

74129

Ident. No. 94-7426

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

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1. Name of Applicant Galena Ridge, LLC, an Oregon Limited Liability Company Phone 208-783-1507
Mailing address 610 Bunker Avenue, Kellogg, Idaho 83837
2. Source of water supply Government Creek which is a tributary of S. Fork Coeur d'Alene River
3. Location of point of diversion is Township 48N Range 2E Sec. 2 in the NW $\frac{1}{4}$,
SE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot _____, B.M., Shoshone County;
additional points of diversion if any: NONE
4. Water will be used for the following purposes:
Amount 2.5 CFS for Diversion to Storage purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 500 AF for Irrigation Storage purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
* Amount 390 AF for Irrigation From Storage purposes from Mar 15 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 2.5 CFS for Irrigation purposes from Mar 15 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 110 AF for Aesthetic Storage purposes from Jan 1 to Dec 31 (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) 2.5 CFS and/or (b) 6 acre-feet
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 Weirs and headgates; pumps (2-60 HP at
Diversion 31 and 3-75 HP at Diversion #2) 12" HDPE pipelines to storage ponds.
 - b. Height of storage dam N/A feet; active reservoir capacity 6 af in 2 ponds, 2 af in acre-feet; total
reservoir capacity 8 AF acre-feet
upper, 4 af in lower
 - c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? N/A; 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. Irrigation of a 120-acre golf course plus 10 acres of common/open space areas; use in
aesthetic and irrigation ponds

* 390 AF includes 104 AF of seepage and evaporation and end of season filling of reservoirs

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3. 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	
48N	2E	1			10	1	1		13	19	3	1			3	13			64
48N	2E	2			12	20									8	12	12	2	66
48N	2E	2			J								J						

Total number of acres to be irrigated 130

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? Division #1: State of Idaho Dept. of Environmental Quality (IDEQ)
b. Who owns the land to be irrigated or place of use? Division #2: Galena Ridge LLC
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: This application seeks a permit to provide water for the Galena Ridge Golf Community and Resort (the "Project") near Kellogg, Idaho. The Project lands were conveyed to Galena Ridge by IDEQ as part of that agency's effort to encourage economic development and appropriate land uses on parcels that were formerly owned by Bunker Limited Partnership (BLP) and used in connection with historic mining activities in the area. IDEQ owns water rights 94-4217 and 94-4244 in Government Creek, both of which were established by BLP (the IDEQ water rights) and used for industrial purposes on the former BLP land. Simultaneously with this application, IDEQ is placing the IDEQ water rights in the State Water Bank and Galena Ridge is seeking to rent them from the Bank as temporary measure to allow the Project to get underway. Galena Ridge is filing this separate water right application for Government Creek water to provide a permanent supply. IDEQ is cooperating with Galena Ridge in these efforts, as indicated in Exhibit A.

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.)

Map attached and ACAD drawing file attached on CD.

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.

Jeff R. Colburn ASST. Sec. 9/27/07
Signature of Applicant (and title, if applicable) **

Received by [Signature] Date 9/28/07 Time 11:30a Preliminary check by [Signature]
Fee \$ 430.00 Received by Dianna # N015729 Date 9/19/07
Publication prepared by [Signature] Date 10/24/07 Published in Shoshone News Press 11/12/07
Publication approved [Signature] Date 11/9/07

The Galena Ridge Board of Directors is comprised of RC Wendt, Douglas P. Kintzinger, Jerol E. Andres

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September 11, 2007

Mr. Jeffrey C. Fereday
Givens Pursley LLP
P.O. Box 2720
Boise, ID 83701

Re: Galena Ridge LLC/Idaho Department of Environmental Quality
Water Rights & Diversion Points

Dear Jeff:

Reference our recent telephone discussions about DEQ's two surface water rights from Government Creek in Shoshone County, Idaho, and the willingness of DEQ to cooperate with Galena Ridge in applying for a new water right utilizing diversion points on land owned by DEQ. As you know, I represent DEQ as a special deputy attorney general with reference to land transfer matters associated with the 1600 acres that DEQ received title to from the United States within the Super Fund box. Much of that land is in Government Gulch, and includes Government Creek.

The relationship between DEQ and Galena Ridge goes back well over six years, and is based upon the economic development of the Silver Valley as a substitute for the departed mining industry. DEQ has already deeded over 560 acres of land to Galena Ridge for the purposes of developing a championship golf course project. My client is prepared to do anything within reason to assist Galena Ridge in making this effort a success. We have granted numerous off-site easements over adjoining property owned by DEQ to facilitate advancement of the project. Pipeline and diversion point easements would clearly be consistent with our past actions and have been authorized by my client.

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As you know, my client is in the process of putting their water rights in the IDWR water bank for the intended purpose of leasing them to your client. If it makes more sense to convey our water right claims to your client for the purposes of establishing a new water right or processing a transfer of the existing water rights, my client has authorized me to state that we are willing to fully cooperate with such efforts. The use of water from Government Creek to advance Galena Ridge's project is clearly the highest and best use of the water, and in the best interest of the Silver Valley community.

There are additional advantages to diverting the flow of Government Creek from its natural stream bed. First of all, the stream bed of Government Creek contains heavy metals that are washed down into the South Fork of the Coeur d'Alene River and ultimately into Lake Coeur d'Alene. Secondly, the current stream bed of Government Creek segregates properties now owned by DEQ that could be used for commercial and governmental development. Bridging Government Creek would be very expensive concept.

In conclusion, my client does in fact own property on both sides of Government Creek in Sections 2 & 11, Township 48 North, Range 2 East, Boise Meridian, Shoshone County, Idaho. In fact, the vast majority of Government Creek's shoreline runs through my client's property. To the extent that diversion easements will not impair the value and utility of my client's property, we will grant pipeline and diversion easements upon request.

Sincerely


Freeman B. Duncan

Cc: client

POINT OF DIVERSION #2:
T48N, R2E, SEC. 2,
NW¼ OF NW¼ OF NE¼,
B.M., SHOSHONE CO.

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Kellogg

LOWER
STORAGE POND
±4 AC-FT

UPPER
STORAGE POND
±2 AC-FT

PROPERTY BOUNDARY FOR
PLACE OF BENEFICIAL USE:
GALENA RIDGE GOLF COMMUNITY

POINT OF DIVERSION #1:
T48N, R2E, SEC. 2,
NW¼ OF SE¼ OF SW¼,
B.M., SHOSHONE CO.

06.025

SHEET No.

1/1

REVISION BY:

DATE: 07/

EKO

DESIGNED BY:

SCALE:

1"=1500'



Engineers
Surveyors

3006 N. SCHWENNER WAY
COEUR D'ALENE, IDAHO 83815
PHONE 208.667.4655
FAX 208.664.3347
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Engineering & Surveying

GALENA RIDGE GOLF COMMUNITY
PROJECT MAP FOR IDWR PERMIT APPLICATION

94-7426

Galena Ridge LLC

T48N R2E Sections 1 & 2

