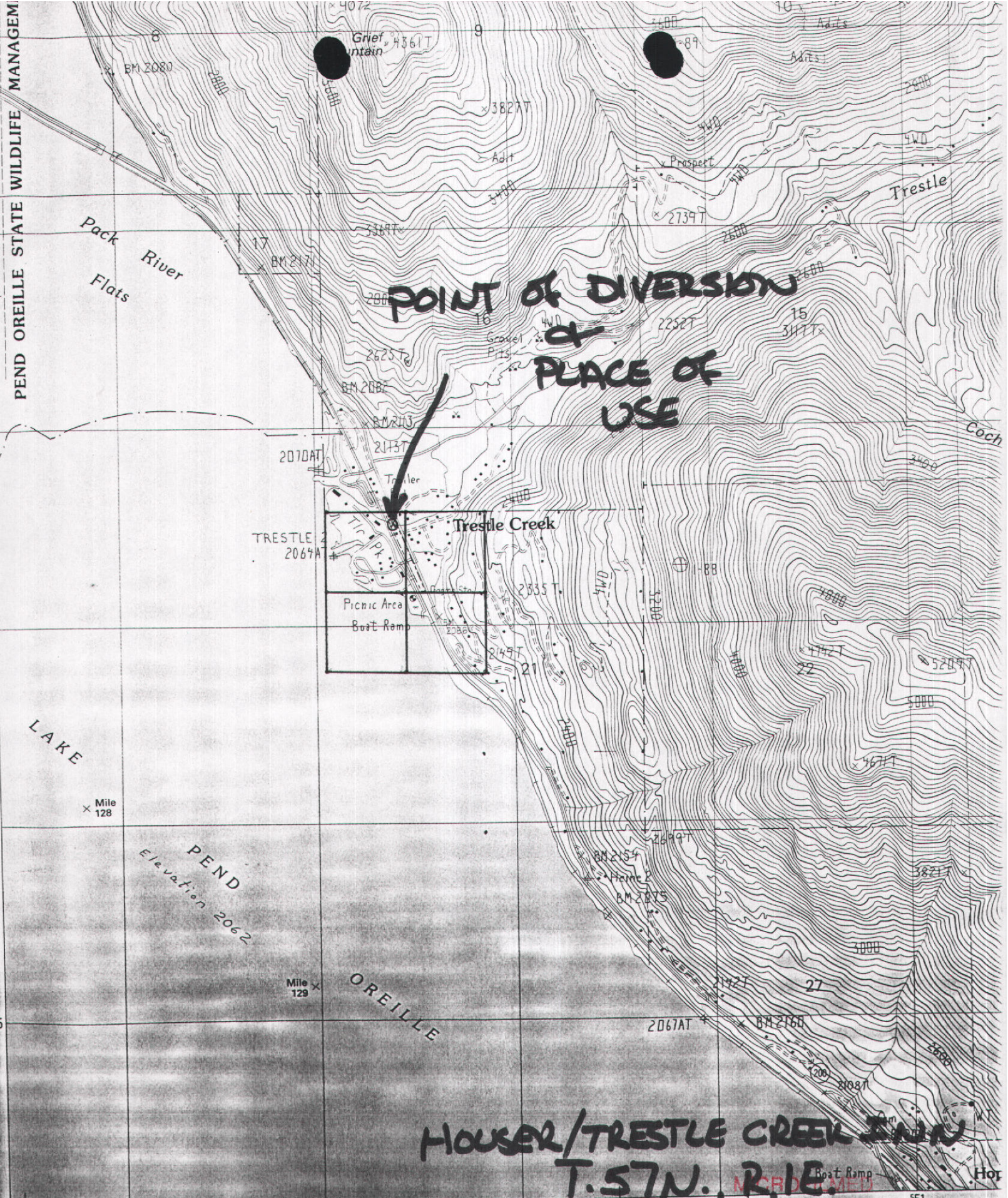


PEND OREILLE STATE WILDLIFE MANAGEMEN

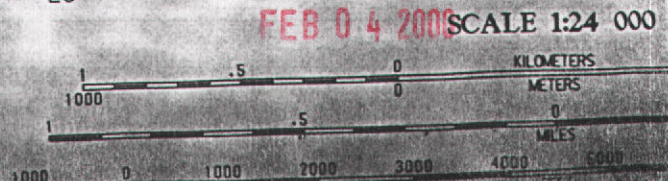


**POINT OF DIVERSION
&
PLACE OF
USE**

**HOUSER/TRESTLE CREEK INN
T.57N. R.1E.**

THE UNITED STATES GEOLOGICAL SURVEY
USGS, NOS/NOAA
AERIAL PHOTOGRAPHS TAKEN 1986
1987 MAP EDITED 1989
TRANSVERSE MERCATOR
UNIVERSAL TRANSVERSE MERCATOR ZONE II
STATE GRID TICKS IDAHO, WEST ZONE
03W EAST

NORTH



FEB 04 2008

Trestle Creek Hwy Bridge

Hwy 200 E

Park Area to be Irrigated

100' X 300'

MONTANA RAILLINK LEASE

PUMP LOCATION

Parking Lot

Shelter House

Parcel # E0000021310004

Trestle Creek INN
21-57N-1E
LOT 1 N+E of NP, S+W
of Hwy Tax 33

MONTANA RAILLINK RR

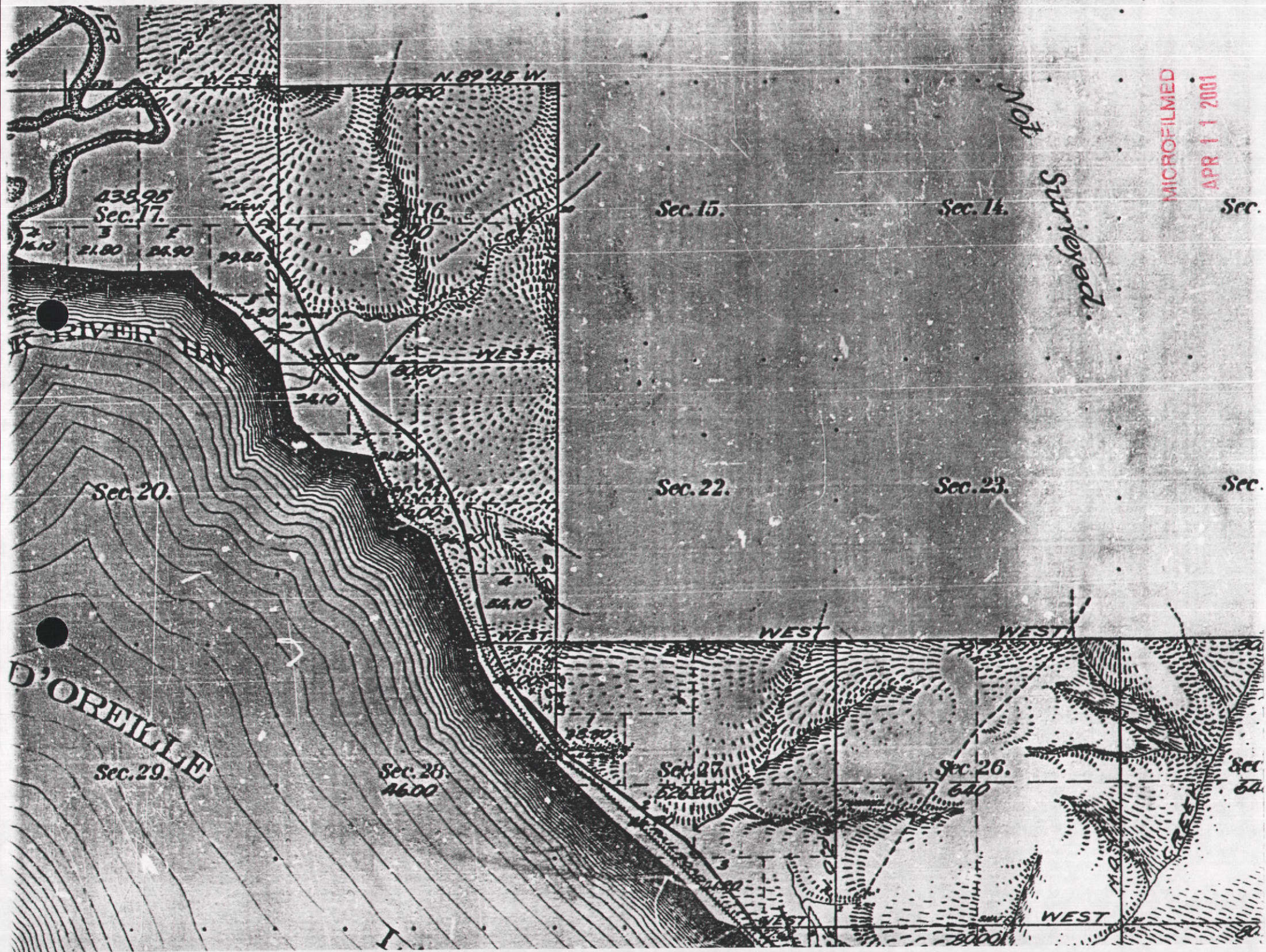
Trestle Creek R.R Bridge

in Road to Id County

Camp Ground

MICROFILMED
FEB 04 2000

Lake Pend Oreille





State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

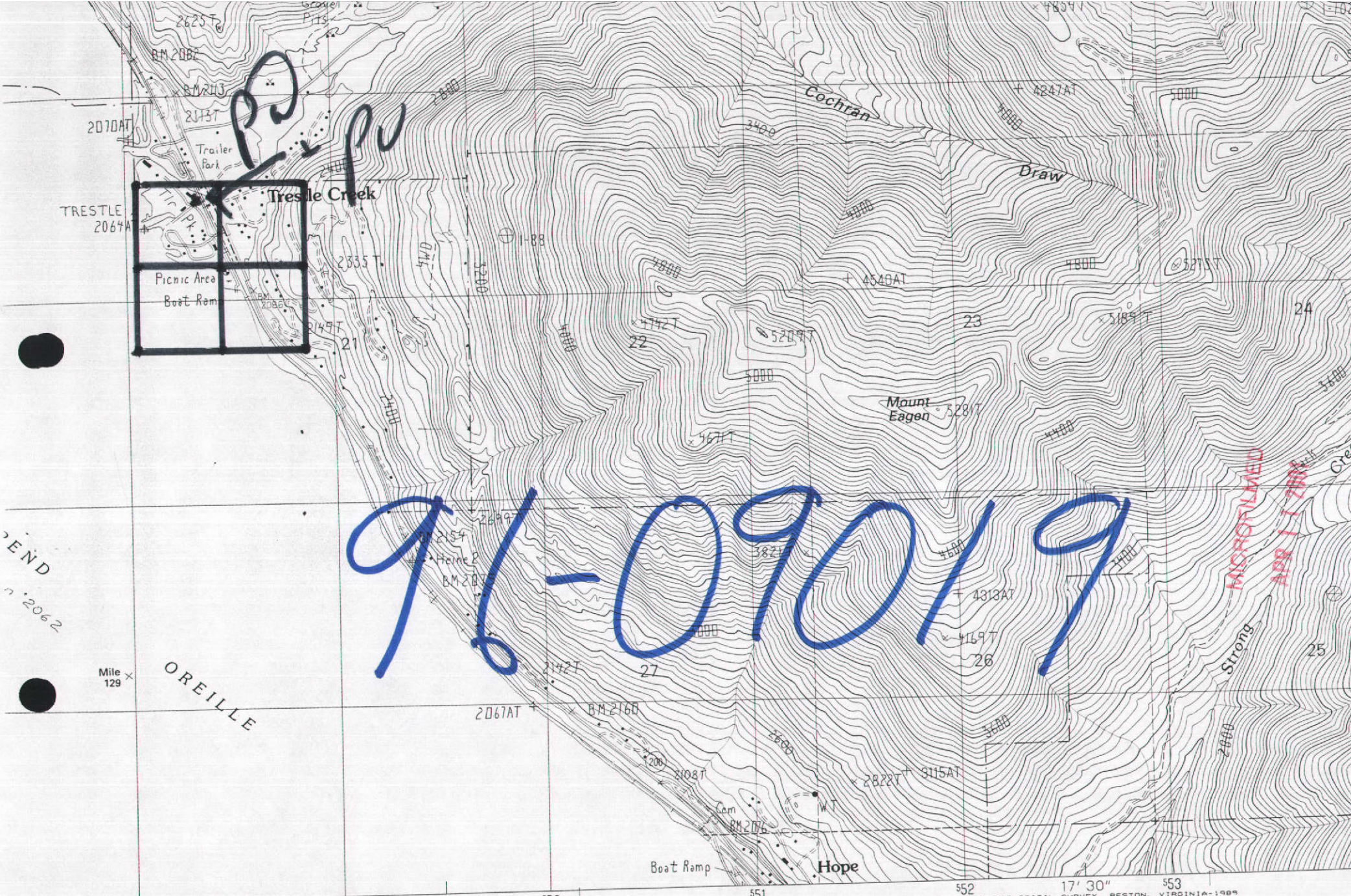
DIRK KIMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

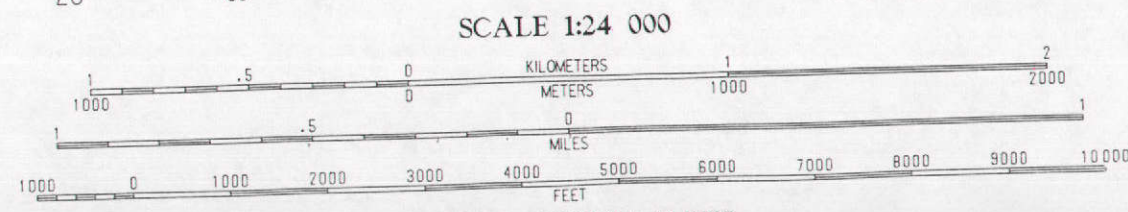


96-09019

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APR 11 2001



OGICAL SURVEY
... USGS, NOS/NOAA
... 1986
... 1989
INVERSE MERCATOR
R ... ZONE 11
IDAHO, WEST ZONE
... 0°31' EAST
... 19° EAST



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APR 17 2000



QUADRANGLE LOCATION

1	2	3	1	Elmira
---	---	---	---	--------

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 10/13/99

No. 96-09019 Name: Klause Corp. Officers Don House sole ownership Ad ok ☒ Govt Lots ☒

AREA OF CONCERN: No/Yes ☐ ☐ Moratorium ☐ ☐ GWMA ☐ ☒ TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-079
Supp irr (+ other uses) - 100-101
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag -
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH/PROP - 029(70's only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 11 / 01 / 2000

MISC CONDITIONS/REMARKS:

Protested - 020-W19 - doesn't fit
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response pro. w/drawn
In/Above MSF - WB9
PLANNING SECTION REVIEW/RESPONSE
In-stream development - P52
WD - R04 (WD#)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

SNAKE R (01) - W22(P04), N/A
(02.03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087 - F&G request

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5

OTHER CONDITIONS/REMARKS spec. cond #2 from Fish letter of 9/29

COMMENTS

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-09019

Priority: April 19, 1999

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 1.8 AF

It is hereby certified that DON HOUSER
DBA TRESTLE CREEK INN
PO BOX 246
COEUR D'ALENE ID 83816 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 19, 1999; and has
submitted Proof of Beneficial Use on November 9, 1999. An examination indicates that the works have
a diversion capacity of 0.02 cfs of water from:

SOURCE

TRESTLE CREEK

Tributary: PEND OREILLE, LAKE

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/01 to 10/31

DIVERSION RATE
0.02 CFS

**ANNUAL
DIVERSION VOLUME**
1.8 AF

LOCATION OF POINT(S) OF DIVERSION:

TRESTLE CREEK L1 NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21, Twp 57N, Rge 01E, 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	
57N 01E 21							.6										.6
						L 1											

Total Acres: 0.6

CONDITIONS OF APPROVAL

1. No alteration of the stream channel or banks, within the mean high water mark, shall be allowed in association with this right.
2. This right when combined with all other rights shall provide no more than 0.02 cfs nor more than 1.8 afa at the field headgate for irrigation of the land described above.
3. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
4. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 23RD day of MARCH, 2001.

MICROFILMED

APR 11 2001


KARL J. DREHER
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 96-09019 Telephone No. 208-765-6200

2. Name(s) of Permit Holder(s): Don Houser (dha) Trestle Creek Irr.

3. Mailing Address: PO Box 246 cda, Id 83816

4. Source of Water: Trestle Creek If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____

a. Well Driller: _____ Drilling Permit Number: ____ - ____ - ____ - ____

b. OPTIONAL:

Pump Horsepower: ONE Pressure (psi): 40 Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 1 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.02 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No Y

Has the measuring device been installed?

Yes _____ or No I

Flow Measurement Port: Is a flow measurement port required?

Yes _____ or No I

Has the measurement port been installed?

Yes _____ or No I

8. Fee Enclosed: \$ 50 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: _____ Telephone Number: _____

Address: _____

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder Don Houser (Partner)
(include your title, if on behalf of company or organization)

Date: 11/2/99
MICROFILMED

FEB 04 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 96-09019

Priority: April 19, 1999

Maximum Diversion Rate:

0.02 CFS

This is to certify, that DON HOUSER
DBA TRESTLE CREEK INN
PO BOX 246
COEUR D ALENE ID 83816

has applied for a permit to appropriate water from:
TRESTLE CREEK tributary of PEND OREILLE LAKE

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	03/15 to 11/15	0.02 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: Lot 1 (NWNW), Sec. 21, Township 57N, Range 01E
BONNER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
57N	01E	21	Lot 1 (NWNW)	1.0		1.0

Total number of acres irrigated: 1.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before November 1, 2000.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
6. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
7. No alteration of the stream channel or banks, within the mean high water mark, shall be allowed in association with this right.

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

19th day of October, 1999.

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED
FEB 04 2000

Ident. No. 96-09019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
OCT 12 1993

Department of Water Resources

1. Name of Applicant DON HOUSER BBA Trestle Creek Phone (208) 765-6200
Mailing address P.O. Box 246 COPURD'ALANE, IDAHO 83816
2. Source of water supply Trestle Creek which is a tributary of LAKE PENDOREILLE
3. Location of point of diversion is Township 57N Range 1E Sec. 21 in the 1/4,
NW 1/4, NW 1/4, Govt. Lot 1, B.M., BONNER County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount 0.02 for IRRIGATION purposes from 3/15 to NOV 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)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.02 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 hp pump into a 1" pipe line
 - b. Height of storage dam 0 feet; active reservoir capacity 0 acre-feet; total reservoir capacity 0 acre-feet
 - c. Proposed well diameter is 0 inches; proposed depth of well is 0 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - 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 NA 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. NONE
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. IRRIGATION 3/4 acre

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FEB 04 2000

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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N	1E	21						1											1

Total number of acres to be irrigated 1 ~~84~~ Acre

10. Describe any other water rights used for the same purposes as described above. 0

11. a. Who owns the property at the point of diversion? TRESTLE CREEK INN ↗
- b. Who owns the land to be irrigated or place of use? MONTANA RAIL LINK ↓
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: LEASE

12. Remarks: _____

TRESTLE CREEK INN - DON HOUSER OWNER

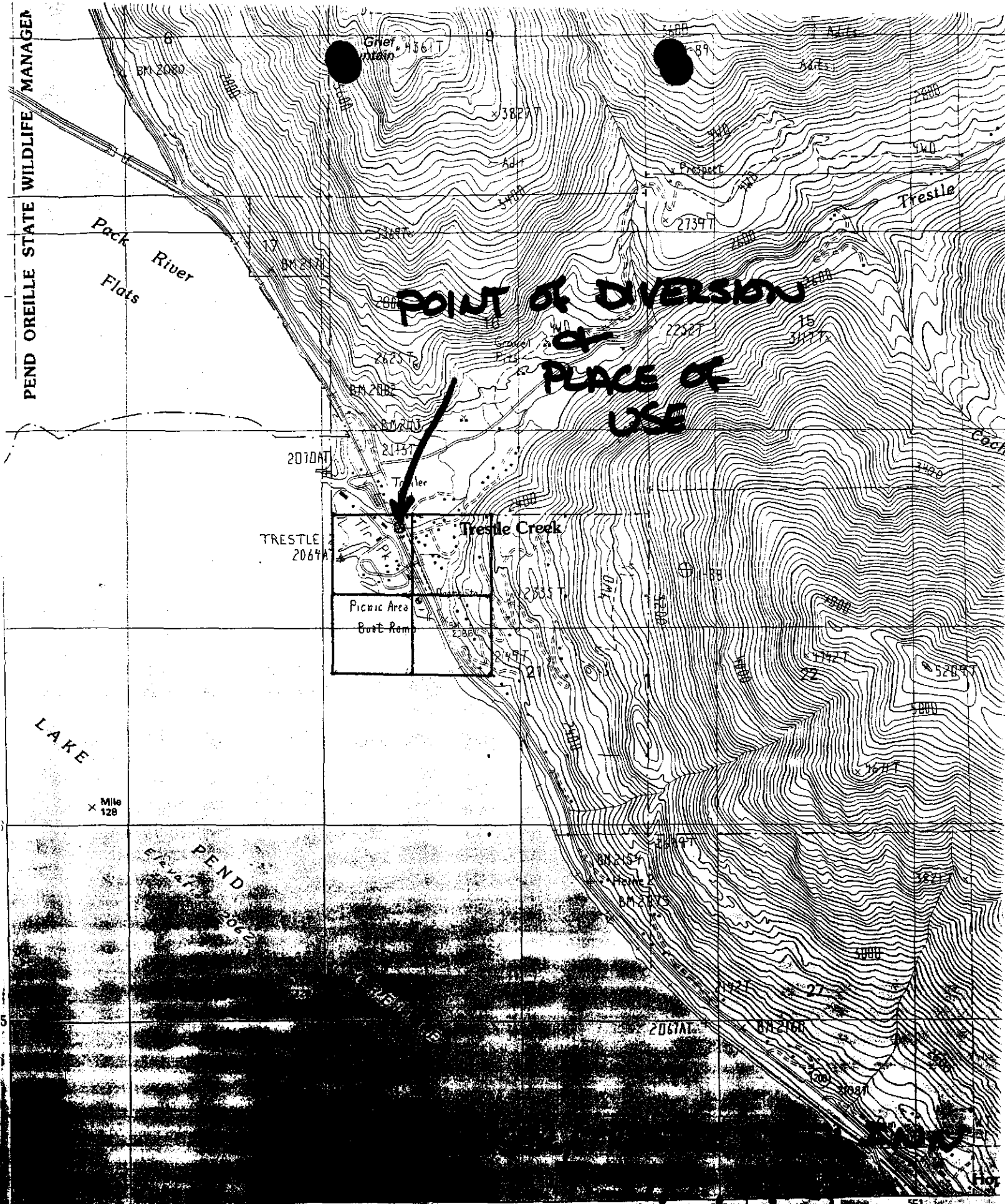
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

Don D. Houser
Signature of Applicant (and title, if applicable)

Received by AS Date 4-19-99 Time 9:30 Preliminary check by AB
 Fee \$ 50 Received by AB # ND 12792 Date 4-19-99
 Publication prepared by AB Date 4/28/99 Published in Bonner Co Daily Bee 5/6 & 13/99
 Publication approved _____ Date 6/17 & 24/99

MICROFILMED
FEB 04 2000



547 1350 000 FEET

549

20

50

51

UNITED STATES GEOLOGICAL SURVEY

USGS

PHOTOGRAPHS TAKEN

MAP EDITED

TRANSVERSE

REF MARK

SCALE 1:24,000

That portion of Section 21, Township 57
North, Range 1 East, Boise Meridian, Bonner
County, Idaho, described as follows:

All that portion of Government Lot 1 which is
lying and situate North and East of the
Northern Pacific Railway right of way and
South and West of the existing U.S. Highway
Alternate No. 10 right of way.

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FEB 04 2000

Trestle Creek
Hwy Bridge

CAMP
LOCATION

Parcel # E000002131004

TRESTLE INN
Creek INN

21-57N-1E R9 S+100
Lot Hwy Tax 33

Parking
Lot

Shelter
House

TRESTLE Creek
R.R. Bridge

Mountain Railroad RR

Hwy 200 E

Dark Area to be Irrigated

100' x 300'

Mountain
Railroad
Access

IN Road To ID COUNTRY

Camp Ground

MICROFILMED
FEB 04 2000

Lake Pend Oreille



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

March 26, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DON HOUSER
DBA TRESTLE CREEK INN
PO BOX 246
COEUR D ALENE ID 83816

RE: License No. 96-9019 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klf

Enclosure(s)

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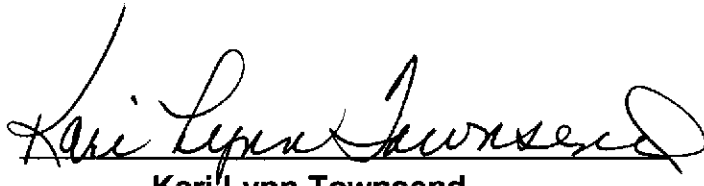
APR 11 2001

CERTIFICATE OF MAILING

I hereby certify that on March 26, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 96-9019

**DON HOUSER
DBA TRESTLE CREEK INN
PO BOX 246
COEUR D ALENE ID 83816**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
APR 11 2001**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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.

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Comment Report

96-9019

1. SKEEN 3/16/01 Licensing Review

Comment: Licensing review and data entry by S. Keen on 3/16/2001. No point of diversion or place of use overlaps.

2. DBALL 4/26/99 Examiner's notes.

Comment: POD owned by Montana Rail Link - leased to applicant. 1 HP pump into a 1" pipeline. Trestle Creek Inn - Don Houser Owner. Time required 1 year.

3. VAULT 11/10/99 Proof of Beneficial Use Rcvd

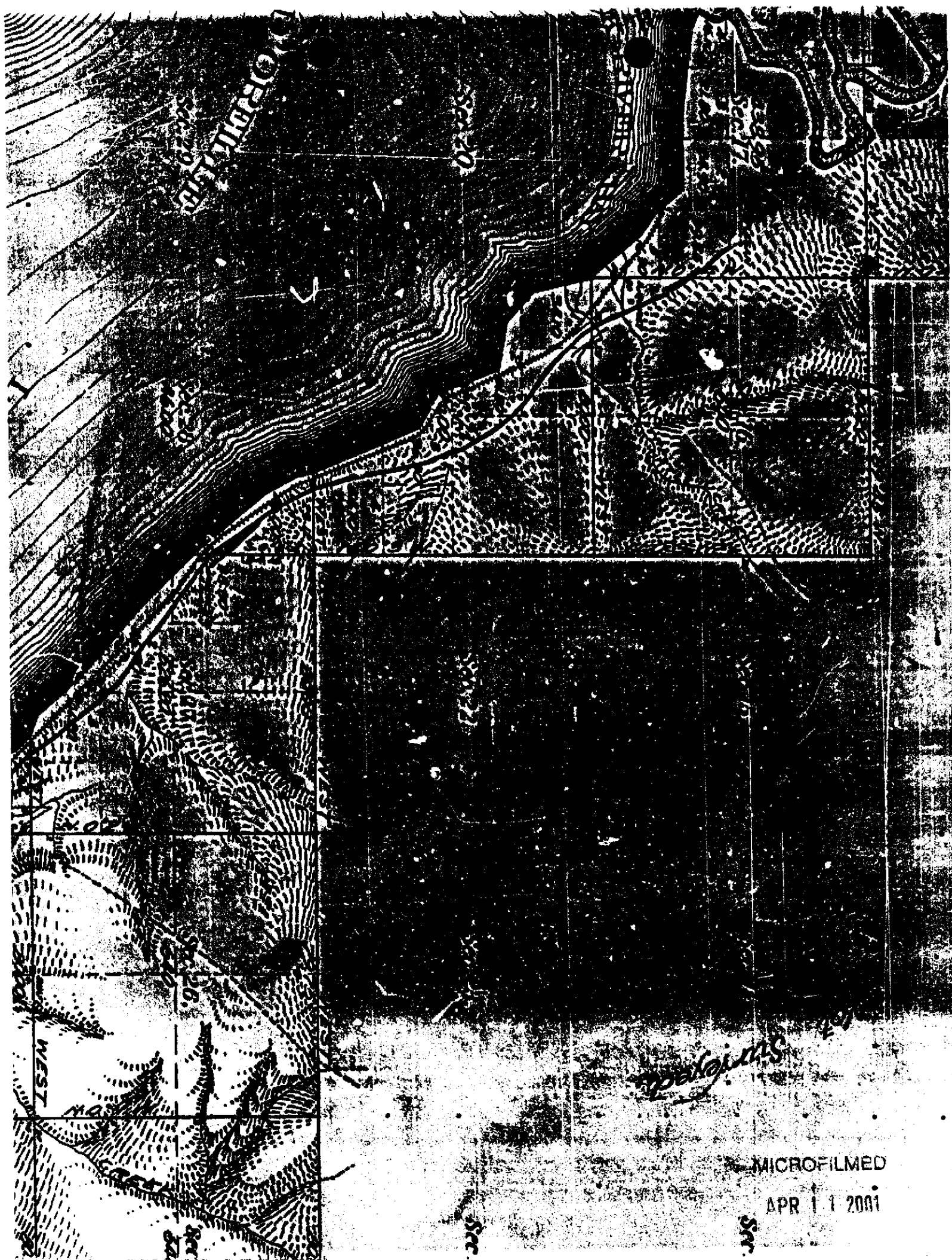
Comment: Proof of Beneficial Use Rcvd

4. KTOWNSEN 1/5/00 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

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APR 11 2001



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUL 28 2000
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 96-09019

1. Owner: Don Houser PO Box 246 Coeur d'Alene Id Phone No. (208) 765-6200

Current Address: DBA Trout Creek Inn Coeur d'Alene Id 83816

2. Accompanied by: Manager of Trout Creek Inn EXAM DATE: 6-22-00

Address: ? Phone No.

Relationship to Permit Holder: Employee

3. Source: tributary to

B. OVERLAP REVIEW

1. Other water rights with the same place of use:

2. Other water rights with the same point of diversion:

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	01	NW	NW		21	57N	01E	Bonner	USGS 7.5 min Quad

2. Place(s) of Use:

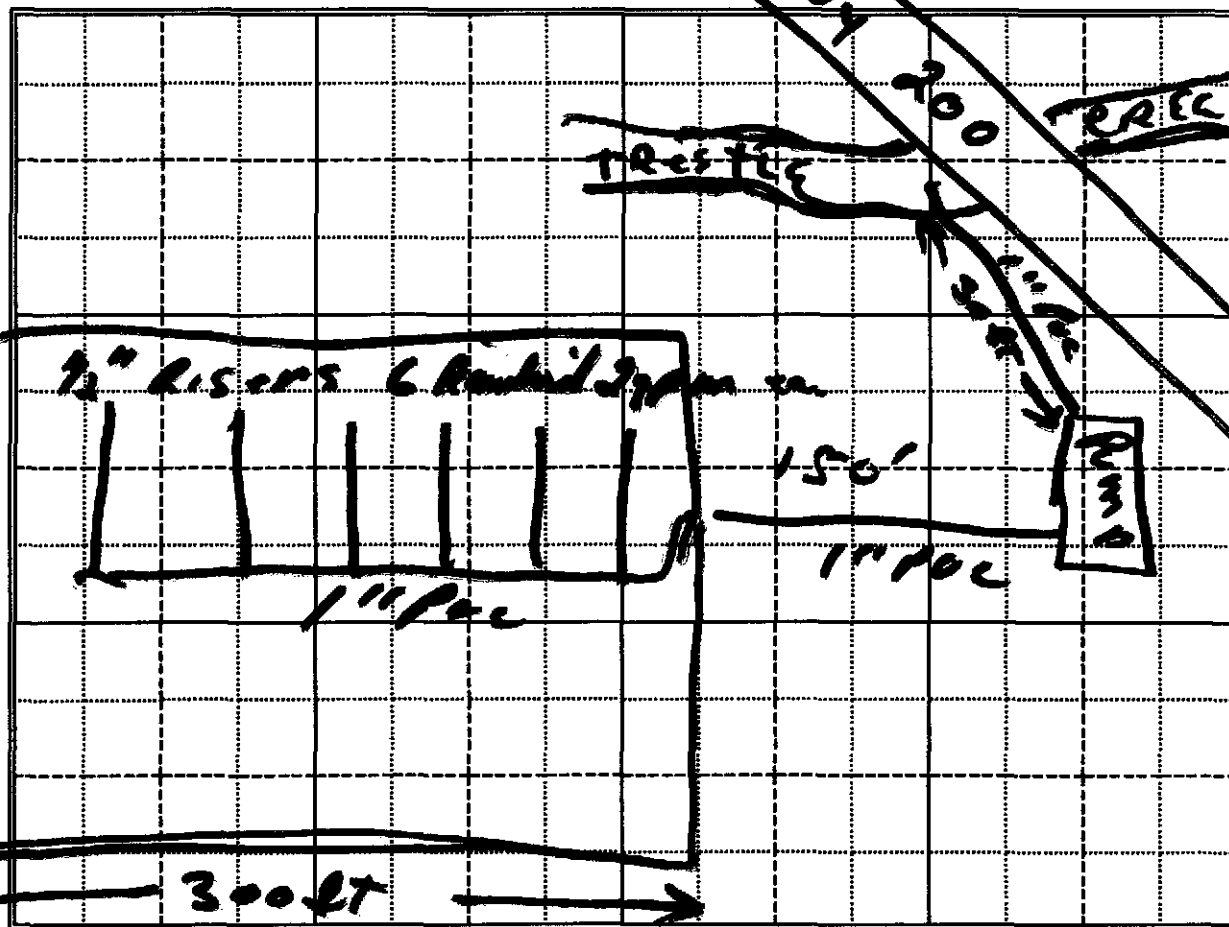
Indicate Method of Determination

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	01E	21					01 .6												6

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APR 11 2001

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	NO NAME OR IT?	1	C48L20B11A15	?	1"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

MICROFILMED

APR 11 2001

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

MICROFILMED
APR 11 2001

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

5 gal Bucket with hose over nozzles.
29pm on 5 heads, a 6th was not
operational
$$\frac{10 \text{ gpm} \times 1.33681}{60} = .02$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 6 \times 3 = 1.8$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .02 \times 245 \times 1.9835 = 9.7$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1.8$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	03-15	11-15	.02	1.8
Totals:			.02	1.8

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Wayne Deldin Date 7-25-00

Reviewer _____ Date _____ MICROFILMED

SEAL

APR 11 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

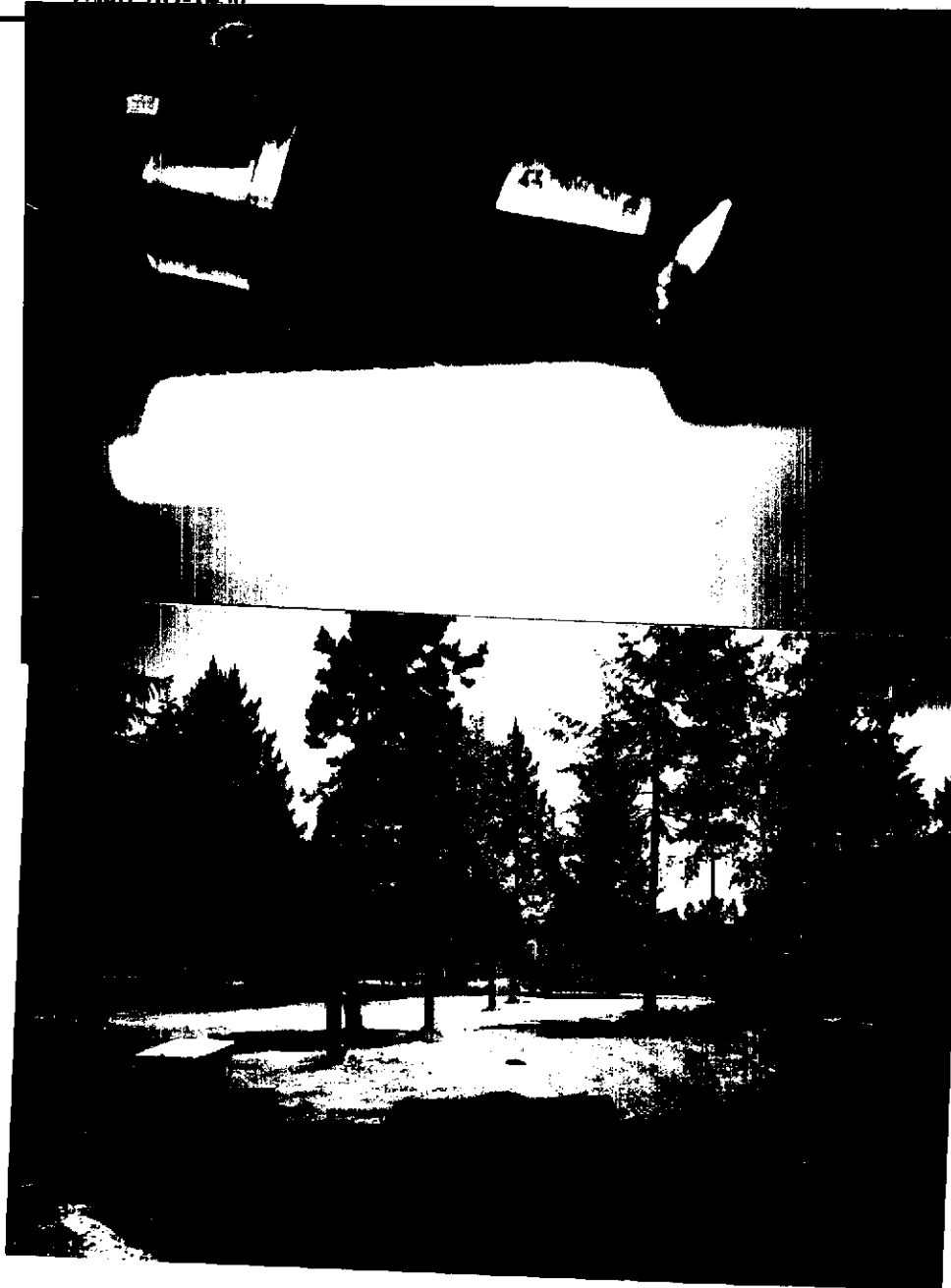
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615

(208) 769-1450

Fax (208) 769-1454

DIRK KIMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR



pu

96-09019

MICROFILMED
APR 11 2001

QUADRANGLE LOCATION:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

January 5, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DON HOUSER
DBA TRESTLE CREEK INN
PO BOX 246
COEUR D ALENE, ID 83816

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 96-09019

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **NORTHERN** Regional Office of the department in Coeur d'Alene at (208) 769-1450.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
FEB 04 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 96-09019 Reviewed by [signature] Date 01-05-00

GENERAL CONSIDERATIONS

yes Name same as permit?

yes Address same as permit?

yes Proof timely received?

If not, complete calculation below.

Correct Uses?

yes

TYPES OF USE

fur-lac

SOURCE OF WATER

✓ Surface water source

 Ground water source

 Drilling permit required?

 Copy in the file? Drilling Permit No.

 Amount paid for permit

 Well log in the file?

 Correct?

LICENSE EXAMINATION FEE

yes Required?

50 Amount Submitted

yes Correct?

MEASURING DEVICE

NO Required?

 Installed?

 Waiver requested?

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

 -
 =
 +

DEFICIENCIES OR ACTION ITEMS

OK - ock proof

DATA ENTRY

New Address

Proof Made 11-9-99



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 20, 1999

DON HOUSER
DBA TRESTLE CREEK INN
PO BOX 246
COEUR D ALENE ID 83816

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-09019

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

If you have any questions, please call me at 208-327-7946.

Sincerely,

for Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

FEB 04 2000

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of October, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 96-09019

DON HOUSER
DBA TRESTLE CREEK INN
PO BOX 246
COEUR D ALENE ID 83816


Kari Lynn Townsend
Secretary

MICROFILMED
FEB 04 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the order. 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

FEB 04 2000

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

MICROFILMED
FEB 8 4 2000

Reviewed by Sharla Curtis on 10/13/99

AREA OF CONCERN: No/Yes ~~Moratorium~~ ~~GWMA~~ ~~TRUST/NON-TRUST~~

SURFACE WATER (√Flow Chart)

F&G contacted

- Yes ☒ No ☐ Response pro. w/drawn

In/Above MSF - WB9

PLANNING SECTION REVIEW/RESPONSE

in-stream development

WD - R04 (WD# _____)

≤ 0.20 cfs/others - 01H(P01), 01P or No MD

> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD

>0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01)

(02.03) - 007 (w/ remark WB9 if above Weiser)

(02.03)

Payette R (65) - 047(P04) (Payette Lake)

Sakmen R (70's) - 039-0000000000

Weiser R (67) - 086-087

TABLE 1. (continued)

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)

MUNICIPAL

Restricted area

Int, GW supp to SW

DOMESTIC

Surface water - WB5 (Big Wood or Boise above Star Bridge)

27A (Payette R)

>1 in restricted area - 070-071-075(no parks/common areas, etc)

MISS. CONDITIONS/REMARKS:

Multiple pd's per ¼¼ - W32

Subd lot desc (pd) - W59

Subd lot desc (pu) - W60

1

OTHER CONDITIONS/REMARKS Spec. Cond #2 down f.c. date of 9/29

COMMENTS

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

OCT 12 1999

WRI
BCA
WRA

APPLICATION # 96-09019

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: HOUSER/TRESTLE CR. INN

BY: AS

DATE: 4/19/99

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes)(No)

- X Field check: by _____
- + Field report attached
- + Analysis Supp. attached(>5cfs/500af)
- + Water delivered by water master?
- Water District # _____

PROCESSING

- (Yes)(No) PRIORITY DATE: 4/19/99
- X (Include Moratorium Remark)
- X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: BONNER County

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	TAG #	Type:	Fees	Receipt No.	Upgrade Needed?
<u>+</u>		Dom. Non-Dom.	Paid \$		Y () N ()
<u>+</u>		Dom. Non-Dom.	Paid \$		Y () N ()
<u>+</u>		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: 1/1/
- + Further information required from applicant
- + Affidavit of publication received
- + Application published correctly. If not, record action taken: Readvertise
- + Publication dates and paper recorded on application | Sr. Agent initial 7/6/99
- + Protests received, Final protest date: 5/24/99
- + Measuring device required
- + Measuring port required
- + Special conditions:

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

Approval Recommended by: _____

Date: 1/1/



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

Dirk Kempthorne
Governor

KARL J. DREHER
Director

October 7, 1999

MEMO TO: Shelley Keen

FROM: Al Beardslee

RE: 96-09019

RECEIVED
OCT 12 1999
Department of Water Resources

It appears that the protest has been resolved. We recommend approval with Fish and Game's conditions.

Any questions, please give me a call.

Al Beardslee

MICROFILMED

FEB 04 2000



IDAHO FISH & GAME

PANHANDLE REGION
2750 Kathleen Avenue
Coeur d'Alene, Idaho 83814

RECEIVED

OCT - 1 1999

IDWR/North

Dirk Kempthorne / Governor
Jerry Mallet/Interim Director

September 29, 1999

Mr. Robert G. Haynes
Idaho Department of Water Resources
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, ID 83814

Dear Mr. Haynes:

REFERENCE: TRESTLE CREEK WATER RIGHT APPLICATION # 96-09019

We have discussed the proposed diversion of water from Trestle Creek with Mr. Don Houser, who has applied for the water right. We protested the application because of concerns over flows and stream alteration associated diversions that might affect Trestle Creek's productivity as a bull trout spawning and rearing stream.

We recognize that the requested diversion is quite small (0.02 cfs). Our primary concerns are loss of fish to the diversion, and any changes to the stream channel that might be made in association with the water right. To alleviate these concerns, we recommend the following stipulations be placed on this water right, and that they remain in place for perpetuity, or as long as the water right is active:

1. The intake to the diversion shall be screened to prevent loss of juvenile fish. Screen size shall be no larger than 0.25 inch mesh, and the velocity of water passing through the screen shall be less than 0.5 feet per second.
2. No alteration of the stream channel or banks (within the mean high water mark) shall be allowed in association with this water right.

If these stipulations are in place, we withdraw our protest of Mr. Houser's application.

Thanks for your consideration of this request.

Sincerely,


Greg Tourtlotte
Regional Supervisor

GIT:CEC:njk

C: Tracey Trent, IDFG, Boise
USFWS, Spokane

MICROFILMED

FEB 04 2000

RECEIVED

OCT - 1 1999

IDWR/North

September 28, 1999

Mr. Robert G. Haynes
Idaho Department of Water Resources
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, ID 83814

Dear Mr. Haynes:

REFERENCE: TRESTLE CREEK WATER RIGHT APPLICATION # 96-09019

I have discussed my proposed diversion of water from Trestle Creek with the Idaho Department of Fish and Game (IDFG). IDFG has protested the application because of concerns over flows and stream alteration associated diversions that might affect Trestle Creek's productivity as a bull trout spawning and rearing stream.

IDFG has recognized that my requested diversion is quite small (0.02 cfs), and their primary concerns are loss of fish to the diversion, and any changes to the stream channel that might be made in association with the water right. To alleviate these concerns, I request that the following stipulations be placed on this water right, and that they remain in place for perpetuity, or as long as the water right is active:

1. The intake to the diversion shall be screened to prevent loss of juvenile fish. Screen size shall be no larger than 0.25 inch mesh, and the velocity of water passing through the screen shall be less than 0.5 feet per second.
2. No alteration of the stream channel or banks (within the mean high water mark) shall be allowed in association with this water right.

Thanks for your consideration of this request.

Sincerely,



Don Houser

MICROFILMED

FEB 04 2000

Application No. 96-09019

SPECIAL NOTE: _____

PROTEST INFORMATION SHEET

Protestant(s)

	NAME	ADDRESS	PROTEST DATE
1	Idaho Fish & Game	2750 Kathleen Ave CDA Id 83815	5/18/99
2	(Letter signed by Greg Tourtlotte, Contact person to be Chip Corsi		
3			
4			
5			
6			
7			
8			
9			
10			

ATTORNEY

ADDRESS

DATE FILED: 4/19/99

PROTEST DUE DATE: 5/24/99- 7/6/99

ISSUES: Trestle Ck is single most import spawning trib for bull trout in the Lake
Pend Oreille system.
F&G wants Black Bear Mining Co right retired due to non-use; Houser's diversion intake
adequately screened to prevent impingement or entrainment of juvenile fish, and Houser
Applicant NOT to modify stream chanel to obtain water.

ATTORNEY

ADDRESS

DATE

Protest Date Entered on Computer

Acknowledgment Letters Sent

Hearing Date

(Other Dates)

Other Information: _____

Protest information submitted to computer (following hearing): _____

MICROFILMED
FEB 04 2000

June 28, 1999

Greg Tourtlotte, Regional Supervisor
Idaho Fish & Game, Panhandle Region
2750 Kathleen Avenue
Coeur d Alene ID 83815

Re: Application to Appropriate Public Waters No. 96-09019

Dear Mr. Tourtlotte:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Application for Permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/db

PS Duplicate letter sent to Chip Corsi

MICROFILMED

FEB 04 2000

June 28, 1999

Chip Corsi
Idaho Fish & Game, Panhandle Region
2750 Kathleen Ave
Coeur d Alene ID 83815

Re: Application to Appropriate Public Waters No. 96-09019

Dear Mr. Corsi:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Application for Permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/db

MICROFILMED
FEB 04 2000

June 28, 1999

Don N Houser dba Trestle Creek Inn
PO Box 246
Coeur d Alene ID 83816

Re: Application to Appropriate Public Waters No. 96-09019

Dear Mr. Houser:

Enclosed is a copy of a protest filed against the approval of the above referenced application for permit to appropriate the public waters of the State of Idaho. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Application for Permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH:db

Enclosure

MICROFILMED
FEB 04 2000



IDAHO FISH & GAME
PANHANDLE REGION
2750 Kathleen Avenue
Coeur d'Alene, Idaho 83814

Post-it® Fax Note 7671

Date 5/18	# of pages 2
To JOHN Homan	From BEARDSLEE
Co./Dept.	Co.
Phone #	Phone #
Fax #	Fax #

May 12, 1999

Mr. Robert G. Haynes
Idaho Department of Water Resources
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, ID 83814

RECEIVED
MAY 05 1999
NORTHERN REGION
IDWR

RECEIVED
MAY 18 1999
NORTHERN REGION
IDWR

Dear Bob:

REFERENCE: 96-09019 TRESTLE CREEK WATER RIGHT APPLICATION

In the most recent "Weekly Water Right Listing" received in this office yesterday, we note an application by Mr. Don Houser to divert 0.02 cfs from Trestle Creek. The period of use would be from March 15 to November 15, and the water would be used for irrigation purposes.

As you are aware, Trestle Creek is the single most important spawning tributary for bull trout in the Lake Pend Oreille system. Trestle Creek is a critical habitat for this federally listed species, supporting higher densities of spawning bull trout than any other stream known in North America.

By itself, a diversion of 0.02 cfs is relatively minor and would not likely have a significant impact on bull trout provided the intake were adequately screened, no stream alterations were undertaken to allow for diversion of the water, and other water diversions in the stream were small enough that adequate flows remained for bull trout spawning, egg incubation, rearing, and migration. A review of water rights in Trestle Creek indicates a number of small rights such as the one requested by Mr. Houser, and a large (25+cfs) right for the Black Bear Mining Company. To our knowledge, the large water right has not been used for several decades. Last year, in a letter to you, we requested an investigation into this water right by IDWR, to determine if in fact this water right was no longer being put to use, and if not whether it could be retired. To date, we have not heard back on this issue.

Because we believe that the exercising of severely impact bull trout (and westslope additional water rights should be granted Creek will not be impaired. Therefore, water right, without providing assurances the beneficial uses of supporting a fisher

96-02069
↑
There is no such "letter" found in the S.O. of file nor any recent corresp. from the dept in response

Creek would
t believe any
at in Trestle
Granting the
ould impair

MICROFILMED

FEB 04 2000

Leaving Idaho's Will

208-769-1414 • Fax: 208-769-1418 • Idaho Relat

SC 10/19/99

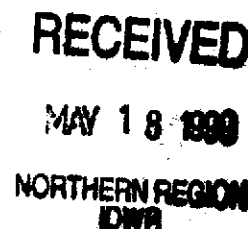
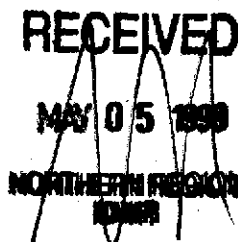
**IDAHO FISH & GAME**

PANHANDLE REGION
2750 Kathleen Avenue
Coeur d'Alene, Idaho 83814

Dirk Kempthorne / Governor
Jerry Mallet/Interim Director

May 12, 1999

Mr. Robert G. Haynes
Idaho Department of Water Resources
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, ID 83814



Dear Bob:

REFERENCE: 96-09019 TRESTLE CREEK WATER RIGHT APPLICATION

In the most recent "Weekly Water Right Listing" received in this office yesterday, we note an application by Mr. Don Houser to divert 0.02 cfs from Trestle Creek. The period of use would be from March 15 to November 15, and the water would be used for irrigation purposes.

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By itself, a diversion of 0.02 cfs is relatively minor and would not likely have a significant impact on bull trout provided the intake were adequately screened, no stream alterations were undertaken to allow for diversion of the water, and other water diversions in the stream were small enough that adequate flows remained for bull trout spawning, egg incubation, rearing, and migration. A review of water rights in Trestle Creek indicates a number of small rights such as the one requested by Mr. Houser, and a large (25+cfs) right for the Black Bear Mining Company. To our knowledge, the large water right has not been used for several decades. Last year, in a letter to you, we requested an investigation into this water right by IDWR, to determine if in fact this water right was no longer being put to use, and if not whether it could be retired. To date, we have not heard back on this issue.

96-02069

Because we believe that the exercising of all of the outstanding water rights on Trestle Creek would severely impact bull trout (and westslope cutthroat trout and kokanee salmon), we do not believe any additional water rights should be granted until there are assurances that bull trout habitat in Trestle Creek will not be impaired. Therefore, we are protesting Mr. Houser's application. Granting the water right, without providing assurances that bull trout will be protected, in our view would impair the beneficial uses of supporting a fishery, and therefore not be in the public's interest.

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FEB 04 2000

Mr. Robert G. Haynes - Page 2
May 12, 1999

As noted, Mr. Houser's request is for a small diversion. We believe this request can be granted if the following conditions are in place:

- The Black Bear Mining Company right still on the books be retired due to non-use.
- Mr. Houser's diversion intake is adequately screened to prevent impingement or entrainment of juvenile fish.
- Mr. Houser agree not to modify the stream channel in order to obtain water.

We are willing to discuss these issues with you and/or the applicant, to try to work out a solution. Chip Corsi of my staff will be the contact person.

Sincerely,



Greg Tourtlotte
Regional Supervisor

GIT:CEC:kh

C: Tracey Trent, IDFG, Boise
USFWS, Spokane

RECEIPT # ND12889

MICROFILMED
FEB 04 2000

N012889

5/18/1999

FISH & GAME

PROTEST FEE - 96-09019

65103

229 21 1155

25.00

CHECK

22229

\$

25.00

Region: NORTHERN

Signature: _____

MICROFILMED

FEB 04 2000

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Sherilyn Plunk being first duly sworn on oath
deposes and says that he/she is Bookkeeper
of the Bonner County Daily Bee, a newspaper printed and
published at Sandpoint, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

Notice of Correction

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 17 day of June, 1999
and ending on the 24 day of June, 1999
and that said notice was published in said newspaper.

On this 24 day of June in the year
of 1999, before me, a Notary Public, personally
appeared Sherilyn Plunk,
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true,
and acknowledged to me that he executed the same.

Carolyn L. Inge
Notary Public for Idaho

Residing at

Sandpoint

My commission expires:

7/00

NOTICE OF CORRECTION
NOTICE IS HEREBY GIVEN
THAT APPLICATION FOR PER-
MIT NO. 96-09019 in the name of
DON HOUSER dba TRESTLE
CREEK INN, PO BOX 246,
COEUR D'ALENE, ID 83816, was

incorrectly advertised on May 6
and 13, 1999.

The DATE FILED was incorrect-
ly advertised as 4/26/1999 where-
as correctly the DATE FILED
should be 4/19/1999.

(For additional information con-
cerning the property location, call
the Northern Regional Office at
769-1450.)

Any protests against the approval
of the above-referenced correction
must be filed with the applicant and
with the Director, Dept. of Water
Resources, 1910 Northwest Blvd.,
Suite 210, Coeur d'Alene, Id. 83814,
together with a protest fee of \$25.00
on or before July 6, 1999.

KARL J. DREHER, Dir.

SNP#1092

June 17, 24, 1999

RECEIVED
JUN 25 1999
IDWR/North

MICROFILMED

FEB 04 2000

1092

June 9, 1999

Bonner County Daily Bee
PO Box 159
Sandpoint ID 83864

Re: Water Right No. 96-09019 - Don Houser dba Trestle Creek Inn

Gentlemen:

Enclosed you will find a legal Notice of Correction which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send the Affidavit of Publication, and the bill, to this office before July 6, 1999.

Thank you.

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure

RECORDED
JUN 14 1999

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 96-09019 in the name of DON HOUSER dba TRESTLE CREEK INN, PO BOX 246, COEUR D ALENE, ID 83816, was incorrectly advertised on May 6 and 13, 1999.

The DATE FILED was incorrectly advertised as 4/26/1999 whereas correctly the DATE FILED should be 4/19/1999.

(For additional information concerning the property location, call the Northern Regional Office at 769-1450.)

Any protests against the approval of the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, together with a protest fee of \$25.00 on or before July 6, 1999.

KARL J. DREHER, Dir.

Published in the Bonner County Daily Bee on 6/17 & 24/1999.

MICROFILM

FEB 04 2000

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Sherilyn Plunk being first duly sworn on oath
deposes and says that he/she is Bookkeeper
of the Bonner County Daily Bee, a newspaper printed and
published at Sandpoint, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

App for water Right

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 6 day of May, 1999
and ending on the 13 day of May, 1999
and that said notice was published in said newspaper.

On this 13 day of May in the year
of 1999, before me, a Notary Public, personally
appeared Sherilyn Plunk,
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true,
and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at _____

My commission expires: _____

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

96-09019

HOUSER, DON
TRESTLE CREEK INN, DBA
PO BOX 246
COEUR D'ALENE, ID 83816
Source: TRESTLE CREEK
Tributary: PEND OREILLE LAKE
Diversion Pt: LOT 1 (NWNW) Sec
21 T 57N R 01E in BONNER
County.
Use: IRRIGATION (0.020 CFS)
Total Diversion: (0.020 CFS)
Date Filed: 4/26/1999 4/19/99
In: BONNER County
T57N R01E S21 Lot 1 (NWNW)
1.0 ACRES TOTAL

96-09020

RIEGER, RICK
730 E PLATEAU RD
SPOKANE, WA 99203
Source: PEND OREILLE LAKE
Tributary: PEND OREILLE RIVER
Diversion Pt: LOT 4 (NWSW) Sec
33 T 57N R 01W in BONNER
County
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 4/7/1999

In: BONNER County
T57N R01W S33 Lot 4 (NWSW)

96-09021

HAMMACK, REGINA E
5900 MC GHEE
SANDPOINT, ID 83864
Source: PEND OREILLE LAKE
Tributary: PEND OREILLE RIVER
Diversion Pt: LOT 4 (NWSW) Sec
33 T 57N R 01W in BONNER
County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 4/16/1999

In: BONNER County
T57N R01W S33 Lot 4 (NWSW)

For additional information con-
cerning the property location, call
the Northern Regional Office at
(208) 769-1450.

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the applicant and with
the Director, Dept. of Water
Resources, Northern Region, 1910
Northwest Blvd., Suite 210, Coeur
d'Alene, Idaho 83814, together with
a protest fee of 425.00 on or before
MAY 24, 1999.

KARL J. DREHER, Director
SNP#9994 May 6, 13, 1999

RECEIVED
JUN 03 1999
IDWR/North

*Readjusted
to correct.*

MICROFILMED

SEP 04 2000

9994

96-09019

HOUSER, DON
TRESTLE CREEK INN, DBA
PO BOX 246
COEUR D ALENE, ID 83816

Source: TRESTLE CREEK

Tributary: PEND OREILLE LAKE

Diversion Pt: LOT 1 (NWNW) Sec 21 T 57N R 01E in BONNER County.

Use: IRRIGATION (0.020 CFS)
Total Diversion: (0.020 CFS)

Date Filed: 4/26/1999 4/19/99

In: BONNER County
T57N R01E S21 Lot 1(NWNW)

1.0 ACRES TOTAL

MICROFILMED

FEB 04 2000

April 28, 1999

Don Houser
DBA Trestle Creek Inn
PO Box 246
Coeur d Alene ID 83816

Re: Water Appropriation Application No. 96-09019

Dear Mr. Houser:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

MICROFILMED

FEB 04 2000