

**STARTING
LEFT
SIDE OF
FILE**

NO. 96-09291

Maximum Diversion Rate: 0.10 CFS

has applied for a permit to appropriate water from:

Tributary: SINKS
SINKS

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	0.04 CFS
IRRIGATION	04/01 to 10/31	0.06 CFS

LOCATION OF POINT OF DIVERSION:
 SPRING NW¼ SW¼ NE¼ Sec. 14, Twp 58N, Rge 01E, B.M. BONNER County
 UNNAMED STREAM NW¼ SW¼ NE¼ Sec. 14, Twp 58N, Rge 01E, B.M. BONNER County

PLACE OF USE: DOMESTIC

[illegible]

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
58N	01E	14			2.0														2.0
Total Acres:			2																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2009**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 96-09291

5. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 23rd day of August, 2006.

Shelley W. Keen
FOR KARL J. DREHER, Director

RECEIVED

Ident. No. 96-9291

72882
STATE OF IDAHO

RECEIVED

AUG 15 2006

DEPARTMENT OF WATER RESOURCES

JUL 05 2006

DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

IDWR/North

1. Name of Applicant MICHAEL T ROSS Phone None
Mailing address 1234 FLUME CREEK RD, Sandpoint, ID, 83864
Spring and Groundwater System
2. Source of water supply UN-NAMED SEASONAL CREEK which is a tributary of FLUME CREEK Sinks
3. Location of point of diversion is Township 58N Range 1E Sec. 14, in the NW 1/4, SESW 1/4, NE 1/4, Govt. Lot _____, B.M., BONNER County;
additional points of diversion if any:
4. Water will be used for the following purposes: Domestic
Amount 0.04 ~~30~~ CFS for RESIDENCE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 435 CFS for IRRIGATION purposes from 4/1 to 10/31 (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) 0.04 ~~600~~ CFS and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works: BURYING CONCRETE CISTERNS
a. Describe type and size of devices used to divert water from the source _____
b. Height of storage dam _____ feet; active reservoir capacity 12 FT x 8 FT x 6 ~~acre feet~~, total
reservoir capacity _____ acre-feet 576 ft³ = 4,309 gal.
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 3 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. ONE RESIDENCE
e. Other; describe fully. _____

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	
58N	1E	14			D														
					2														2

Total number of acres to be irrigated 2

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? MICHAEL ROSS

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

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: _____

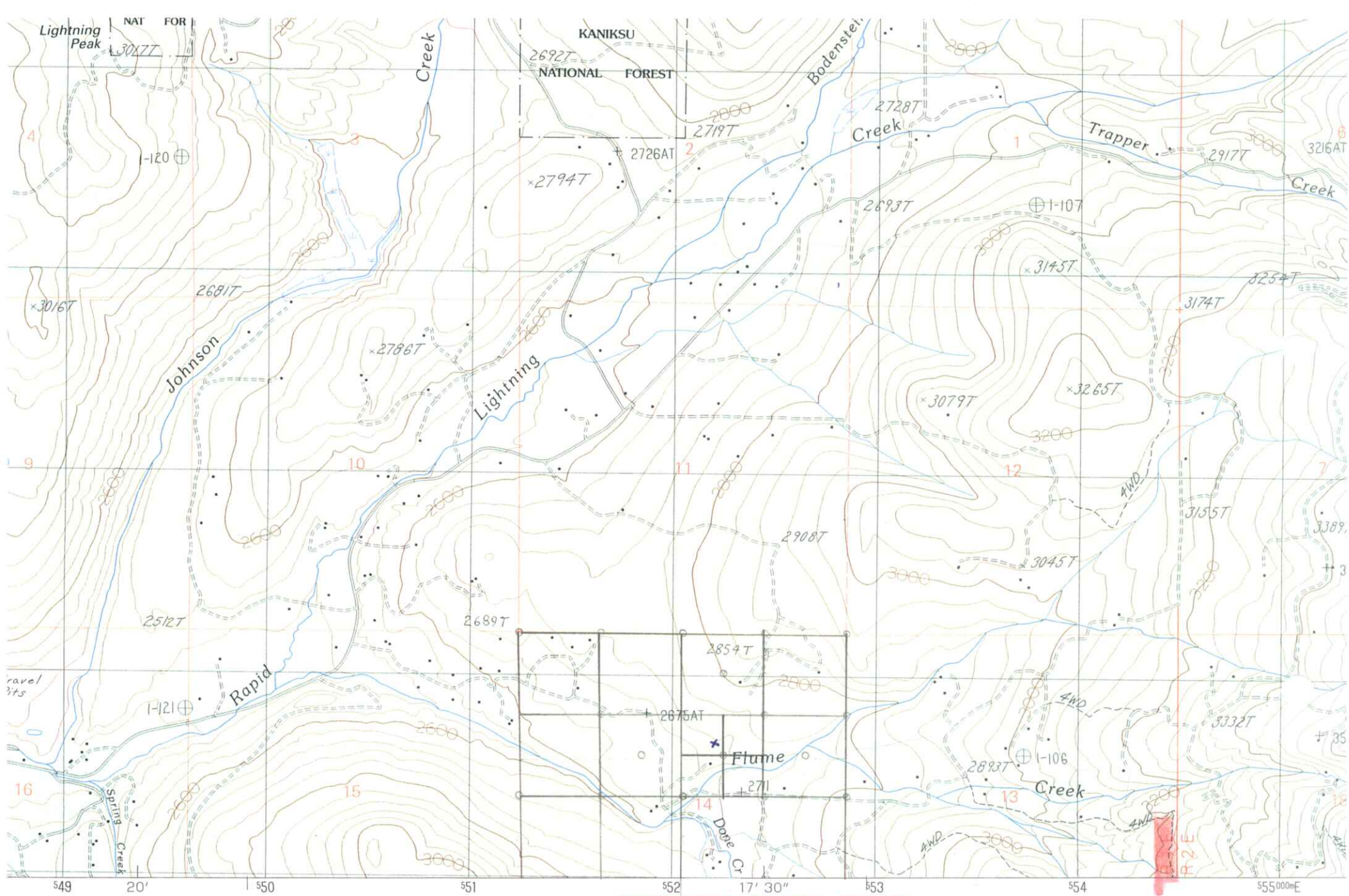
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

Michael T Ross

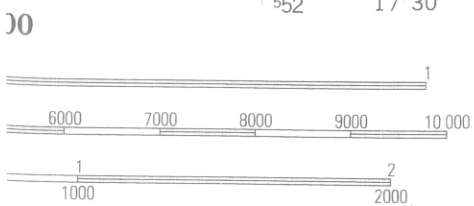
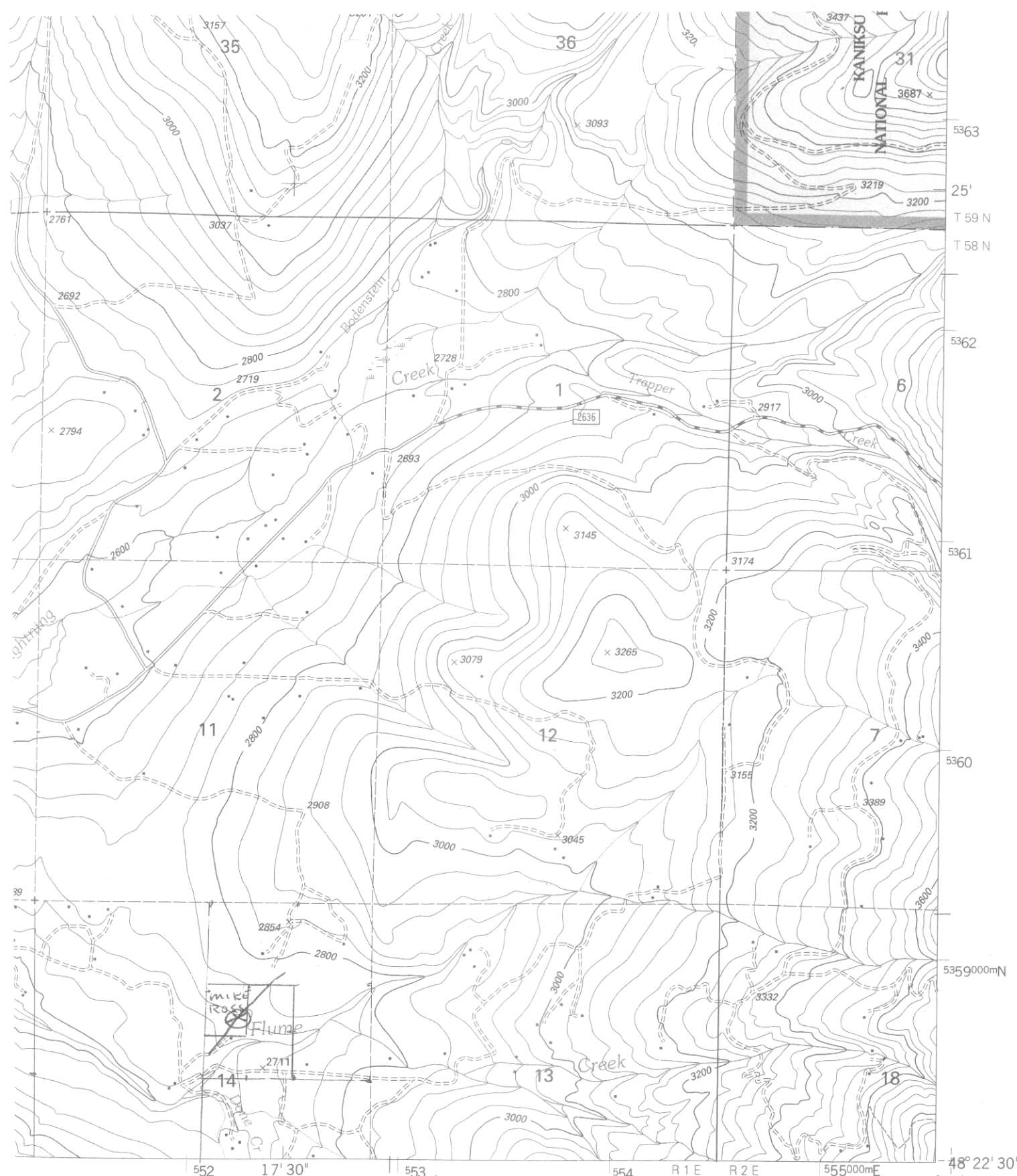
Signature of Applicant (and title, if applicable)

Received by [Signature] Date 7/5/06 Time 3:57 P Preliminary check by _____
 Fee \$ 100.00 Receipted by [Signature] # N017130 Date 7/5/06
 Publication prepared by [Signature] Date 7/12/06 Published in Bonner Co. Weekly Bee 7/20 + 27/06
 Publication approved [Signature] Date 7/28/06



ROAD LEGI

Improved Road
Unimproved Road
Trail



1	2	3
1 Naples	2 Twentymile Creek	3 Clifty Mountain

R 1 E R 2 E 555000mE 48° 22' 30" 116° 15'

INTERIOR-GEOLOGICAL SURVEY, RESTON VIRGINIA-1999

Interstate	5	Primary highway
U. S.	101	Secondary highway..
State	79	Light-duty road
County	6	Composition: Ur
National Forest, suitable for passenger cars	105	Pa
National Forest, suitable for	10	Gr
		Di
		Unimproved; 4 whee
		Trail

96-9291



0.09 0 0.09 0.18 Miles

A horizontal scale bar with four segments. The first segment is labeled '0.09', the second '0', the third '0.09', and the fourth '0.18 Miles'. The segments are black and white, with the black segments being slightly longer than the white ones.

-  Bonner taxlots
-  GCDB58N01E GCDB
-  Application POD
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp





POD
UNNAMED STREAM
SPRING

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 24, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

MICHAEL T ROSS
1234 FLUME CREEK RD
SANDPOINT ID 83864

RE: Permit No. 96-9291

Permit Approval Notice

Dear Permit Holder:

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

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

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

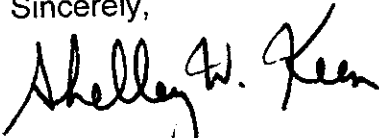
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shelley W Keen

Water Rights Supervisor

SWK:ka

Enclosure(s)

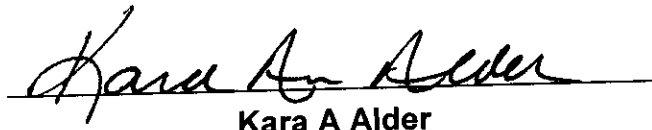
CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2006 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.

96-9291

**MICHAEL T ROSS
1234 FLUME CREEK RD
SANDPOINT ID 83864**


**Kara A Alder
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

Date: August 23, 2006
To: Water Right File 96-9291
From: eretelle
Re: permit review

No WD or moratorium

No protest
No PoU pr PoD overlap

Recommend approval as suggested by IDWR Northern.

AFFIDAVIT OF PUBLICATION

RECEIVED
JUL 28 2006
IDWR/North

STATE OF IDAHO)
) ss.
County of Bonner)

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

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Notice of App.
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

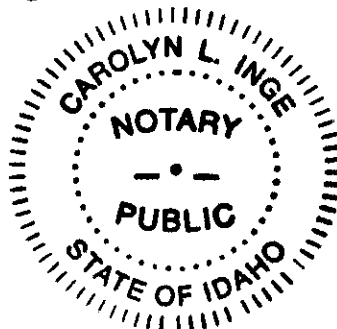
4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 20 day of July, 2006 and ending on the 27 day of July, 2006.

Sherilyn Jones

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this 27 day of July, 2006.

Carolyn R. Inge
Notary Public

Residing at: Sandpoint
Comm. Exp.: 8/06



*See reverse for
legal.*

RECEIVED
JUL 28 2006
IDWR/North

LEGAL NOTICE

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

96-9291

MICHAEL T ROSS

1234 FLUME CREEK RD

SANDPOINT ID 83864

Point(s) of Diversion NWSWNE S14 T58N R01E BONNER County

Source SPRING - Tributary To SINKS

Point(s) of Diversion NWSWNE S14 T58N R01E BONNER County

Source UNNAMED STREAM - Tributary To SINKS

Use: IRRIGATION 04/01 To 10/31 0.06 CFS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.1 CFS

Date Filed: 07/05/2006

Place Of Use: DOMESTIC

T58N R01E S14 SWNE

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres 2

Remark: Domestic use is for 1 home.

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 08/07/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal SNP# 7968

July 20, 27, 2006

*See revenue for
affidavit*

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

96-9291

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1234 FLUME CREEK RD

SANDPOINT ID 83864

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KARL J DREHER, Director Published on July 20 and 27, 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450 FAX: (208) 769-1454 www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 12, 2006

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

*Please FAX proof copy before this goes to press, to 769-1454
Thanks, Dianne*

RE: Application for Permit No. 96-9291

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, July 20 and 27, 2006, (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 08/07/2006. Your cooperation is truly GREATLY appreciated.

Thank you,

Sincerely

Dianne

Dianne Ball
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

MEMORANDUM

July 12, 2006

MEMO TO: Sheri Jones
Bonner County Daily Bee

FROM: Dianne

RE: Legal Notice for publication July 20 and 27, 2006
For Water Right Application 96-9291 - ROSS

Good morning, Sheri,

Our e-mail is down this morning as are all our Internet connections. Therefore I am FAXING this to you, and as soon as our e-mail is up I will then e-mail our cover letter and the copy of the legal as usual. That way you should be able to just do a copy and paste.

Hopefully our network connections will be back up before or shortly after noon.

This is just to give you a heads-up on what's coming – so you will be able to prepare.

The legal notice is not a long one, and for that we can both be thankful.

Dianne

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, July 12, 2006 11:07 AM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal Notice for publication on July 20 and 27, 2006

Good morning, Sheri,

Well, our e-mail and other network connections finally came back up so attached you will find our cover letter requesting publication of a legal notice on July 20 and 27, 2006; and you will find our legal notice, also attached.

If you have ANY quesitons, please call me at 208-769-1450.

Also, PLEASE FAX A PROOF COPY TO ME PRIOR TO PUBLICATION, at 208-769-1454

Many thanks, it's always super to work with you,
and - have a wonderful day!!

Dianne

Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone (208)769-1450 FAX (208)769-1454



CoverLetter
7-12-06 BCDB e-ma.



LegalNotice
7-12-06 BCDB e-ma.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 12, 2006

MICHAEL T ROSS
1234 FLUME CREEK RD
SANDPOINT ID 83864

RE: Application for Permit No 96-9291

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 July 20 and 27, 2006. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

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

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

Sincerely,

Keith E. Franklin
Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

July 11, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

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

FAXED TO MARY 7/11/06
6 pages total

Re: Water Permit Application No. 96-9291

Dear Mary:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application follows for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **August 4, 2006**. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 769-1454, or by e-mail to Keith.Franklin@idwr.idaho.gov, or to me, Dianne.Ball@idwr.idaho.gov.

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

Sincerely,

Dianne Ball
Administrative Assistant