

75077

Ident. No. 97-7478

RECEIVED

SEP 15 2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

AUG 26 2008

IDWR/North

IDWR/North

1. Name of Applicant Luther D Mullins Phone 509-993-4511Mailing address P.O. Box 1371 Priest River ID 83856 Email _____2. Source of water supply Priest River which is a tributary of Benedicta River3. Location of point of diversion is Township 57N Range 4W Sec. 20 in the _____ 1/4, NW 1/4, NW 1/4, Govt. Lot _____, B.M., Bowmer County: _____

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for Domestic purposes from 1/1 to 12/31 (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)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) 0.04 and/or (b) _____
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 Pumpb. 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 1 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. 1 Home including irrigation

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	
57N	4W	20					D												

Total number of acres to be irrigated: _____

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? _____

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 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.

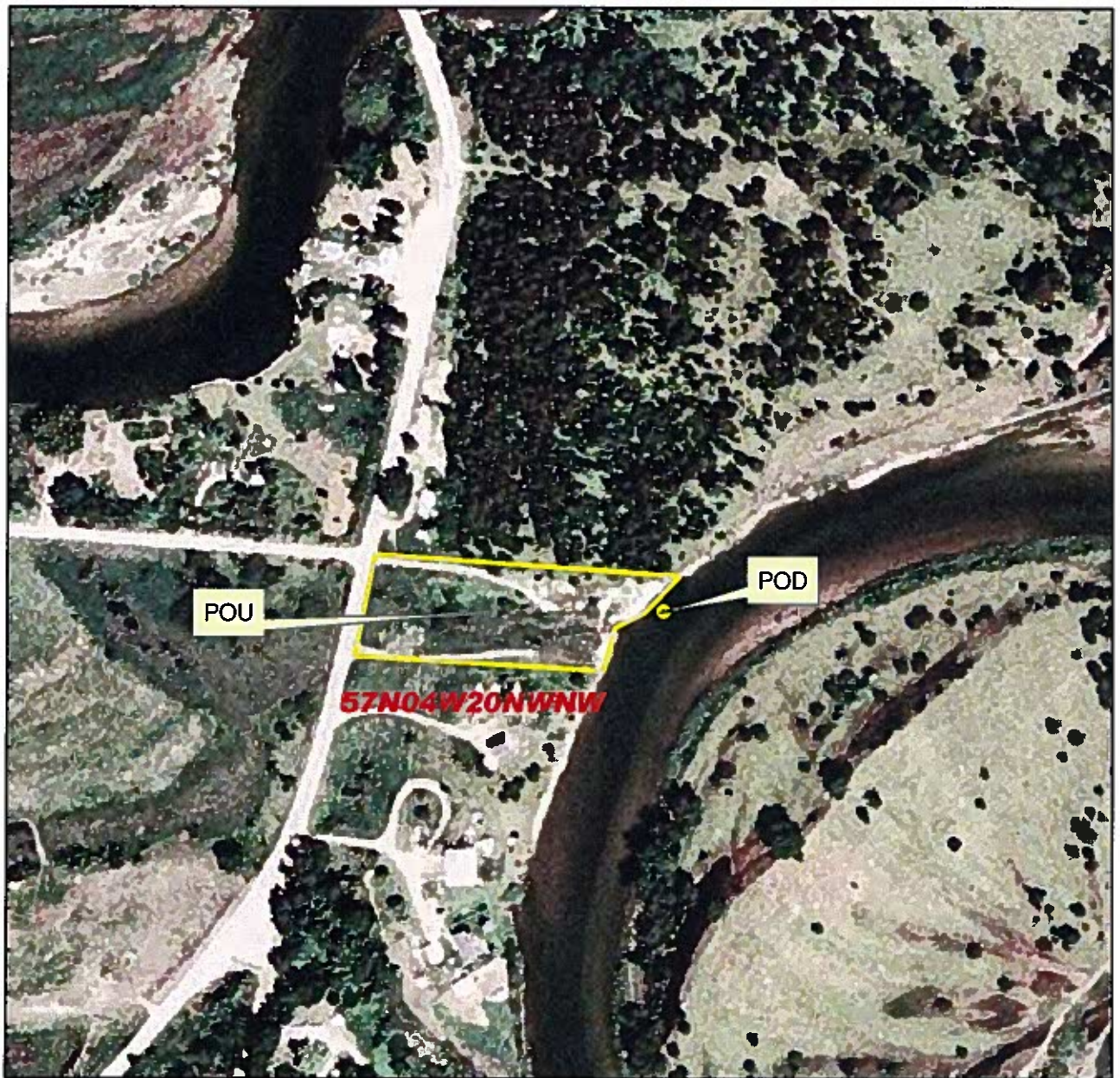
[Signature]
Signature of Applicant

Luther D Mullins
Print Name (and title, if applicable)

For Department Use:

Received by CD Date 8/26/08 Time 11:30a Preliminary check by _____
 Fee \$ 100.00 Received by CD Receipt No. ND19414 Date 8/26/08
 Publication prepared by CD Date 9/23/08 Published in Priest River Times 10/1 & 8/08
 Publication approved CD Date 12/18/08 Dates Published 10/1 and 8/08

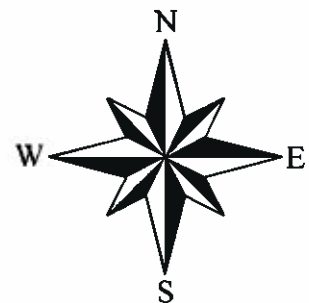
97-7478



0 125 250 500 750 1,000 Feet

Legend

-  workingpod
-  workingpou







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

September 2, 2008

Luther D. Mullins
PO Box 1371
Priest River, ID 83856

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

Dear Mr. Mullins:

The Idaho Department of Water Resources is returning your application for additional information.

Item #7 Time for Completion of Work

An applicant has from 1 to 5 years by which to install everything authorized under a permit prior to a final examination by the department. Please indicate the time in years required to have your system constructed.

Map

No map accompanied the application to show the location of your property or the point of diversion from Priest River. On the attached aerial photograph, please outline your property and show the location of the point of diversion.

Please return the application along with the aerial photograph within the next 30 days so as not to delay processing. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Enclosure(s)

COPY



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

September 18, 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. 97-7478 Mullins

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 October 1 and 8, 2008

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **October 20, 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: Thursday, September 18, 2008 1:34 PM
To: jbrady@idl.idaho.gov
Subject: Agency Comment Request re 97-7478 - Mullins
Attachments: 97-7478 Mullins.pdf; Agency Comment Request Ltr.doc

Good afternoon, Jim,

Attached is our letter requesting comments from you on WR App 97-7478 - Mullins. Copy of the application is also attached FYI.

Comments needed by October 20, 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

9/18/2008



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

September 18, 2008

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

Re: Water Permit Application No. 97-7478 Mullins

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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: Thursday, September 18, 2008 1:14 PM
To: mterrabe@idfg.idaho.gov
Subject: Agency Comment Request re 97-7478
Attachments: 97-7478 Mullins.pdf; Agency Comment Request Ltr.doc

Good afternoon, Mary,

Attached is our cover letter requesting comments from your agency by October 20, 2008 for Application 97-7478 - Mullins. Copy of the Mullins application is also attached FYI.

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

9/18/2008



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September 23, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

LUTHER D MULLINS
PO BOX 1371
PRIEST RIVER ID 83856

RE: Application for Permit No 97-7478

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 Priest River Times on October 1 and 8, 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: Tuesday, September 23, 2008 3:06 PM
To: Legal Notices-Priest River Times - Shannon Foote
Subject: LEGAL NOTICE for publication October 1 and 8, 2008
Attachments: CoverLetter 09-23-08 PRT e-mail 96-9409,97-7478.doc; LegalNotice 09-23-08 PRT e-mail 96-9409,97-7478.doc

Good afternoon, Shannon,

Attached is our cover letter requesting publication of a legal notice on October 1 and 8, 2008. The legal notice is also attached.

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

If you have ANY questions, please call me at 208-762-2800 or reply to this e-mail.

Thanks for being so easy to work with. You're special!

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

9/23/2008



State of Idaho

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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*

September 23, 2008

**SHANNON FOOTE
LEGAL NOTICE DEPARTMENT
PRIEST RIVER TIMES
PO BOX 10
PRIEST RIVER ID 83856**

RE: Application for Permit No. 96-9409 and 97-7478

Dear Shannon:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, October 1 and 8, 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 10/20/2008. Your cooperation is always greatly appreciated.

It's a pleasure to work with you. Thanks.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

96-9409

KYLE RAINES

AMY RAINES

3674 N 15TH ST

COEUR D'ALENE ID 83815

Point(s) of Diversion NWSWNE S32 T55N R04W BONNER CO

Source SPRING tributary To SINKS

Point(s) of Diversion SWSWNE S32 T55N R04W BONNER 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: 09/03/2008

Place Of Use: DOMESTIC

T55N R04W S32 SWNE

Place Of Use: STOCKWATER

T55N R04W S32 SWNE

Remark: Domestic use is for 2 homes.

Stockwater use is for 10 head of mixed stock

97-7478

LUTHER D MULLINS

PO BOX 1371

PRIEST RIVER ID 83856

Point(s) of Diversion NWNW S20 T57N R04W BONNER CO

Source PRIEST RIVER tributary To PEND OREILLE RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 08/26/2008

Place Of Use: DOMESTIC

T57N R04W S20 NWNW

Remark: Domestic use is for 1 home

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 10/20/2008. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director