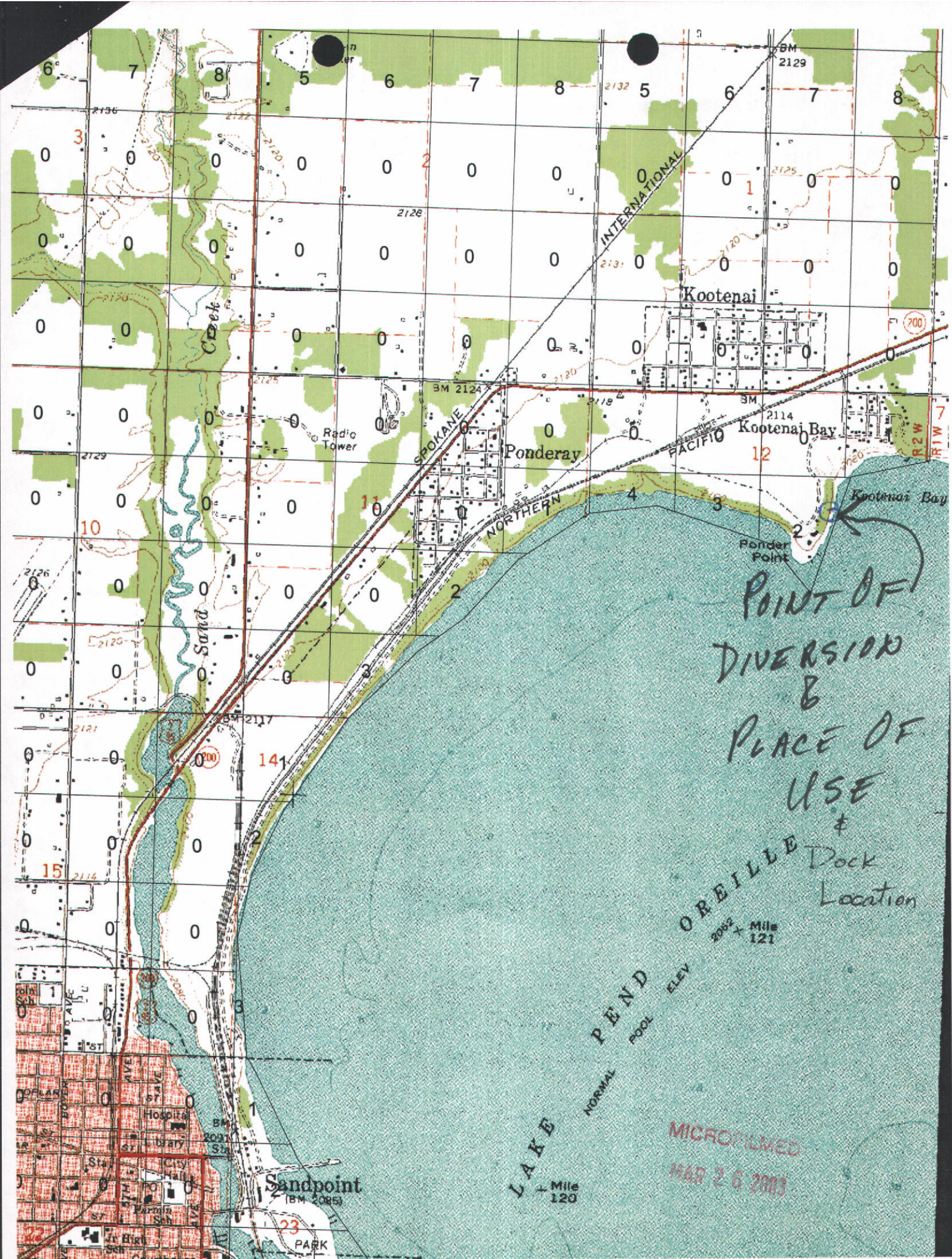




BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
96-9095 IN THE NAME OF JACK) **REINSTATEMENT ORDER**
ROSE AND/OR NANCY ROSE)
_____)

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 September 1, 2003; and,

WHEREAS, the Department notified the permit holder on June 30, 2003, 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, on September 1, 2003, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or extension of time from the permit holder; 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 September 2, 2003;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 96-9095 is **REINSTATED** with an advance in priority to **April 4, 2002**.

DATED this 4th day of November, 2003.



GARY SPACKMAN

MICROFILMED
APR 05 2004

RECEIVED

SEP - 2 2003

FOR OFFICE USE ONLY

Amt. of Fee \$ 50.00

Receipt No. 07068

Receipt By: 9-2-03

Date Received: 2070681

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 21 2003

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.

1. Permit No. 96-9095 Telephone No. 208-255-7673
2. Name of Permit Holder(s): Nanay + Jack Rose
3. Mailing Address: P.O. Box 2123
- City Sandpoint State ID Zip 8
4. Source of Water: Lake Pend Oreille # GROUNDWATER (well), Date Drilled: mo. / yr.
- Well Driller: Drilling Permit Number:
5. Use(s) (as authorized by the water right permit):
- Domestic (No. of households): ✓ Stockwater (No. and type of stock):
- Irrigation (No. of acres): 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 ✓
Has the measuring device been installed? Yes or No
8. Fee Enclosed: \$ 50.00 (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: Nanay + Jack Rose Telephone Number: 775-826-8036
- Address: 6010 Plumas St, Reno, NV 89509
Apt. # C
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.
- Signature of permit holder: Nanay Rose Date: July 17, 20
(include your title, if on behalf of company or organization)

MICROFILMED

APR 06 2014

214 N. First Ave

Sandpoint, ID (208) 263-8089

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09095

Priority: 04/03/2002

Maximum Diversion Rate: 0.02 CFS

This is to certify, that JACK ROSE
PO BOX 2123
SANDPOINT ID 83864

And/Or

NANCY ROSE
PO BOX 2123
SANDPOINT ID 83864

has applied for a permit to appropriate water from:

Source: LAKE PEND OREILLE Tributary: PEND OREILLE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

LAKE PEND OREILLE L2 SWNE Sec. 12, Twp 57N, Rge 02W, B.M. BONNER County

PLACE OF USE: DOMESTIC

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	02W	12			X														
					L2														

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before September 1, 2003.
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. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 6th day of September, 2002.


for KARL J DREHER, Director

MICROFILMED
MAR 26 2003

69805

Ident. No. 96-9095

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN 11 2002

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant JACK AND/OR NANCY ROSE Phone 255 7673
Mailing address Box 2123 SANDPOINT, ID 83864
2. Source of water supply LAKE PEND OREILLE which is a tributary of PEND DREILLE RIVER
3. Location of point of diversion is Township 57N Range 2W Sec. 12 in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot 2, B.M., BONNER County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount 0.02 for DOMESTIC purposes from MAR 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 PUMP & PIPELINE
laid on surface of lake bed
 - 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? 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 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. LAWN & GARDEN IRRIGATION
 - e. Other; describe fully. _____

MICROFILMED

MAR 2 10 2002

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	7W	12			102 1/2 D														102

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? Jack & Nancy Rose - IOL

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: APPLICATION IS BEING MADE TO THE DEPARTMENT OF LANDS FOR PIPELINE

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

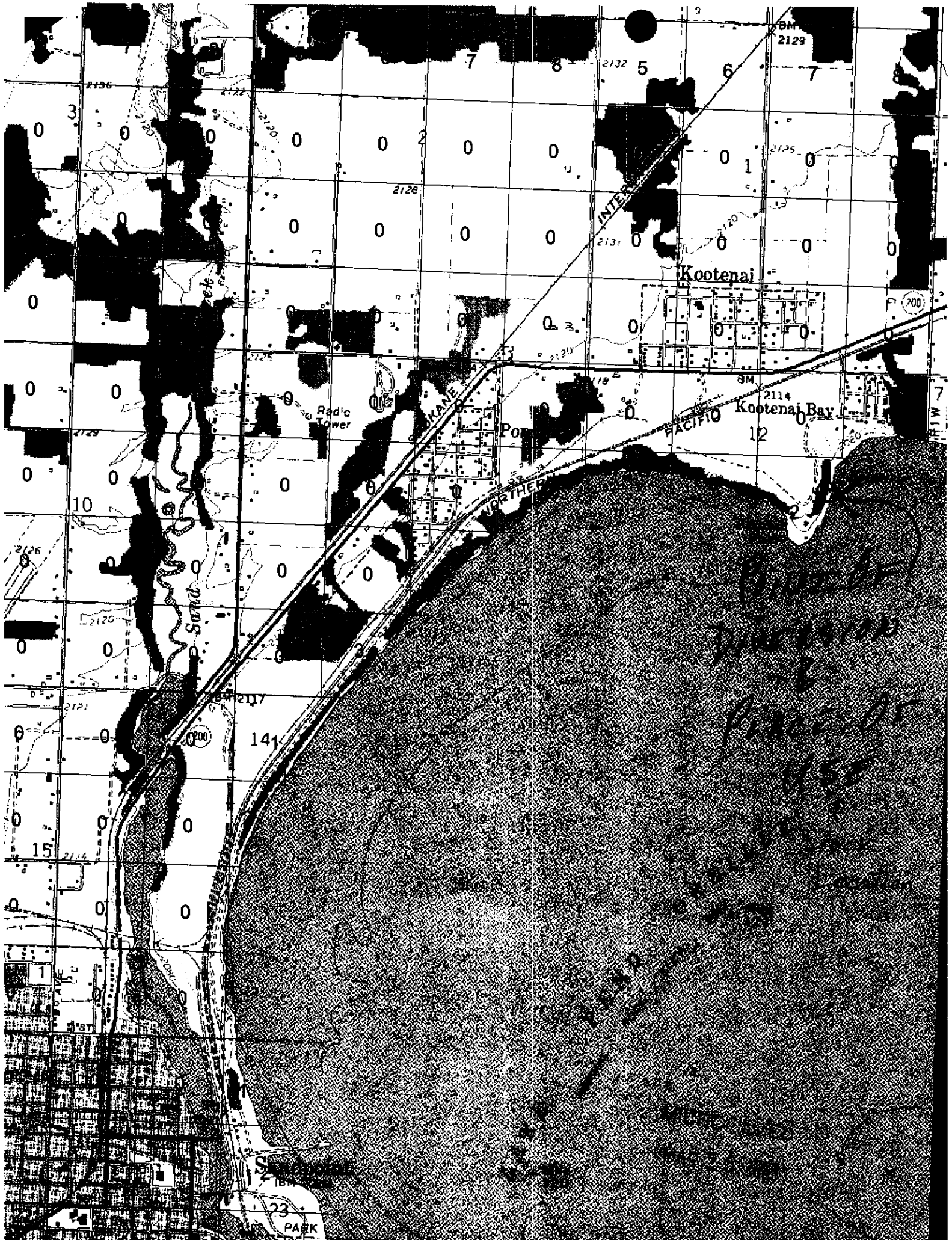
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Nancy Rose
Signature of Applicant (and title, if applicable)

Received by JB Date 04-03-02 Time 2:30pm Preliminary check by JB
 Fee \$ 100.00 Receipted by JB # 1014928 Date 040302
 Publication prepared by JB Date 4/10/02 Published in Coyote Co Daily Bee 4/18+25/02
 Publication approved JB Date 5/3/02

MICROFILMED

APR 9 8 2003



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JAN 29 2004
Department of Water Resources

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.

(Please print or type)

[] Water Right Number(s): 96-9095

[] Name(s): Jack Rose
Nancy Rose

[] Old Mailing Address: 6010 Plumas St, #C
Reno NV
89509

[] New Mailing Address: 30 RimFire Circle
Reno, NV
89509

Telephone Number: 775 787-8906

[] Signature(s) of Owner(s) Jack Rose Nancy Rose

(Include your title if on behalf of company or organization)

Date: Jan. 26, 2004

MICROFILMED

APR 06 2004

updated 2-4-04

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 18 2003

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

Department of Water Resources

[] Water Right Number(s): 96-9095

[] Name(s): NANCY ROSE

[] Old Mailing Address: P.O. Box 2123
Sandpoint, ID 89509

[] New Mailing Address: 30 Rimfire Circle
Reno, NV
89509

Telephone Number: (775) 787-8906

[] Signature(s) of Owner(s) Nancy Rose

MICROFILMED

(Include your title if on behalf of company or organization)

APR 06 2004

Date: Dec. 16, 2003

*updated for Nancy. Sent chg of addr to emp if applies
to Jack as well. 1-21-04*



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 6, 2003

JACK ROSE
NANCY ROSE
6010 PLUMAS ST APT C
RENO NV 89509

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 96-9095

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and examination fee submitted for the above referenced permit. Enclosed is an order reinstating the permit advancing the priority since proof was submitted after the proof due date. 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. The regional office staff will contact you when that examination is to be conducted. At the time the examination is conducted the system must be in operation, otherwise this permit will be of no force nor effect.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights 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,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region (w/encl.)

MICROFILMED

APR 06 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 96-9095

Reviewed By: dgibson

Date: October 31, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?		X	Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		N014928, C070681	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		09/02/2003
Date proof due	-	09/01/2003
Lapse notice sent	-	
No. of days late	=	1
Holiday allowance	+	
Priority date	+	04/03/2002
New priority date	=	04/04/2002

Deficiencies of Actions Items

Acknowledge proof. Reinstate permit with an advancement on the priority. Update mailing address from the note attached to the proof.

Please change
your records to
indicate a
mailing address of

6010 Plumas St.
Apt. # C

Reno, NV 89509

(775) 826-8036

Thank you
Nancy Rose

Database updated 9/31/03.

RECEIVED

SEP - 2 2003

dy
MICROFILMED

Department of Water Resources 6 2004





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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 23, 2003

NANCY ROSE
JACK ROSE
PO BOX 2123
SANDPOINT ID 89509

RE: PERMIT NO. 96-9095

Dear Mr. or Mrs. Rose:

Enclosed is the original Proof of Beneficial Use form ("proof") you filed with the Department, I am returning this document to you since the department cannot accept it without the appropriate license exam fee or a Beneficial Use Field Report prepared by a certified water right examiner. The department's fee is waived only for permits diverting 0.04 cubic feet per second ("cfs") or less, for a ground water (well) right. Since you were permitted a Maximum Diversion Rate of 0.02 cfs for this permit, your license exam fee is \$50.00. Please see the enclosed fee schedule.

Please return the enclosed proof form along with \$50.00 to my attention on or before **September 1, 2003** to avoid lapsing of this water right. If you have any questions regarding filing the proof, please contact me at (208) 327-7953, or contact the regional office in Coeur d'Alene at (208) 769-1450.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure
c: IDWR- Region

MICROFILMED

APR 06 2004

No \$

FOR OFFICE USE ONLY
Amt. of Fee \$: _____
Receipt No. _____
Receipt By: _____
Date Received: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 21 2003

PROOF OF BENEFICIAL USE

Department of Water Resources

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.

1. Permit No. 96-9095 Telephone No. 208-255-7673
2. Name of Permit Holder(s): Nanay + Jack Rose
3. Mailing Address: P.O. Box 2123
City Sandpoint State ID Zip 8
4. Source of Water: Lake Pend Oreille # GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): ✓ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ 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 ✓
Has the measuring device been installed? Yes _____ or No _____
8. Fee Enclosed: \$ 50.00 (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: Nanay + Jack Rose Telephone Number: 475-826-8036
Address: 6016 Plumas St, Reno, NV 89509
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.
- Signature of permit holder: Nanay Rose Date: July 17, 2003
(include your title, if on behalf of company of organization)

MICROFILMED

APR 05 2004

or Tom Rana
214 N. First Ave
Sandpoint, ID (208) 263-8089

June 30, 2003

JACK ROSE
NANCY ROSE
PO BOX 2123
SANDPOINT, ID 83864

PROOF DUE NOTICE

RE: PERMIT NO. 96-9095

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 September 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

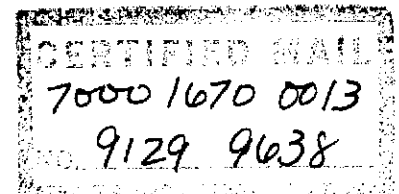
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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 J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



MICROFILMED
APR 9 5 2003



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 9, 2002

JACK ROSE
NANCY ROSE
PO BOX 2123
SANDPOINT ID 83864

RE: Permit No. 96-9095

Permit Approval Notice

Dear Permit Holder:

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

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

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.

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

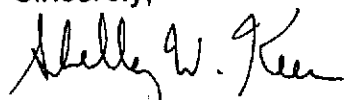
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

MICROFILMED

MAR 26 2003

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klf

Enclosure(s)

MICROFILMED

MAR 7 6 2002

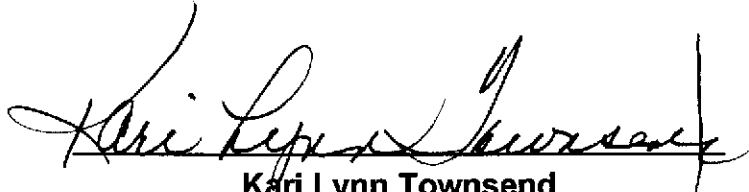
CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

96-9095

JACK ROSE
NANCY ROSE
PO BOX 2123
SANDPOINT ID 83864



Kari Lynn Townsend
Secretary

MICROFILMED

MAR 26 2003

**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).

MICROFILMED

MAR 28 2002

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.

MEMORANDUM

To: File 96-9095

From: Sharla

Date: September 6, 2002

Re: Fish & Game Comments

The IDFG representative who submitted comments has recommended adding conditions regarding the underwater excavation and pump/pipeline placements in the stream bed. These issues go beyond the scope of the water right application and fall instead under the jurisdiction of the Stream Channel Alteration section of this department and/or Dept. of Lands via an encroachment permit.

The standard conditions regarding the approach velocity and mesh screening will be placed on the permit, but the other issues above will not be addressed by the water right permit.

MICROFILMED

SEP 26 2002

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 9-6-02

No. 96-9095 Name: Rose Corp. Officers N/A Ad ok _____ Govt Lots _____

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

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT
All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
Trust - 051 (consumptive uses)
Non-Trust - 048 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-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/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE/PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

BENEFICIAL USE DUE: 9/10/2003

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WD

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

RIVER BASINS: (SW special considerations)

Snake R (01) - X23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - X23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
Future needs - 007,109, X64
FISH PROP - 029 (70's only)-007-122-106
DOMESTIC (1)
Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
- 070-071-075 (no parks/common areas)
> 1 in restricted area - WB5
Irr separate or none allowed - 065-104
GW w/irrigation from SW evident - X03 (2500 gpd - meets domestic def
Moratorium approvable i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot/desc (pd) - W59
Subd lot/desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 96-9095

APPLICATION ID # 69805

ENT. 4/4/02 BCA

OK to Publish 4/4/02

INITIAL REVIEW

APPLICANT: ROSE BY: JB DATE: 04/03/02

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes)(No)

___ Shape File Created Date ___ By: ___

___ Field check: by ___

___ Field report attached

___ Analysis Supp. attached(>5cfs/500af)

___ Water delivered by water master? Water District # ___

PROCESSING

(Yes)(No) PRIORITY DATE: 04/03/02

___ ☒ (Include Moratorium Remark)

___ ☒ 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?
___	___	Dom. ___ Non-Dom. ___	Paid \$ ___	___	Y () N ()
___	___	Dom. ___ Non-Dom. ___	Paid \$ ___	___	Y () N ()
___	___	Dom. ___ Non-Dom. ___	Paid \$ ___	___	Y () N ()

___ Groundwater management area

___ Critical ground water area

___ Well Drilling Permit required

___ Well Drilling Application and Fees received

___ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

___ Notice of pending void order issued. Final order response date: ___/___/___

___ Further information required from applicant

___ Affidavit of publication received

___ Application published correctly. If not, record action taken: _____

4/10 ___ Publication dates and paper recorded on application

___ Protests received, Final protest date: 5/6/02

___ Measuring device required

___ Measuring port required

___ Special conditions: _____

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

Approval Recommended by: _____ Date: ___/___/___

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Sherilyn Jones

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 App

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 18 day of Apr, 20 02 and ending on the 25 day of Apr, 20 02 and that said notice was published in said newspaper.

On this 25 day of April in the year of 2002, before me, a Notary Public, personally appeared Sherilyn Jones,

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

Notary Public for Idaho

PUBLIC

Residing at

STATE OF IDAHO

My Commission expires:

Carolyn L. Jones
Sandpoint

8/06

RECEIVED

MAY 03 2002

DWR/North

LEGAL NOTICE

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

96-9093

DANIEL R BAUER
CHRISTOPHER J BAUER
HC-1 BOX 292
HIDDEN VALLEY RD
SPIRIT LAKE ID 83869

Point(s) of Diversion L1 NWNW S19 T54N R04W BONNER County
Source GROUND WATER

Use: IRRIGATION	03/15 To 11/15	0.6 CFS
Use: STOCKWATER	01/01 To 12/31	0.03 CFS
Use: DOMESTIC	01/01 To 12/31	0.04 CFS
Total Diversion:		0.67 CFS

Date Filed: 03/28/2002
Place Of Use: IRRIGATION
T54N R04W S18 SWSW Lot 4 SESW
T54N R04W S19 NENW NWNW Lot 1 SWNW Lot 2
Number of Acres 49
Place Of Use: STOCKWATER
T54N R04W S18 SWSW Lot 4
T54N R04W S19 NWNW Lot 1
Place Of Use: DOMESTIC
T54N R04W S18 SWSW Lot 4

Remark: Domestic use is for 1 home.
Stockwater use is for 25-50 head of cattle, cow/calf operation.

96-9095

JACK ROSE
NANCY ROSE
PO BOX 2123
SANDPOINT ID 83864

Point(s) of Diversion L2 SWNE S12 T57N R02W BONNER County
Source LAKE PEND OREILLE Tributary To PEND OREILLE RIVER
Use: DOMESTIC 01/01 To 12/31 0.02 CFS

Total Diversion:		0.02 CFS
Date Filed:	04/03/2002	
Place Of Use:	DOMESTIC	
T57N R02W S12 SWNE Lot 2		

Remark: Domestic use is for lawn and garden irrigation.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 05/06/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Legal SNP#3348 - April 18, 25, 2002

MICROFILMED

MAY 2 2002

State of Idaho
Department of Water Resources
Application for Permit
RECOMMENDATION FORM

RECEIVED
APR 30 2002
IDWR/North

Application for Permit No 96-9095
Applicant's Name: JACK ROSE
PO BOX 2123
SANDPOINT ID 83864



NANCY ROSE
PO BOX 2123
SANDPOINT ID 83864

Recommendation:

- a) ☒ I do not oppose approval of this application.
b) ☐ I do not oppose approval of this application if it is conditioned as follows:

- c) ☐ I oppose approval of this application for the following reasons:

- d) ☒ Additional Comment: *Please include a tent in your permit stating and evacuation permit from FDL is required.*

Dated this 26 day of April 2002.


Signature

MICROFILMED

APR 26 2002

April 10, 2002

Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd, S 210
Coeur d'Alene, ID 83814

69

RECEIVED
APR 10 2002
IDWR/North

Via email to Diane Ball:

REFERENCE: Applications for the following water rights permits: # 97-7418, GOUBAUD; #95-9124 DAHMEN; and #96-9095 ROSE

We have reviewed the above named applications for water rights. Goubaud requests a right for 0.12 cfs from Tunnel Creek for stock water, fire protection and domestic use; Dahmen requests 0.04 cfs from Lake Coeur d'Alene for domestic use; and Rose requests 0.02 cfs from Lake Pend Orielle for domestic use.

We have no specific objections or comments about the above applications. However, water lines and pumps are an encroachment in lakes and rivers that can be detrimental to fish and fish habitat. Applicants should obtain necessary encroachment permits from Idaho Department of Lands before installing water lines and pumps.

We recommend that applicants be required to install lines beneath the lake, river or stream bed should occur during low water periods when underwater excavation will be minimized. Dug materials should be sidecast to only one side and the bottom contour and substrate restored. Any unburied sections of the line should be anchored on the bottom to prevent it from floating and interfering with boat anchors or anglers' lines or capturing debris. The applicant should also provide a smooth cover for the pump to avoid interference with boat anchors or anglers' lines and to avoid capturing debris. It would be preferable to place pumps on land rather than in the water. Water intakes should be screened to prevent entrainment or impingement of fish. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.

Thank you for the opportunity to comment.

Ray Hennekey
Environmental Staff Biologist
IDFG Region 1

C: IDFG NRPB, Boise; Greg Tourtlotte; applicant; file

Bonner County Daily Bee
P.O. Box 159
Sandpoint, Id 83864
Phone: (208) 263-9534

Statement		Agency/Client Name		
04/30/02		DEPARTMENT OF WATER RESOURCES		
Total Amount Due		Terms of Payment		
155.88		net 15th		
Current Amount Due	1-30 Days	31-60 Days	61-90 Days	Over 90 Days
155.88	0.00	0.00	0.00	0.00

**ADVERTISING
INVOICE/STATEMENT**

Page #	Billing Date	Billed Account #	Agency/Client Number		
1	04/30/02	30101775-000			
Billed Account Name & Address			Remittance Address		
DEPARTMENT OF WATER RESOURCES 1910 NW BLVD. SUITE #210 COEUR D'ALENE, ID 83814			Bonner County Daily Bee P.O. Box 159 Sandpoint, Id 83864		
			RECEIVED MAY 03 2002 IDWR/North		

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

Date	Reference #	Description-Other Comments/Charges	Type	Units	Runs	Rate	Amount	Total
04/11/02	32513833-001	Beginning Balance	PAY				144.84	144.84
04/18/02	32514073-001	chk 115522851	DIS	11.50 in	1	UL	-144.84	0.00
04/25/02	32514074-001	#3348 APP #96-9093/ 96-9095	DIS	11.50 in	1	UL	82.32	82.32
		#3348 APP #96-9093/ 96-9095					70.56	152.88
		Affidavit Charge					3.00	155.88

MICROFILMED
MAR 26 2003

Statement of Account Aging of Past Due Amounts

Current Amount Due	1-30 Days	31-60 Days	61-90 Days	Over 90 Days	Total Amount Due
155.88	0.00	0.00	0.00	0.00	155.88

Bonner County Daily Bee
P.O. Box 159
Sandpoint, Id 83864

Past due accounts are subject to finance charges of 1 1/2% per month, which is an annual percentage of 18%, applied to the previous balance.

Advertiser Information

Statement Date	Billed Account #	Agency/Client Number	Agency/Client Name
04/30/02	30101775-000		

ASK YOUR REP ABOUT THE 2002 ANSWER BOOK!

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
96-9093

DANIEL R BAUER
CHRISTOPHER J BAUER
HC-1 BOX 292
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SPIRIT LAKE ID 83869

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Use: STOCKWATER	01/01 To 12/31	0.03 CFS
Use: DOMESTIC	01/01 To 12/31	0.04 CFS
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Date Filed: 03/28/2002

Place Of Use: IRRIGATION

T54N R04W S18 SWSW Lot 4 SESW

T54N R04W S19 NENW NWNW Lot 1 SWNW Lot 2

Number of Acres 49

Place Of Use: STOCKWATER

T54N R04W S18 SWSW Lot 4

T54N R04W S19 NWNW Lot 1

Place Of Use: DOMESTIC

T54N R04W S18 SWSW Lot 4

Remark: Domestic use is for 1 home.

Stockwater use is for 25-50 head of cattle, cow/calf operation.

96-9095

JACK ROSE
NANCY ROSE
PO BOX 2123
SANDPOINT ID 83864

Point(s) of Diversion L2 SWNE S12 T57N R02W BONNER County
Source LAKE PEND OREILLE Tributary To PEND OREILLE RIVER

Use: DOMESTIC 01/01 To 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 04/03/2002

Place Of Use: DOMESTIC

T57N R02W S12 SWNE Lot 2

Remark: Domestic use is for lawn and garden irrigation.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 05/06/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published in the Bonner County Daily Bee on April 18 and 25, 2002.

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MAY 23 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 10, 2002

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

FAXED TO 208 263-9091
EARLY AFTERNOON 4/10/02
2 PAGES INCLUDING COVER LETTER

RE: Application for Permit No. 96-9093 and 96-9095

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 05/06/2002. Your cooperation is appreciated.

Shenke CB

Sincerely

Dianne

Dianne Ball
Administrative Assistant

MICROFILMED

MAR 2 11 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 10, 2002

JACK ROSE
NANCY ROSE
PO BOX 2123
SANDPOINT ID 83864

RE: Application for Permit No 96-9095

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Bonner County Daily Bee on April 18 and 25, 2002. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

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

Sincerely,

Allen Beardslee
Senior Water Resource Agent

MICROFILMED

APR 16 2002

MICROFILMED



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

April 04, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RAY HENNEKEY
IDAHO DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83815

Application to Permit No. 96-9095

Dear Ray:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office by May 6, 2002. Please feel free to contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne Ball'.

Dianne Ball
Administrative Assistant

Enclosure(s)

MAR 28 2002

State of Idaho
Department of Water Resources
Application for Permit
RECOMMENDATION FORM

Application for Permit No 96-9095

Applicant's Name: JACK ROSE
NANCY ROSE
PO BOX 2123
SANDPOINT ID 83864

Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional Comment:

Dated this _____ day of _____,

Signature

MICHAEL
MAR 3 8 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

April 04, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

IDAHO DEPT OF LANDS
3780 INDUSTRIAL AVE SOUTH STE 1
COEUR D ALENE, ID 83815

Application to Permit No. 96-9095

IDAHO DEPT OF LANDS :

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office by May 6, 2002.

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

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure(s)

MICROFILMED
MAY 2 6 2002