

RECEIVED

NOV 20 2008

IDWR/North

75259
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

EMAIL: BRACKPAC@COMCAST.NET

1. Name of Applicant ERIC & PATTI BRAKKEN Phone 206 281 7920
Mailing address 1545 NW 90th ST SEATTLE WA 98117 Columbia River
2. Source of water supply PEND OREILLE RIVER which is a tributary of LAKE PEND OREILLE
3. Location of point of diversion is Township 56 N Range 2 WEST Sec. 3 in the SE NW Govt. Lot 3 B.M., BONNER County;

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount .02 for DOMESTIC IRRIGATION purposes from 9/1 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .02 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source 1/2-1 HP ELECTRIC PUMP
FOR IRRIGATION OF LAWN
- 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 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. _____
- 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	2W	3								24									24.4

Total number of acres to be irrigated 24.4

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? ERIC & PATTI BRAKKEN

b. Who owns the land to be irrigated or place of use? ERIC & PATTI BRAKKEN

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: PERMIT TO INSTALL ELECTRICAL PUMP TO EXTRACT WATER FROM
PEND OREILLE RIVER FOR LAWN IRRIGATION.

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]

Signature of Applicant (and title, if applicable)

Received by [Signature] Date 11/20/08 Time 10:00a Preliminary check by _____
Fee \$ 100.00 Receipted by [Signature] # N819694 Date 11/20/08
Publication prepared by [Signature] Date Jan 8/09 Published in Banner Co. Register 1/15 & 22/09
Publication approved [Signature] Date 2/6/09

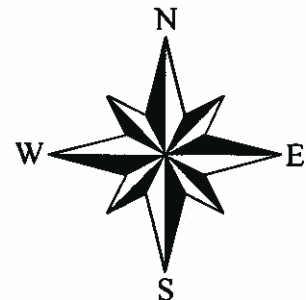
96-9414



0 100 200 400 600 800 Feet

Legend

-  workingpod
-  workingpou
-  Taxlots
-  QQ



IN THE STATE OF IDAHO, COUNTY OF BONNER

A portion on Government Lot 3 in Section 3, Township 56 North, Range 2 West of the Boise Meridian, Bonner County, Idaho, described as follows:

From the center of Section 3, Township 56 North, Range 2 West of the Boise Meridian;

thence North 00 degrees 31' 15" East along the North-South centerline of said Section 3, a distance of 500.00 feet;

thence North 89 degrees 21' 45" West, 234.00 feet;

thence North 00 degrees 17' 15" West, 238.03 feet to the True Point of Beginning;

thence North 89 degrees 21' 45" West, 136.37 feet;

thence North 71 degrees 02' 30" West, 115.88 feet;

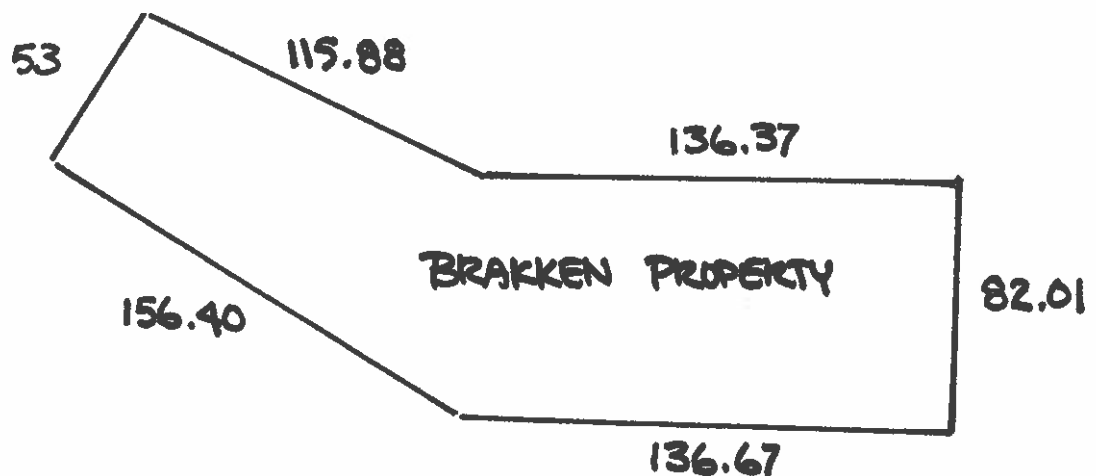
thence South 31 degrees 21' 15" West, 53.00 feet;

thence South 61 degrees 35' 15" East, 156.40 feet;

thence South 89 degrees 21' 45" East, 136.67 feet;

thence North 00 degrees 17' 15" West, 82.01 feet to the True Point of Beginning.

It is intended that the lot lines be extended Westerly to intersect the high water line of Lake Pend Oreille and that this conveyance include all properties encompassed between the same to mean high water line of said Pend Oreille Lake.



BRAKKEN

SECTION 3
TOWNSHIP 56 NORTH
RANGE 2 WEST

PEND OREILLE RIVER

3
28.39

LAKE SHORE DRIVE

HARMAN

BRAKKEN

STAGLUND

WATERVIEW LANE

MURPHY'S
BAYVIEW
PLACE

TROUT PARK

T-119

(4506)

160

1 2 3 4 5

T-60

T-62

(4670)

T-66

T-67 (4700)

(4762)

(4715)

(4720)

T-82

T-53

T-61

T-81

(4740)

(4750)

(4781)

(4801)

200

T-4

T-8

T-10

T-12

T-14

T-16

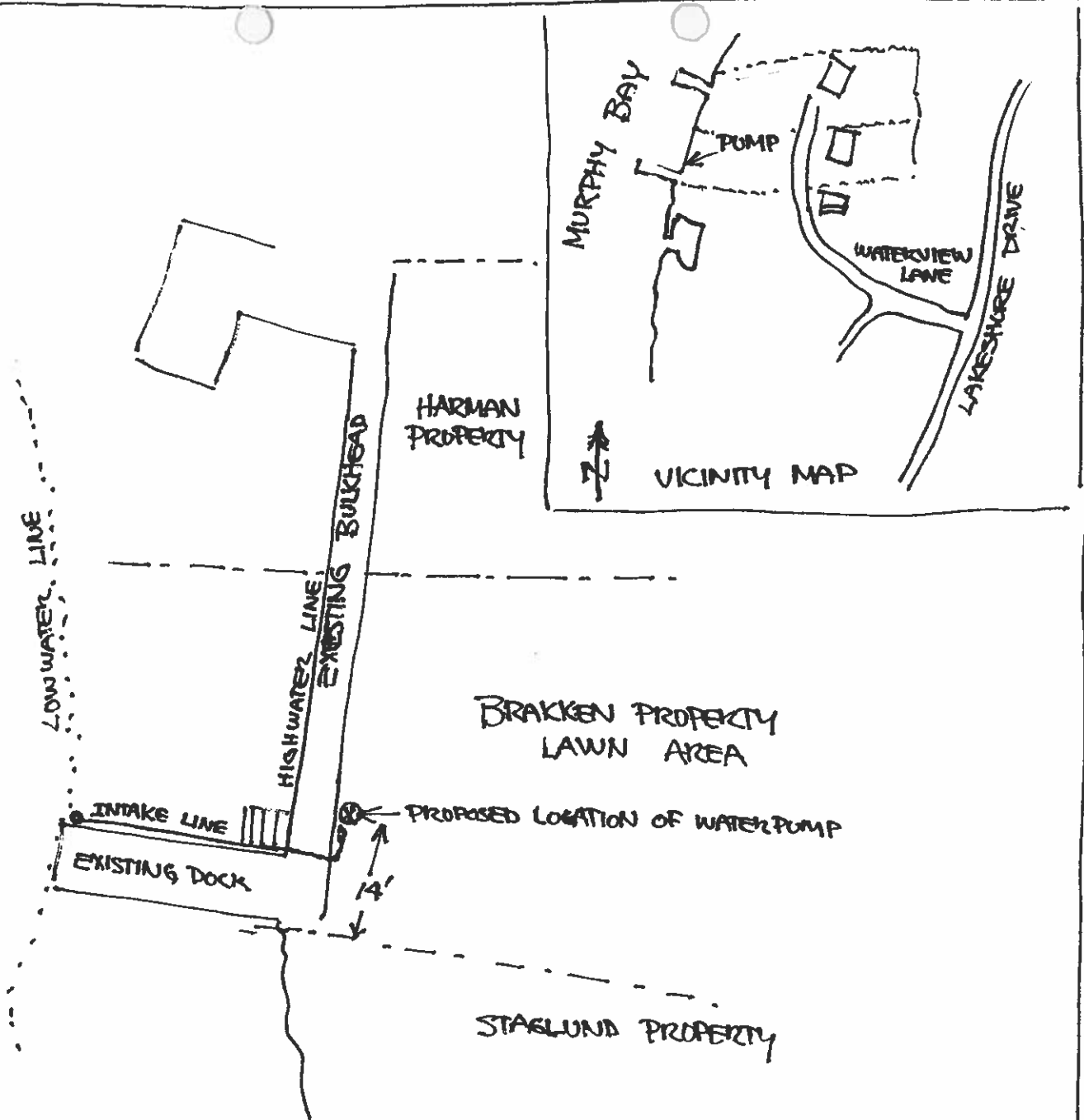
T-18

T-20

T-22

T-24

T-26



LOT 3 SECTION 3 TOWNSHIP 56 NORTH
MURPHY BAY
PEND OREILLE RIVER
BONNER COUNTY

11/1/2008

SHEET 1 OF 1



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

December 5, 2008

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

Re: Water Permit Application No. 96-9414 - Brakken

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 December 18 and 25, 2008 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 **January 5, 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 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

From: Ball, Dianne
Sent: Friday, December 05, 2008 1:34 PM
To: mterrabe@idfg.idaho.gov
Subject: Agency Comment Request re WR 96-9414
Attachments: 96-9414 Bracken.pdf; Agency Comment Request Ltr.doc

Attached is our cover letter requesting your comments. A copy of the application is also attached.

Please send your comments no later than January 5, 2008.

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

12/5/2008



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

December 5, 2008

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. 96-9414 - Brakken

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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: Ball, Dianne
Sent: Friday, December 05, 2008 1:40 PM
To: jbrady@idl.idaho.gov
Subject: Agency Comment Request re: 96-9414 Brakaken
Attachments: 96-9414 Bracken.pdf; Agency Comment Request Ltr.doc

Attached is our cover letter requesting your comments by no later than January 5, 2009. A copy of the application is also attached.

Thanks for your help,

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

12/5/2008



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

January 08, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

ERIC BRAKKEN
PATTI BRAKKEN
1545 NW 90TH ST
SEATTLE WA 98117

RE: Application for Permit No 96-9414

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 News on January 15 and 22, 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

Enclosure(s) – Receipt No. N019694



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

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

January 08, 2009

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

RE: Application for Permit No. 96-9414, 96-9418 and 97-7481

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, January 15 and 22, 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 02/02/2009. Your cooperation is always greatly appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, January 08, 2009 11:50 AM
To: Legal Notices-Bonner Co Daily Bee-Sheri Jones
Subject: Legal notice for publication Jan 15 and 22, 2009
Attachments: CoverLetter 01-08-09 BCDB e-mail 96-9414,18,97-7481.doc; LegalNotice 01-08-09 BCDB e-mail 96-9414,18,97-7481.doc

Good morning, Sheri,

Attached is our cover letter requesting publication of a legal notice on January 15 and 22, 2009. The legal notice is also attached.

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

Thanks for all your wonderful help. I truly do appreciate you and the work you do on our behalf.

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

1/8/2009

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

96-9414

ERIC BRAKKEN

PATTI BRAKKEN

1545 NW 90TH ST

SEATTLE WA 98117

Point of Diversion L3 (SENW) S3 T56N R02W BONNER CO

Source PEND OREILLE RIVER tributary to COLUMBIA RIVER

Use: IRRIGATION 04/01 To 10/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 11/20/2008

Place Of Use: IRRIGATION

T56N R02W S3 SENW Lot 3

Number of Acres 0.4

96-9418

BEYOND HOPE II INC

PO BOX 489

JACKSON WY 83001

Points of Diversion(2) L2 (NWSW) S12 T56N R01E BONNER CO

Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 0.25 CFS

Total Diversion: 0.25 CFS

Date Filed: 12/09/2008

Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.

97-7481

CARPENTERS UNLIMITED INC

PO BOX 92

COOLIN ID 83821

Point of Diversion L3 (SENW) S23 T59N R04W BONNER CO

Source GROUND WATER

Use: COMMERCIAL 01/01 To 12/31 0.11 CFS

Total Diversion: 0.11 CFS

Date Filed: 11/07/2008

Place Of Use: COMMERCIAL

T59N R04W S23 SENW Lot 3

Remark: Commercial use is for 10 room recreation lodge to provide food service and lodging to guests.

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 02/02/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published Jan. 15 & 22, 2009