Stock Water Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount 4 AC for Stock Water Firm Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount 0.2 CFS for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount 0.2 for Stock Water purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) 0.2 cubic feet per second and/or (b) 36.5 ~~38~~ ^{PR} 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 9 FT feet; active reservoir capacity 3.6 acre-feet;
 total reservoir capacity 3.6 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 3 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. 25 head mixed
 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	
51N	3W	06			10														
					5														

Total number of acres to be irrigated: 10

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 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.

Frank N. Tomlinson
Signature of Applicant

Frank N. Tomlinson
Print Name (and title, if applicable)

For Department Use:

Received by cm Date 2-24-09 Time 11:17 am Preliminary check by _____

Fee \$ \$100 Receipted by cm Receipt No. 2019986 Date 2-24-09

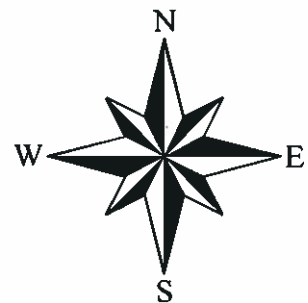
95-10162



0 87.5 175 350 525 700 Feet

Legend

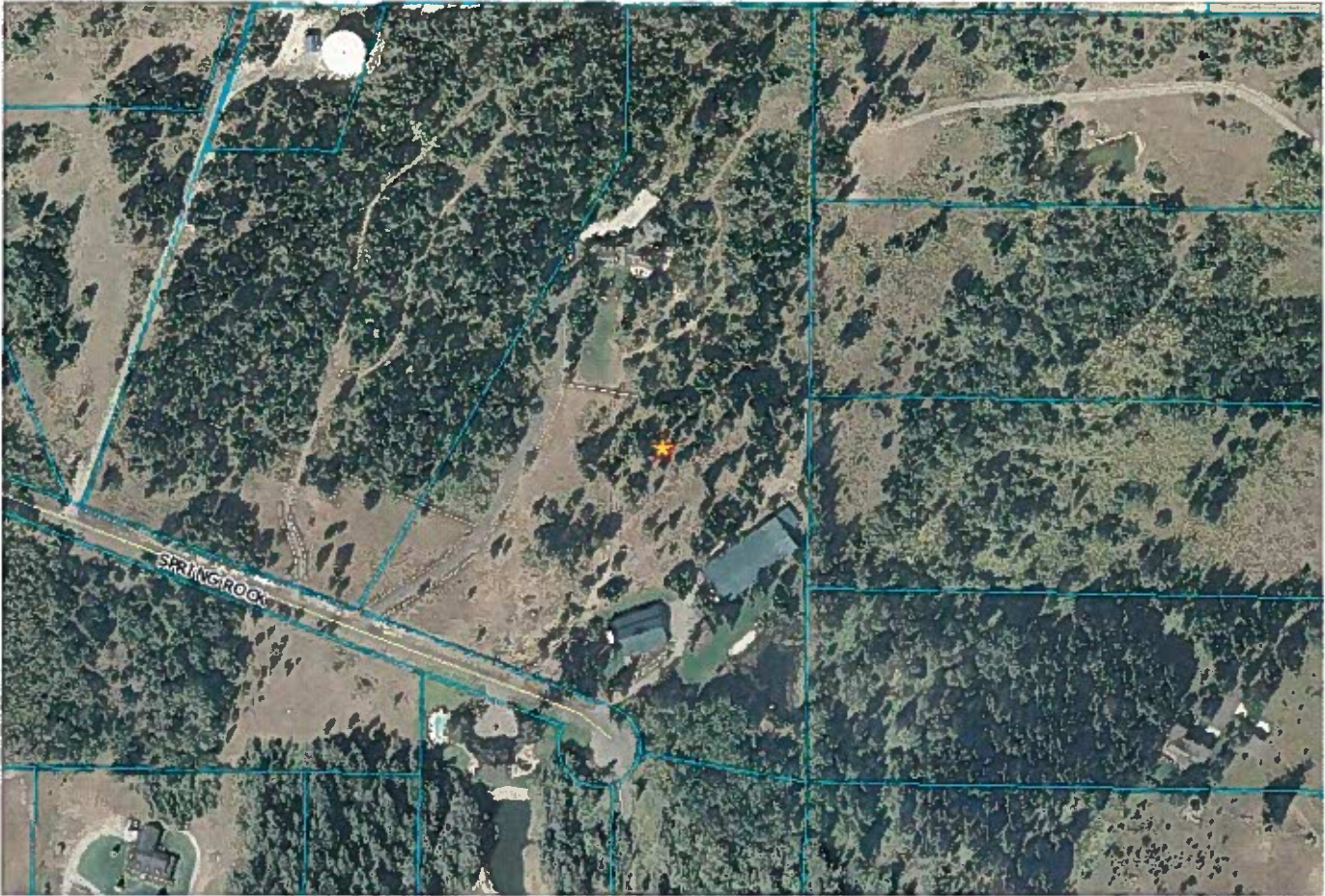
-  workingpod
-  workingpou
-  Taxlots
-  QQ



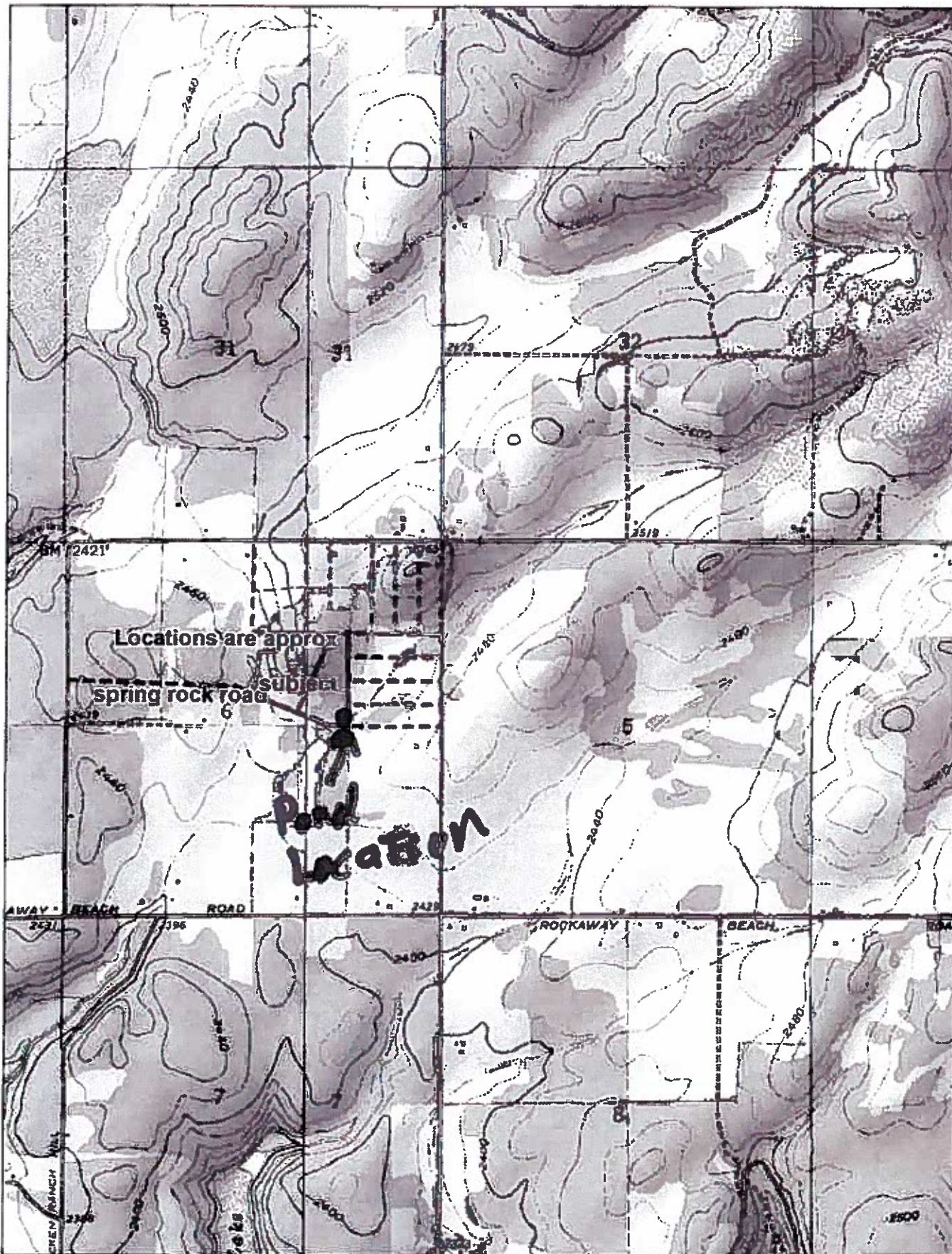
property**Space**

KT
KOOTENAI TITLE
AGENT FOR  **CHICAGO TITLE**

1221 Emma Ave.
Coeur d'Alene 83814
Phone: (208)667-9431
Fax: (208)765-1654
Email: info@kootenaititle.com



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Work Sheet
Tomlinson Pond

0.4 AF surface Area, Instream Pond
Ave. depth 4'

36.1 AF Irrigation storage a) Pond size $17,424 \text{ ft}^2 \times 4' = 156,816 \text{ ft}^3$
 $= 3.6 \text{ AF}$

b) Evap. $17,424 \text{ ft}^2$ surface area
 $= 3367 \text{ gpd} \times 346 \text{ days}$
 $= 3.5 \text{ AF}$

c) Seepage = 0

d) Irrigation

$10 \text{ AC} \times 3 \text{ AC ft/AC} = 30 \text{ AF}$

Total = 36.1 AF.

30 AF Irrigation from Storage = 10×3

6.5 Stock Water Storage a) Pond size 3.6 AF

b) Evaporation 3.5 AF

c) Seepage 0

d) 25 head $\times 12 \text{ gpd} \times 36 \text{ days}$

Total = 6.5 AF

0.4 Stock Water from Storage = 0.4 AF

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, February 25, 2009 10:38 AM
To: mterrabe@idfg.idaho.gov
Subject: Agency Comment Request Ltr.doc
Attachments: 95-10162 Tomlinson.pdf; Agency Comment Request Ltr.doc

A very good day to you, Mary,

This is the third, and final request being sent to you today, requesting your comments on another water right application - this one for Tomlinson - 95-10162.

If you have any questions or comments on this one, please direct them to Keith Franklin - he is the one who worked with this applicant.

Thanks again,

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

2/25/2009



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR
Director

February 25, 2009

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

Re: Water Permit Application No. 95-10162 - TOMLINSON

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 5 and 12, 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 **March 23, 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 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

February 25, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

FRANK N TOMLINSON
PO BOX 759
BREA CA 92822-0759

RE: Application for Permit No 95-10162

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 March 5 and 12, 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: Thursday, February 26, 2009 10:26 AM
To: Legal Notices-CdA Press
Subject: Legal notice for publication on March 5 and 12, 2009
Attachments: CoverLetter 02-25-09 CDA e-mail 95-10140, 10162.doc; LegalNotice 02-25-09 CDA e-mail 95-10140,10162.doc

Good morning, Kattie,

Attached is our cover letter requesting publication of a legal notice on March 5 and 12, 2009. The legal notice is also attached.

If you have any questions, please call or reply to this e-mail. I will, as usual, appreciate a proof/preview copy for my review before this goes to press.

Generally the only problems are layout adjustments – spaces between dates and words, etc. Minor adjustments – nothing major.

Thanks for you help, and have a blessed 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

2/26/2009



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

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

February 25, 2009

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

RE: Application for Permit No. 95-10140 and 95-10162

Dear Kattie:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, March 5 and 12, 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 03/23/2009. 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:

95-10140

LUBERTUS VANDERBILT

MARY VANDERBILT

20742 E HADEN LAKE RD

HAYDEN ID 83835

Point(s) of Diversion SWSWNE S2 T51N R03W KOOTENAI CO

Source UNNAMED STREAM tributary to SKINNER CREEK

Point(s) of Diversion SWSWNE S2 T51N R03W KOOTENAI CO

Source SPRING tributary to SKINNER CREEK

Use: IRRIGATION	03/15 To 11/15	0.03 CFS
Use: IRRIGATION STORAGE	01/01 To 12/31	4.6 AFA
Use: IRRIGATION FROM STORAGE	03/15 To 11/15	3 AFA
Use: STOCKWATER	01/01 To 12/31	0.02 CFS
Use: STOCKWATER STORAGE	01/01 To 12/31	2 AFA
Use: STOCKWATER FROM STORAGE	01/01 To 12/31	0.4 AFA
Use: FIRE PROTECTION	01/01 To 12/31	0.05 CFS
Use: FIRE PROTECTION STORAGE	01/01 To 12/31	1.6 AFA
Total Diversion:	0.05 CFS	5.8 AFA

Date Filed: 02/13/2009

Place Of Use: IRRIGATION

T51N R03W S2 NWSW

Place Of Use: IRRIGATION FROM STORAGE

T51N R03W S2 NWSW

Number of Acres 1

Place Of Use: IRRIGATION STORAGE

T51N R03W S2 SWNE

Place Of Use: STOCKWATER

T51N R03W S2 NWNE Lot 2 SWNE NESW NWSW SWSW SESW

Place Of Use: STOCKWATER STORAGE

T51N R03W S2 SWNE

Remark: Stockwater use is for 30 head of mixed stock.

Place Of Use: FIRE PROTECTION same as STOCKWATER

95-10162

FRANK N TOMLINSON

PO BOX 759

BREA CA 92822-0759

Point(s) of Diversion SWNE S6 T51N R03W KOOTENAI CO

Source UNNAMED STREAM tributary to SINKS

Use: IRRIGATION	03/15 To 11/15	0.2 CFS
Use: IRRIGATION STORAGE	01/01 To 12/31	36.1 AFA
Use: IRRIGATION FROM STORAGE	03/15 To 11/15	30 AFA
Use: STOCKWATER	01/01 To 12/31	0.02 CFS
Use: STOCKWATER STORAGE	01/01 To 12/31	6.5 AFA
Use: STOCKWATER FROM STORAGE	01/01 To 12/31	0.4 AFA
Total Diversion:	0.2 CFS	36.5 AFA

Date Filed: 02/24/2009

Place Of Use: IRRIGATION

T51N R03W S6 SWNE

Number of Acres 10

Place Of Use: IRRIGATION STORAGE

T51N R03W S6 SWNE

Place Of Use: IRRIGATION FROM STORAGE

T51N R03W S6 SWNE

Number of Acres 10

Place Of Use: STOCKWATER

T51N R03W S6 SWNE

Place Of Use: STOCKWATER STORAGE

T51N R03W S6 SWNE

Place Of Use: STOCKWATER FROM STORAGE

T51N R03W S6 SWNE

Remark: Stockwater use is for 25 head of mixed stock.

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 03/23/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published March 5 and 12, 2009