

95-10082

75384
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
JAN 29 2009
IDWR/North

1. Name of Applicant Robert M. Lowry and Bennie Lowry Phone 208 686 1197
Mailing address 640 Penland Rd, Plummer Id. 83857 Email _____
2. Source of water supply Unnamed Stream which is a tributary of Plummer Creek
3. Location of point of diversion is Township 46 N Range 21 W Sec. 10, in the _____ 1/4, SW 1/4, NE 1/4, Govt. Lot None, B.M. Benewah County; additional points of diversion if any: Spring, trib. to Plummer Creek in NESW
4. Water will be used for the following purposes:
- | | |
|---|----------------|
| Amount <u>12.9 AF</u> for <u>Irrigation</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) | <u>storage</u> |
| (cfs or acre-feet per year) | |
| Amount <u>4.5 AF</u> for <u>Irr. from stor.</u> purposes from <u>4/1</u> to <u>10/31</u> (both dates inclusive) | |
| (cfs or acre-feet per year) | |
| Amount <u>0.05</u> for <u>Irrigation</u> purposes from <u>4/1</u> to <u>10/31</u> (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) 0.05 and/or (b) 12.9 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 Pond - 305' x 88' x 8'
and Electric Pump
- b. Height of storage dam 8 feet; active reservoir capacity 5 acre-feet;
total reservoir capacity 5 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 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. _____
- 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	
46N	4W	10			1	1/2													1 1/2

Total number of acres to be irrigated: 1 1/2

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.

Robert N Lowry
Signature of Applicant

Robert N Lowry
Print Name (and title, if applicable)

For Department Use:

Received by df/d Date 1/29/09 Time _____ Preliminary check by _____
Fee \$ 100.00 Received by df Receipt No. N219854 Date 1/29/09

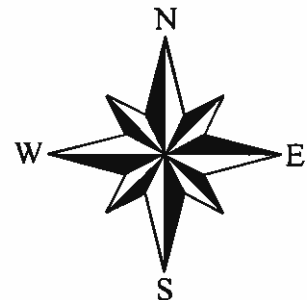
95-10082



0 237.5 475 950 1,425 1,900 Feet

Legend

-  workingpod
-  workingpou
-  Taxlots
-  QQ



46N04W10SENW

46N04W10SWNE

46N04W10SENE

SPRING

POND

POU

46N04W10NESW

46N04W10NWSE

Pump

Pipe

Pump
Pipe



CRP Plan Map

Date: 8/24/2006

Customer(s): ROBERT N LOWRY

District: BENEWAH SOIL & WATER CONSERVATION DISTRICT

Approximate Acres: 133.1

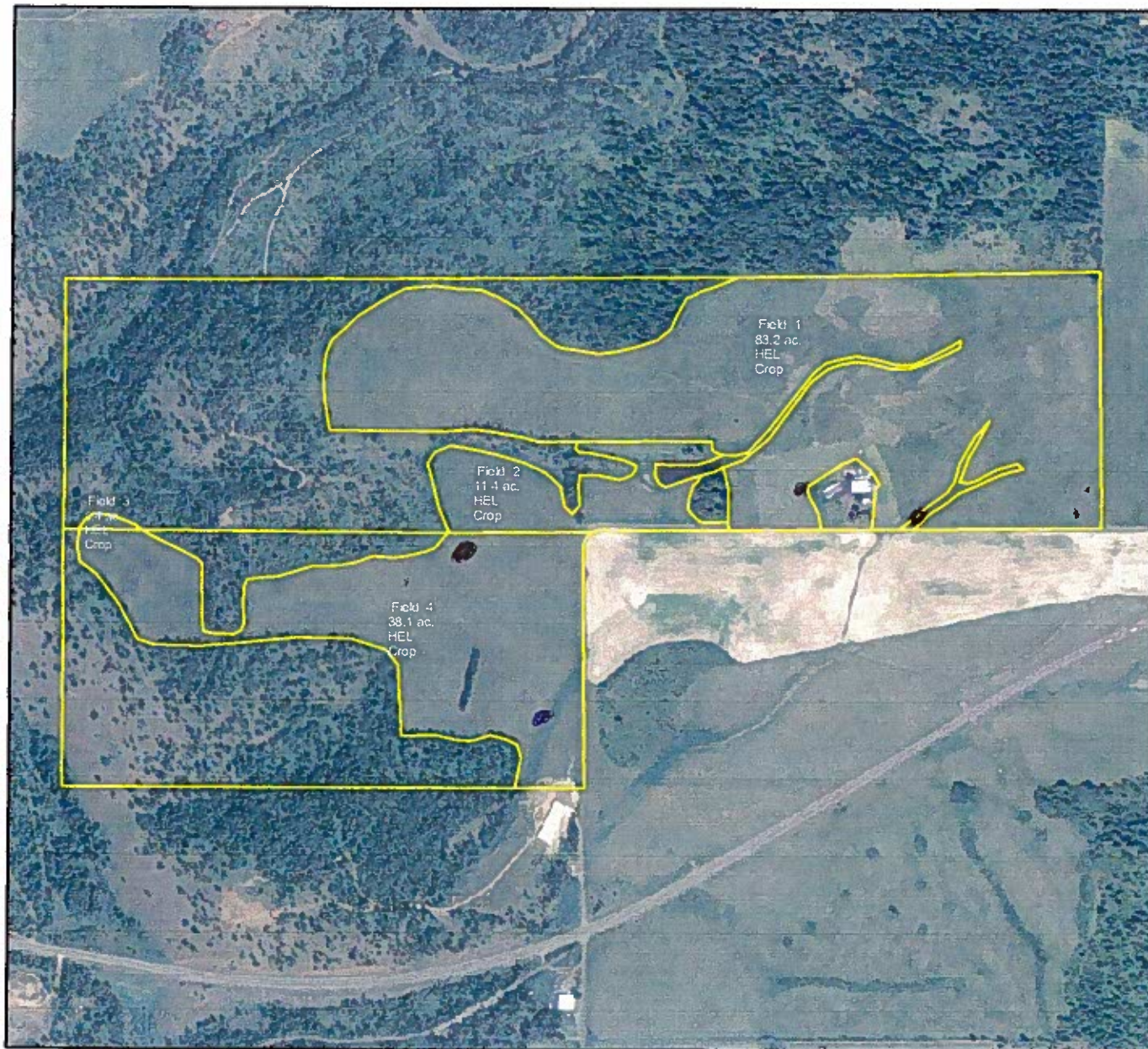
Legal Description: T46N,R4W,S10

Field Office: PLUMMER SERVICE CENTER

Agency: NRCS

Assisted By: Ryan Meccage

Land Units: Tract: 543 Field:



Legend

 CRP_T543

Image: drg_s_id009.sid

390 0 390 780 1,170 1,560 Feet



Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, February 04, 2009 2:27 PM
To: mterrabe@idfg.idaho.gov
Subject: Agency Comment Request Ltr re WR App for Lowry, 95-10082.doc
Attachments: 95-10082 Lowry.pdf; Agency Comment Request Ltr.doc

Good afternoon, Mary,

Here's another WR application for your comments. Request letter attached, and copy of application also attached.

If you have any questions, please contact Keith on this one.

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

2/4/2009



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR
Director

February 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. 95-10082 - Lowry

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 February 18 and 25 in the St Maries Gazette.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **March 9, 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: Wednesday, February 04, 2009 2:20 PM
To: jbenett@idl.idaho.gov
Subject: Agency Comment Request Ltr re 95-10082.doc
Attachments: 95-10082 Lowry.pdf; Agency Comment Request Ltr.doc

Good afternoon, Jim,

Attached is our letter requesting your comments in connection with WR Permit Application 95-10082 for Lowry.

If you have any questions on this, please contact Keith Franklin in our office.

Thanks.

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

2/4/2009



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR
Director

February 4, 2009

JIM BENNETT
IDAHO DEPT OF LANDS
1806 MAIN AVE
ST MARIES ID 83861

Re: Water Permit Application No. 95-10082 - Lowry

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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: Jim Bennett [JBennett@idl.idaho.gov]
Sent: Thursday, February 05, 2009 8:11 AM
To: Franklin, Keith
Cc: Ball, Dianne
Subject: 95-10082 Lowry

Keith,

The St. Joe Area does not have concerns or opposition regarding withdrawal of water for irrigation purposes as described in subject application. Thank you for the opportunity to comment.

Jim Bennett

Lands Resource Specialist, Senior

2/5/2009



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 10, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

BENNIE LOWRY
ROBERT N LOWRY
640 RENLOW RD
PLUMMER ID 83851-9634

RE: Application for Permit No 95-10082

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 St Maries Gazette on February 18 and 25, 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, February 10, 2009 11:41 AM
To: Legal Notices-SM Gazette - Kaisie Brede
Subject: Legal notice for publication on Feb. 18 and 25, 2009 - Lowry 95-10082
Attachments: CoverLetter 02-10-09 SM e-mail 95-10082.doc; LegalNotice 02-10-09 SM e-mail 95-10082.doc

Good morning, Kaisie,

Attached is our letter requesting publication of a legal notice on Feb. 18 and 25, 2009. Copy of legal notice also attached.

If you have ANY questions, please call me or reply to this e-mail.

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

Thanks for all your super help. It's always good to work with you.

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

2/10/2009



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

February 10, 2009

**KAISIE BREDE
LEGAL NOTICE DEPARTMENT
ST MARIES GAZETTE RECORD
610 MAIN AVE
ST MARIES ID 83861-1838**

RE: Application for Permit No. 95-10082

Dear Kaisie:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, February 18 and 25, 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 03/09/2009. Your cooperation is very much appreciated.

It's a pleasure to work with you – you are so helpful. Thanks.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

95-10082

BENNIE LOWRY

ROBERT N LOWRY

640 RENLOW RD

PLUMMER ID 83851-9634

Point of Diversion SWNE S10 T46N R04W BENEWAH County

Source UNNAMED STREAM tributary to PLUMMER CREEK

Point of Diversion NWNE S10 T46N R04W BENEWAH County

Source SPRING tributary to PLUMMER CREEK

Use: IRRIGATION	04/01 To 10/31	0.05 CFS
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Use: IRRIGATION STORAGE	01/01 To 12/31	12.9 AFA
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Use: IRRIGATION FROM STORAGE	04/01 To 10/31	4.5 AFA
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Total Diversion:	0.05 CFS	12.9 AFA
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Date Filed: 01/29/2009

Place of Use: IRRIGATION

T46N R04W S10 SWNE SENE

Place of Use: IRRIGATION FROM STORAGE same as IRRIGATION

Place Of Use: IRRIGATION STORAGE

T46N R04W S10 SWNE

Number of Acres 1.5

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 03/09/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published 2/18 & 2/25, 2009