

75154

Ident. No. 98-7879

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

RECEIVED
NOV 05 2008
IDWR/North

1. Name: RIPLEY COMEGYS
PO BOX 1508
BONNERS FERRY ID 83805
(208)267-5113
2. Source: DEEP CREEK Tributary to: KOOTENAI RIVER
UNNAMED STREAM Tributary to: DEEP CREEK

3. Location of Point of Diversion:

- | | | |
|-------------------|-----------------|--------------------------------|
| #1 DEEP CREEK | L2 (NW1/4NE1/4) | Sec. 1, Twp 61N, Rge 01W, B.M. |
| KOOTENAI County | | |
| #2 UNNAMED STREAM | L2 (NW1/4NE1/4) | Sec. 1, Twp 61N, Rge 01W, B.M. |
| BOUNDARY County | | |
| #3 UNNAMED STREAM | SW1/4NE1/4 | Sec. 1, Twp 61N, Rge 01W, B.M. |
| BOUNDARY 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>
RECREATION	01/01 to 12/31	0.12 CFS	
FIRE PROTECTION	01/01 to 12/31	0.20 CFS	
FIRE PROTECTION FROM STORAGE	01/01 to 12/31		52.2 AF
IRRIGATION	04/01 to 10/31	0.20 CFS	
IRRIGATION STORAGE	01/01 to 12/31		82.2 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		30.0 AF
RECREATION STORAGE	01/01 to 12/31		52.2 AF
WILDLIFE STORAGE	01/01 to 12/31		52.2 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		52.2 AF

5. Total quantity to be appropriated is: 0.20 CFS 82.2 AF

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6. Proposed diverting works:

POINT OF DIVERSION #1

- a. Type and size of devices used to divert water from the source: PORTABLE PUMP

POINT OF DIVERSION #2

- a. Type and size of devices used to divert water from the source;
b. Height of storage dam 8 feet;
Active reservoir capacity 25.7 acre-feet;
Total reservoir capacity 25.7 acre-feet;

POINT OF DIVERSION #3

- a. Type and size of devices used to divert water from the source;
b. Height of storage dam 4 feet;
Active reservoir capacity 0.3 acre-feet;
Total reservoir capacity 0.3 acre-feet;

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 year(s).

[illegible]

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PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
61N 01W 1	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	10.0
		5.0	5.0														
		L 2															

Total Acres: 10

PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
61N 01W 1	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		X	X														
		L 2															

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
61N 01W 1	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		X	X														
		L 2															

PLACE OF USE: FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
61N 01W 1	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		X	X														
		L 2															

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

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Ident. No. 98-7879

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APPLICATION FOR PERMIT

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10. Remarks:

THESE TWO PONDS ARE USED FOR IRRIGATION OF LAWNS AND WILDLIFE PLOTS, FISH IN BOTH, STORAGE FOR FIRE CONTROL.

RECREATION IS FOR FISHING, SWIMMING AND CANOEING. RECREATION DIVERSION WILL KEEP THE LARGE POND FULL WHEN WATER IN THE UNNAMED STREAM IS NOT ADEQUATE. THE DIVERSION RATE WOULD BE 0.06 CFS IF USED 24 HOURS PER DAY OR A MAXIMUM OF 0.12 CFS IF USED ONLY 12 HOURS PER DAY AND ONLY USED WHEN NEEDED.

NOTE: BOTH PONDS CURRENTLY EXIST AND THEY ARE INSTREAM PONDS.

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.

Bintley S. Conroy
Applicant

Received by dp 11/5/08 Date 11/5/08 Time _____ Preliminary check by _____
Publication prepared by dp Date 11/12/08 Published in Booners Ferry Herald 11/20+21/08
Publication approved dp Date 12/3/08

Receipt No. N019544

Date: 9/10/08

Received by: Dianne

98-7879

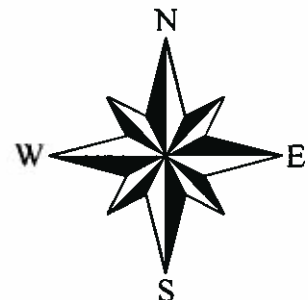
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IDWR/North



0 255 510 1,020 1,530 2,040 Feet

Legend

- workingpod
- workingpou
- Taxlots
- QQ



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OCT 24
DWR/N

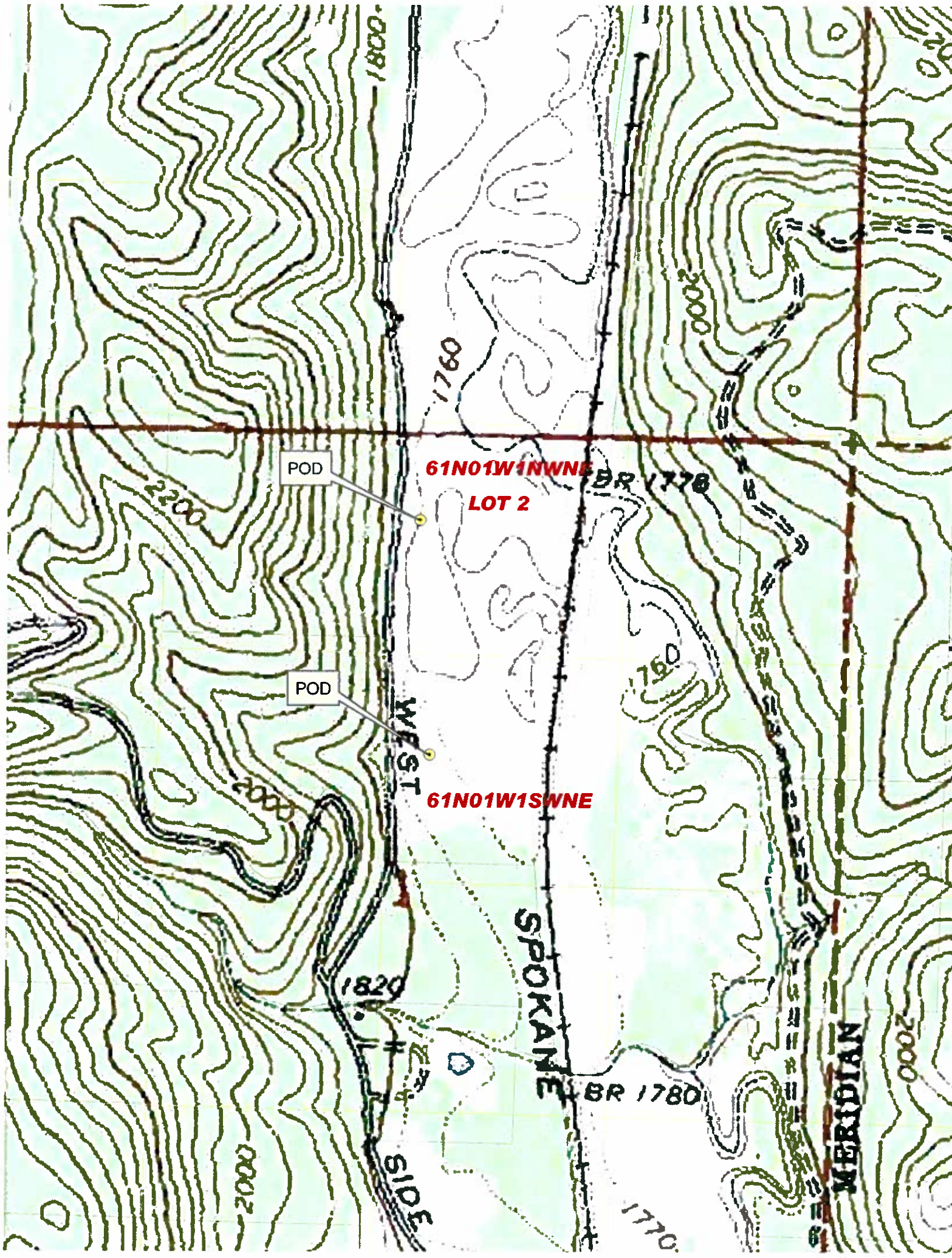
POD

61ND1W1NWNE

PLACE OF USE

POD

61ND1W1SWNE



61N01W1NWN
LOT 2

POD

POD

61N01W1SWNE

WEST

SPOKANE

MERIDIAN

BR 1778

BR 1780

1820

SIDE

1770

2000

1760

2000

2000

2200

1800



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Phil's phone 240-7747

October 7, 2008

Phil Allegretti
571 Kootenai Trail Rd.
Naples, ID 83847

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho

Dear Phil:

Enclosed is an aerial photograph of Mr. Comegy's property. Please indicate on the map the proposed location of the point of diversion from Deep Creek. Also, what will be the proposed discharge, from Deep Creek, to keep the larger pond at a constant elevation?

Once I receive this information, I will generate an electronic version of an application combining the two received applications, for Mr. Comegy's consideration. I believe we can combine the two current applications into one, therefore allowing for a refund on one of the applications already submitted.

If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure

COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

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C. L. "BUTCH" OTTER
Governor

RECEIVED TUTHILL, JR.
Director

OCT 24 2008

IDWR/North.

October 7, 2008

Phil Allegretti
571 Kootenai Trail Rd.
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Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure

I PUT AN X ON POINT OF DIVERSION.
Proposed discharge .06 CFS
24 hrs. per day June - Sept or
Possibly .12 CFS 12 hours per day -
Thanks, Phil



State of Idaho

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 27, 2008

Phil Allegretti
571 Kootenai Trail Rd.
Naples, ID 83847

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho

Dear Mr. Allegretti:

Enclosed please find an electronic version of Mr. Comegys application for a water right that contains all of the previously discussed changes. This also incorporates the two previously submitted applications into one and a refund will be requested for the filing fee on the application that was omitted. I included a diversion rate for Fire Protection and a storage component for Fire Protection From Storage. Also, the application includes a year around use for recreation diversion, incase water from deep creek is needed after the end of the irrigation season.

Please review the application and if meets with your approval, have Mr. Comegys sign the document and return it to me at your earliest convenience. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure

COPY

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, November 06, 2008 4:10 PM
To: mterrabe@idfg.idaho.gov
Subject: Agency Comment Request re 98-7879 Comegys
Attachments: 98-7879 Comegys.pdf; Agency Comment Request Ltr.doc

Good afternoon, Mary,

Another request for your comments - this one for 98-7879 Comegys. Our letter is attached as is a copy of the application.

Please respond no later than December 8, 2008.

Any questions, please contact Keith Franklin.

Thanks, and have a wonderfully restful evening.

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

11/6/2008



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

November 7, 2008

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

Re: Water Permit Application No. 98-7879 – Comegys

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 November 20 and 27, 2008 in the Bonners Ferry Herald.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **December 8, 2008**. 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: Friday, November 07, 2008 10:32 AM
To: Marston, Sascha
Cc: Franklin, Keith
Subject: REFUND RE: RECEIPT N019545 - Comegys

Good morning, Sascha,

Please refund \$250.00 to: Ripley Comegys
 PO BOX 1508
 BONNERS FERRY ID 83805

Mr. Comegys applied for two separate water rights – under Receipts N019544 and N019545.

We were able to combine both into one application. Therefore the funds under Receipt N019545 need to be refunded.

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

Thanks very much.

Have a great day and a marvelous weekend!!

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

Dianne,
 The consolidated application
 we submitted into one.
 N019544 \$250.00 Paid
 Requested Refund N019545 11/7/08 \$1250.00 Paid.
 Total \$500.00

Need to refund \$500.00
 KA

11/7/2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 12, 2008

RIPLEY COMEGYS
PO BOX 1508
BONNERS FERRY ID 83805

RE: Application for Permit No 98-7879

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 Bonners Ferry Herald on November 20 and 27, 2008. 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: Wednesday, November 12, 2008 1:57 PM
To: Legal Notices-BF Herald; Legal Notices-BFHerald-Kim Charland
Subject: Legal notice for publication November 20 and 27,2008 98-7879, 98-7880
Attachments: CoverLetter 11-12-08 BFH e-mail 98-7879,7880.doc; LegalNotice BFH e-mail 98-7879,80.doc

Good afternoon, Kim,

Attached is our cover letter requesting publication of a legal notice on November 20 and 27, 2008. The legal notice is also attached.

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

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

Thanks for your super 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

11/12/2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

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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*

November 12, 2008

KIM
LEGAL NOTICE DEPARTMENT
BONNERS FERRY HERALD
PO BOX 539
BONNERS FERRY ID 83805

RE: Application for Permit No. 98-7879 and 98-7880

Dear Kim:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, November 20 & 27, 2008, (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 12/08/2008. Your cooperation is greatly appreciated.

Thanks for all your super help.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

The following applications have been filed to appropriate the public waters of the State of Idaho:

98-7879

RIPLEY COMEGYS
PO BOX 1508

BONNERS FERRY ID 83805

Point of Diversion L2 (NWNE) S1 T61N R01W BOUNDARY CO

Source DEEP CREEK tributary to KOOTENAI RIVER

Point of Diversion L2 (NWNE) S1 T61N R01W BOUNDARY CO

Source UNNAMED STREAM tributary to DEEP CREEK

Point of Diversion SWNE S1 T61N R01W BOUNDARY CO

Source UNNAMED STREAM tributary to DEEP CREEK

Use: IRRIGATION	04/01 To 10/31	0.2 CFS
Use: IRRIGATION STORAGE	01/01 To 12/31	82.2 AFA
Use: IRRIGATION from STORAGE	04/01 To 10/31	30 AFA
Use: WILDLIFE STORAGE	01/01 To 12/31	52.2 AFA
Use: RECREATION	01/01 To 12/31	0.12 CFS
Use: RECREATION STORAGE	01/01 To 12/31	52.2 AFA
Use: FIRE PROTECTION	01/01 To 12/31	0.2 CFS
Use: FIRE PROTECTION STORAGE	01/01 To 12/31	52.2 AFA
Use: FIRE PROTECTION from STGE	01/01 To 12/31	52.2 AFA
Total Diversion:	0.2 CFS	82.2 AFA

Date Filed: 09/10/2008

Place Of Use: RECREATION

T61N R01W S1 NWNE Lot 2 SWNE

Place Of Use: All other uses same as RECREATION

Number of Acres 10

Remark: Recreation use is for fishing, swimming and canoeing.

98-7880

ANNETTE TORRENCE

303 KENMORE AVE

EDGEWATER MD 21037

Point of Diversion NENWSE S23 T61N R01W BOUNDARY CO

Source SPRING Tributary To SINKS

Use: STOCKWATER	01/01 To 12/31	0.02 CFS
Use: DOMESTIC	01/01 To 12/31	0.04 CFS
Total Diversion:		0.06 CFS

Date Filed: 10/29/2008

Place Of Use: DOMESTIC

T61N R01W S23 NWSE

Place Of Use: STOCKWATER same as DOMESTIC

Remark: Domestic use is for 1 home.

Stockwater use is for 8 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 12/08/2008.

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

DAVID R. TUTHILL, JR., Director

Published 11/20 & 27/2008