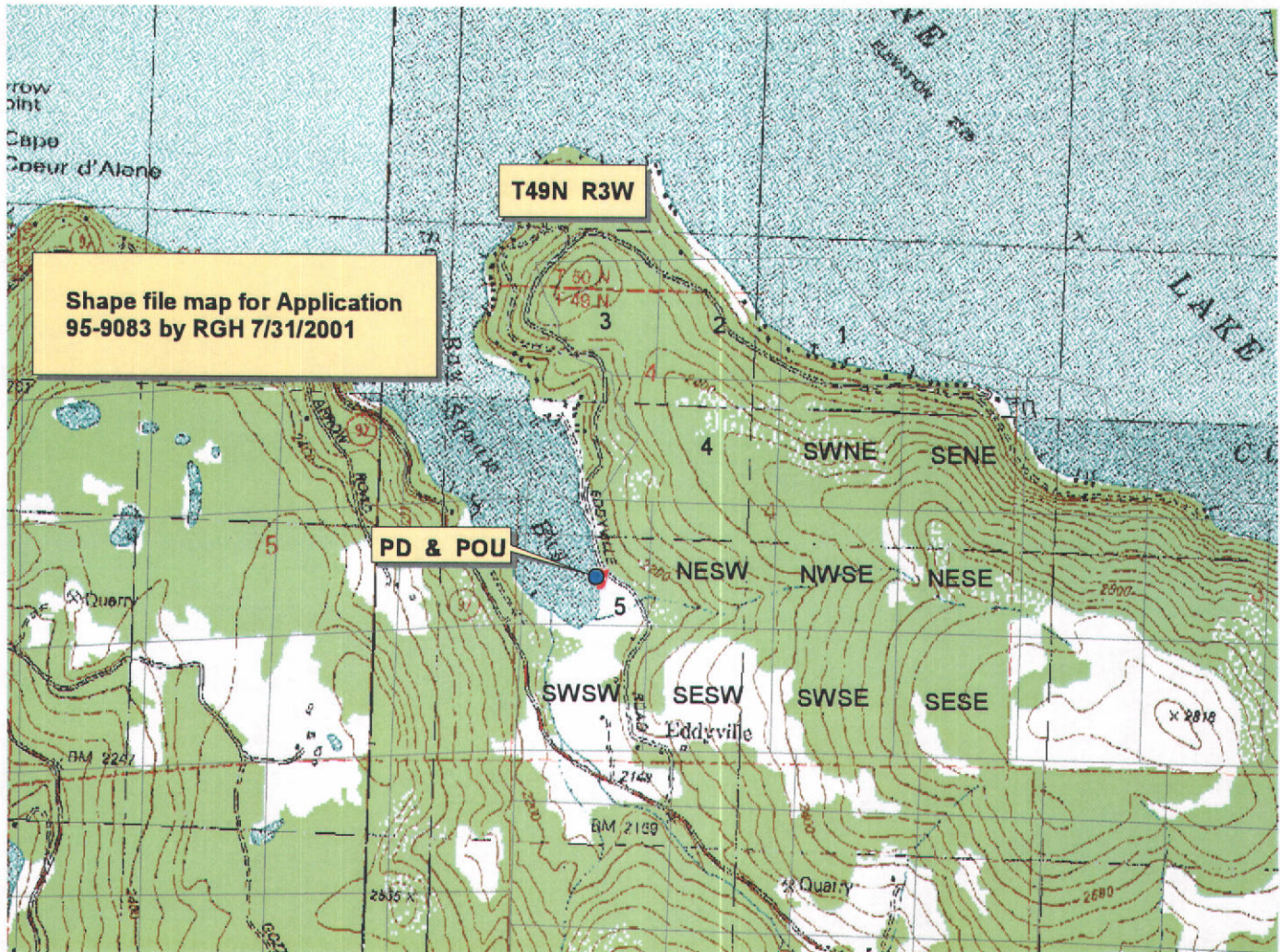


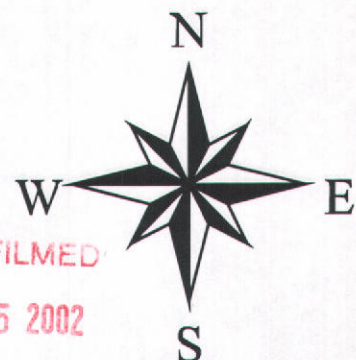


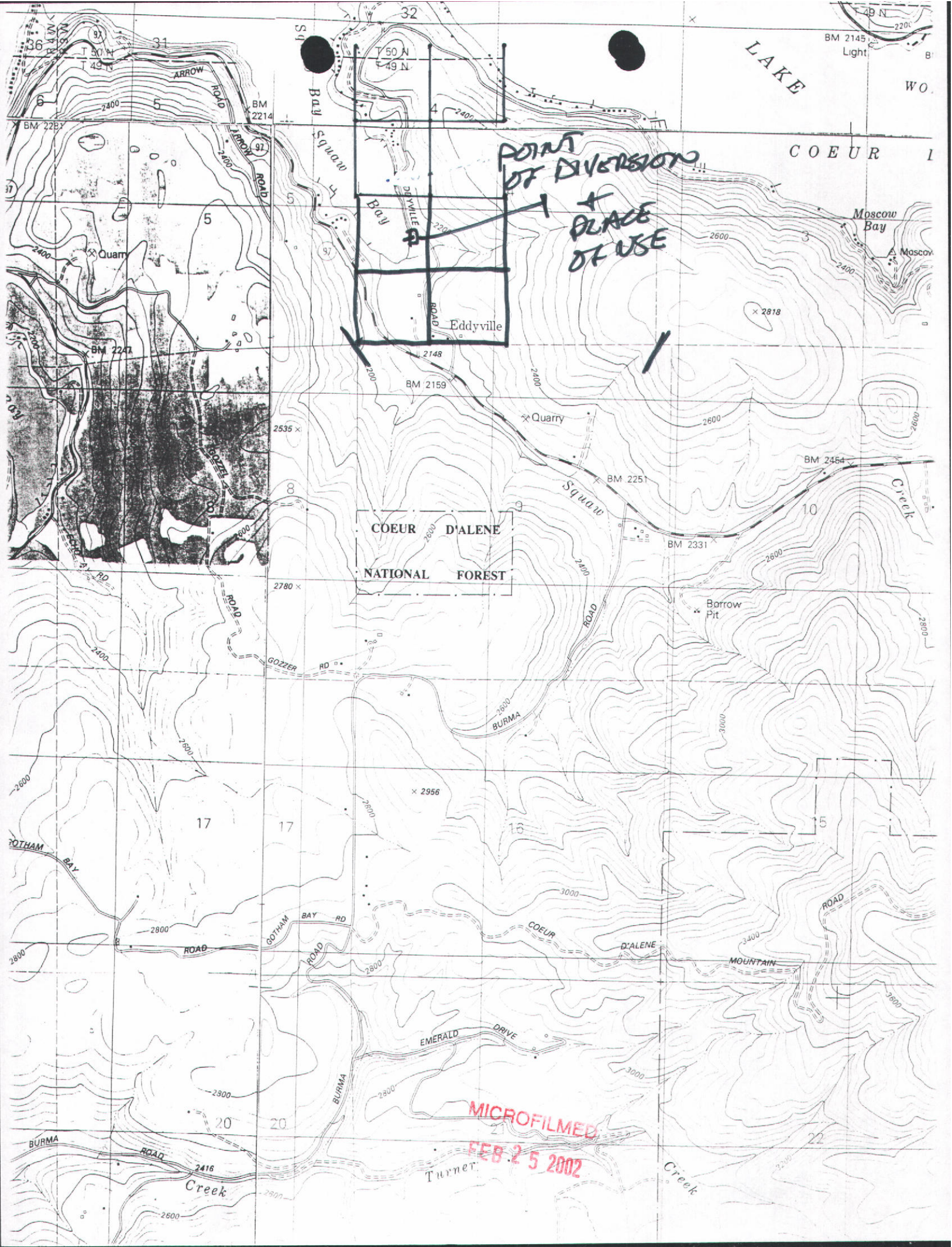
0.3 0 0.3 0.6 Miles

GCDBT49N03W.shp
 ● POD-ApplicationApplication POD
 ■ Application POU

MICROFILMED

FEB 25 2002





SW 1/4 Sec. 4 Twp. 49 N. R. 3 W. B. M.

LAKE COEUR D'ALENE

Squaw Bay

Hilby's Add

GOVT LOT 5

The Meadow at Squaw Bay

Pin Grandview Estates



THIS DRAWING IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE DRAWING IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.

1	2	3	4	5	6	7	8	9	10
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REVENUES OF TAX #16321
ASSESSED AS 49050-05-9000

Pr #16321
(6250)
6,250 Ac

HIGHWAY 97

#12257
(6200)
6,200 Ac

#10922
(5500)
5,500 Ac

#17286
(6450)
6,450 Ac

#17283
(6100)
6,100 Ac

#13636
(6100)
6,100 Ac

#17285
(5900)
5,900 Ac

#17285
(5900)
5,900 Ac

#17285
(5900)
5,900 Ac

#17285
(5900)
5,900 Ac

Note:
Shoreline depiction for illustrative purposes only, property lines assumed to extend to ordinary mean high water mark for assessment purposes unless otherwise noted.

0-5212
400.37
1,233 Ac

0-001-002-0
1,177 Ac

0-001-003-0
1,233 Ac

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FEB 25 2002

william
purchaser
212 001 0410

0-2878

0-001-004-0
10,860 Ac

#15476
(5500)
5,500 Ac

#16488
(5400)
5,400 Ac

#15477
(5500)
5,500 Ac

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RECEIVED

AUG 2 2003

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. NO 15848
Receipt By: 6
Date Received: 8/19/03

STATE OF IDAHO Department of Water Resources
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. 95-09083 Telephone No. 208 765-6564
2. Name of Permit Holder(s): William H Byers or Andrea M Byers
3. Mailing Address: 5879 S. Squaw Bay Rd.
City Harrison State ID Zip 83833
4. Source of Water: Crowded Alene Lake If **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): 0.5 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.07⁰⁶ 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: William H. Byers Telephone Number: 208 765-6564
Address: 5879 S. Squaw Bay Rd Harrison, ID 83833
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: W H Byers Date: 8-18-03
(include your title, if on behalf of company or organization)

MICROFILMED
OCT 20 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09083

Priority: 05/10/2001

Maximum Diversion Rate: 0.07 CFS

This is to certify, that **WILLIAM BYERS**
2587 LEISURE WORLD
MESA AZ 85206-5421

has applied for a permit to appropriate water from:

Source: COEUR D ALENE LAKE **Tributary:** SPOKANE 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	0.07 CFS

LOCATION OF POINT(S) OF DIVERSION:

COEUR D ALENE LAKE L5 NW¼SW¼ Sec. 4, Twp 49N, Rge 03W, B.M. KOOTENAI County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
49N 03W 4																	.5
																	L5

Total Acres: 0.5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 1, 2006**.
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. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. A fish screen of ¼ inch or smaller mesh shall be installed and maintained at the point of diversion.
7. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
8. Point of diversion and place of use are located within Lot 4, Blk. 1, The Meadow at Squaw Bay.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 8th day of August, 20 01

MICROFILMED

SEP 25 2002

[Signature]
for **KARL J DREHER, Director**

69145

Ident. No. 95-9083

RECEIVED

AUG - 2 2001

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

208 664-0372

480-854-1970

907-746-5132

- Name of Applicant William Byers (Parcel # C-5212-001-04-0) Phone 85206-5421
Mailing address 2587 Leisure World, Mesa, AZ
- Source of water supply COEUR D'ALENE LAKE which is a tributary of SPOKANE RIVER
- Location of point of diversion is Township 49N Range 3W Sec. 4 in the NW 1/4 of the Sec 74 1/4, Govt. Lot 5, B.M., Kootenai County County;
additional points of diversion if any: Lot 4 Block 1 The Meadows at Squaw Bay
- Water will be used for the following purposes:
 Amount 0.07 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)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
- Total quantity to be appropriated is (a) 0.07 and/or (b) ~~1.0~~
cubic feet per second acre feet per annum
- Proposed diverting works:
 - Describe type and size of devices used to divert water from the source 2" intake pipe in Lake
SPRINKLER SYSTEM
 - Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - Is ground water with a temperature of greater than 85° F being sought? _____
 - If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
- Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
- Description of proposed uses (if irrigation only, go to item 9):
 - Hydropower; show total feet of head and proposed capacity in KW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. ONE - OUTSIDE IRRIGATION ONLY
 - Other; describe fully. _____

MICROFILMED

FEB 25 2002

a. If water is for irrigation, indicate acreage in each subarea.
b. If water is used for other purposes, place a symbol use below. See instructions for standard symbols.

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.

[illegible]

Total number of acres to be irrigated

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? Public POA

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

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

12. Remarks: Applicant is seeking a diversion rate higher.

THAN OUR STANDARD IRRIGATION RATES TO SERVE

IRIGATION DITCHES.

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.)

of the State of Idaho as herein set forth.

Signature of Applicant (and title, if applicable)

M. J. Bryant (owner)
Bridgman, Agate for down

Received by _____
Fee \$ _____

Publication prepared by

Received by _____
Date _____

Time

15:11

Preliminary check by

Date _____

Published in QAO News 6/17 + 14/01

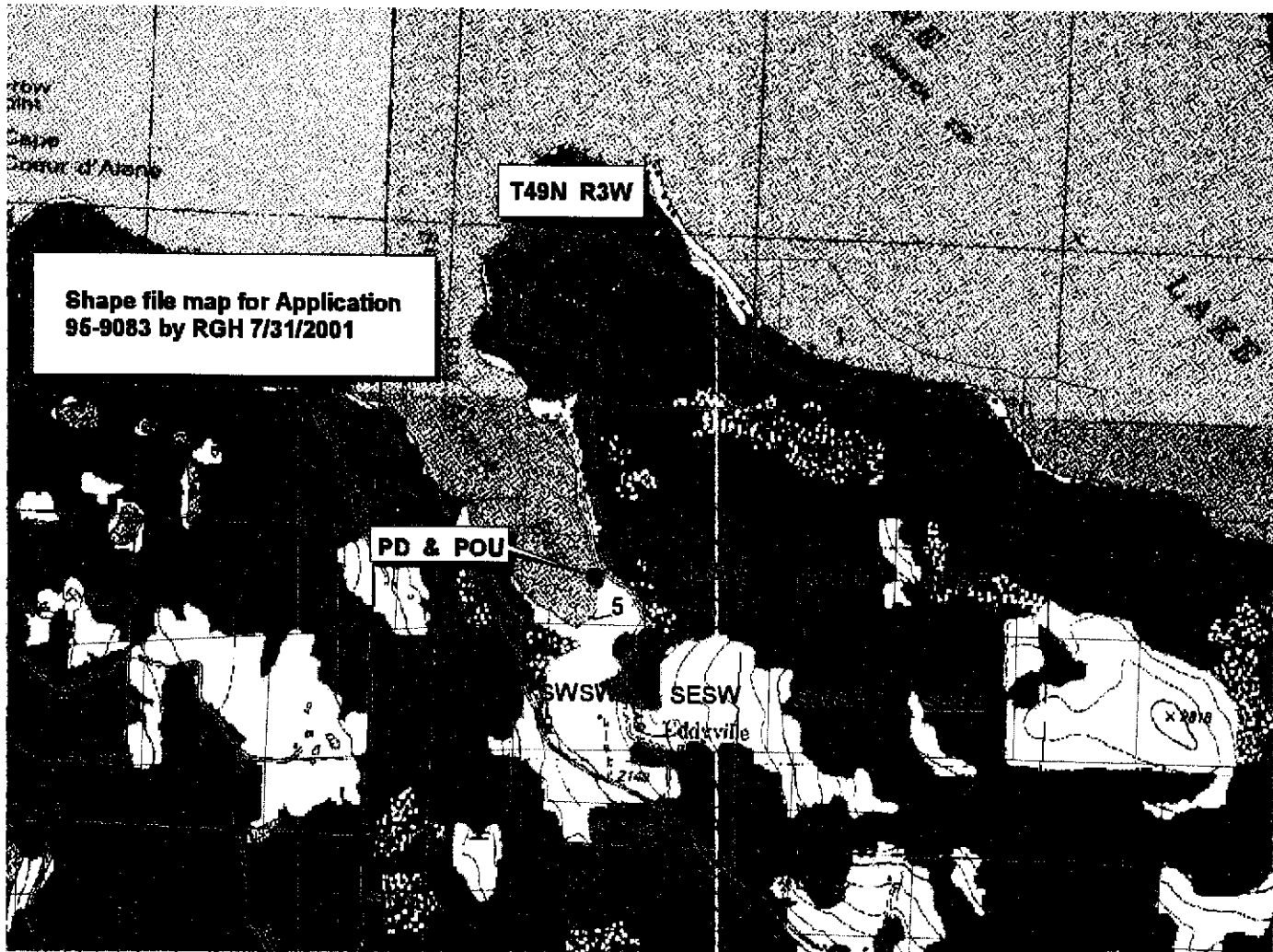
Publication approved.

2

Date: _____

10/6/79

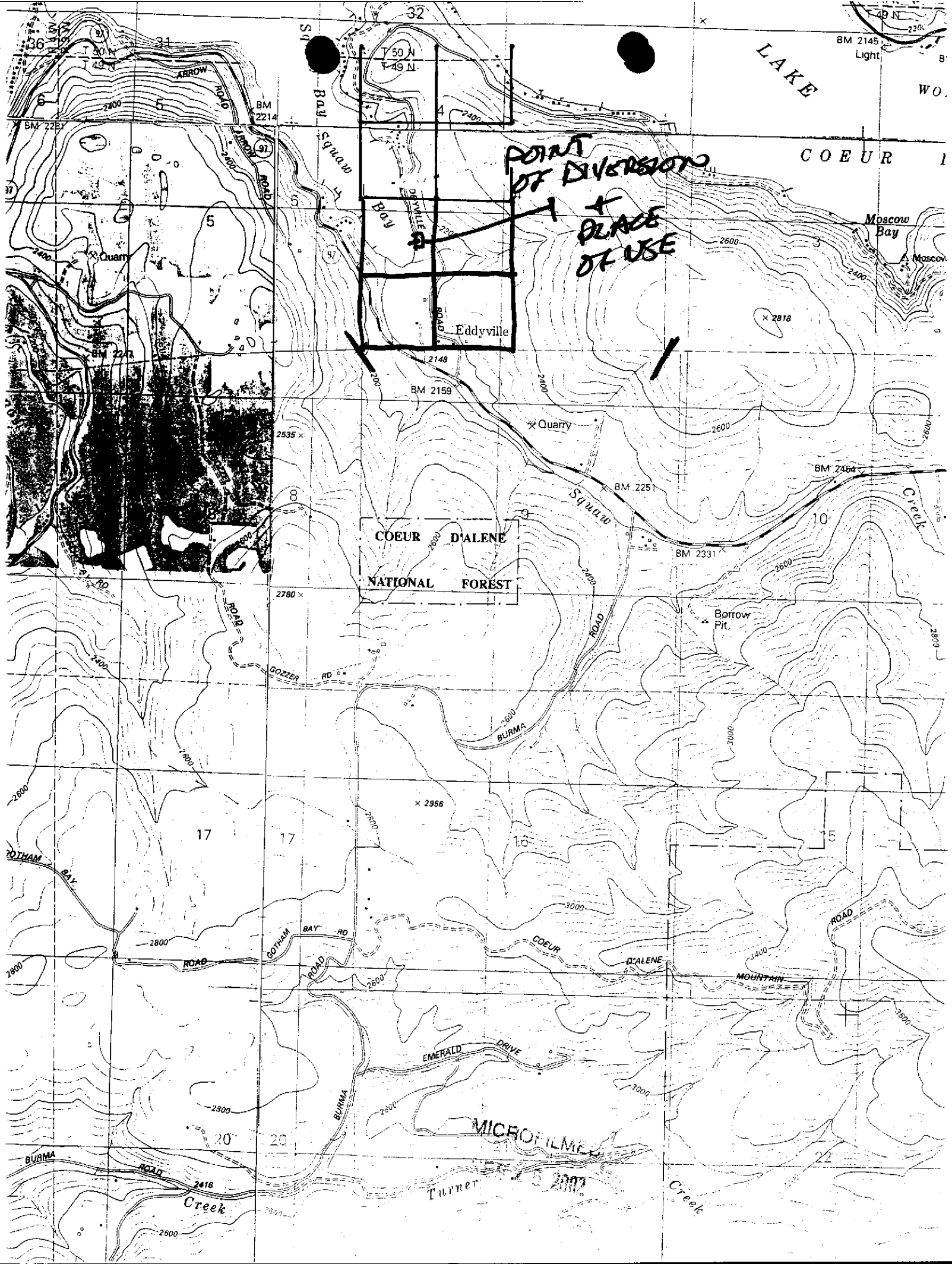
$$6/7 + 1/4/01$$



0.3 0 0.3 0.6 Miles

- GCDBT49N03W.shp
- POD-ApplicationApplication POD
- Application POU





SW 1/4 Sec 4 Twp. 49 N. R. 3 W. B. M.

LAKE COEUR D'ALENE

Squaw Bay

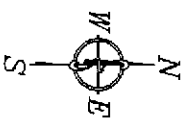
Hilby's Add

Pin
GOVT
LOT 5

Note:
Shoreline depletion for illustrative
purposes only, property lines assumed
to extend to ordinary mean high water
mark for assessment purposes unless
otherwise noted.

The Meadow at
Squaw Bay

Pin Grandview Estates



THIS DRAWING IS TO BE USED FOR DISTANCE PURPOSES
ONLY, AND THE COUNTY IS NOT RESPONSIBLE FOR ANY
MISADVENTURES HEREIN CONTAINED.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32

REMARKS OF TAX #16321
ASSIGNED AS 4800-00-8000

Pr #16321

(5800)
5.380 Ac

HIGHWAY 97

#12257

(5200)
0.894 Ac

#10922

(5800)
1.118 Ac

#17285

(5800)
16.360 Ac

#17286

(5450)
2.188 Ac

#17283

(5100)
0.748 Ac

#13636

(5100)
0.748 Ac

#17285

(5800)
16.360 Ac

#17286

(5450)
2.188 Ac

#17283

(5100)
0.748 Ac

#13636

(5100)
0.748 Ac

(0-3760)

(0-5212)

(001-001-0)
1.118 Ac

(001-002-0)
1.118 Ac

(001-003-0)
1.118 Ac

(001-004-0)
1.118 Ac

(001-005-0)
1.118 Ac

#15477

Pin
GOVT
LOT 5

(5800)
16.360 Ac

#16488

(5100)
0.748 Ac

#15476

(5800)
16.360 Ac

#16488

(5100)
0.748 Ac

#15476

(5800)
16.360 Ac

(001-004-0)
10.800 Ac

(0-2878)

William Byrd
Parcel # 212,001, 2010



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

August 28, 2003

WILLIAM BYERS
5879 S SQUAW BAY RD
HARRISON ID 83833

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 95-9083

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

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. I have changed the department records to reflect the address as it appeared on the Proof of Beneficial Use form you filed with the department. If there are any changes or corrections, please contact any office of the department. Additionally, the department records reflect only William Byers as permit holder, if you wish to change that, you will need to file an Assignment of Permit to add Andrea. 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, please contact the Northern Regional Office of the department in Coeur d'Alene (208) 769-1450.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

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OCT 29 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 95-9083

Reviewed By: dgibson

Date: August 27, 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.:		N014345, N015848	Well driller's report filed?		
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?		X	Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	08/19/2003
Date proof due	- 08/01/2006
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 05/10/2001
New priority date	= 05/10/2001

Deficiencies of Actions Items

Acknowledge proof and update address.



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

August 9, 2001

WILLIAM BYERS
2587 LEISURE WORLD
MESA AZ 85206-5421

RE: Permit No. 95-9083

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 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.

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SEP 7 5 2002

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

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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FEB 25 2002

CERTIFICATE OF MAILING

I hereby certify that on August 9, 2001 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. 95-9083

**WILLIAM BYERS
2587 LEISURE WORLD
MESA AZ 85206-5421**


**Kari Lynn Townsend
Secretary**

MICROFILMED

SEP 25 2002

**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).

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FEB 25 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 95-9083

From: Sharla

Date: August 6, 2001

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 beds or lakes. 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.

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FEB 25 2002

Reviewed by Sharla Curtis on 8/3/0

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

DRILLING PERMIT

LOCATION:

Boise Front LoGeo	- 058 (<85 GW)	Payette R
Mitigation	- 121	Salmon R
		Weiser R
Trust	- 051(consumptive uses)	
Non-Trust	- 048-049 (consumptive uses or non-cons. > 1.0 cfs)	

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

MISC CONDITIONS/REMARKS:

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

F&G contacted - Yes/No Response *None*
 In/Above MSE - WB9
 PLANNING REVIEW/RESPONSE
 WD - R04 (WD# _____)
 ≤ 0.20 cfs/others - 01H, 01P or No MD
 > 0.20 cfs - 01I

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

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

MUNICIPAL	
Restricted area	- 022,075
Irr., GW supp to SW	- 102
Future needs	- 007,109
FISH PROP	- 029 (70's only)-007-042-106
DOMESTIC	
Surface water	- WB5 (Big Wood/Boise above Star Bridge)
	- 27A (Payette R)
>1 in restricted area	- 070-071-075(no parks/common areas)
Irr separate or none allowed	- WB5
GW w/irrigation from SW evident	- 065-104
Moratorium approvable	- W03 (2500 gpd – meets domestic def 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

Lot 4, Block 1, The Meadows Square Ba

IRRIGATION SEASON _____ - _____ (Per updated map)

IRR VOLUME/ACRE 3.0

OTHER CONDITIONS/REMARKS

COMMENTS

Ball, Dianne

From: RAY HENNEKEY [rhenneke@IDFG.STATE.ID.US]
Sent: Monday, July 09, 2001 12:42 PM
To: dball@idwr.state.id.us
Cc: GREG TOURTLOTTE; TRACEY TRENT
Subject: Comments re. several WR applications

July 9, 2001

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

Via email to Diane Ball:

REFERENCE: Applications for the following water rights permits:

95-9081 - W STACEY COWLES

95-9083 - WILLIAM BYERS

95-9084 - DAVID R MATHER

95-9087 - JOSEPH H LONAM

95-9076 - WAYNE ARTHUR HOMAN

Idaho Department of Fish and Game has 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.

We recommend that applicants be required to install lines beneath the lake, river or stream bed 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.

use 029 & modify to fit

(W16)
Applicants should obtain necessary encroachment permits prior to installing water lines and pumps in State waters.

filed, see email from idt 6/1/01

Thank you for the opportunity to comment.

Ray Hennekey
Environmental Staff Biologist
Idaho Department of Fish and Game, Region 1

C: Tracey Trent, IDFG Boise; Greg Tourtlotte, IDFG Region 1

MICROFILMED

SEP 25 2002

RECEIVED

AUG - 2 2001

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET69145
APPLICATION # 95-9083Department of Water Resources INITIAL REVIEW *Ref. WRT*APPLICANT: BYERSBY: ABDATE: 5/10/01

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)

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

PROCESSING

(Yes) (No) PRIORITY DATE: 5/10/01K (Include Moratorium Remark)K Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).ADVERTISE IN: KOOTENAI County

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
- () Power Information () Other: NA

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other: NA

WD Permit No.'s:	TAG #	Type:	Fees	Receipt No.	Upgrade Needed?
<u>1</u>	<u>1</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>1</u>	<u>1</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
<u>1</u>	<u>1</u>	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- 6/15 ☒ Notice of pending void order issued. Final order response date: _____/_____/_____
- 6/19 ☒ Further information required from applicant
- 6/19 ☒ Affidavit of publication received
- 6/19 ☒ Application published correctly. If not, record action taken: _____

- 5/30 ☒ Publication dates and paper recorded on application | Sr. Agent initial AB
- 5/30 ☒ Protests received, Final protest date: 6/25/01
- 5/30 ☒ Measuring device required
- 5/30 ☒ Measuring port required
- 5/30 ☒ Special conditions:

5/30 ☒ Special conditions of approval supplement and/or cover letter attached:Approval Recommended by: AB RSTDate: 7/19/01

RECEIVED
JUN 15 2001

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, ss.

Jennifer Standridge being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Legal Notice

of which the annexed is a printed copy, was published in the regular issue of said newspaper for 2 consecutive Thursday Weeks commencing on the 17 day of June 2001, and ending on the 14 day of June 2001 and such publication was made as often during said period as said daily newspaper was regularly issued.

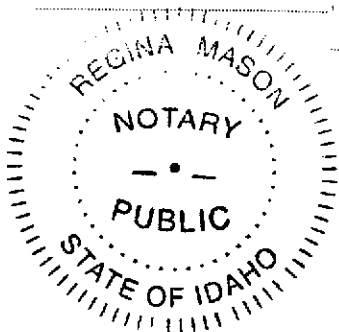
4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Jennifer Standridge

Personally appeared before me this 14 day of June 2001

Regina Mason

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.



MY COMMISSION EXPIRES 6/30/02

MICROFILMED
FEB 23 2002

NOTICE OF APPLICATION FOR WATER RIGHT

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

95-9081

W STACEY COWLES
1908 E 25TH AVE
SPOKANE WA 99203
Point(s) of Diversion L5 SWNE S3 T48N R04W KOOTENAI County.
Source: COEUR D'ALENE LAKE Tributary To SPOKANE RIVER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 05/10/2001
Place of Use: DOMESTIC T48N R04W S3 SWNE Lot 5
Remark: Domestic use is for 1 home

95-9082

GREEN FERRY WATER & SEWER DISTRICT
PO BOX 1105
POST FALLS ID 83854
Point(s) of Diversion SWNW S12 T50N R05W KOOTENAI County.
Source: GROUNDWATER
Point(s) of Diversion SENW S12 T50N R05W KOOTENAI County.
Source: GROUNDWATER
Use: MUNICIPAL 01/01 To 12/31 1 CFS
Total Diversion: 1 CFS

Date Filed: 05/10/2001
Remark: Municipal use is for applicant's service area

95-9083

WILLIAM BYERS
2587 LEISURE WORLD
MESA AZ 85206-5421
Point(s) of Diversion L5 NWSW S4 T49N R03W KOOTENAI County.
Source: COEUR D'ALENE LAKE Tributary To SPOKANE RIVER
Use: IRRIGATION 03/15 To 11/15 0.07 CFS
Total Diversion: 0.07 CFS

Date Filed: 05/10/2001
Place of Use: IRRIGATION T49N R03W S4 NWSW Lot 5
Number of Acres 0.5

95-9084

DAVID R MATHER
606 W SQUIRREL TRAIL
COEUR D'ALENE ID 83814
Point(s) of Diversion NWSE S1 T49N R04W KOOTENAI County.
Source: COEUR D'ALENE LAKE Tributary To SPOKANE RIVER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 05/14/2001
Place of Use: DOMESTIC T49N R04W S1 NWSE
Remark: Domestic use is for 1 home.

95-9085

MB BUILDERS INC
4 S RANCH
7400 N COLFAX
DALTON GARDENS ID 83815
Point(s) of Diversion SESE S33 T52N R03W KOOTENAI County.
Source: GROUNDWATER
Point(s) of Diversion NENW S33 T52N R03W KOOTENAI County.
Source: GROUNDWATER
Use: IRRIGATION 03/15 To 11/15 0.15 CFS
Use: DOMESTIC 01/01 To 12/31 0.18 CFS
Total Diversion: 0.33 CFS

Date Filed: 05/15/2001
Place of Use: DOMESTIC T52N R03W S28 NESW SESW
T52N R03W S33 NENW NWNW

Place of Use: IRRIGATION same as DOMESTIC

Number of Acres 7.5

Remark: Domestic use is for 18 homes.

95-9087

JOSEPH H LONAM
4401 HOLMES
COEUR D'ALENE ID 83815
Point(s) of Diversion SESW S27 T50N R03W KOOTENAI County.
Source: SPRING
Point(s) of Diversion SESW S27 T50N R03W KOOTENAI County.
Source: GROUNDWATER

Use: IRRIGATION 03/15 To 11/15 0.02 CFS
Use: IRRIGATION STORAGE 03/15 To 11/15 1AFA
Use: IRRIGATION FROM STORAGE 03/15 To 11/15 1AFA
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Use: STOCKWATER STORAGE 01/01 To 12/31 1AFA
Use: STOCKWATER FROM STORAGE 01/01 To 12/31 1AFA
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Use: DOMESTIC STORAGE 01/01 To 12/31 1AFA
Use: DOMESTIC FROM STORAGE 01/01 To 12/31 1AFA
Use: FIRE PROTECTION STORAGE 01/01 To 12/31 1AFA

Total Diversion: 0.02 CFS
Date Filed: 05/24/2001

Place of Use: FIRE PROTECTION STORAGE T50N R03W S27 SESW
Place of Use: IRRIGATION, IRRIGATION STORAGE, IRRIGATION FROM STORAGE, DOMESTIC, and STOCKWATER same as FIRE PROTECTION.

Remark: Domestic use is for 1 home
Stockwater use is for 7-8 head of mixed stock.

96-9075

UEBERROTH FAMILY TRUST
C/O MICK BLAKELY
16284 RIM ROCK RD
HAYDEN ID 83835
Point(s) of Diversion NENW S36 T53N R03W KOOTENAI County.
Source: UNNAMED STREAM Tributary To SAGE CREEK
Point(s) of Diversion NWNW S36 T53N R03W KOOTENAI County.
Source: UNNAMED STREAM Tributary to SAGE CREEK
Use: IRRIGATION 03/15 To 11/15 0.02 CFS
Use: IRRIGATION STORAGE 03/15 To 11/15 2AFA
Use: IRRIGATION FROM STORAGE 03/15 To 11/15 2AFA
Use: STOCKWATER STORAGE 01/01 To 12/31 2AFA
Use: STOCKWATER FROM STORAGE 01/01 To 12/31 2AFA
Use: RECREATION STORAGE 01/01 To 12/31 2AFA
Use: FIRE PROTECTION STORAGE 01/01 To 12/31 2AFA
Use: DIVERSION TO STORAGE 01/01 To 12/31 0.2CFS
Total Diversion: 0.02 CFS

Date Filed: 05/22/2001
Place of Use: IRRIGATION T53N R03W S36 NENW NWNW
Number of Acres 10
Place of Use: IRRIGATION STORAGE, IRRIGATION FROM STORAGE, DIVERSION TO STORAGE, STOCKWATER STORAGE and RECREATION STORAGE same as IRRIGATION

Remark: Recreation use is for fishing and swimming.
Stockwater use is for 10 horses.
Recreation use is for fishing and swimming.
Stockwater use is for 10 horses.

96-9076

WAYNE AUTHUR HOMAN
311 MONTGOMERY PLACE
POST FALLS ID 83854
Point(s) of Diversion L4 NWSW S14 T53N R05W KOOTENAI County.
Source: SPIRIT LAKE Tributary To SPIRIT CREEK
Use: IRRIGATION 03/15 To 11/15 0.8 CFS
Use: DOMESTIC 01/01 To 12/31 0.4CFS
Total Diversion: 0.12 CFS

Date Filed: 05/22/2001
Place of Use: IRRIGATION T53N R05W S14 NWSW Lot 4
T53N R05W S15 NESE
Number of Acres 3
Place of Use: DOMESTIC T53N R05W S14 NWSW Lot 4
T53N R05W S15 NESE

Remark: Recreation use is for fishing and swimming.
Stockwater use is for 10 horses.
Recreation use is for fishing and swimming.
Stockwater use is for 10 horses.

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 06/25/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 179
June 7, 14, 2001

MICROFILMED

FEB 25 2002

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

95-9081

W STACEY COWLES
1908 E 25TH AVE
SPOKANE ID 99203
Point(s) of Diversion L5 SWNE S3 T48N R04W KOOTENAI County
Source COEUR D ALENE LAKE Tributary To SPOKANE RIVER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 05/10/2001
Place Of Use: DOMESTIC T48N R04W S3 SWNE Lot 5
Remark: Domestic use is for 1 home.

95-9082

GREEN FERRY WATER & SEWER DISTRICT
PO BOX 1105
POST FALLS ID 83854
Point(s) of Diversion SWNW S12 T50N R05W KOOTENAI County
Source GROUND WATER
Point(s) of Diversion SENW S12 T50N R05W KOOTENAI County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 1 CFS
Total Diversion: 1 CFS
Date Filed: 05/10/2001
Remark: Municipal use is for applicant's service area

95-9083

WILLIAM BYERS
2587 LEISURE WORLD
MESA AZ 85206-5421
Point(s) of Diversion L5 NWSW S4 T49N R03W KOOTENAI County
Source COEUR D ALENE LAKE Tributary To SPOKANE RIVER
Use: IRRIGATION 03/15 To 11/15 0.07 CFS
Total Diversion: 0.07 CFS
Date Filed: 05/10/2001
Place Of Use: IRRIGATION T49N R03W S4 NWSW Lot 5
Number of Acres 0.5

95-9084

DAVID R MATHER
606 W SQUIRREL TRAIL
COEUR D ALENE ID 83814
Point(s) of Diversion NWSE S1 T49N R04W KOOTENAI County
Source COEUR D ALENE LAKE Tributary To SPOKANE RIVER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 05/14/2001
Place Of Use: DOMESTIC T49N R04W S1 NWSE
Remark: Domestic use is for 1 home.

95-9085

M B BUILDERS INC
4 S RANCH
7400 N COLFAX
DALTON GARDENS ID 83815
Point(s) of Diversion SESE S33 T52N R03W KOOTENAI County
Source GROUND WATER
Point(s) of Diversion NENW S33 T52N R03W KOOTENAI County
Source GROUND WATER
Use: IRRIGATION 03/15 To 11/15 0.15 CFS
Use: DOMESTIC 01/01 To 12/31 0.18 CFS
Total Diversion: 0.33 CFS
Date Filed: 05/15/2001
Place Of Use: DOMESTIC T52N R03W S28 NESW SESW
T52N R03W S33 NENW NWNW
Place Of Use: IRRIGATION same as DOMESTIC
Number of Acres 7.5
Remark: Domestic use is for 15 homes.

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FEB 25 2002

Continued on next page

JOSEPH H LONAM

4401 HOLMES

COEUR D'ALENE ID 83815

Point(s) of Diversion SESW S27 T50N R03W KOOTENAI County

Source SPRING Tributary To SINKS

Point(s) of Diversion SESW S27 T50N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.2 CFS

Use: IRRIGATION STORAGE 03/15 To 11/15 1 AFA

Use: IRRIGATION FROM STORAGE 03/15 To 11/15 1 AFA

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

Use: STOCKWATER STORAGE 01/01 To 12/31 1 AFA

Use: STOCKWATER FROM STORAGE 01/01 To 12/31 1 AFA

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

Use: DOMESTIC STORAGE 01/01 To 12/31 1 AFA

Use: DOMESTIC FROM STORAGE 01/01 To 12/31 1 AFA

Use: FIRE PROTECTION 01/01 To 12/31 1 AFA

STORAGE

Total Diversion: 0.2 CFS

Date Filed: 05/24/2001

Place Of Use: FIRE PROTECTION STORAGE T50N R03W S27 SESW

Place Of Use: IRRIGATION, IRRIGATION STORAGE, IRRIGATION FROM STORAGE, DOMESTIC, and STOCKWATER same as FIRE PROTECTION.

Remark: Domestic use is for 1 home.

Stockwater use is for 7-8 head of mixed stock.

96-9075

UEBERROTH FAMILY TRUST

C/O MICK BLAKELY

16284 RIM ROCK RD

HAYDEN ID 83835

Point(s) of Diversion NENW S36 T53N R03W KOOTENAI County

Source UNNAMED STREAM Tributary To SAGE CREEK

Point(s) of Diversion NWNW S36 T53N R03W KOOTENAI County

Source UNNAMED STREAM Tributary To SAGE CREEK

Use: IRRIGATION 03/15 To 11/15 0.2 CFS

Use: IRRIGATION STORAGE 03/15 To 11/15 2 AFA

Use: IRRIGATION FROM STORAGE 03/15 To 11/15 2 AFA

Use: STOCKWATER STORAGE 01/01 To 12/31 2 AFA

Use: STOCKWATER FROM STORAGE 01/01 To 12/31 2 AFA

Use: RECREATION STORAGE 01/01 To 12/31 2 AFA

Use: FIRE PROTECTION STORAGE 01/01 To 12/31 2 AFA

Use: DIVERSION TO STORAGE 01/01 To 12/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 05/22/2001

Place Of Use: IRRIGATION T53N R03W S36 NENW NWNW

Number of Acres 10

Place Of Use: IRRIGATION STORAGE, IRRIGATION FROM STORAGE, DIVERSION TO STORAGE, STOCKWATER STORAGE and RECREATION STORAGE same as IRRIGATION

Remark: Recreation use is for fishing and swimming.

Stockwater use is for 10 horses.

Recreation use is for fishing and swimming.

Stockwater use is for 10 horses.

96-9076

WAYNE ARTHUR HOHMAN

311 MONTGOMERY PLACE

POST FALLS ID 83854

Point(s) of Diversion L4 NWSW S14 T53N R05W KOOTENAI County

Source SPIRIT LAKE Tributary To SPIRIT CREEK

Use: IRRIGATION 03/15 To 11/15 0.08 CFS

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

Total Diversion: 0.12 CFS

Date Filed: 05/22/2001

Place Of Use: IRRIGATION

T53N R05W S14 NWSW Lot 4

T53N R05W S15 NESE

Number of Acres 3

Place Of Use: DOMESTIC T53N R05W S14 NWSW Lot 4

T53N R05W S15 NESE

Remark: Recreation use is for fishing and swimming.

Stockwater use is for 10 horses.

Recreation use is for fishing and swimming.

Stockwater use is for 10 horses.

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FEB 25 2002

Continued on next page

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 06/25/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on June 7 and 14, 2001.

MICROFILMED

FEB 25 2002



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 30, 2001

Legal Notice Department
Coeur D Alene Press
201 N 2nd
COEUR D ALENE ID 83814

RE: Application for Permit No. 95-9081, 95-9082, 95-9083, 95-9084, 95-9085, 95-9087, 96-9075, and 96-9076

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 06/25/2001. Your cooperation is appreciated.

Thanks D C

Sincerely

Dianne Ball

Dianne Ball
Administrative Assistant

MICROFILMED

FEB 25 2002



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 30, 2001

WILLIAM BYERS
2587 LEISURE WORLD
MESA AZ 85206-5421

RE: Application for Permit No 95-9083

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 Coeur d'Alene Press on June 7 and 14, 2001. 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 sixty to ninety days.

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

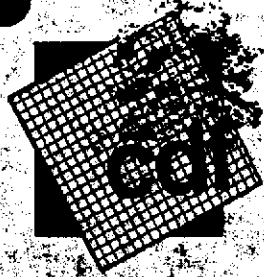
Sincerely,

Al Beardslee
Senior Water Resource Agent

MICROFILMED

FEB 25 1992

4697 W. Sellice Way • Coeur d'Alene, Idaho 83814 • (208) 765-0796 • Fax: (208) 765-6706



cdf landscape

site planning
hydroseeding
retaining walls
erosion control
landscape design
landscape construction
stormwater management

May 1, 2001

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

Dear Sirs,

The intent of Mr. Bill Byers is to provide residential irrigation for approximately 1/2 acre. We request the use of 20 - 30 gallons per minute for irrigation. This activity will occur from mid-April to the end of September.

The gallons per minute requested is for peak flow as a total of 1" per week is all that is required for plant care. Should you have any questions, please contact me at 765-0796.

Thank You,

Tom Freeman, Landscape Architect
Owner-CDF

MICROFILM

SEP 7 1999