

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09314

Priority: January 11, 2007

Maximum Diversion Rate: 0.15 CFS

This is to certify, that JAMES O GILBERTSON And
NELLIE J GILBERTSON
217 CEDAR ST. NO. 230
SANDPOINT ID 83864

has applied for a permit to appropriate water from:

Source: PACK RIVER

Tributary: PEND OREILLE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.15 CFS

LOCATION OF POINT OF DIVERSION:

PACK RIVER SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11, Twp 59N, Rge 02W, B.M. BONNER County

PLACE OF USE: IRRIGATION

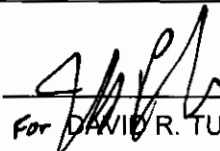
Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
59N 02W 11																.6	6.8	7.4

Total Acres: 7.4

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2009**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Water shall not be diverted under this right when flows in the Pack River are below established minimum flow amounts.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of June, 2007.


For DAVID R. TUTHILL, JR., Director

73307

Ident. No. 96-9314

RECEIVED

APR 03 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
JAN 11 2007

IDWR/North

DEPARTMENT OF
WATER RESOURCES

Applicant James O. and Nellie J. Gilbertson Phone (208) 263-0139

Mailing address 217 Cedar St., #230, Sandpoint, ID 83864

2. Source of water supply Upper Park River which is a tributary of Lk. Pend O'Reille

3. Location of point of diversion is Township 59N Range 02W Sec. 11 in the Butte Co.,

SE 1/4, SE 1/4, Govt. Lot , B.M., Benner County;

additional points of diversion if any: None

4. Water will be used for the following purposes:

Amount 0.15 for irrigation purposes from 3/15 to 11/15 (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) 0.15 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 1.5" pipe,

Honda Water Pump WH15X-

b. Height of storage dam N/A 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 2 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.

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	
59N	2W	11															0.66.8		7.4

← Per T.C.

Total number of acres to be irrigated 7.4

10. Describe any other water rights used for the same purposes as described above. 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? 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. Remarks: This is to provide water for Idaho Dept. of Lands Forest Stewardship Program, (planting of 1400 evergreen seedlings in Spring of 2007 on this property).

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.

James J. Halbertson 1/9/07
Julie J. Halbertson 1/9/07
 Signature of Applicant (and title, if applicable)

Received by [Signature] Date 1/11/07 Time 1:30 P Preliminary check by [Signature]
 Fee \$ 100.00 Receipted by [Signature] # N018106 Date 1/11/07
 Publication prepared by [Signature] Date 2/9/07 Published in Donner Co Daily Bee 2/15/07
 Publication approved [Signature] Date 3/9/07

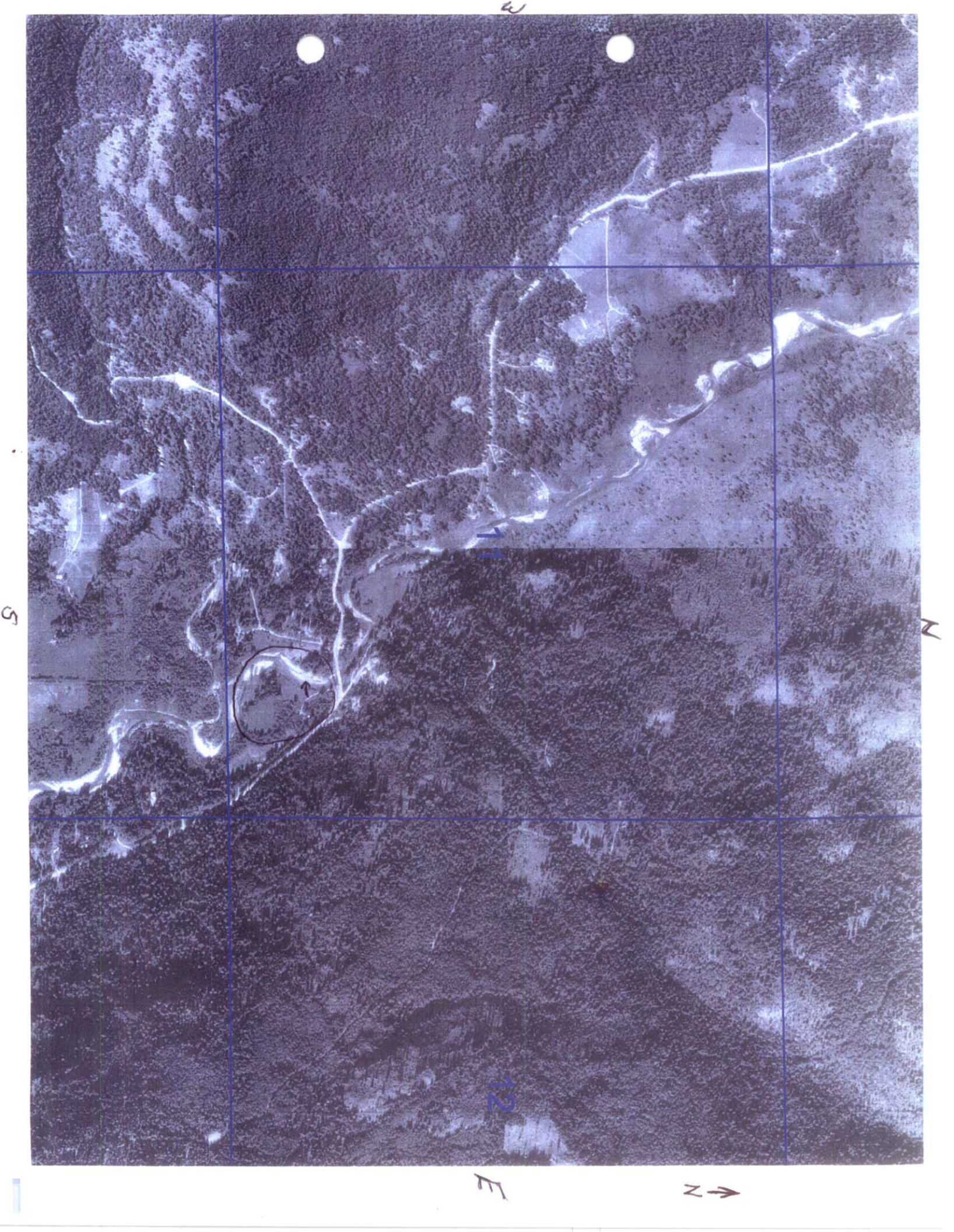
96-9314



0.1 0 0.1 0.2 Miles

-  Bonner taxlots
-  GCDB59N02W GCDB
-  Foster.shp
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp

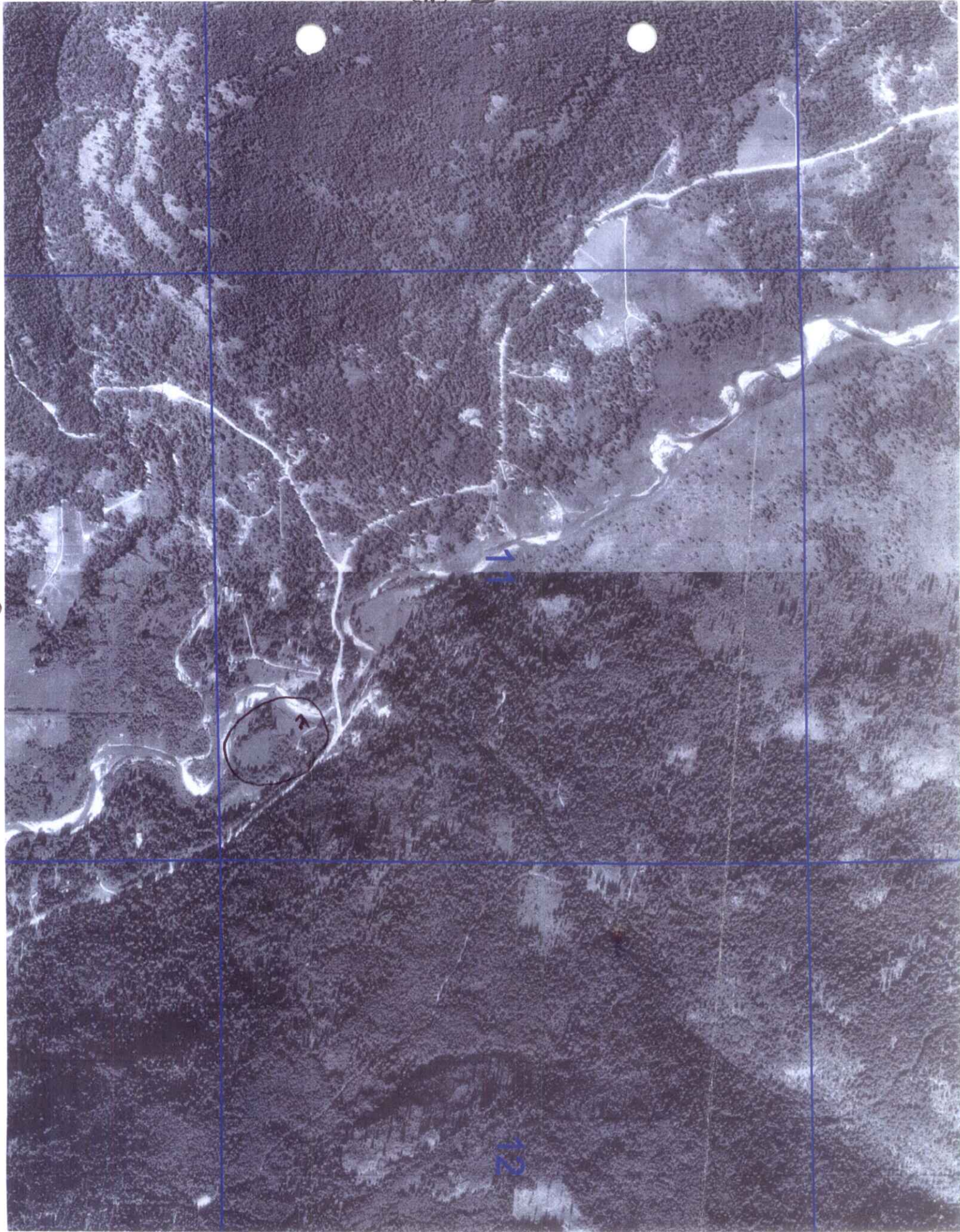




(SW) E

S

N



11

12

E

N →

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

June 20, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

JAMES O GILBERTSON
NELLIE J GILBERTSON
217 CEDAR ST. NO. 230
SANDPOINT ID 83864

RE: Permit No. 96-9314

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

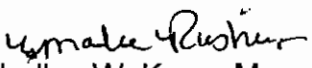
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,


for Shelley W. Keen, Manager
Water Right Permits Section

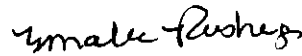
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the persons listed below:

RE: WATER RIGHT NO. 96-9314

**JAMES O GILBERTSON
NELLIE J GILBERTSON
217 CEDAR ST. NO. 230
SANDPOINT ID 83864**



**Emalee Rushing
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs; requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

M E M O R A N D U M

Date: June 20, 2007
To: Water Right File 96-9314
From: eretelle
Re: permit review

No WD or moratorium
Min Stream Flow Pack River - sent letter, applicant agrees to cease diversion when
MSF is not being met

No overlaps
No protests

Recommend approval as suggested by IDWR Northern

Retelle, Erin

From: Nellie Gilbertson [ngilbertson@nctv.com]
Sent: Saturday, June 16, 2007 11:41 AM
To: Retelle, Erin
Subject: Fw: Water Rights Permit #96-9314

----- Original Message -----

From: Nellie Gilbertson
To: erinretelle@idwr.idaho.gov
Sent: Saturday, June 16, 2007 9:06 AM
Subject: Water Rights Permit #96-9314

6/16/07

Erin Retelle
DEPT OF WATER RESOURCES

Good morning, Erin--

Thanks for bringing me up-to-date on the status of our application for water usage on Upper Pack River per our telephone conversation yesterday. We certainly will adhere to the restrictions regarding the use of the water; we have a fairly high water table level on our property, anyway, and some of the areas where we have planted the 1400 seedlings won't likely require watering at all.

If we should feel the trees need watering and the river seems to be low, we'll contact the appropriate authorities for permission before proceeding to use the water. We are in agreement with the required restrictions as to the times that we are allowed to use the water.

Thank you. James and Nellie Gilbertson

6/20/2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

June 12, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

JAMES O GILBERTSON And
NELLIE J GILBERTSON
217 CEDAR ST. NO. 230
SANDPOINT ID 83864

RE: Application for Permit No. 96-09314

Dear Applicant(s):

IDWR is reviewing the application you submitted for a right to divert 0.15 cfs from the Pack River for the irrigation of 7.4 acres. Idaho Code § 42-203A(5) requires IDWR to ensure that the use of water proposed in an application will not "reduce the quantity of water under existing rights." The Idaho Water Resource Board holds Water Right Permit 96-08717, which establishes a minimum instream flow in the Pack River from its confluence with Zuni Creek to the confluence of the Pack River with Grouse Creek. The minimum instream flow amount is 54.0 cfs from August 1 to October 31 and 129.0 cfs from November 1 to July 31. A copy of the minimum instream flow permit is enclosed.

IDWR is concerned that the diversion and use of water as proposed in your application will reduce the quantity of water available to maintain the minimum instream flow established by Water Right Permit 96-08717. Data collected by the U. S. Geological Survey at gauging station number 12392300, located on the Pack River near Calder, ID, from 1978 through 1982 show that the flow of the river falls below the minimum instream flow by mid-July in most years. For your reference, I have enclosed a table and charts comparing actual river flows to the minimum instream flow during the 1978-1982 irrigation seasons. The stream flow data was collected from the U. S. Geological Survey's Internet site at <http://waterdata.usgs.gov/id/nwis/>.

If your application is approved, it will be issued with a condition requiring you to cease diverting water or to mitigate for your diversions during those periods that the flow of the Pack River falls below the minimum instream flow established in Water Right Permit 96-08717. To be acceptable, a mitigation plan must offset the depletion of water in one source by replenishing it with water from another source. If your application is approved, you will be responsible for monitoring the flow in the Pack River and curtailing your diversion or mitigating when the flow is below the minimum instream flow amount. If you cannot provide a source of mitigation water, it is likely that you will not be authorized to irrigate during significant portions of many irrigation seasons.

Application for Permit No. 96-09314

June 12, 2007

Page 2

Pursuant to Idaho Code § 42-1702, the penalty for the illegal diversion of water for irrigation purposes can be up to \$300 per acre irrigated per year. IDWR can also cancel permits pursuant to Idaho Code § 42-311 if the permit holder does not comply with the conditions of the permit.

After considering the impact of the minimum instream flow on your proposed project, please notify me in writing in 30 days if you still want IDWR to approve your application. If you are no longer interested in your application, please complete the enclosed withdrawal form and return it to me within 30 days. If IDWR does not receive a response within 30 days, IDWR will assume that you have no further interest in your application, and it will be voided.

If you have any questions, please call me at (208) 287-4949, or email me at erin.retelle@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Retelle', with a stylized, flowing script.

Erin Retelle
Water Resource Agent

Enclosures

Cc: Bob Haynes, IDWR Northern Region

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 96-8717

WATER RIGHT NUMBER: 96-8717

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO IDAHO WATER RESOURCE BOARD 322 E FRONT ST PO BOX 83720 BOISE, ID 83720-0098 (208)287-4800

Priority Date: 06/15/1992

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
PACK RIVER	LAKE PEND OREILLE

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MINIMUM STREAM FLOW	11/01	to 7/31	129.000 CFS	
MINIMUM STREAM FLOW	8/01	to 10/31	54.000 CFS	
<u>Total Diversion:</u>			129.000 CFS	

Location of Point(s) of Diversion

PACK RIVER	SE1/4SE1/4NE1/4	Sec. 30, Twp 61N, Rge 02W, B.M.
BOUNDARY County	(Beginning of Reach)	
PACK RIVER	SW1/4SE1/4SW1/4	Sec. 4, Twp 58N, Rge 01W, B.M.
BONNER County	(Ending of Reach)	

Place of UseConditions of Approval:

1. 027 Use of water under this right shall be non-consumptive.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 96-8717

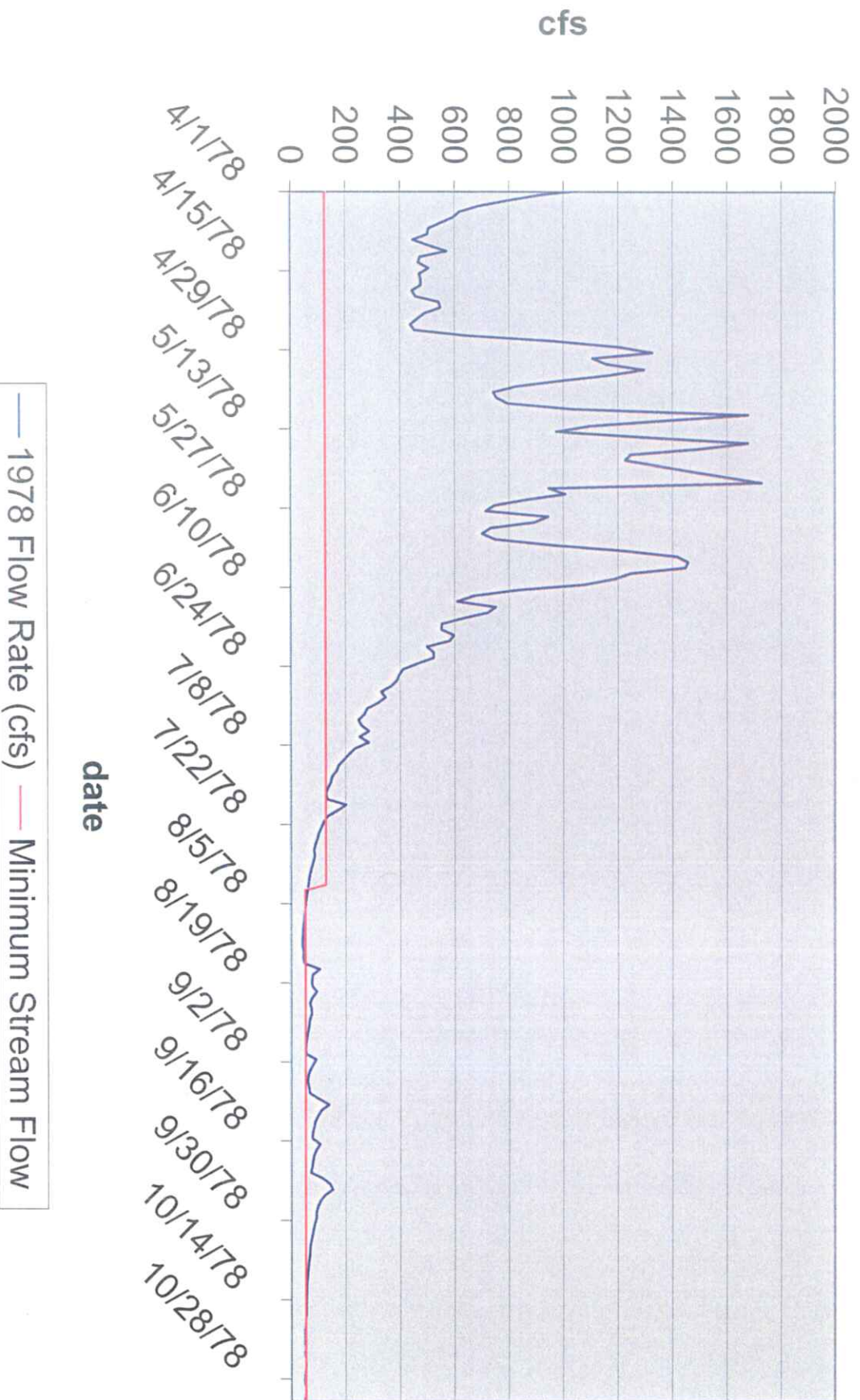
2. This minimum streamflow may be depleted by future municipal and domestic diversions from the Pack River and its tributaries within and upstream of the minimum streamflow reach. The minimum streamflow will not be depleted by diversions for irrigation uses or other future large consumptive purposes authorized by a future municipal or domestic water right.
- Specifically because of the generalization of the Tennant method, the Director retains jurisdiction, as described below, to review and amend any and all parameters of this right. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the right. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the right should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment would be in the public interest.
- Use of water under this right shall recognize and allow the continued beneficial diversion of water for irrigation or other purposes under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right earlier than 06/15/1992.
- Upon a future finding and order of the Director that gauging stations are required to maintain the approved minimum flows on Pack River, such measuring devices shall be permanently installed and maintained as specified by the Director.
- This minimum stream flow is for the protection of fish and wildlife habitat, aquatic life and recreational values.
- This minimum stream flow begins at the confluence of Pack River and Zuni Creek in the SENE, S30, T61N, R2W and ends at the confluence of Pack River with Grouse Creek, located in the SESW, S4, T58N, R1W.

Remarks:Comments:Dates and Other Information:

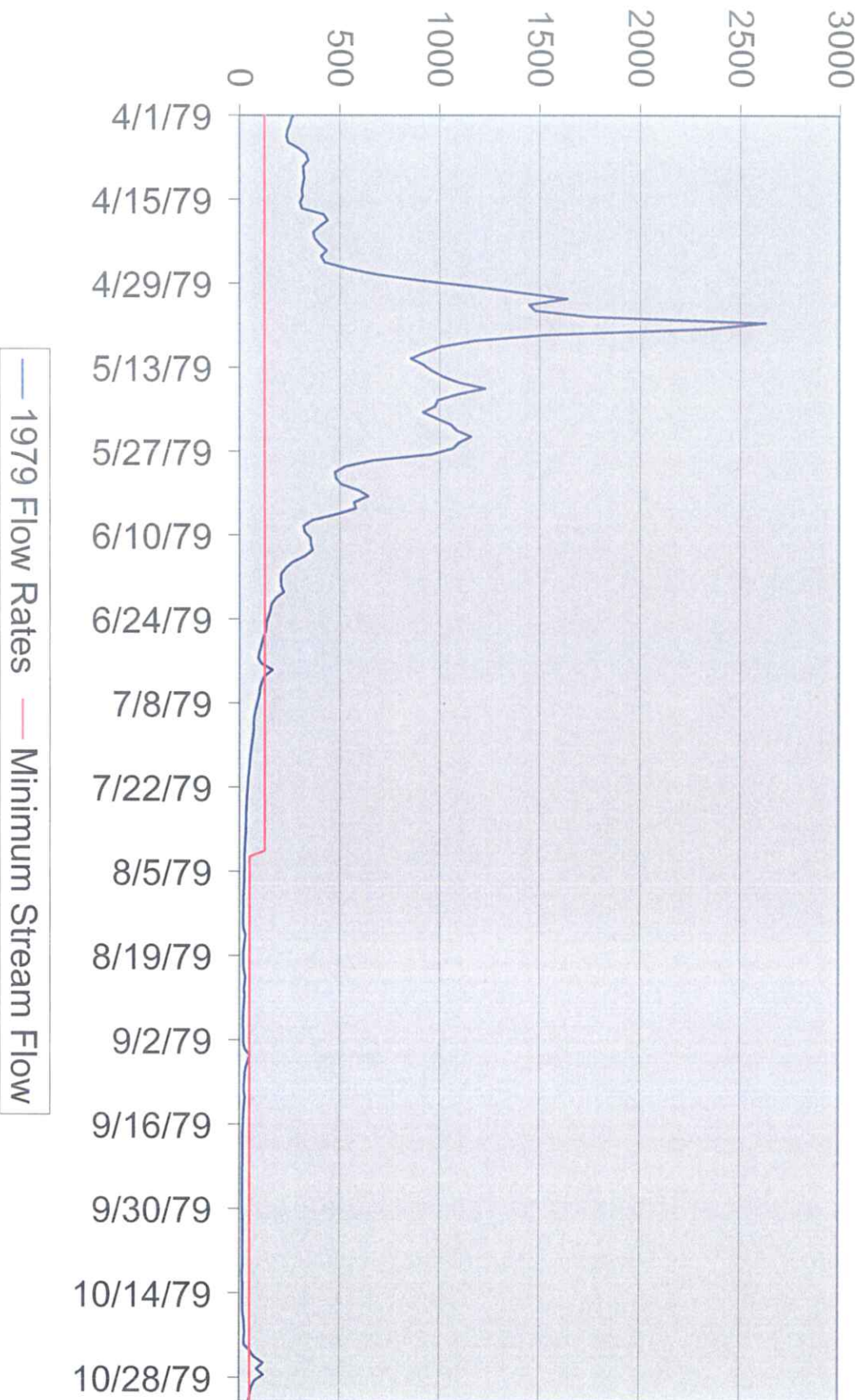
Licensed Date: 10/24/1995
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

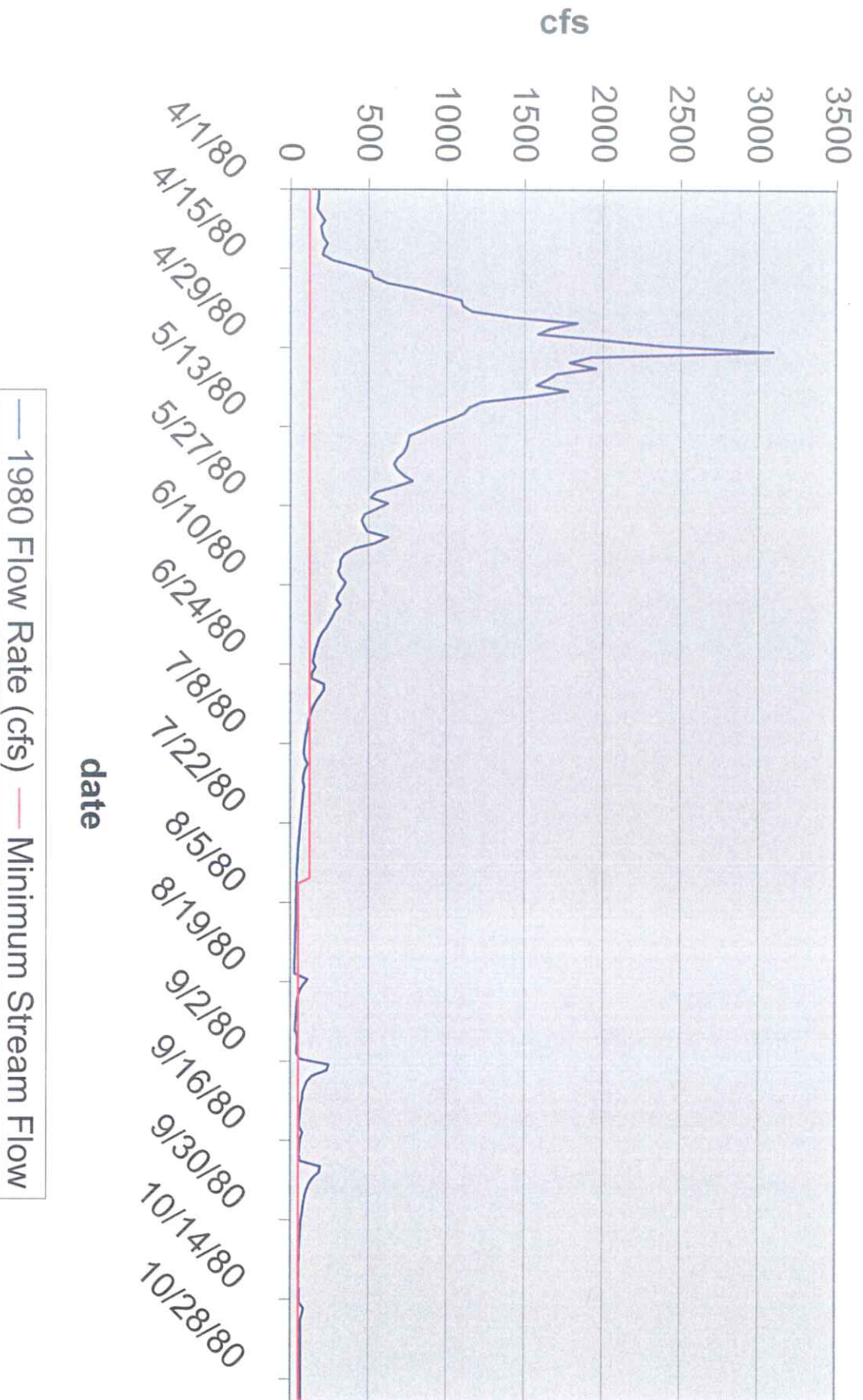
Pack River Flows vs. MSF 1978



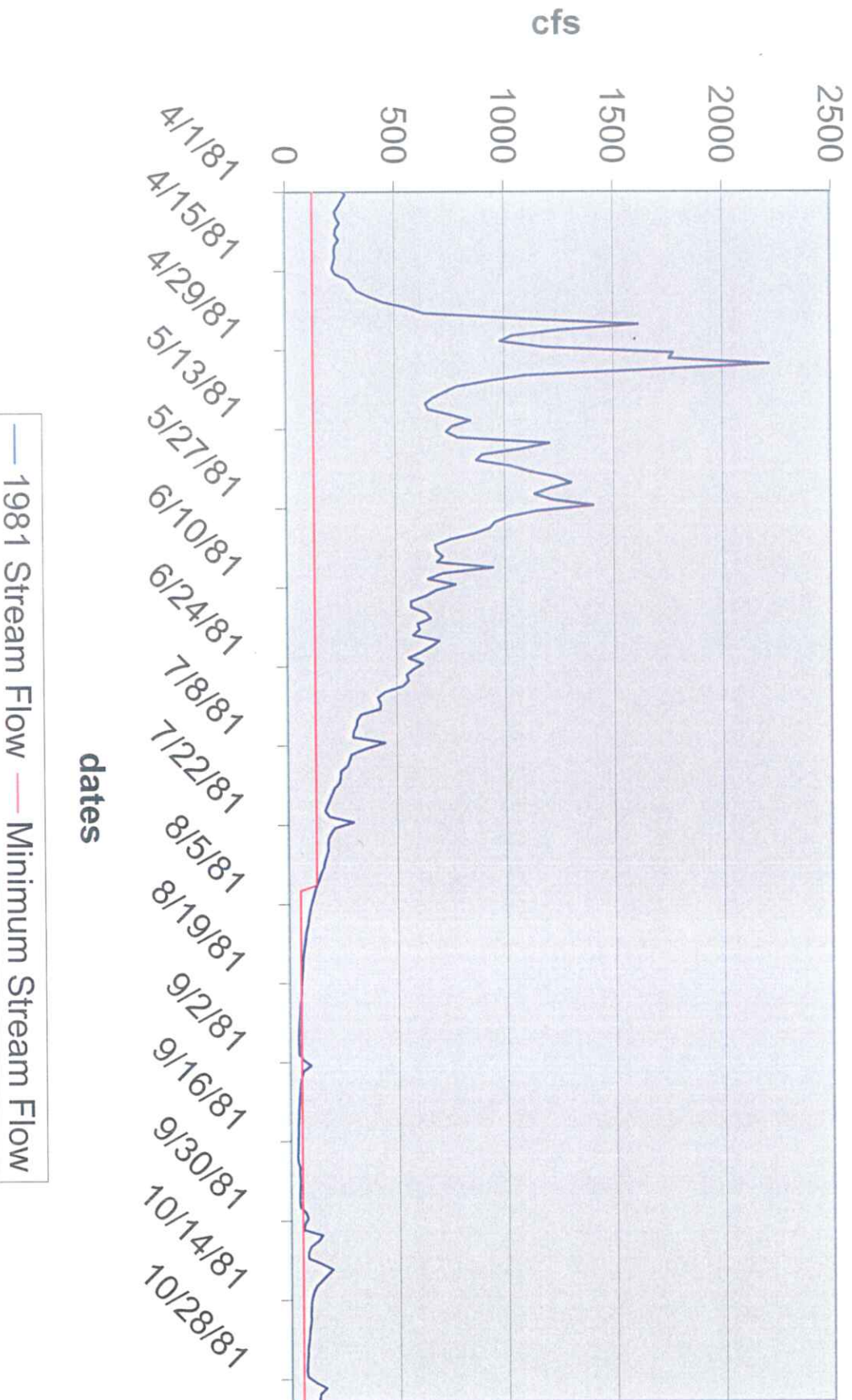
Pack River Flows vs MSF 1979



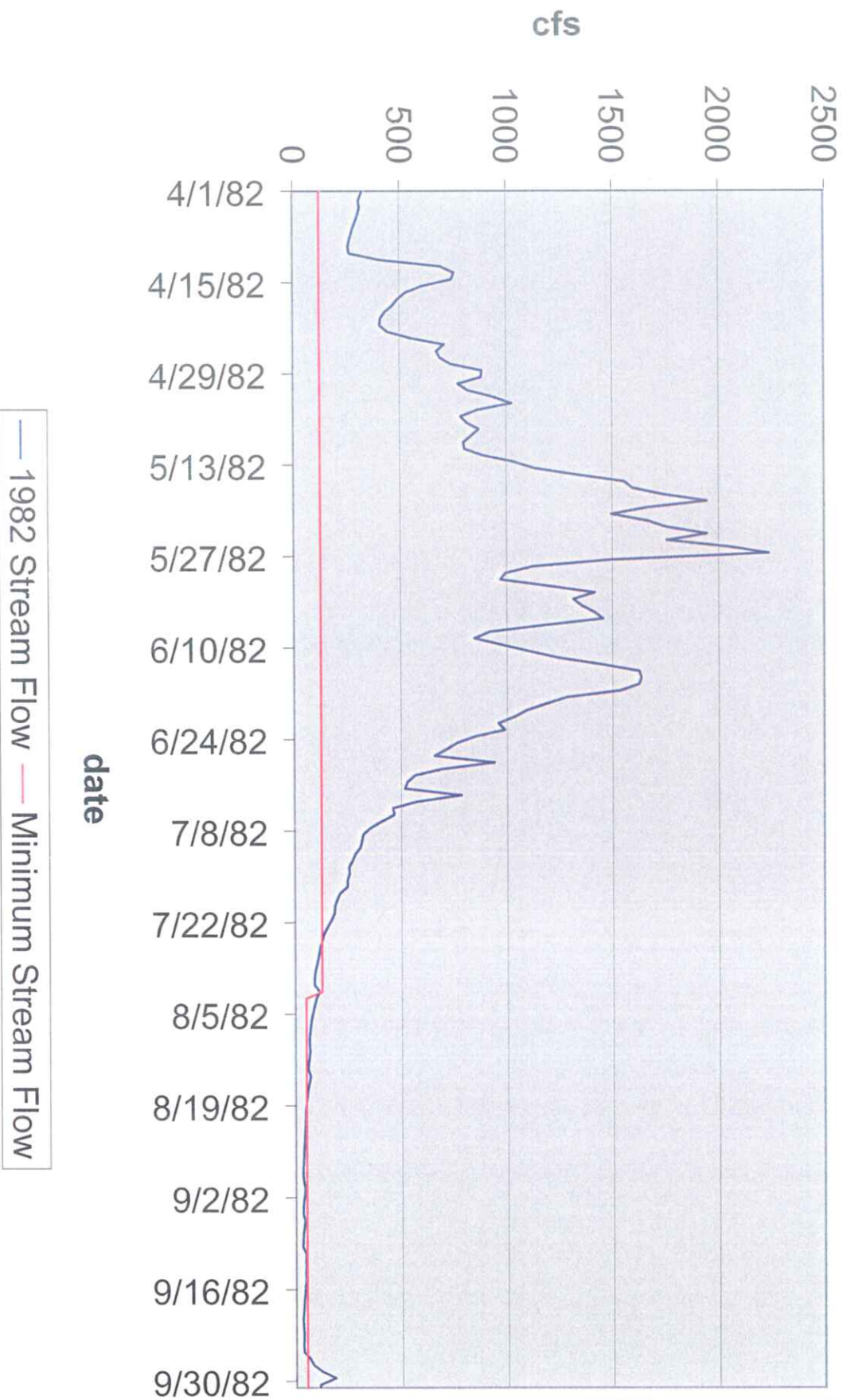
Pack River Flows vs MSF 1980



Pack River Flows vs MSF 1981



Pack River Flows vs MSF 1982



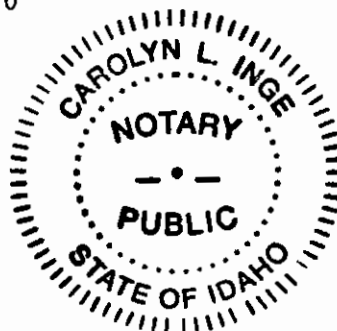
RECEIVED
MAR 09 2007
IDWR/North

Shirley Jones, being first duly sworn on oath, deposes and states:

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 1 day of mar, 2007, and ending on the 8 day of mar, 2007.

Sheriff Jones

Carolyn L. Inge
Notary Public
Residing at: Sandpoint
Comm. Exp.: 8/12



See reverse
for legal

LEGAL NOTICE

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

96-9314

JAMES O GILBERTSON

NELLIE J GILBERTSON

217 CEDAR ST. NO. 230

SANDPOINT ID 83854

Point(s) of Diversion SESE S11 T59N R02W BONNER County

Source PACK RIVER - Tributary To PEND OREILLE RIVER

Use: - IRRIGATION 04/01 To 10/31 0.15 CFS

Total Diversion: 0.15 CFS

Date Filed: 01/11/2007

Place Of Use: IRRIGATION

T59N R02W S11 SWSE SESE

Number of Acres 7.4

96-9316

VP INCORPORATED

HCR 61 BOX 169

BONNERS FERRY ID 83805

Point(s) of Diversion(2) L2 (SWNW) S31 T58N R01E BONNER Co.

Source GROUND WATER

Use: - MUNICIPAL 01/01 To 12/31 0.65 CFS

Total Diversion: 0.65 CFS

Date Filed: 12/20/2006

Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.

Permits will be subject to all prior water rights. Protests must be 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 03/19/2007. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTTILL, JR., Interim Director

Legal SNP# 8471

March 1, 8, 2007

RECEIVED

MAR 09 2007

IDWR/North

See reverse for affidavits

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

96-9314

JAMES O GILBERTSON
NELLIE J GILBERTSON
217 CEDAR ST. NO. 230
SANDPOINT ID 83864
Point(s) of Diversion SESE S11 T59N R02W BONNER County
Source PACK RIVER - Tributary To PEND OREILLE RIVER
Use: - IRRIGATION 04/01 To 10/31 0.15 CFS
Total Diversion: 0.15 CFS
Date Filed: 01/11/2007
Place Of Use: IRRIGATION
T59N R02W S11 SWSE SESE
Number of Acres 7.4

96-9316

VP INCORPORATED
HCR 61 BOX 169
BONNERS FERRY ID 83805
Point(s) of Diversion(2) L2 (SWNW) S31 T58N R01E BONNER County
Source GROUND WATER
Use: - MUNICIPAL 01/01 To 12/31 0.65 CFS
Total Diversion: 0.65 CFS
Date Filed: 12/20/2006
Place Of Use: MUNICIPAL
Remark: Municipal use is within service area of applicant.
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 03/19/2007. The protestant must also send a copy of the protest to the applicant.
DAVID R. TUTHILL, JR., Interim Director Published Mar.1 & 8, 2007



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
Interim Director

February 22, 2007

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

RE: Application for Permit No. 96-9314 and 96-9316

Please FAX proof copy before this goes to press, to 762-2819
Thanks, Dianne

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, March 1 and 8, 2007, (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 03/19/2007. Your cooperation is appreciated.
Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, February 22, 2007 9:14 AM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Cc: Franklin, Keith
Subject: Legal notice for publication March 1 & 8, 2007

Good morning, Sheri,

Thanks for your call notifying me that our legal did not publish 2/15 & 22 as requested. I'm sorry you have been ill, but thankful you are back now.

Attached is our NEW cover letter requesting publication on March 1 & 8, 2007. The NEW legal notice is also attached.

Again, please fax a proof to me at 208-762-2819, and if you have ANY questions, call me at 208-762-2800.

Thanks for **ALL** your wonderful help. I truly mean it when I say you are super to work with, and I appreciate all your good work, and your pleasant manner. You are a jewel.

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
2-22-07 BCDB e-ma.



LegalNotice
2-22-07 BCDB e-ma.



State of Idaho

DEPARTMENT OF WATER RESOURCES

7600 Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

February 22, 2007

JAMES O GILBERTSON
NELLIE J GILBERTSON
217 CEDAR ST. NO. 230
SANDPOINT ID 83864

RE: Application for Permit No 96-9314

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.

Due to an error on the newspaper's part, the legal notice scheduled for February 15 and 22, 2007 did not get into the paper. Therefore we have prepared another legal notice of the application and it is now scheduled for publication in the Bonner County Daily Bee on March 1 and 8, 2007. 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

7600 Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

February 22, 2007

James Gilbertson
217 Cedar St., No. 230
Sandpoint, Idaho 83864

Re: Application For Permit No. 96-9314.

Dear Mr. Gilbertson:

Enclosed is a letter the Department of Water Resources (IDWR) received from the Department of Fish & Game regarding the installation of your diversion device and proper screening. IDWR suggests you contact Fish & Game if you have any questions regarding their concerns.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Enclosure

COPY



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

February 20, 2007

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

*Go on
computer
do 2/22/07*

RECEIVED
FEB 22 2007
IDWR/North

Dear Keith:

REFERENCE: 96-9314; JAMES & NELLIE GILBERTSON

We have reviewed the application by James and Nellie Gilbertson to place a waterline and submersible pump into the upper Pack River to irrigate evergreen seedlings for two years for an Idaho Department of Lands Forest Stewardship program.

We have no objection to installation of the waterline; however, the application provided no details about the waterline installation. The waterline should be installed during low water. Line placement beneath the river bed should occur during low water periods when underwater excavation is minimized. Dug materials should be sidecast to only one side and the bottom contour and substrate restored. Any unburied sections of the line should be anchored on the bottom. The applicant should also provide a smooth cover for the pump to avoid interference with anglers' lines, or should consider placing the pump on land. The water intake should be screened to prevent entrainment or impingement of fish. The maximum screen mesh size should be 0.25 inches; intake approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.

The applicant should have an approved permit from Idaho Department of Lands prior to diverting any water.

Thank you for the opportunity to comment.

Sincerely,

May Terra-Berns
for
Charles E. "Chip" Corsi
Regional Supervisor

CEC:MTB:kh

C: Tracey Trent, IDFG Boise
Jim Brady, IDL Sandpoint

Keeping Idaho's Wildlife Heritage

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

96-9314

JAMES O GILBERTSON

NELLIE J GILBERTSON

217 CEDAR ST. NO. 230

SANDPOINT ID 83864

Point(s) of Diversion SESE S11 T59N R02W BONNER County

Source PACK RIVER - Tributary To PEND OREILLE RIVER

Use - IRRIGATION 04/01 To 10/31 0.15 CFS

Total Diversion: 0.15 CFS

Date Filed: 01/11/2007

Place Of Use: IRRIGATION

T59N R02W S11 SWSE SESE

Number of Acres 7.4

96-9316

VP INCORPORATED

HCR 61 BOX 169

BONNERS FERRY ID 83805

Point(s) of Diversion(2) L2 (SWNW) S31 T58N R01E BONNER County

Source GROUND WATER

Use - MUNICIPAL 01/01 To 12/31 0.65 CFS

Total Diversion: 0.65 CFS

Date Filed: 12/20/2006

Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.

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 03/05/2007. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR.,
Interim Director

Legal SNP#8442

Feb. 15 & 22, 2007

2/22
Shirley called
it didn't go into the
paper -
redo for
next adv.
cycle

Attn: Dianne

Shirley
This looks
great!
Thanks & have
a super day.
We finally got some
sunshine this
afternoon.
Dianne

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

96-9314

JAMES O GILBERTSON

NELLIE J GILBERTSON

217 CEDAR ST. NO. 230

SANDPOINT ID 83864

Point(s) of Diversion SESE S11 T59N R02W BONNER County

Source PACK RIVER - Tributary To PEND OREILLE RIVER

Use: - IRRIGATION 04/01 To 10/31 0.15 CFS

Total Diversion: 0.15 CFS

Date Filed: 01/11/2007

Place Of Use: IRRIGATION

T59N R02W S11 SWSE SESE

Number of Acres 7.4

96-9316

VP INCORPORATED

HCR 61 BOX 169

BONNERS FERRY ID 83805

Point(s) of Diversion(2) L2 (SWNW) S31 T58N R01E BONNER County

Source GROUND WATER

Use: - MUNICIPAL 01/01 To 12/31 0.65 CFS

Total Diversion: 0.65 CFS

Date Filed: 12/20/2006

Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.

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 03/05/2007. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Interim Director Published Feb. 15 & 22, 2007



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
Interim Director

February 09, 2007

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

RE: Application for Permit No. 96-9314 and 96-9316

Please FAX proof copy before this goes to press, to 762-2819
Thanks, Dianne

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (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 03/05/2007. Your cooperation is appreciated.
Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Friday, February 09, 2007 9:18 AM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal notice for publication 2/15 and 2/22/2007

Good morning, Sheri,

Attached, once again, you will find our cover letter requesting publication of a legal notice, this one for publication on February 15 and 22, 2007. The legal notice is also attached.

As usual, please FAX a Proof prior to publication - to 208-762-2819

If you have any questions, please call me at 208-762-2800

Thanks ever so much. You are soooo good!! - it is ALWAYS a pleasure to work with you.

Have a very happy day.

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
2-09-07 BCDB e-ma.



LegalNotice
2-09-07 BCDB e-ma.



State of Idaho

DEPARTMENT OF WATER RESOURCES

7600 Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

February 09, 2007

JAMES O GILBERTSON
NELLIE J GILBERTSON
217 CEDAR ST. NO. 230
SANDPOINT ID 83864

RE: Application for Permit No 96-9314

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 Bee on February 15 and 22, 2007. 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. N018106

Ball, Dianne

From: Jim Brady [jbrady@idl.idaho.gov]
Sent: Thursday, January 25, 2007 3:32 PM
To: Ball, Dianne
Subject: 96-9314

Dianne, thank you for the opportunity to comment on water permit application 96-9314. This encroachment is not within navigable waters that our department has jurisdiction. Therefore we have no comment.

Jim Brady, Lands Resource Specialist, Senior-
Minerals and Navigable Waters
Idaho Department of Lands
Pend Oreille Lake Supervisory Area
2550 Highway 2 West
Sandpoint, ID 83864-7307
(208) 263-5104
(208) 263-0724 fax



State of Idaho

DEPARTMENT OF WATER RESOURCES

7600 Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

NORTHERN REGION

January 25, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

MARY TERRA-BERNS
IDAHO DEPARTMENT OF FISH AND GAME
2750 KATHLEEN AVE.
COEUR D'ALENE, ID 83815

FAXED TO MARY 1/25/07
4 pages total

Re: Water Permit Application No. 96-9314

Dear Mary:

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.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **March 5, 2007**. 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, or to me, Dianne.Ball@idwr.idaho.gov.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in cursive script that reads "Dianne".

Dianne Ball
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

7600 Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

January 25, 2007

JIM BRADY, RESOURCE MANAGER
IDAHO DEPARTMENT OF LANDS
PEND OREILLE SUPERVISORY AREA
2550 HIGHWAY 2 WEST
SANDPOINT ID 83864-7307

FAXED TO JIM 1/25/07
4 pages total

Re: Water Permit Application No. 96-9314

Dear Jim:

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.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **March 5, 2007**. 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, or to me, Dianne.Ball@idwr.idaho.gov.

Please contact this office if you have any questions regarding the application.

Sincerely,

Dianne Ball
Administrative Assistant



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
Interim Director

January 12, 2007

James & Nellie Gilbertson
217 Cedar St., #230
Sandpoint, Idaho 83864

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

Dear Mr. & Mrs. Gilbertson:

Enclosed for your records is a copy of the corrected application we discussed on the telephone. If you have any questions, don't hesitate to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Enclosure/kf

COPY