

Sec. 13

1105

2

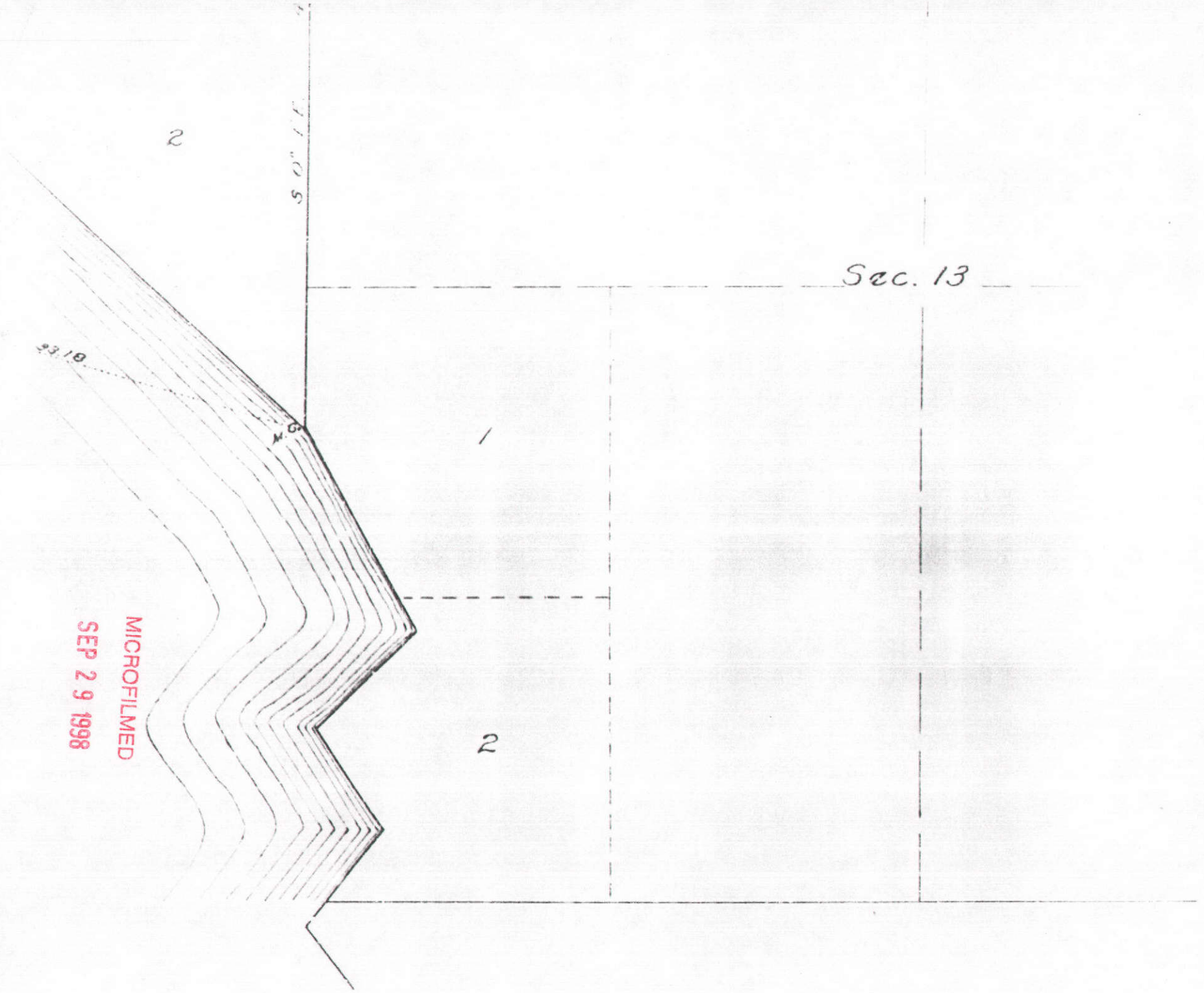
1

2

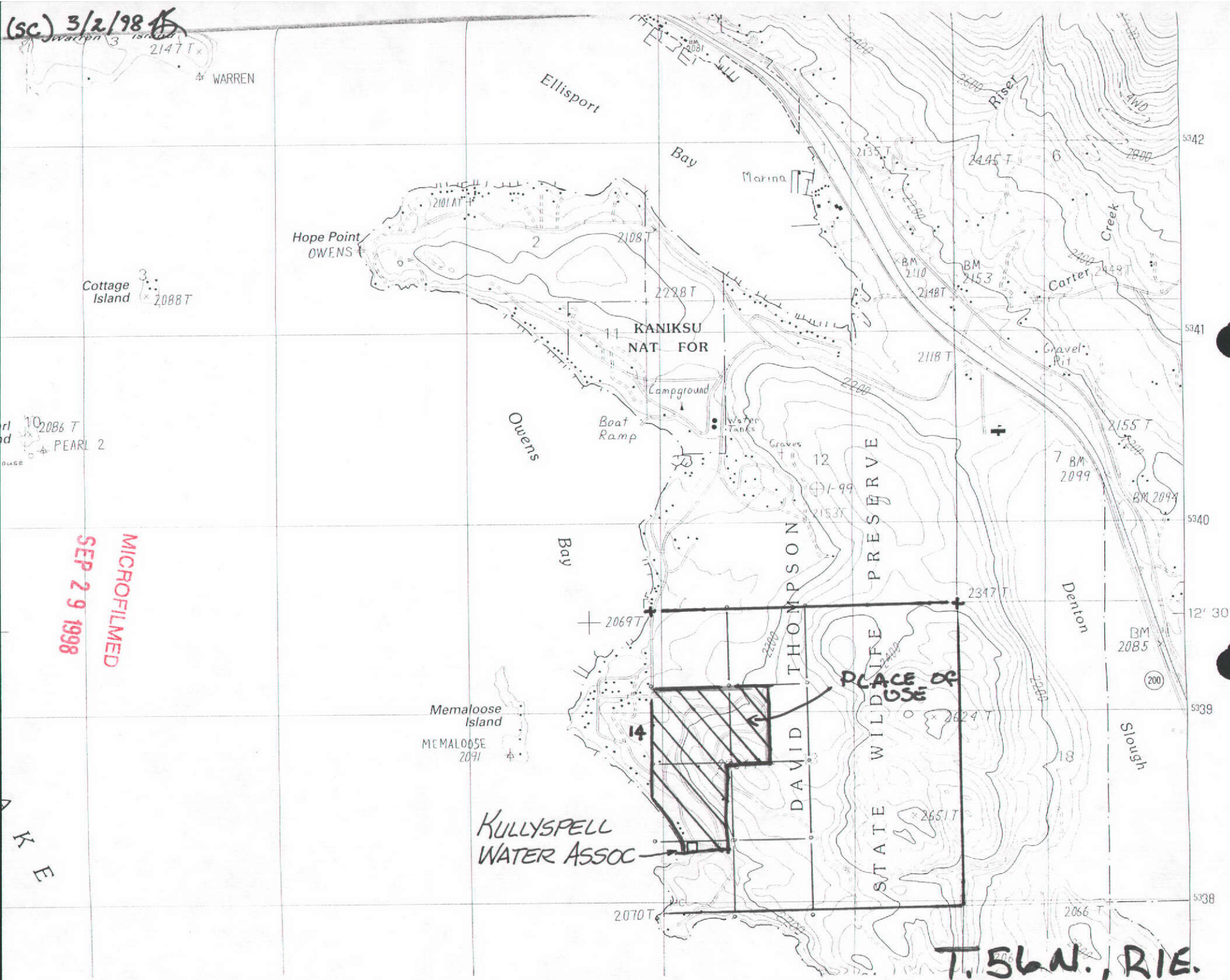
M.G.

23.10

MICROFILMED
SEP 29 1998



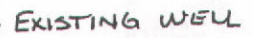
(SC) 3/2/98 ~~15~~



MICROFILMED
SEP 29 1998

T. 56 N., R. 1 E.

NORTHERN REGION
IDWR



SSF SITE

SCALE $1'' = 400'$

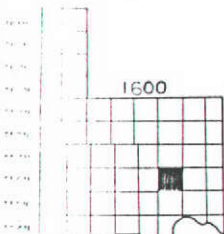
MICROFILMED
SEP 29 1998

REVISED BY	CHECKED BY
	RWS
	RWS
	RWS
	R.W.S.

THIS DRAWING IS TO BE USED FOR
GENERAL PURPOSES AND THE
ENGINEER IS NOT RESPONSIBLE FOR
ANY INACCURACIES HEREIN CONTAINED.



SENDER COUNTY
IDAHO



SEP 29 1998
MICROFILMED
MAP KEY

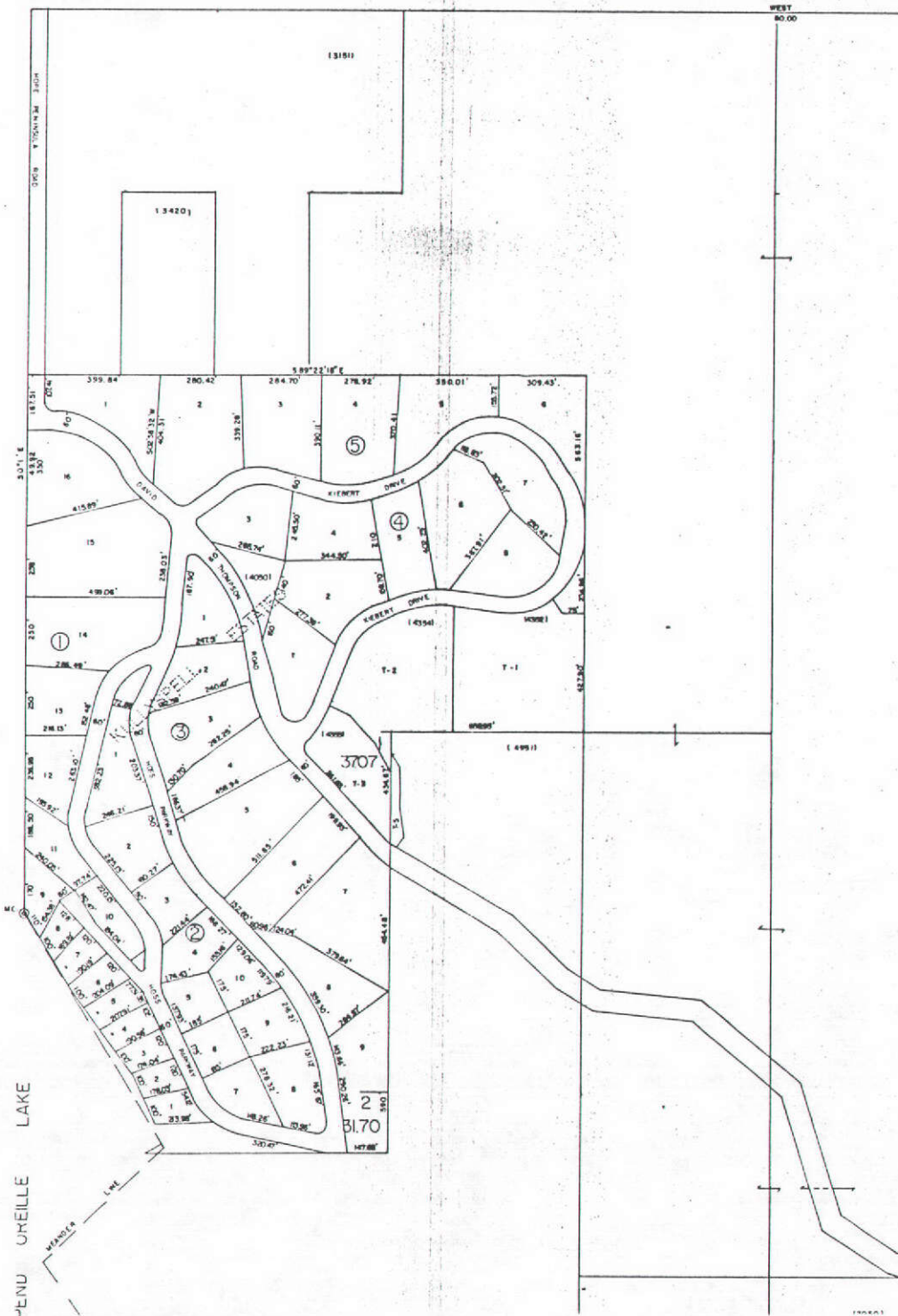
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33	34	35	36

SECTIONS



COPY

SEC.13, T.56 N, R.1E



RECEIVED
JAN 30 1998
NORTHERN REGION
IDWR

96-08982



PD

STORAGE



sand filter sldg



SAMPLE
LOT



96-08982



PW



STORAGE

sand filter sldg



SAMPLE
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28680-96



PD



STORAGE



sand filter sldg



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2880-96



PD



STORAGE



sand filter sldg

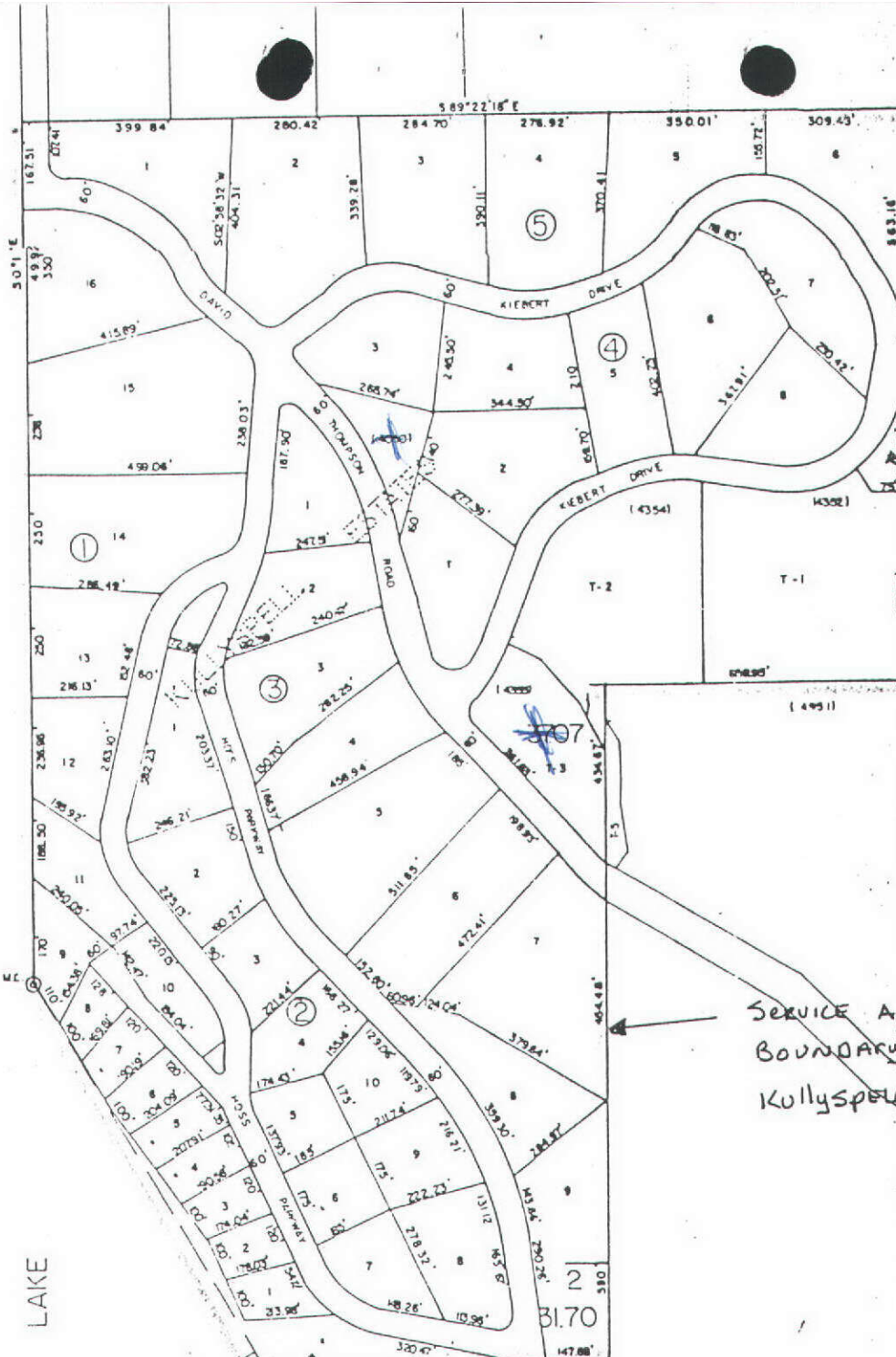


SAMPLE
LOT

RECEIVED

FEB 17 1998

NORTHERN REGION
IDWR



2880-96

PEND OREILLE LAKE

W 1/2 OF Sec 13 T56N R1E

SCALE 1" = 400'

SSF SITE

SERVICE AREA
BOUNDARY
Kullyspell ESTATE

ESTATE

REVISION	CHECKED BY
1	RWS
2	RWS
3	RWS
4	RWS

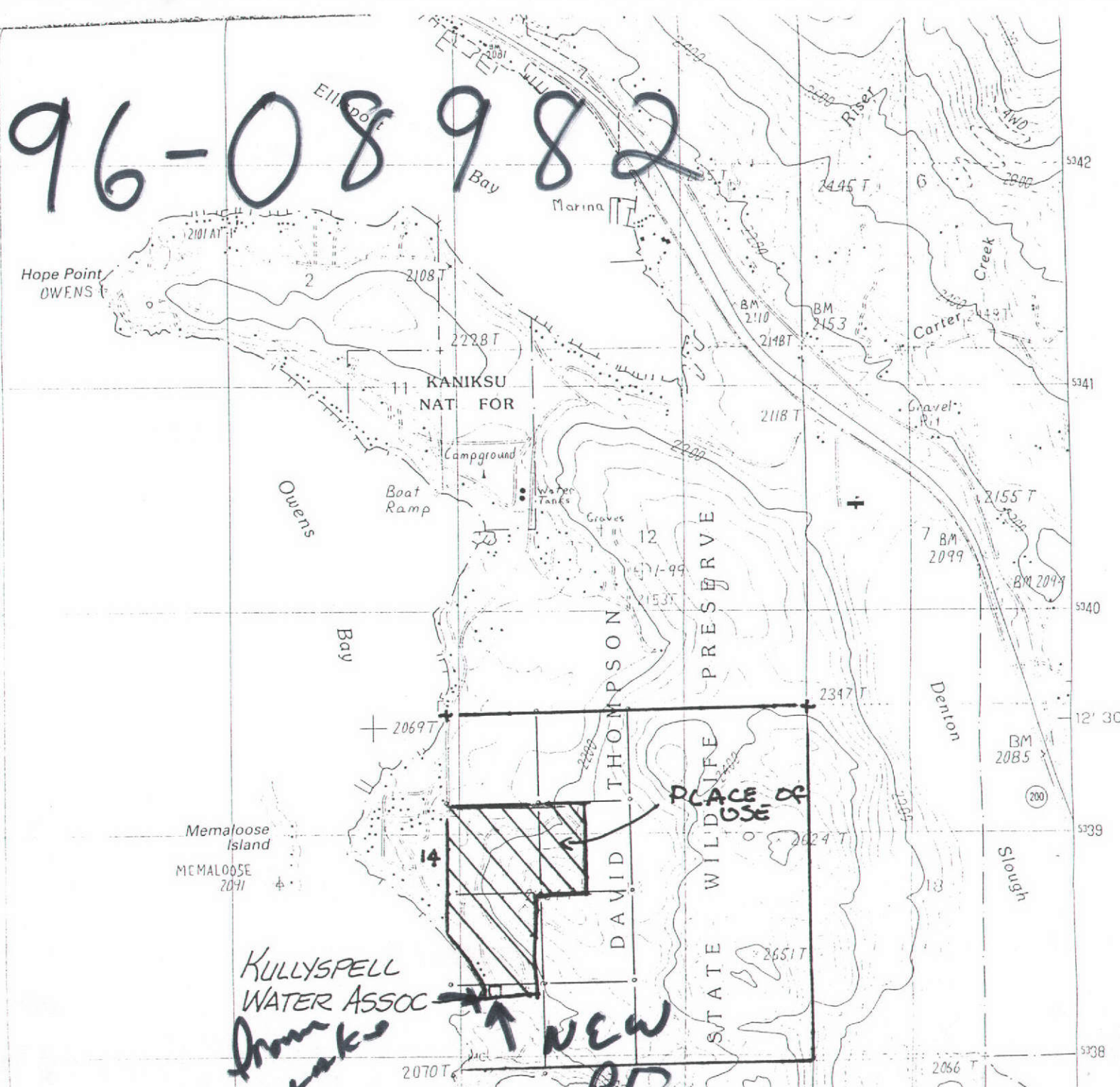
SC) 3/2/98

WARREN

96-08982

Cottage Island 2088T

102086T
PEARL 2



KULLYSPELL
WATER ASSOC
↑ NEW
RD

T. 56 N., R. 1 E.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
96-08982 IN THE NAME OF) **REINSTATEMENT ORDER**
KULLYSPELL ESTATES)
HOMEOWNERS ASSN, INC.)
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before June 1, 2000; and,

WHEREAS, the Department notified the permit holder on March 31, 2000 by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

WHEREAS, the Department sent the permit holder a lapse notice on June 5, 2000, since the Department had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on June 7, 2000;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 96-08982 is **REINSTATED** with an advance in priority to **March 10, 1998**.

DATED this 20th day of June, 2000.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

JAN 31 2001

PROOF OF BENEFICIAL USE

1999 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 96-08982

Proposed Priority: March 4, 1998

Maximum Diversion Rate:

0.20 CFS

This is to certify, that KULLYSPELL ESTATES HOMEOWNERS ASSN

PO BOX 404

HOPE ID 83836-0404

has applied for a permit to appropriate water from:

PEND OREILLE LAKE

tributary of 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	03/15 to 11/15	0.10 CFS
DOMESTIC	01/01 to 12/31	0.10 CFS
	Totals	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 2(SWSW), Sec. 13, Township 56N, 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>
56N	01E	13	Lot 1(SWNW) 7.0	SENEW 3.0	NWSW 8.0	
			Lot 2(SWSW) 2.0			20.0

Total number of acres irrigated: 20.0

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 2000.
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 permit holder had no control.
4. 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.
5. 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.
6. The issuance of this right does not grant any right-of-way or easement across the land of another.

MICROFILMED

SEP 29 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

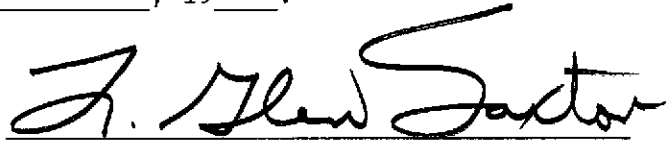
NO. 96-08982

CONDITIONS OF APPROVAL AND REMARKS

7. Place of use is located within Lots 1-16, Blk. 1; Lots 1-10, Blk. 2; Lots 1-9, Blk. 3; Lots 1-8, Blk. 5; Lots 1-6, Blk. 6; and Lots T1-T3; Kullyspell Estates Subdivision.
8. Domestic use is for 50 homes and does not include lawn, garden, landscape, or other types of irrigation.

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

18th day of May, 1998.



for
Karl J. Dreher, Director

MICROFILMED

SEP 29 1998

Ident. No. 96 - - 8982

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

MAY 13 1998

Department of Water Resources

1. Name of Applicant Kullyspell Estates Homeowners Association Phone 208-264-8204
Mailing address P.O. Box 404 Hope, Idaho 83836

2. Source of water supply Lake Pend Oreille which is a tributary of POLO OREILLE RIVER

3. Location of point of diversion is Township 56 N Range 1 E Sec. 13, in the SW 1/4, SW 1/4, Govt. Lot 2, B.M., Bonner County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .10 cfs for domestic purposes purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .10 cfs 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) .20 cfs 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 screened intake line into
Lake Pend Oreille

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 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. Kullyspell Estates Homeowners Association

d. Domestic; show number of households. 50 households

e. Other; describe fully. _____

MICROFILMED

SEP 29 1998

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	
56N	1E	13							D	D		D	D						
									7	3		8	2						20

Total number of acres to be irrigated 20

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

11. a. Who owns the property at the point of diversion? Homeowners Association

b. Who owns the land to be irrigated or place of use? _____

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: The Association is providing water to the individual landowners

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

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

[Signature]
Signature of Applicant (and title, if applicable)

Received by [Signature] Date 1/12/98 Time 7:16P Preliminary check by [Signature]
 Fee \$ 50.00 Received by [Signature] # N011768 Date 1/12/98
 Publication prepared by [Signature] Date 1/25/98 Published in Boone Co. Daily Bee 4/24/98
 Publication approved [Signature] Date 5/8/98

५५५-२२५

Mr. H.
JANUARY 25

500. 11.
60. 76

500.233

625.50

575. 13
628.77

265

8000

WFS

SOUTH

MICROFILMED
SEP 29 1998

Sec. 13

2

1

2

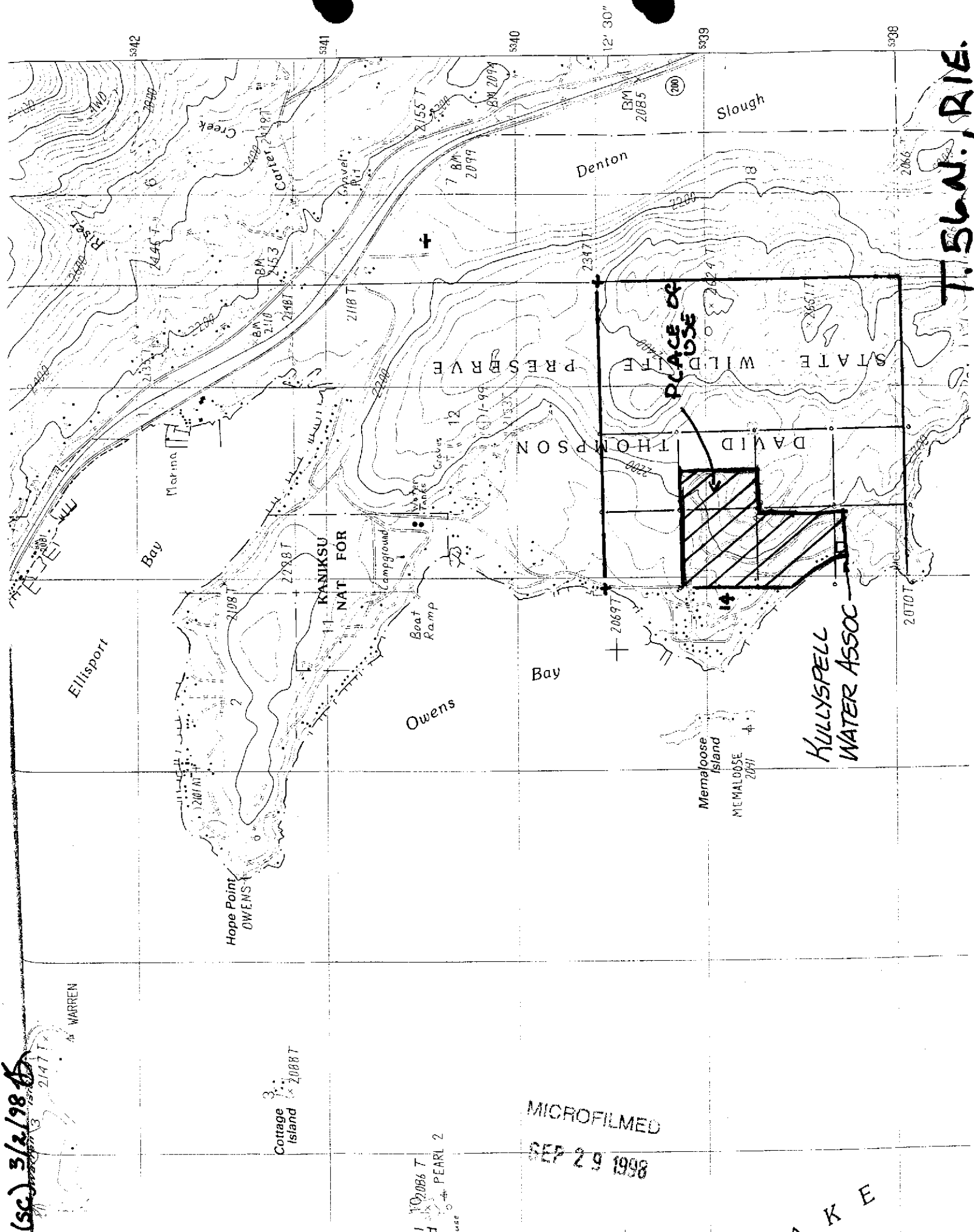
5 0' 11"

2310

MICROFILMED

SEP 29 1998

T. G. B. R. L.



NORTHERN REGION
IDWR



~~SERVICE AREA
BOUNDARY
Kullyspell ESTATES~~

SSF SITE

W 1/2 OF Sec 13 T56N R1E

SCALE 1" = 400'

MICROFILMED

SEP 29 1998

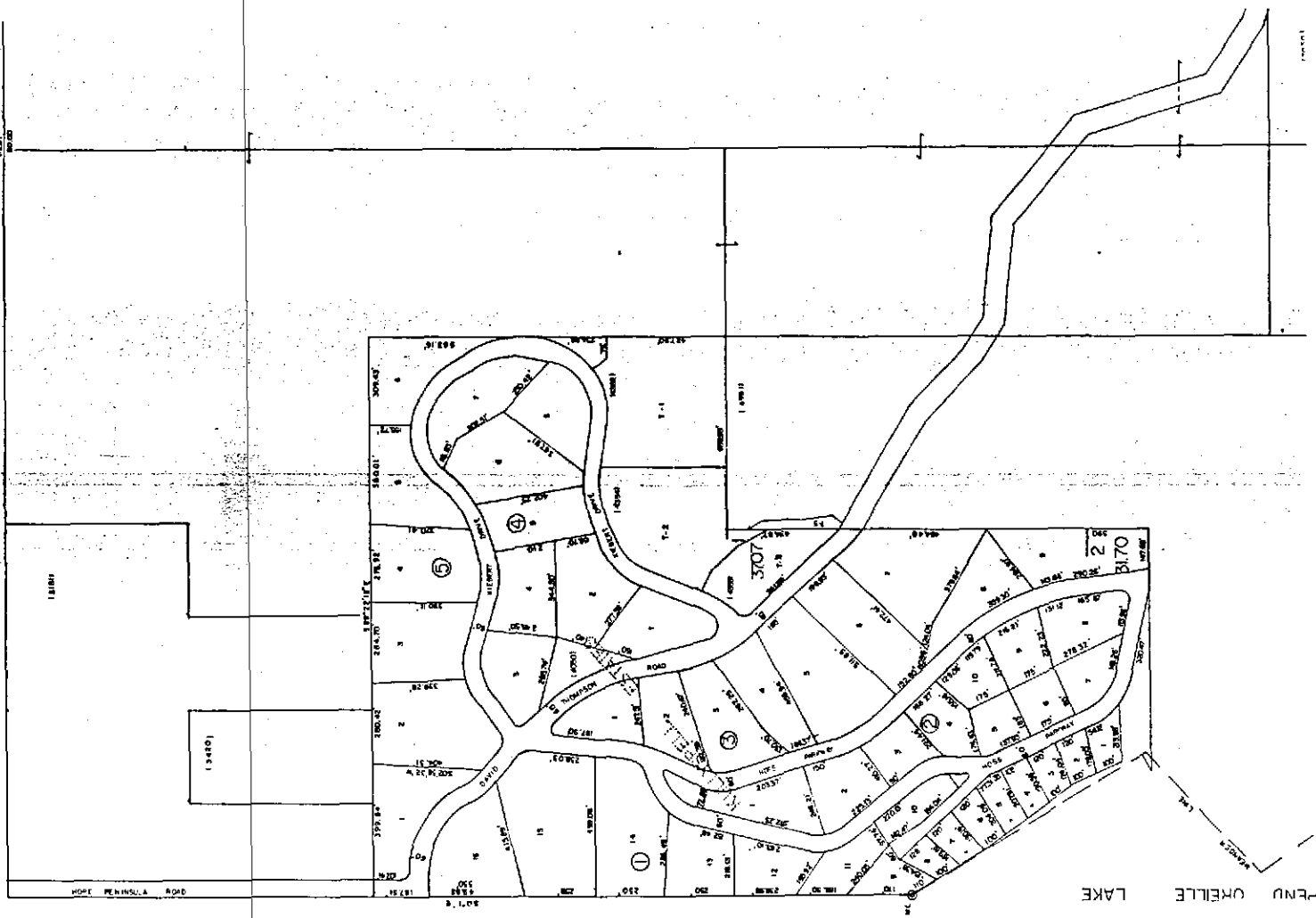
PENDU ORÈILLE LAKE

REVISED BY	CHECKED BY
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1150
 459

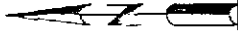
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NORTHERN REGION
IDWR

SEC.13, T.56 N, R.1 E

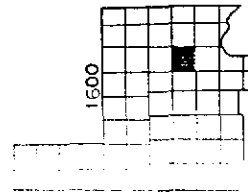


LAKE OMBILE RIVER

THIS DOCUMENT IS TO BE USED FOR
UNOFFICIAL PURPOSES AND THE
GOVERNMENT IS NOT RESPONSIBLE FOR
ANY ILLEGACIES HEREIN CONTAINED.



SEWER COUNTY
IDAHO



SEP 29 1998

1	2	3	4	5	6	7	8	9	10	11	12
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25	26	27	28	29	30	31	32	33	34	35	36



REV

AUG - 1 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUL 24 2001

Department of Water Resources

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 96-08982

1. Owner: Fullsail State Homeowners Assn. Phone No. (208) 264-5344

Current Address: P.O. Box 404 Hope Id. 83836-0404

2. Accompanied by: Art Long & Dexter Vogel EXAM DATE: 6-20-01

Address: Same as above Phone No. _____

Relationship to Permit Holder: Art is Board member & Dexter is the engineer

3. Source: Lake Pond Mills tributary to Pond Mills River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 96-0863.2

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

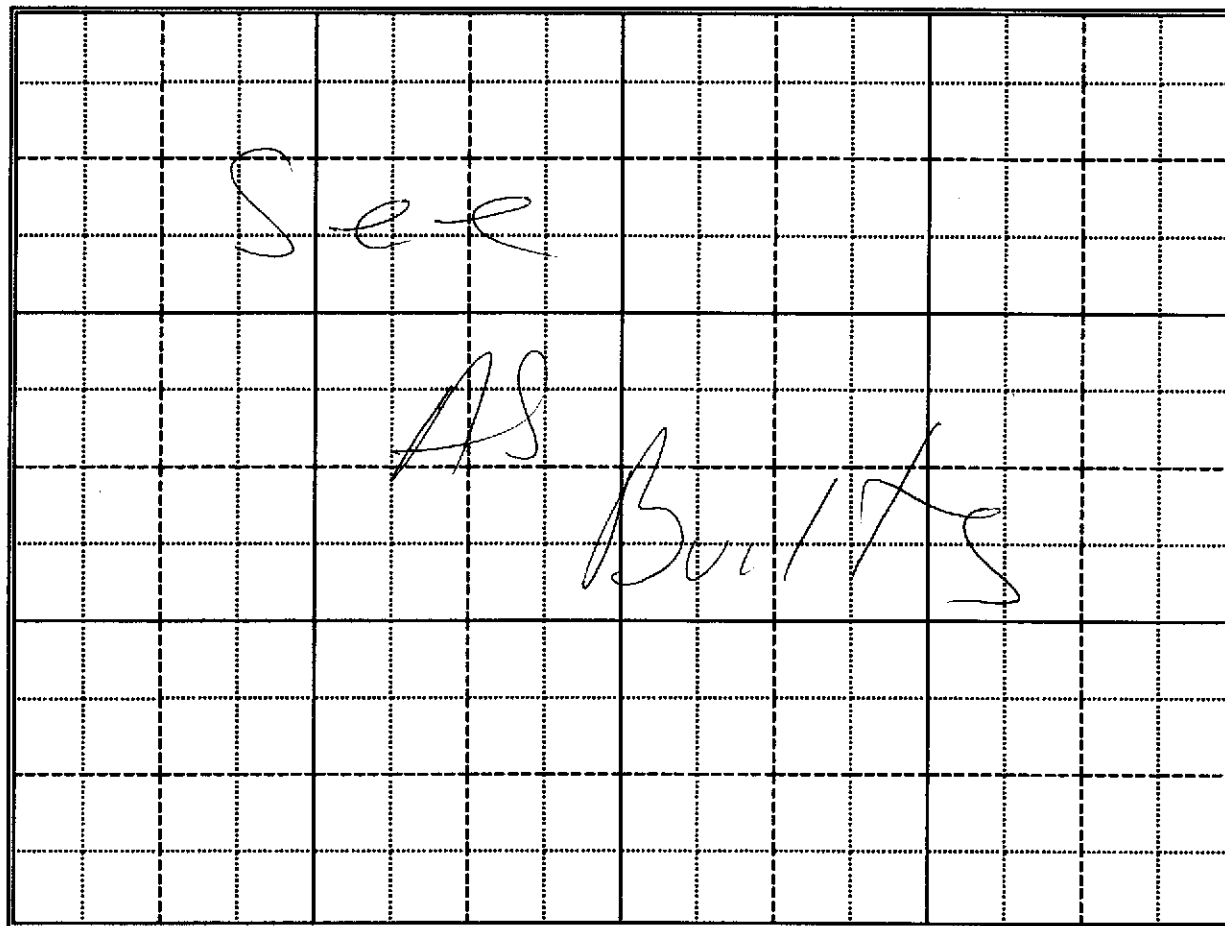
[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

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 Quadrangle 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
		2			

*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

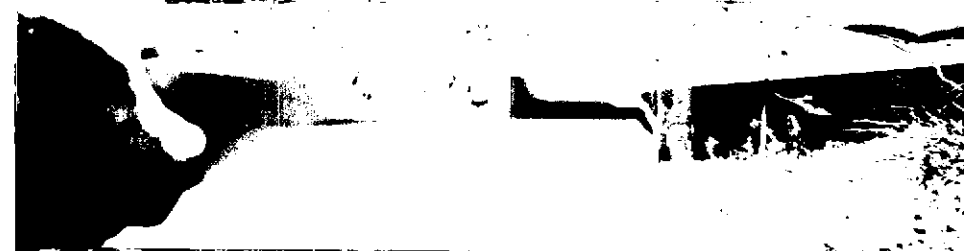
2. Measurements: _____

28680-96



PW

STORAGE



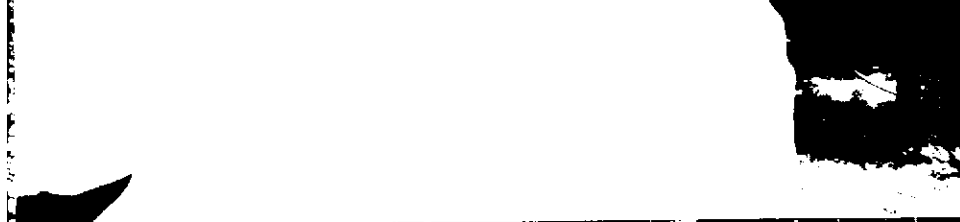
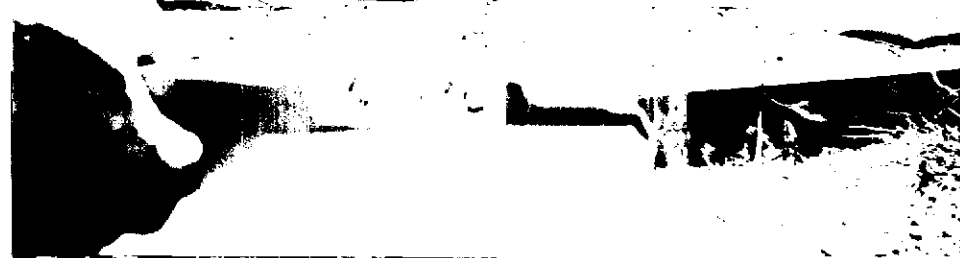
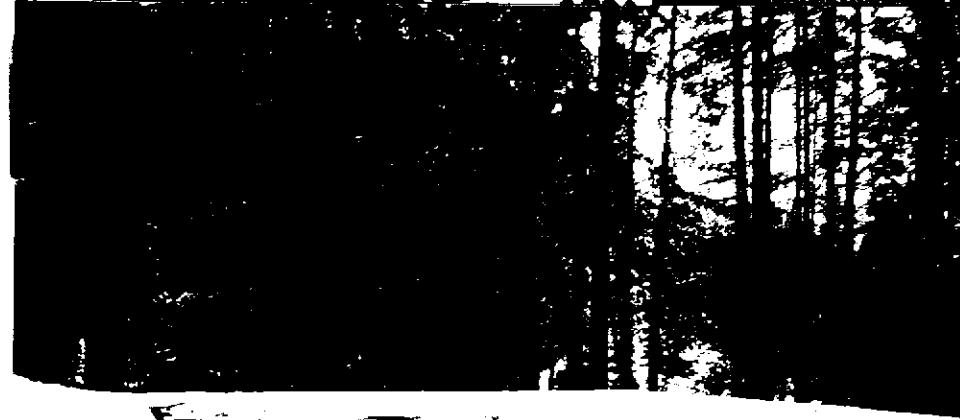
sand filter sldg



SAMPLE
LOT



28680-96



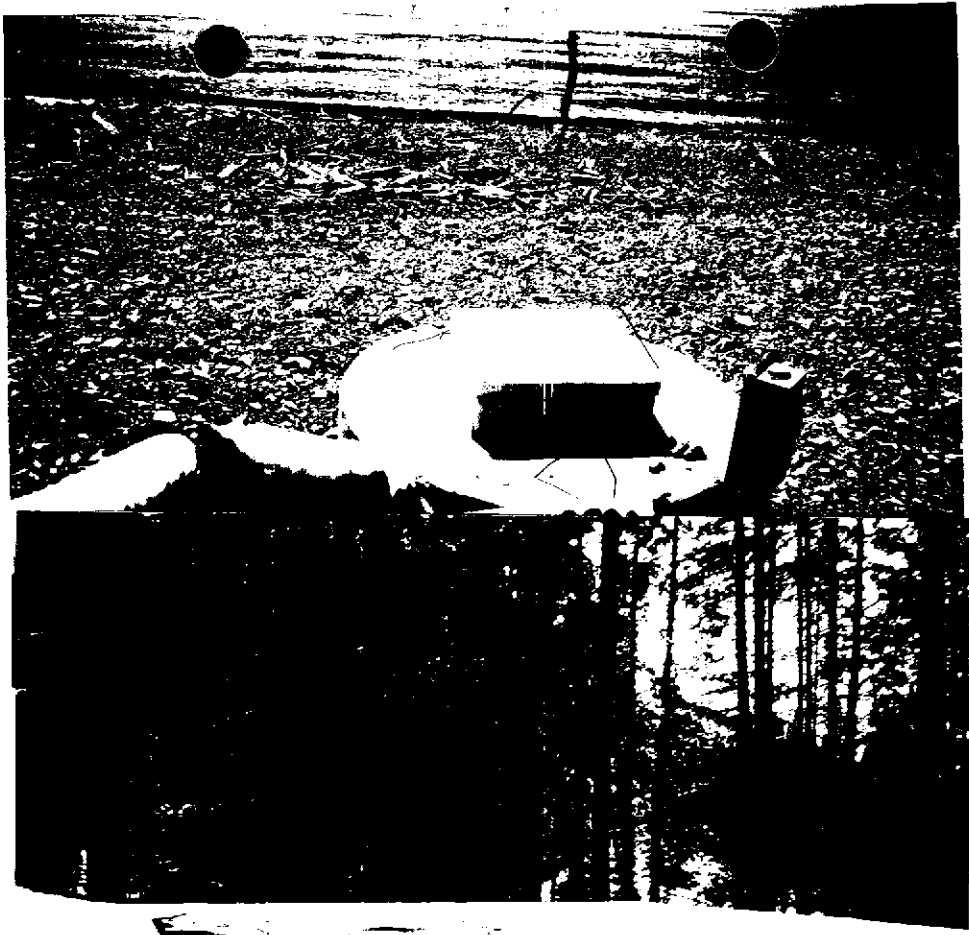
PD

STORAGE

sand filter sldg

SAMPLE
LOT

96-08982



PW

STORAGE

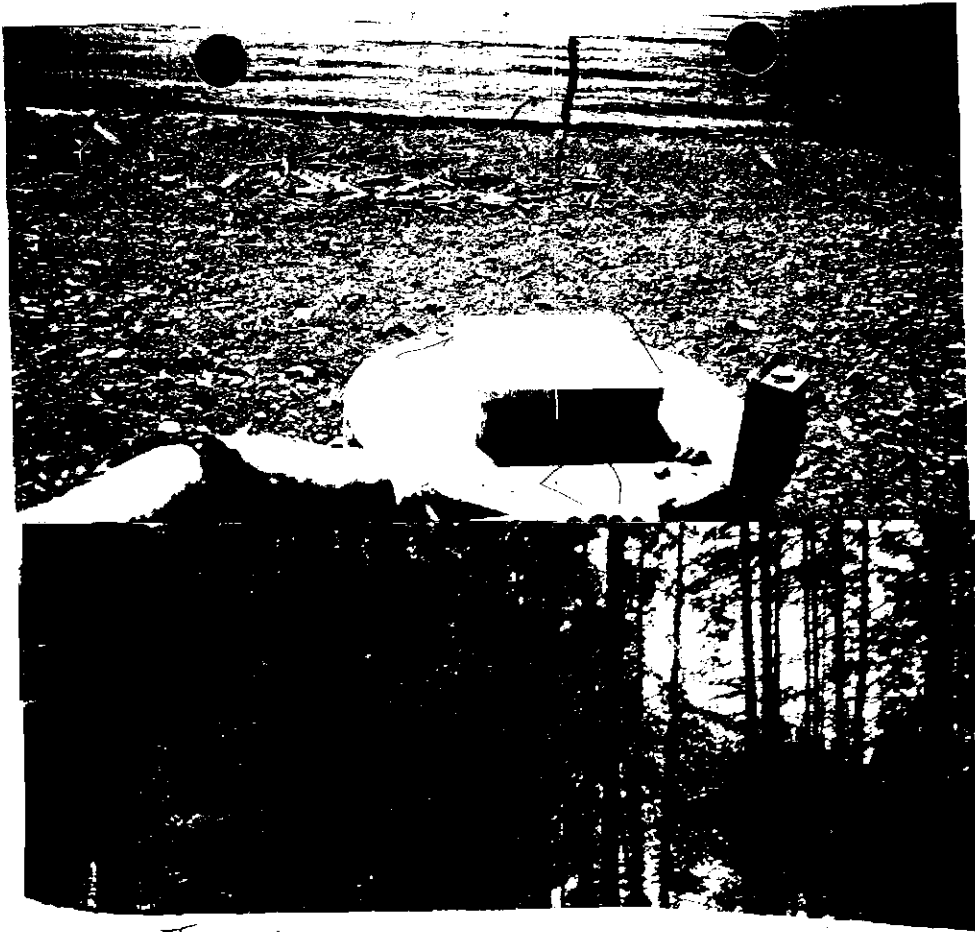


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SAMPLE
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28680-96



PD

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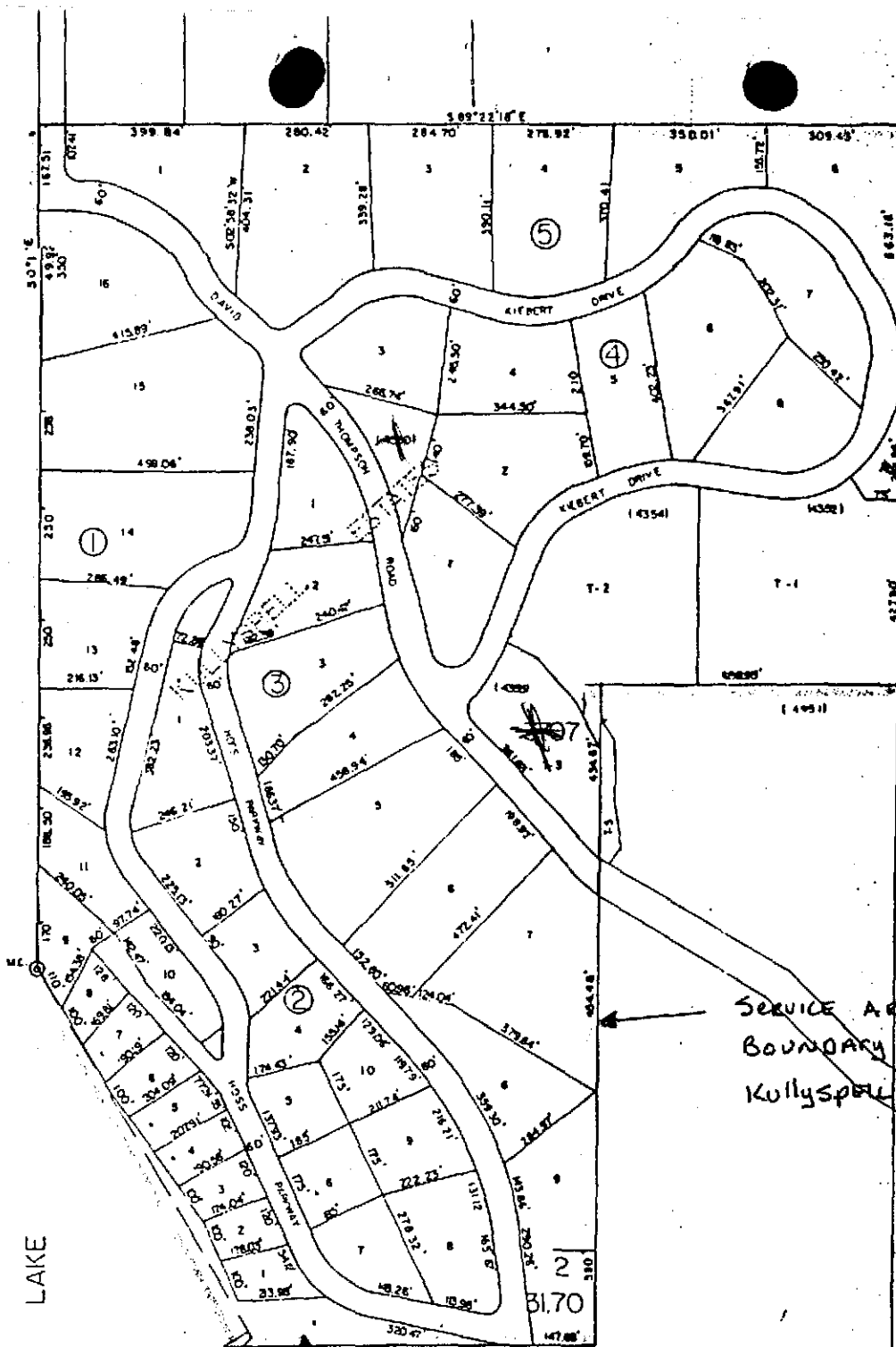


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SAMPLE
LOT

RECEIVED
FEB 17 1998
NORTHERN REGION
IDWR



2880-96

PEND OREILLE LAKE

W 1/2 OF SEC 13 T56N R1E

SCALE 1" = 400'

SSF SITE

SERVICE AREA
BOUNDARY
KULLYSPILL ESTATE

DESIGNED BY	CHECKED BY
	AMS
	AMS
	AMS
	AMS

55) 3/2/98 B
2147 T

WARREN

Cottage
Island
2088 T

10088 T
PEARL 2

96-08982

Hope Point
OWENS

Owens

Boat
Ramp

NAT FOR
KANIKSU

Campground

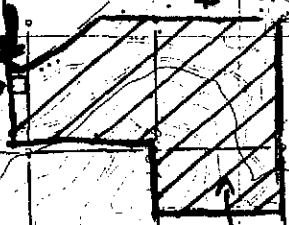
Water
Tanks

12

Bay

Memaioose
Island
MEMALOOSE
2091

KULLSPELL
WATER ASSOC



DAVID THOMPSON

STATE WILDLIFE PRESERVE

PLACE OF
DEATH

Denton

Slough

Riser

Creek

Crocker

Gravel

7 BM
2099

2155 T

BM 2079

BM 2085

(80)

12' 30"

5339

5340

5341

5342

5338

2070 T

2086 T

PERMANENT

E. NARRATIVE/REMARKS/COMMENTS

This system is licensed under WR# 96-08632. Nothing has changed except the point of diversion & source.

The existing well covered under 96-08632 is still operational & tied into system to be used as emergency back up.

Of homes currently using, no irrigation was found, a complete lot photo is on photo sheet
20 homes currently on system 30 lots stubbed in but vacant

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

60 gpm (Flow meter)

$$60 \times .133681 = 8.02086$$

60

.13 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

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		
Domestic	01-01	12-31	.13	30
Totals:				

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 Balch Date 7-27-01

Reviewer _____ Date _____

SEAL



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

June 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KULLYSPELL ESTATES HOMEOWNERS ASSN INC
PO BOX 404
HOPE ID 83836

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 96-08982

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order reinstating the permit since proof was submitted after the proof due date.

Please 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.

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. 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,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

JAN 31 2001

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 96-08982 Reviewed by D. Elin Date 6/15/00

GENERAL CONSIDERATIONS

Yes Name same as permit?
Yes Address same as permit?
No Proof timely received?
If not, complete calculation below.

TYPES OF USE

Domestic
Correct Uses? Yes

SOURCE OF WATER

Yes Surface water source
No Ground water source
Drilling permit required?
Copy in the file? Drilling Permit No. /
Amount paid for permit / Correct?
Well log in the file?

LICENSE EXAMINATION FEE

Yes Required?
\$50 Amount Submitted
Yes Correct?

MEASURING DEVICE

/ Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

Date proof received 6/7/00
Date proof due 6/1/00 - /
No. of days late = 6
Priority Date 3/4/98 + /
New Priority Date 3/10/98

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof, reinstate permit & advance priority date to 3/10/98.

DATA ENTRY

New Address No Proof Made 6/7/00

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

L049406

Date:

Time:

6/ 7/2000

10:58:13

Received

From:

KULLYSPELL ESTATES PROPER

Type of Payment

Program A cct

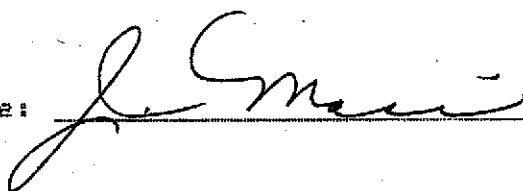
Amount

BENEFICIAL USE	# 96-08982	56104	229 21 1155	50.00
----------------	------------	-------	-------------	-------

Total \$ 50.00

CHECK 1164

Region: STATE

Signature: 

June 5, 2000

KULLYSPELL ESTATES HOMEOWNERS ASSN
PO BOX 404
HOPE ID 838360404

LAPSE NOTICE

RE: PERMIT NO. 96-08982

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated March 31, 2000. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

MICROFILMED

JAN 31 2001

CERTIFICATION OF MAILING
I hereby certify that on 6/5/00
a ~~copy~~/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.
D. Ellis

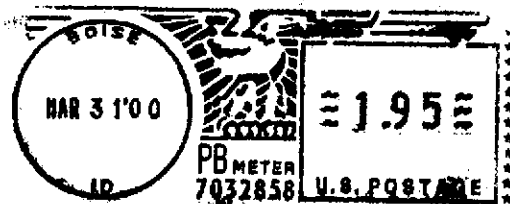
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

North Orchard Street
Boise, Idaho 83706-2237

CERTIFIED

Z 269 224 792

MAIL



RECEIVED

APR 27 2000

Department of Water Resources

MICROFILMED

JAN 31 2001

Resent

RETURNED TO SENDER
REASON: ☒ CHECKED
Unclaimed ☐ Refused
Attempted Not known
Insufficient Address
No such street ☐ No such office in area
Do not re-mail in this envelope

*Resent 4/27/00 by regular
mail with address service
requested. de*

March 31, 2000

KULLYSPELL ESTATES HOMEOWNERS ASSN
PO BOX 404
HOPE ID 838360404

PROOF DUE NOTICE

RE: PERMIT NO. 96-08982

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 2000.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

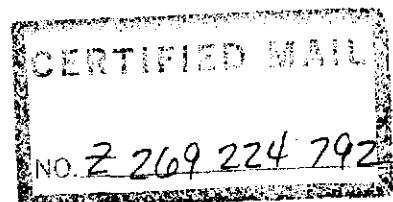
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures



MICROFILMED

JAN 31 2001



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

May 19, 1998

PHILIP E. BATT
GOVERNOR

KULLYSPELL ESTATES HOMEOWNERS ASSN
PO BOX 404
HOPE ID 83836-0404

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-08982

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.

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 IDWR 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.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

MICROFILMED

SK:klt
Enclosures

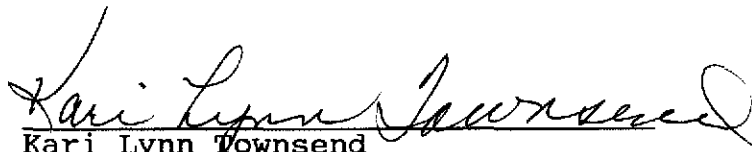
SEP 29 1998

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of May, 1998, 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. 96-08982

KULLYSPELL ESTATES HOMEOWNERS ASSN
PO BOX 404
HOPE ID 83836-0404


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 29 1998

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
SEP 29 1998

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.

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*

No.: 96-8982 Name: Kellyspen Estates HOA Date: 5/18/98 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN:

- No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED:

- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

- 26A(P17)

≤ 1 year/no proof

- P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

WMD Supplemental use

> 0.24 cfs/5 acres

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

≤ 0.24 cfs/5 acres

- 01M (report when notified)

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

Included w/permit

- Permit No. _____ P99

irr. in WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- ~~WB9 Payette R.~~ NA

WD (✓ MAP & LISTING)

- R04 (WD # _____)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

- 01H-P01 (LD) or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- ~~067~~ or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

- *W22 -P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

>1 in rest. area

- 071-070

Fire Protection

- 077

Fish Propagation

- 029-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Mining

- 054(req)-081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

Stockwater

- R37 (BLM/USFS); NA

Storage (✓3 compo.)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Mitigation

- 120

SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU) _____

OTHER CONDITIONS:**STANDARD REMARKS:**- ~~P026~~ ① B160 ② WB5/50**BENEFICIAL USE DUE:**

- 6/1/2000

COMMENTS:

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

WRI
WRA
DC

APPLICATION # 96-8982

MAY 13 1998

INITIAL REVIEW

APPLICANT: KULLYSPELL ESTATES

BY: AS

DATE: 3 / 4 / 98
DEPARTMENT OF WATER RESOURCES

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes)(No)

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

PROCESSING

(Yes)(No) PRIORITY DATE: 3 / 4 / 98

X (Include Moratorium Remark)

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

ADVERTISE IN: Banner 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:	Type:	Fees	Receipt No.	Upgrade Needed?
<u>Y</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>Y</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>Y</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

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

Y Publication dates and paper recorded on application | Sr. Agent initial AS

Y Protests received, Final protest date: 4 / 20 / 98

Y Measuring device required

Y Measuring port required

Y Special conditions:

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

Approval Recommended by: AS

Date: 5 / 11 / 98

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 Bookkeepers
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
Rights

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 2 day of April, 1998
and ending on the 9 day of April, 1998
and that said notice was published in said newspaper.

On this 9 day of April in the year
of 1998, 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 K. Inge
Notary Public for Idaho

Residing at Sandpoint

My commission expires: 6/00

NOTICE OF APPLICATION
FOR WATER RIGHT

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

96-08982
KULLYSPELL ESTATES
HOMEOWNERS ASSN ok
PO BOX 404
HOPE, ID 83836
Source: PEND OREILLE LAKE
Tributary: PEND OREILLE RIVER
Diversion Pt: LOT 2 (SWSW) Sec
13 T 56N R 01E in BONNER County.
Use: IRRIGATION (0.100 CFS)
DOMESTIC (0.100 CFS)
Total Diversion: (0.200 CFS)
Date Filed: 3/4/1998
In: BONNER County
T56N R01E S13 Lot 1 (SWNW)
SENW NWSW Lot 2 (SWSW)
20.0 ACRES TOTAL

96-08983
LIVE MORE LAKE COMMUNI-
TY ASSN

C/O DAVID MARX
1621 CAMP BAY ROAD
SAGLE, ID 83860
Source: GROUNDWATER
Use: IRRIGATION (0.150 CFS)
DOMESTIC (0.180 CFS)
Total Diversion: (0.200 CFS)
Date Filed: 3/5/1998
In: BONNER County
T56N R01E S18 NENW NWNW
7.5 ACRES TOTAL

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 \$25.00 on or before APRIL 20,
1998.

KARL J. DREHER, Director
SNP#9082 Apr 2, 9, 1998

RECEIVED

MAY 4 1998

NORTHERN REGION
MICROFILMED IDWR

SEP 29 1998

9082

96-08982

KULLYSPELL ESTATES HOMEOWNERS ASSN
PO BOX 404
HOPE, ID 83836

Source: PEND OREILLE LAKE

Tributary: PEND OREILLE RIVER

Diversion Pt: LOT 2 (SWSW) Sec 13 T 56N R 01E in BONNER County.

Use: IRRIGATION	(	0.100 CFS)
DOMESTIC	(	0.100 CFS)
Total Diversion:	(	0.200 CFS)

Date Filed: 3/ 4/1998

In: BONNER County
T56N R01E S13 Lot 1(SWNW) SENW NWSW Lot 2(SWSW)

20.0 ACRES TOTAL

MICROFILMED
SEP 29 1998

March 25, 1998

Kullyspell Estates Homeowners Association
PO Box 404
Hope ID 83836

Re: Water Appropriation Application No. 96-08982

Gentlemen:

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

cc: Robert Tate, P.E., Ruen-Yeager & Assoc., Inc. 95989 Selkirk Way, Post Falls, ID 83854
SEP 29 1998



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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

March 2, 1998

RECEIVED

MAR 04 1998

NORTHERN REGION
IDWR

Mr. Robert M. Tate, P.E.
Ruen-Yeager & Associates, Inc.
E 5685 Seltice Way
Post Falls ID 83854

RE: Kullyspell Estates Homeowners Association Application for
Permit

Dear Mr. Tate:

We are returning the above filing to you for clarification of the location of the place of use, along with Receipt Number N011768, for the amount of \$50.00

If I have transferred the boundaries of the "Association" from the subdivision map to the topographical map correctly, it appears that the place of use may also be located within the SE1/4 NW1/4, NW1/4 SW1/4 and the SW1/4 SW1/4, as well as the SW1/4 NW1/4. The number of acres of irrigation should be listed per 40 acre tract/Gov. Lot, however, the number of homes should not be listed on this item.

I apologize for missing you in the office when I call. If you have any questions, please give me a call.

Sincerely,

Allen Beardslee
Sr. Water Resource Agent
(SC)

ROB
667-2464

MICROFILMED

SEP 29 1998

RUEN-YEAGER & ASSOCIATES, INC.

CONSULTING ENGINEERS AND LAND SURVEYORS

February 6, 1998

RECEIVED

FEB 09 1998

**NORTHERN REGION
IDWR**

Mr. Alan Beardslee
State of Idaho
Department of Water Resources
1910 Northwest Blvd.
Coeur d'Alene, ID 83814

Re: **Kullyspell Estates
USGS Quad**

Dear Mr. Beardslee:

Please find enclosed, the USGS Quad showing the location of the Kullyspell Estates development.

Thank you and if you have any questions, please feel free to call.

Sincerely,
RUEN-YEAGER & ASSOCIATES, INC.



Robert M. Tate, P.E.

RMT:cb idwrklyq.doc
enclosure
S97343 A

MICROFILMED

SEP 29 1998

MAY 20 1998

Department of Water Resources

Kullyspell Estates Property Owners Association Inc.

Dear Cindy,

Reference your telephone call – here are the names and addresses of the Board Members of Kullyspell Estates Property Owners Association Inc.

**Robert B. Piper President
200 David Thompson Rd., Hope, ID 83836**

**Arthur Long Vice-President
P.O. Box 157, Hope, ID 83836**

**Pollie Quinn Secretary
130 Osprey Circle, Hope, ID 83836**

**Fred Keller Treasurer
260 Osprey Circle, Hope, ID 83836**

**Richard Mosiman
24 E. David Thompson Rd., Hope, ID 83836**

**Bill Snyder
150 Osprey Circle, Hope, ID 83836**

**Hermie Cline
8645 E. Sunnyside Rd., Sandpoint, ID 83864**

If you have any further questions please call.



**Robert B. Piper
President
Kullyspell Estates Property Owners Association Inc.
Phone: 208-264-8204
FAX: 208-264-6421
E-Mail: piper@netw.com**

MICROFILMED

SEP 29 1998

RUEN-YEAGER & ASSOCIATES, INC.

CONSULTING ENGINEERS AND LAND SURVEYORS

January 29, 1998

Mr. Alan Beardslee
State of Idaho
Department of Water Resources
1910 Northwest Blvd.
Coeur d'Alene, ID 83814

RECEIVED
JAN 30 1998
NORTHERN REGION
IDWR

Re: Kullyspell Estates Water Right Application

Dear Mr. Beardslee:

Enclosed per your request is the following information:

1. Bonner County Assessor Map showing the Service Area.
2. Site Plan showing proposed improvements
3. List of Board Members as follows:

Robert Piper President
Art Long
Pollie Quinn
Bill Schneider
Rick Mossiman
Hermie Klein

Thank you and if you have nay further questions, please call.

Sincerely,
RUEN-YEAGER & ASSOCIATES, INC.



Robert M. Tate, P.E.

RMT:jbb idwrkull.doc
enclosures
S97343A

MICROFILMED

SEP 29 1998

RUEN-YEAGER & ASSOCIATES, INC.

CONSULTING ENGINEERS AND LAND SURVEYORS

January 8, 1998

Idaho Department of Water Resources
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, ID 83814

RECEIVED
JAN 12 1998
NORTHERN REGION
IDWR

Re: Water Right Application

Enclosed is the application for a water right for the Kullyspell Estates Homeowners Association. We have also enclosed the \$50.00 application fee.

Thank you and, if you have any questions, please call.

Sincerely,
RUEN-YEAGER & ASSOCIATES, INC.

Robert M. Tate P.E.

RMT:map dwrapp.doc
Enclosures
S97343A

cc: Kullyspell Estates Homeowners Association

MICROFILMED

SEP 29 1998

CONSULTING ENGINEERS & LAND SURVEYORS

PHONE 208-667-2464 FAX-208-765-3782

~~FEB 17 1998~~

NORTHERN REGION
IDWR

DATE: 2-12-98	PROJECT # S97343A
PROJECT NAME:	
PROJECT ADDRESS:	
CITY, STATE:	

☒ WE ARE SENDING YOU

 WE ARE RETURNING

 SHOP DRAWINGS CHANGE ORDER PRINTS

PLANS

SPECIFICATIONS

 COPY OF LETTER

SAMPLES

☐ UNDER SEPARATE COVER

 ENCLOSED

☐ OTHER[illegible]

FOR APPROVAL

 FOR PRICE

 AS REQUESTED

 FOR REVIEW & COMMENT

☐ APPROVED AS SUBMITTED☐ APPROVED AS NOTED

☐ RETURNED FOR CORRECTIONS

☐ OTHER

☐ RESUBMIT ☐ COPIES FOR DISTRIBUTION

☐ SUBMIT ☐ COPIES FOR DISTRIBUTION☐ RETURN ☐ CORRECTED PRINTS

REMARKS

COPY TO

SIGNED

IF ENCLOSURES ARE NOT AS NOTED, PLEASE NOTIFY US AT ONCE.

SEP 29 1938

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO. 96-08982

KULLYSPELL ESTATES HOMEOWNERS ASSOC
PO BOX 404
HOPE ID 83836

Priority Date: 03/04/1998
Stage: APPLICATION

Source: LAKE PEND OREILLE
Tributary: PEND OREILLE RIVER

Beneficial Use	From:	To:	Diversion Rate	Volume
IRRIGATION	03-15	11-15	0.10 CFS	
DOMESTIC	01-01	12-31	0.10 CFS	
	Total:		0.20 CFS	

Point(s) of Diversion: Lot 2(), Sec. 13, Township 56N, Range 01E

Place(s) of Use: IRRIGATION

Twp:	Rng:	Sec:	Tract:	Acres:	Tract:	Acres:	Tract:	Acres:
56N	01E	13	Lot 01(SWNW)	7.0	SENW	3.0	NWSW	8.0
			Lot 02(SWSW)	2.0				
				Total Acres:	20.0			

Place of Use: DOMESTIC, same as IRRIGATION

Conditions of Approval and Remarks:

1. Domestic use is for 50 homes.

Dates: App. Received: 03/04/1998

MICROFILMED

SEP 29 1998