

75412

Ident. No. 95-10140

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: LUBERTUS VANDERBILT
20742 E HAYDEN LAKE RD
HAYDEN ID 83835-7093
(208)772-7297
AND/OR

RECEIVED

FEB 13 2009

IDWR / NORTH

MARY VANDERBILT
20742 E HADEN LAKE RD
HAYDEN ID 83835
(208)772-7297

2. Source: SPRING Tributary to: SKINNER CREEK
UNNAMED STREAM Tributary to: SKINNER CREEK

3. Location of Point of Diversion:

- #1 UNNAMED STREAM SW1/4SW1/4NE1/4 Sec. 2, Twp 51N, Rge 03W, B.M.
KOOTENAI County
#2 SPRING SW1/4SW1/4NE1/4 Sec. 2, Twp 51N, Rge 03W, B.M.
KOOTENAI County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.03 CFS	
IRRIGATION STORAGE	01/01 to 12/31		4.6 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		3.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	
STOCKWATER STORAGE	01/01 to 12/31		2.0 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		0.4 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		1.6 AF
FIRE PROTECTION	01/01 to 12/31	0.05 CFS	
5. Total quantity to be appropriated is:		0.05 CFS	5.8 AF

6. Proposed diverting works:

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POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: INSTREAM POND WITH DIKE
AT SOUTH END AND PIPE FOR DIVERSION TO USES

b. Height of storage dam 9 feet;

Active reservoir capacity 0.8 acre-feet;

Total reservoir capacity 0.8 acre-feet;

c. Proposed well diameter is _____ inches;

Proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85F being sought?

e. If well is already drilled, when? _____;

Drilling Firm _____;

Drilling Permit No. _____.

POINT OF DIVERSION #2

a. Type and size of devices used to divert water from the source: POND OVER SPRING WITH
DIKE AND PIPE FROM POND FOR DISCHARGE TO PLACE OF USE.

b. Height of storage dam 9 feet;

Active reservoir capacity 0.8 acre-feet;

Total reservoir capacity 0.8 acre-feet;

c. Proposed well diameter is _____ inches;

Proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85F being sought?

e. If well is already drilled, when? _____;

Drilling Firm _____;

Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed
beneficial use is 1 year(s).

8.

PLACE OF USE: IRRIGATION

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 03W 2										1.0							1.0

Total Acres: 1

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PLACE OF USE: IRRIGATION STORAGE

[illegible]

PLACE OF USE: IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
51N	03W	2										1.0							1.0

Total Acres: 1

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
51N	03W	2		X L2	X						X	X	X	X					

PLACE OF USE: STOCKWATER STORAGE

[illegible]

PLACE OF USE: STOCKWATER FROM STORAGE

Twp	Rge	Sec	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
51N	03W	2		X L 2							X	X	X	X					

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APPLICATION FOR PERMIT

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To appropriate the public water of the State of Idaho

PLACE OF USE: FIRE PROTECTION STORAGE

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 03W 2			X														

PLACE OF USE: FIRE PROTECTION

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 03W 2			X						X	X	X	X					
			L2														

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

11. Map of proposed point of diversion and place of use attached? [X]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

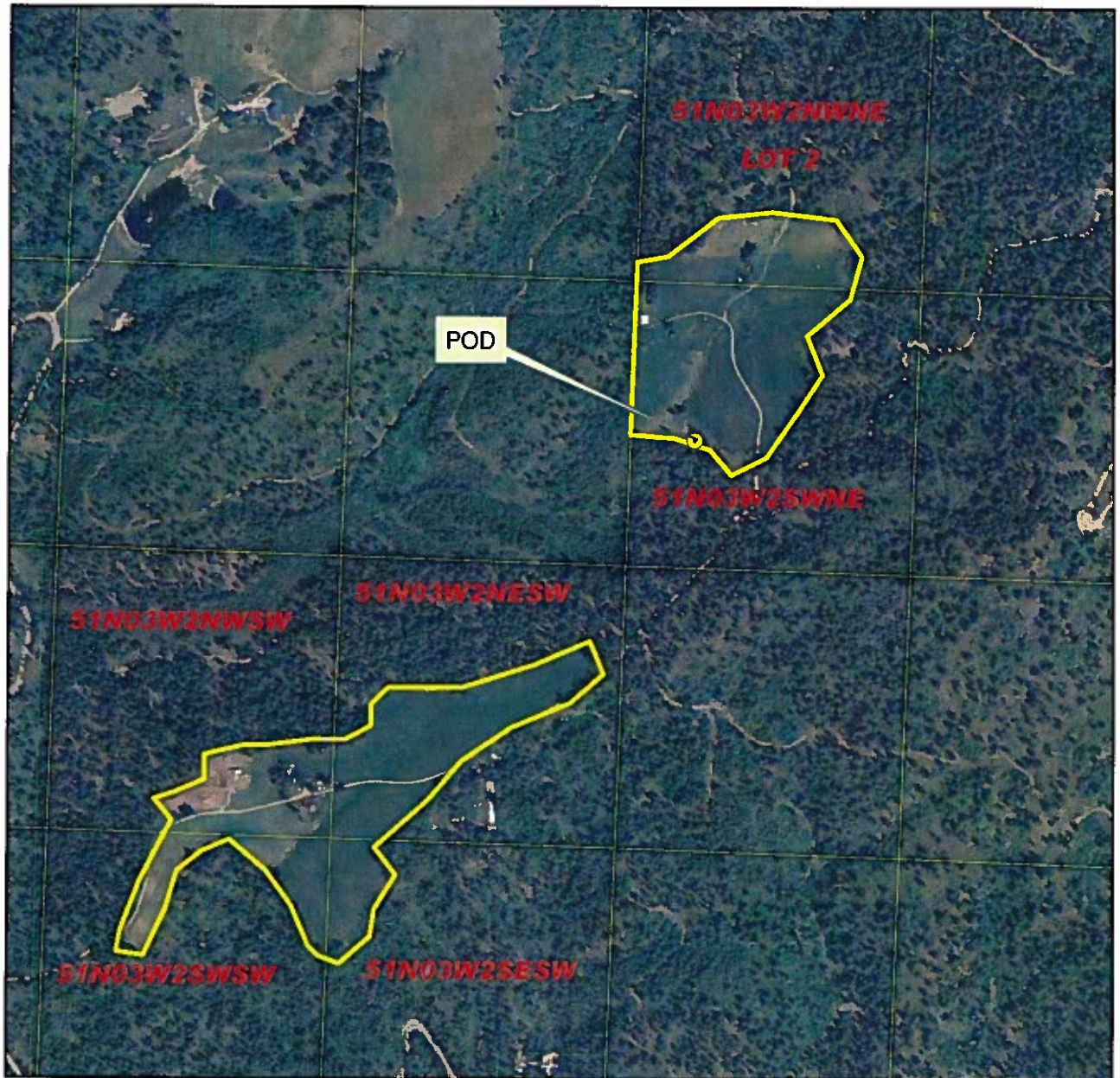
LuBertus VanderBilt
Applicant

Received by KJ Date 2/13/09 Time _____ Preliminary check by _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Receipt No. ND19896, ND19951
Date: 2/13/09

Received by: _____

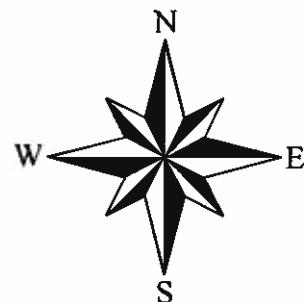
95-10140



0 325 650 1,300 1,950 2,600 Feet

Legend

-  workingpod
-  workingpou
-  Taxlots
-  QQ



file copy

Idaho Department of Water Resources Receipt

Receipt ID: N019951

Payment Amount	\$75.00	Date Received	2/13/09 1:26	Region	NORTHERN
Payment Type	Check	Check Number	5925		
Payer	VANDERBILT, LUBERTUS				

Comments APPLICATION FOR PERMIT
\$25.00 OF THIS PAID ON RECEIPT N019896

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$75.00	PERMITS	0229	21	65103	1155

Signature Line (Department Representative)

95-10140

$$\text{Pond Size} = 75' \times 75' \times 6' = 33,750 \text{ ft}^3 = 0.8 \text{ AF}$$
$$\text{Surface Area} = 5,625 \text{ ft}^2$$

Irrigation Storage :

a) Pond size

$$= 0.8 \text{ AF}$$

b) Evap. 10 BT gpd $\times$ 345 days $\div$ 325,850

$$= 0.8 \text{ AF}$$

c) Seepage (Instream Pond no Seepage)

$$= 0 \text{ AF}$$

d) Irrigation 1 Ac $\times$ 3 Aft/Ac

$$= 3.0 \text{ AF}$$

Total

$$= 4.6 \text{ AF}$$

Irrigation from Storage :

a) 1 Ac $\times$ 3 Aft/Ac = 3 Aft

Stock Water Storage :

a) Pond size

$$= 0.8 \text{ AF}$$

b) Evaporation

$$= 0.8 \text{ AF}$$

c) Seepage

$$= 0 \text{ AF}$$

d) Stock 30 head $\times$ 12 gpd $\times$ 365 days $\div$ 325,850

$$= 0.4 \text{ AF}$$

Total

$$= 2.0 \text{ AF}$$

Stock Water :

$$30 \text{ head} \times 12 \text{ gpd} \times 365 \text{ days} \div 325,850 = 0.4 \text{ AF}$$

Fire Protection Storage :

a) Pond size

$$= 0.8 \text{ AF}$$

b) Evaporation

$$= 0.8 \text{ AF}$$

Total

$$= 1.6 \text{ AF}$$

0.03 cfs Irrigation diversion
0.02 cfs Stockwater diversion
0.05 cfs Fire Protection diversion
0.05 cfs Total diversion

Total Storage Volume:

Irrigation Storage

= 3 AF

Pond size

= 0.8 AF

Evaporation

= 0.8 AF

Stockwater Storage

= 0.4 AF

Fire Protection Storage

= 0.8 AF

Total

5.8 AF

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, February 25, 2009 10:24 AM
To: mterrabe@idfg.idaho.gov
Subject: Agency Comment Request Ltr.doc
Attachments: 95-10140 Vanderbilt.pdf; Agency Comment Request Ltr.doc

Good morning once again.

This is the second of three requests for your comments that you will receive from me this morning.

This one - 95-10140 is for Vanderbilt. Copy of the application and map also attached.

If you have any questions concerning this application, please contact Keith Franklin. He is the one that worked with the Vanderbilts on this application.

Thanks,

Don't count the days, let the days count.

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. 95-10140 - Vanderbilt

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

LUBERTUS VANDERBILT
MARY VANDERBILT
20742 E HADEN LAKE RD
HAYDEN ID 83835

RE: Application for Permit No 95-10140

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

Place Of Use: STOCKWATER FROM STORAGE same as STOCKWATER

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

Place Of Use: FIRE PROTECTION same as STOCKWATER

Place Of Use: FIRE PROTECTION STORAGE

T51N R03W S2 SWNE

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: STOCKWATER

T51N R03W S6 SWNE

Place Of Use: ALL OTHER USES same as STOCKWATER

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