

74800
STATE OF IDAHO

Ident. No. 95-9487

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVE

MAY 14 2008

IDWR/North

To appropriate the public waters of the State of Idaho

1. Name of Applicant Henkaski Family Trust Phone 208-683-9139
 Mailing address Box 750 Athol, ID 83801 Email mhenkaski@msn.c
2. Source of water supply Unnamed Stream which is a tributary of Sinks
3. Location of point of diversion is Township 53N Range 3W Sec. 36, in the SE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot _____, B.M., Kootenai County;
 additional points of diversion if any: _____

4. Water will be used for the following purposes:

- 0.3 Amount 0.26 AF for Aesthetic Stor. purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- 0.3 Amount 0.26 AF for wildlife Stor. purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- 1.8 Amount 1.76 AF for Irrig. Stor. purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 1.5 AF for Irrig. from Stor. purposes from 4/1 to 10/31 (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)

5. Total quantity to be appropriated is (a) _____ cubic feet per second and/or (b) 1.76 AF acre feet per year

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source In flow pond

- b. Height of storage dam _____ feet; active reservoir capacity 0.26 acre-feet;
 total reservoir capacity .26 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. pond 40' X 30' X 4' in depth

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	
53N	3W	36				J													
						w													
						0.5													0.5

Total number of acres to be irrigated: 0.5

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? "
- 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.

Michael L. Henkeski for Henkeski family Trust Michael L. Henkeski, Trustee
Signature of Applicant Print Name (and title, if applicable)

For Department Use

Received by do Date 5/14/08 Time 11:25 a Preliminary check by _____
Fee \$ 100.00 Received by do Receipt No. NO19241 Date 5/14/08
Publication prepared by do Date 5/22/08 Published in CHA News 6/5+12/08
Publication approved do Date 6/16/08 Dates Published 6/5+12/08



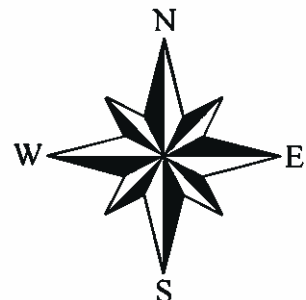
95-9487



0 145 290 580 870 1,160 Feet

Legend

-  QQ
-  Taxlots
-  Application pod
-  Application pou



SCANNED
SEP 8 2008

Henkosi Family Trust

Pond size $40' \times 30' \times 4'$ Ave. depth.

$$= 4800 \text{ ft}^3 / 43,560 = 0.11 \text{ AF}$$

0.26 AF Wildlife Storage $\rightarrow$ a) Pond size 0.11 AF
b) Evap. 0.15 AF
0.26 AF

0.26 AF Aesthetic Storage $\rightarrow$ a) Pond size 0.11 AF
b) Evap. 0.15 AF
0.26 AF

1.76 AF Irrigation Storage

1.5 AF Irrigation from Storage $\rightarrow$ a) Pond size 0.11 AF
b) Evap. 0.15 AF
c) Irrig. 1.50 AF
1.76 AF

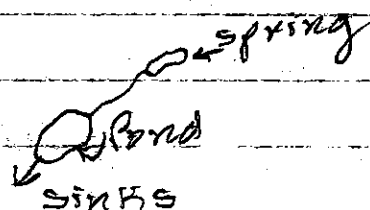
a) Irr. 1.5 AF
 $3 \text{ AF} / 0.5 \text{ AC} = 1.5 \text{ AF}$

Evaporation:

$12,000 \text{ ft}^2$ surface area = 232 gpd

$232 \text{ gpd} \times 214 \text{ days of evap.} = 49,648 \text{ gallons}$

$49,648 / 325,850 \text{ gal./AF} = 0.15 \text{ AF}$



IDAHO DEPARTMENT OF WATER RESOURCES APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 95-9487

APPLICATION ID # 74800
INITIAL REVIEW

ENT. 5/14 BCA 5/15/08 OK to Publish 5/19/08

APPLICANT: Henkoski Family Trust BY: KJ DATE: 5/14/2008

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
☒ Nature of Proposed Use
☒ Period of Use
5. ☒ Total Quantity
6. ☒ Description of diverting works
7. ☒ Time required for b/u
8. ☒ Proposed use
9. ☒ Place of use or acres irrigated
10. ☒ Other water Rights
11. ☒ Ownership
12. ☒ Map
☒ Signature
☒ Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y() N()

ADDITIONAL INFORMATION

(Yes)(No)

- ☒ Shape File Created Date 5/14/08 By: KJ
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. attached(>5cfs/500af)
- ☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 5/14/2008

☒ (Include Moratorium Remark)

☒ Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: Kootenai County

LETTERS SENT REQUESTING:

- ☐ Dam Information ☐ Fish Information
☐ Power Information ☐ Other: _____

INFORMATION RECEIVED:

☐ Dam Information ☐ Fish Information

☐ Power Information ☐ Other: _____

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom.____ Non-Dom.____	Paid \$_____	_____	Y() N()
_____	_____	Dom.____ Non-Dom.____	Paid \$_____	_____	Y() N()
_____	_____	Dom.____ Non-Dom.____	Paid \$_____	_____	Y() N()

- ☐ Groundwater management area
- ☐ Critical ground water area
- ☐ Well Drilling Permit required
- ☐ Well Drilling Application and Fees received
- ☐ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- ☐ Notice of pending void order issued. Final order response date: ____/____/____
- ☐ Further information required from applicant
- ☒ Affidavit of publication received
- ☒ Application published correctly. If not, record action taken: _____

5/20 Publication dates and paper recorded on application

Sr. Agent initial EP

☐ Protests received, Final protest date: 6/23/08

☐ Measuring device required

☐ Measuring port required

☐ Special conditions: _____

☐ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Eric Johnson

Date: 8/7/2008



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

May 19, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

MARY TERRA-BERNS
DEPT OF FISH & GAME
2885 W KATHLEEN AVE.
COEUR D ALENE, ID 83814

Application to Permit No.

95-9486

95-9487

74799 and 74800 - Henkoski Family Trust

Dear Mary:

Enclosed is a copy of each of the above referenced applications.

These applications are scheduled for publication June 5 and 12, with **final date for protest to be June 23**. Please review the applications, and if you have comments, we would appreciate receiving them by no later than **June 23, 2008**. You may send comments by regular mail to the address above, by FAX to (208) 762-2819, or by e-mail to dianne.ball@idwr.idaho.gov or to keith.franklin@idwr.idaho.gov.

Application No. 74799 is for withdrawal from a spring, tributary to sinks, for domestic use. No rivers or streams are involved.

Application No. 74800 is for withdrawal from an unnamed stream, tributary to sinks, for storage for aesthetic, wildlife and irrigation purposes.

Please feel free to contact this office if you have any questions regarding these applications.

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.

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure(s)



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

May 22, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

HENKOSKI FAMILY TRUST
PO BOX 750
ATHOL ID 83801

RE: Application for Permit No 95-9486 and 95-9487

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 June 5 & 12, 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: Thursday, May 22, 2008 2:07 PM
To: legals@cdapress.com; gjefferson@cdapress.com
Subject: Second legal notice for publication on June 5 and 12, 2008

Attachments: CoverLetter 05-22-08 CDA e-mail2 95-9484,85,86,87.doc; LegalNotice 05-22-08 CDA e-mail2 95-9484,85,86,87.doc

Good afternoon, again, Molly and Glenda,

This is the **SECOND** of **TWO** legal notices you will be receiving from us today - both for publication **June 5 and 12, 2008**. being sent a little early because although I will be in tomorrow (Friday) I will be out for the holiday plus 2 days next week - back into office next Thursday. I just wanted to make sure you had this in advance in case there were any last minute changes.

I will need a proof/preview copy for this as well as the first legal submitted - because they are two separate legal notices.

Attached is our cover letter for this legal notice, also requesting publication on **June 5 and 12, 2008**. The legal notice for this one is also attached.

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

Thanks very much for all your help.

Dianne

*Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
7600 Mineral Drive Suite 100
Coeur d'Alene, ID 83815
Phone (208)762-2800 FAX (208)762-2819*



CoverLetter
5-22-08 CDA e-mai.



LegalNotice
5-22-08 CDA e-mai.



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

May 22, 2008

MOLLY STERN & GLENDA JEFFERSON
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

RE: Application for Permit No. 95-9484, 95-9485, 95-9486, and 95-9487

Dear Molly and Glenda:

Enclosed is the SECOND of two separate legal notices being submitted to the press which we wish to have published in your newspaper on the dates indicated, June 5 & 12, 2008, (once a week for two consecutive weekly issues).

This one is also being submitted early because I will be out of the office most of next week following the holiday.

If you cannot publish the notices 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 06/23/2008. Your cooperation is greatly appreciated.

Thanks for all your help.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

95-9484

KOOTENAI MEDICAL CENTER
2003 LINCOLN WAY
COEUR D ALENE ID 83814
Points of Diversion(2) SWNE S11 T50N R04W
KOOTENAI County
Source GROUND WATER
Use: HEATING 01/01 To 12/31 2 CFS
Use: COOLING 01/01 To 12/31 2 CFS
Total Diversion: 2 CFS

Date Filed: 05/05/2008
Place Of Use: COOLING & HEATING
T50N R04W S11 SWNE Lot 2

95-9485

JAMES R ALLEN
258 NW SUNRISE DR
PULLMAN WA 99163
Point(s) of Diversion L3 (NWSENE) S11 T47N R04W
KOOTENAI County
Source COEUR D ALENE LK tributary to SPOKANE RIVER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 04/18/2008
Place Of Use: DOMESTIC
T47N R04W S11 SENE Lot 3
Remark: Domestic use is for 1 home.

95-9486

HENKOSKI FAMILY TRUST
PO BOX 750
ATHOL ID 83801
Point of Diversion SESENE S36 T53N R03W
KOOTENAI County
Source SPRING Tributary To SINKS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 05/14/2008
Place Of Use: DOMESTIC
T53N R03W S36 SENE
Remark: Domestic use is for 1 home.

95-9487

HENKOSKI FAMILY TRUST
PO BOX 750
ATHOL ID 83801
Point of Diversion SENE S36 T53N R03W KOOTENAI CO
Source UNNAMED STREAM Tributary To SINKS
Use: IRRIGATION STORAGE 01/01 To 12/31 1.8 AFA
Use: IRRIGATION FROM STORAGE
04/01 To 10/31 1.5 AFA
Use: WILDLIFE STORAGE 01/01 To 12/31 0.3 AFA
Use: AESTHETIC STORAGE 01/01 To 12/31 0.3 AFA
Total Diversion: 1.8 AFA

Date Filed: 05/14/2008
Place Of Use: ALL STORAGE USES
T53N R03W S36 SENE
Number of Acres 0.5
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 06/23/2008. The protestant must also send a copy of the protest to the applicant.
DAVID R. TUTHILL, JR., Director Published 06/05 & 12/08



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION

2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

C.L. "Butch" Otter/Governor
Cal Groen/Director

June 19, 2008

Mr. Keith Franklin
Idaho Department of Water Resources
Northern Region
7600 Mineral Drive, Ste 100
Coeur d'Alene, ID. 83815

*Go on computer
6/23/08
copy in each file
D*

RECEIVED
JUN 23 2008
IDWR/North

Dear Keith:

REFERENCE: 95-9486 (74799) and 95-9487 (74800) – Henkoski Family Trust

We have reviewed the above-named applications by Michael L. Henkoski on behalf of the Henkoski Family Trust.

Application number 74799 (95-948) describes 0.04 cfs/acre for domestic use. Water will be diverted from the spring to the house using a pipe (the type of pipe is not described in the application). We have no objection to permitting this water right as described in the application.

Application number 74800 (95-9487) is for the creation of an in-flow pond located on an unnamed stream. The application did not describe how the pond will be constructed. The application states that the pond will be used for aesthetic storage, wildlife storage, irrigation storage, and domestic use.

While it is not clear whether the applicant desires to stock, or otherwise manage the proposed pond for fish, we recommend they be made aware of the following. According to Section 36 (706), Idaho Code, no person shall establish and maintain a pond on premises owned or leased by him and obtain, possess, propagate and process for his own personal pleasure and use any fish approved by the Commission, unless he has first obtained a permit from the Director of the Idaho Department of Fish and Game. One of the stipulations that must be met before a permit may be issued by the Director is that the pond is not constructed in or across a natural stream bed containing wild fish, except when it has been determined by the Commission that the water flow and volume of wildlife concerned in such proposed private pond are not a significant part of the wildlife resource of the State.

Requirements to obtain a permit include the following.

- Pond construction may not be in or across any natural streambed, lake, or other watercourse containing wild fish, except when determined by the Commission that the

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-769-1414 • Fax: 208-769-1418 • Idaho Relay (TDD) Service: 1-800-377-3529 • <http://fishandgame.idaho.gov>

RECEIVED
JUN 23 2008
IDWR/North

water flow and volume of wildlife concerned in the proposed pond are not a significant part of the wildlife resource of the state.

- The pond must be located entirely on private property owned or leased by the applicant.
- Any dam constructed to divert water into the pond must meet all requirements in Section 36-906(a), Idaho Code.
- All inlets to the pond must be screened at the point of diversion (screen mesh size should be 0.25 inches; intake approach velocities should not exceed 0.5 ft/second) as provided in Section 36-906(b), Idaho Code, to prevent the entrance of wild fish into the pond.
- The permit application is made using the form provided by the Department, which provides information required by the Director.
- The pond shall be posted in three (3) separate conspicuous places and all entrance roads.

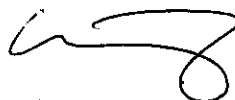
In addition, if the applicant intends to stock fish in the pond, the fish to be stocked must be delivered by a commercial hatchery (required for trout), the applicant must acquire a fish transport permit to bring fish to the pond. Both permits are available from Idaho Department of Fish and Game. Before any fish are stocked into the pond, it must be inspected by the IDFG to ensure it is properly screened to prevent fish from escaping downstream into areas occupied by native fish.

IDFG in general has concerns with on-channel pond construction, as dams may fail and cause damage to downstream aquatic and riparian habitat. Rather, we recommend landowners desiring ponds construct them off channel and in a manner which limits the risk of failure.

We are willing to meet with the applicant to discuss the project and potential alternatives. If you have questions concerning our comments please call us at 769-1414.

Thank you for the opportunity to comment.

Sincerely,



Charles E. "Chip" Corsi
Regional Supervisor

CEC:MTB:BPH

C: Bart Butterfield, IDFG Boise