

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 96-09284

Priority: May 26, 2006

Maximum Diversion Volume: 0.1 AF

This is to certify, that DOUG HARLICKER And/Or
KELLY HARLICKER
1144 JOHNNY LONG RD
SANDPOINT ID 83864

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM **Tributary:** JOHNSON CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
FLOOD CONTROL STORAGE	01/01 to 12/31	0.1 AF
WILDLIFE STORAGE	01/01 to 12/31	0.1 AF

LOCATION OF POINT OF DIVERSION:

UNNAMED STREAM SW¼ NW¼ NW¼ Sec. 28, Twp 57N, Rge 03W, B.M. BONNER County

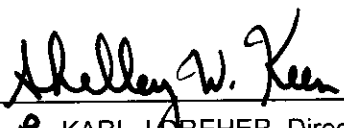
PLACE OF USE: FLOOD CONTROL STORAGE, WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
57N 03W 28						X											

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2007**.
2. Subject to all prior water rights.
3. Wildlife storage and flood protection storage uses are for a pond.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 14th day of July, 2006.


FOR KARL J. GREHER, Director

JUL 11 2006

FORM 202
12/99DEPARTMENT OF
WATER RESOURCESIdent. No. 96-9284STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoRECEIVED
MAY 26 2006
IDWR/North

1. Name of Applicant DOUG & KELLY HARLICKER Phone (208) 263-9168
Mailing address 1144 JOHNNY LONG ROAD, SANDPOINT, ID 83864 JOHNSON CREEK
2. Source of water supply unnamed stream which is a tributary of unnamed intermittent stream
~~seasonal drainage~~
3. Location of point of diversion is Township 57 N Range 3 W Sec. 28, in the SE 1/4, NW 1/4, NW 1/4, Govt. Lot BONNER County;
additional points of diversion if any:
4. Water will be used for the following purposes:
Amount Per T.C. 0.02 for WILDLIFE REFUGE purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount Per T.C. 0.01 for Flood Control Storage purposes from JAN 1 to DEC 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) 0.02 cubic feet per second and/or (b) 0.1 acre feet per annum
Per T.C. with Debbie Vandyne
6. Proposed diverting works: BERM
a. Describe type and size of devices used to divert water from the source 5' HIGH BERM W/ OUTLET PIPE
b. Height of storage dam 5 feet; active reservoir capacity Per T.C. 2.04 acre-feet; total reservoir capacity Per T.C. 2.04 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)
(DEVELOPMENT PERIOD)
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. _____
e. Other; describe fully. TO DETAIN INCREASE IN RUNOFF DUE TO DEVELOPMENT & PROVIDE A WILDLIFE REFUGE.

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. FLOOD CONTROL STORAGE & WILDLIFE REFUGE

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	3W	28						X											
								WS											
								Fds											

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. ANOTHER POND FOR THE SAME PURPOSE IS IN THE SE QUADRANT OF NW 1/4, NW 1/4 SEC 28

11. a. Who owns the property at the point of diversion? DOUG & KELLY HARUCKER

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: _____

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

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

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

Received by [Signature] Date 5/26/06 Time 1:15 P Preliminary check by _____
 Fee \$ 100.00 Receipted by [Signature] # N017621 Date 5/26/06
 Publication prepared by [Signature] Date 6/7/06 Published in Banner Co. Aug 15 6/15+22/06
 Publication approved [Signature] Date 7/5/06

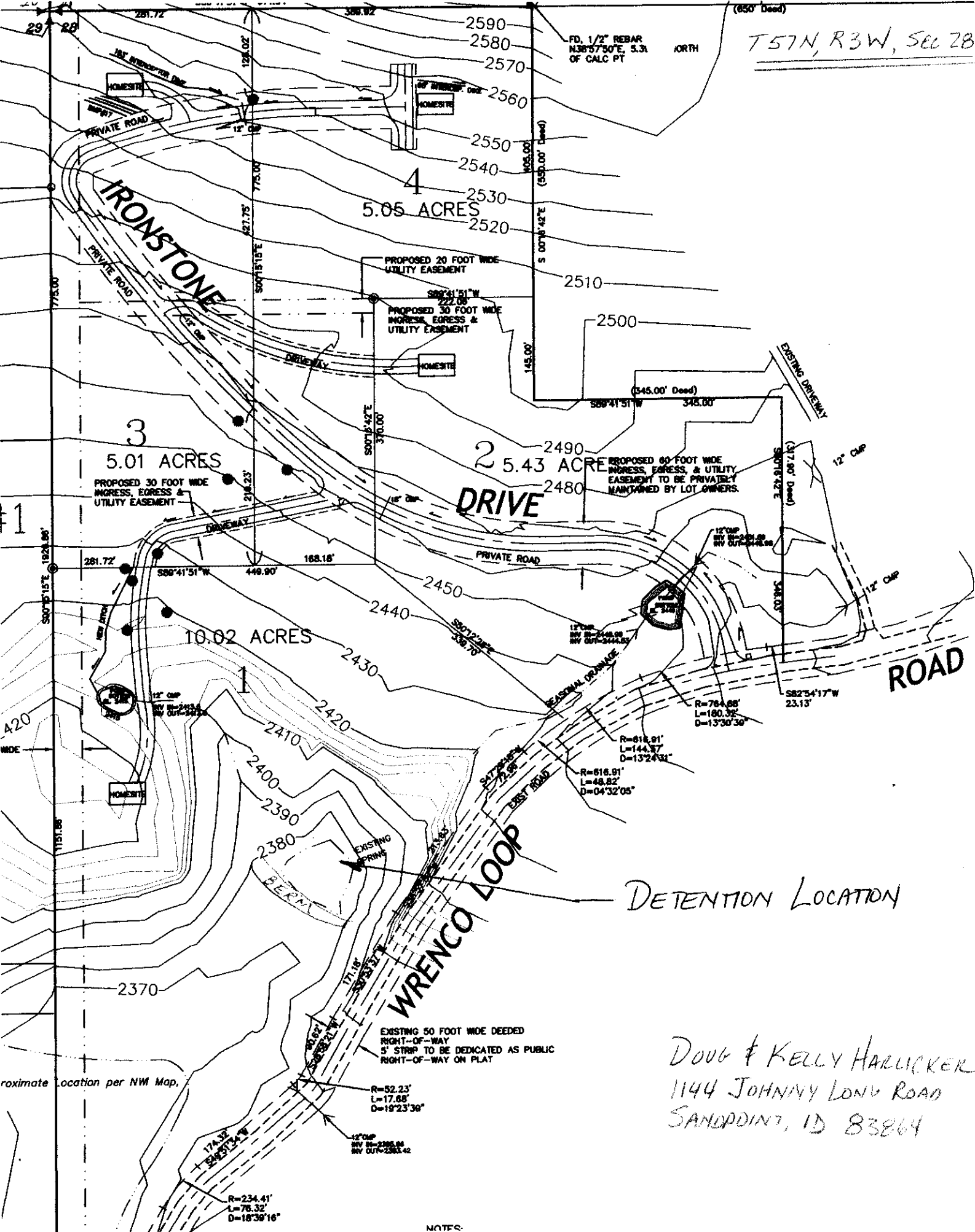
HARLICKER



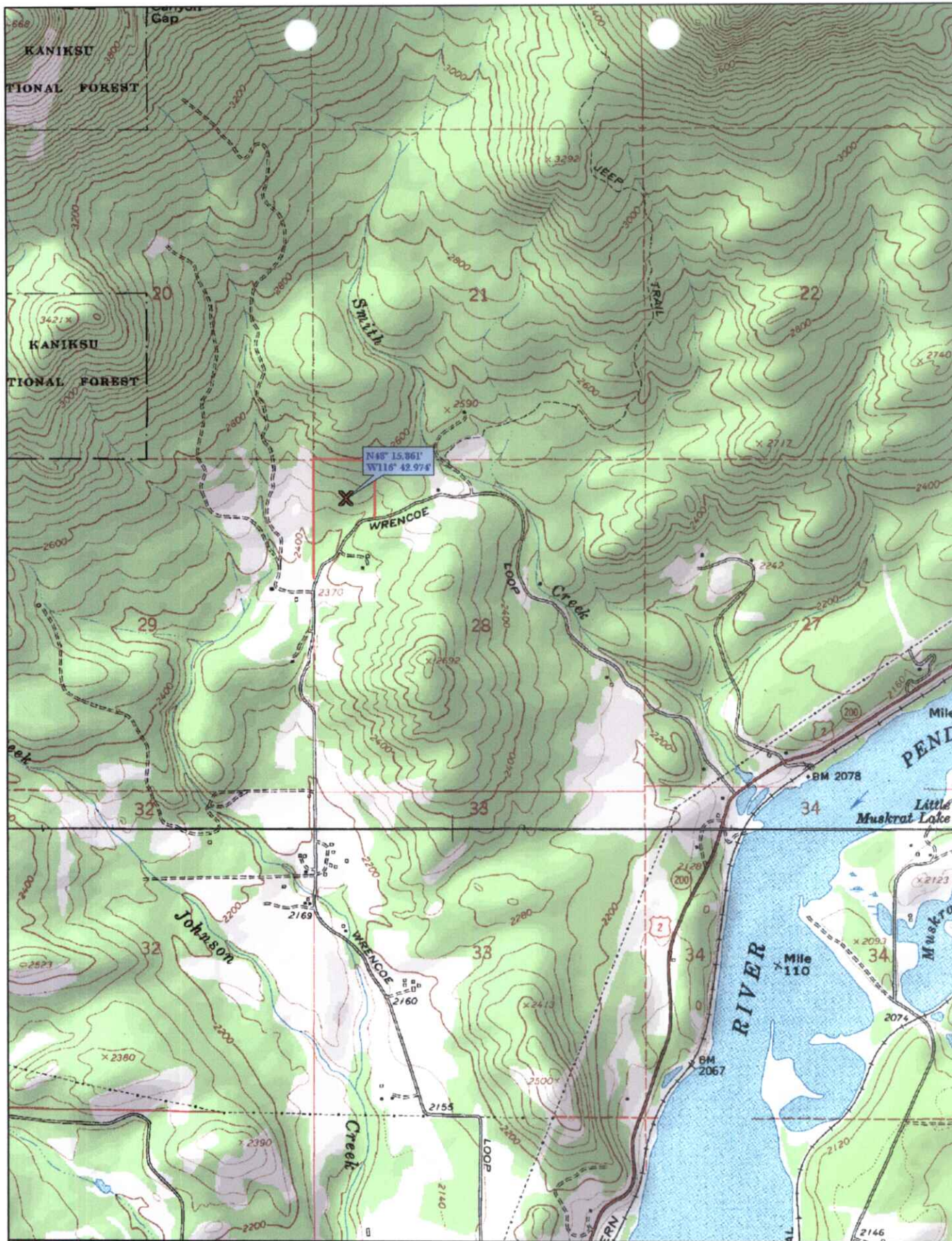
0.1 0 0.1 0.2 Miles

- Bonner taxlots
- GCDB57N03W GCDB
- Application POD
- Application POU
- Administrative BasinsAdminbas.shp





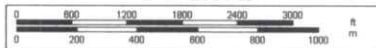
DOUG & KELLY HARLICKER
1144 JOHNNY LONG ROAD
SANDPOINT, ID 83864

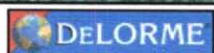
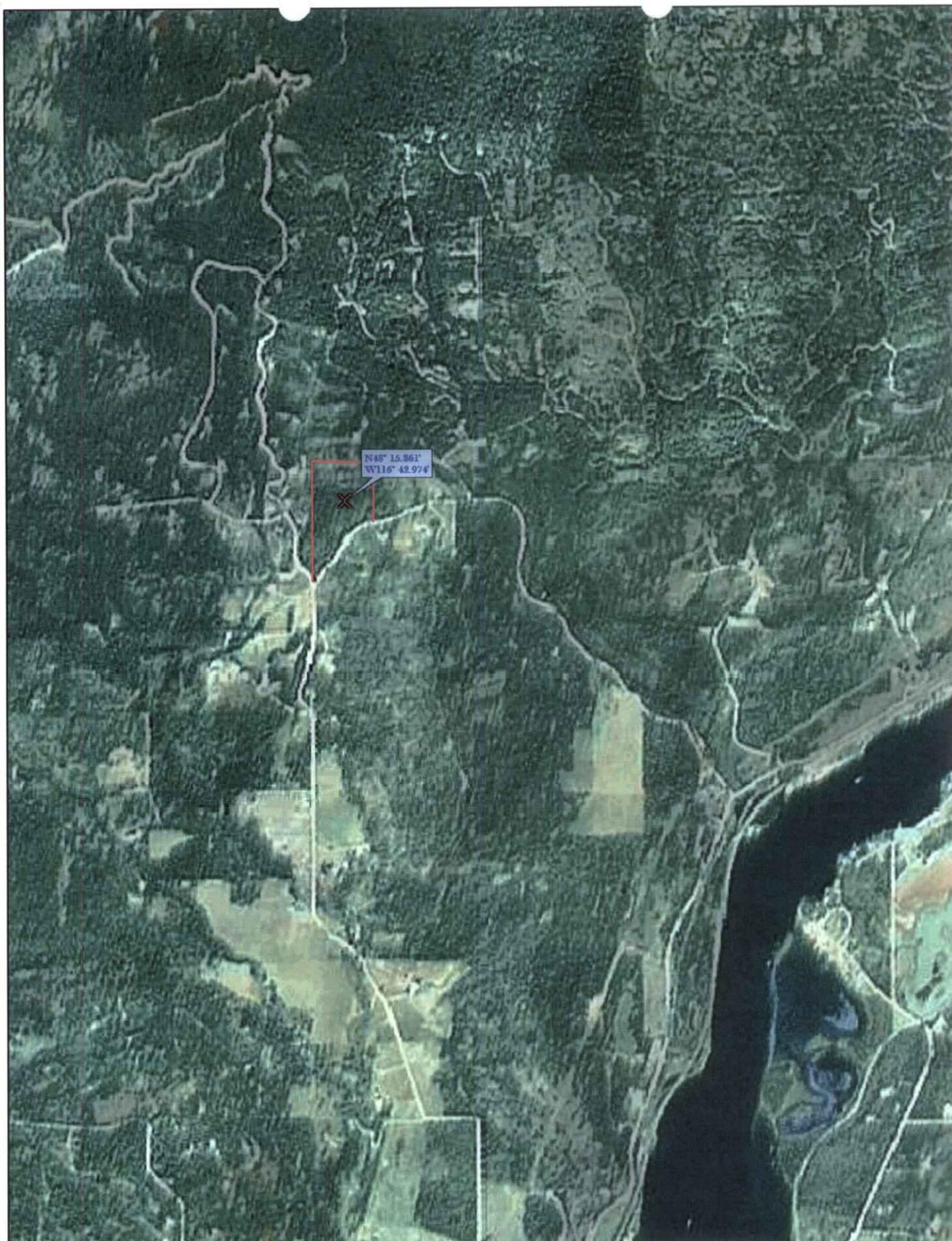


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Zoom Level: 13-0 Datum: WGS84

Scale 1 : 25,000

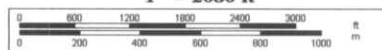
1" = 2080 ft





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Zoom Level: 13-0 Datum: WGS84

Scale 1 : 25,000
1" = 2080 ft



**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.

July 17, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

DOUG HARLICKER
KELLY HARLICKER
1144 JOHNNY LONG RD
SANDPOINT ID 83864

RE: Permit No. 96-9284

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.

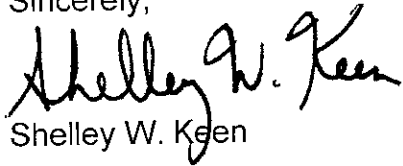
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 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 fluid and cursive, with the first name "Shelley" being the most prominent part.

Shelley W. Keen

Water Rights Supervisor

SWK:ka

Enclosure(s)

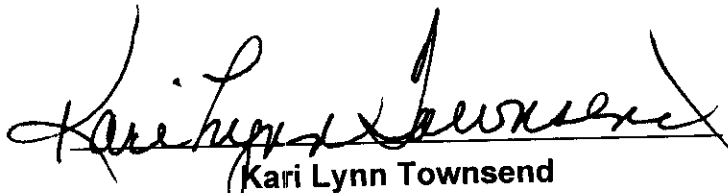
CERTIFICATE OF SERVICE

I hereby certify that on July 17, 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.

96-9284

**DOUG HARLICKER
KELLY HARLICKER
1144 JOHNNY LONG RD
SANDPOINT ID 83864**



**Kari Lynn Townsend
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: July 14, 2006
To: Water Right Files 96-9284 and 96-9285
From: Shelley Keen 
Re: Flood Control Storage Use

The applicant explained to Keith Franklin that the flood control storage use is intended to capture the peak flow from storm events to prevent erosion within the development downstream.

MEMORANDUM

Date: July 14, 2006
To: Water Right File 96-9284
From: eretelle
Re: permit review

No WD or moratorium
No Min Stream Flow

No PoD or PoU overlap

Recommend approval as suggested by IDWR Northern.

AFFIDAVIT OF PUBLICATION

RECEIVED

JUL 05 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.
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;

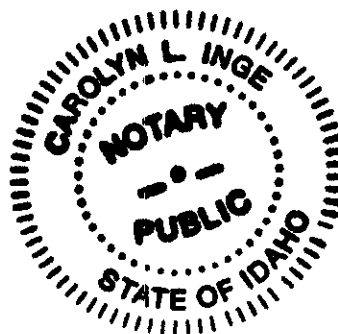
3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

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 15 day of June, 2006, and ending on the 22 day of June, 2006.

Sherilyn Jones

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this 23 day of June, 2006

Carolyn L. Inge
Notary Public
Residing at: Sandpoint
Comm. Exp.: 8/06



RECEIVED
JUL 05 2006
IDWR/North

LEGAL NOTICE

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

96-9284
DOUG HARLICKER
KELLY HARLICKER
1144 JOHNNY LONG RD
SANDPOINT ID 83864

Point(s) of Diversion SWNWNW S28 T57N R03W
BONNER County

Source UNNAMED STREAM - Tributary To JOHNSON CREEK

Use: WILDLIFE STORAGE	01/01 To 12/31	0.1 AFA
Use: FLOOD CONTROL STORAGE	01/01 To 12/31	0.1 AFA
		0.1 AFA

Date Filed: 05/26/2006
Place Of Use: FLOOD CONTROL & WILDLIFE STORAGE
T57N R03W S28 NWNW
96-9285

DOUG HARLICKER
KELLY HARLICKER
1144 JOHNNY LONG RD
SANDPOINT ID 83864

Point(s) of Diversion SENWNW S28 T57N R03W
BONNER County

Source UNNAMED STREAM - Tributary To JOHNSON CREEK

Use: FIRE PROTECTION STORAGE	01/01 To 12/31	0.1 AFA
Use: FLOOD CONTROL STORAGE	01/01 To 12/31	0.1 AFA
		0.1 AFA

Date Filed: 05/26/2006
Place Of Use: FIRE PROTECTION & FLOOD CONTROL STORAGE
T57N R03W S28 NWNW

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 07/03/2006. The protestant must also send a copy of the protest to the applicant.

Legal SNP# 7908
June 15, 22, 2006

KARL J DREHER, Director

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

96-9284

DOUG HARLICKER

KELLY HARLICKER

1144 JOHNNY LONG RD

SANDPOINT ID 83864

Point(s) of Diversion SWNWNW S28 T57N R03W

BONNER County

Source UNNAMED STREAM - Tributary To JOHNSON CREEK

Use: WILDLIFE STORAGE 01/01 To 12/31 0.1 AFA

Use: FLOOD CONTROL STORAGE 01/01 To 12/31 0.1 AFA

Total Diversion: 0.1 AFA

Date Filed: 05/26/2006

Place Of Use: FLOOD CONTROL & WILDLIFE STORAGE

T57N R03W S28 NWNW

96-9285

DOUG HARLICKER

KELLY HARLICKER

1144 JOHNNY LONG RD

SANDPOINT ID 83864

Point(s) of Diversion SENWNW S28 T57N R03W

BONNER County

Source UNNAMED STREAM - Tributary To JOHNSON CREEK

Use: FIRE PROTECTION STORAGE 01/01 To 12/31 0.1 AFA

Use: FLOOD CONTROL STORAGE 01/01 To 12/31 0.1 AFA

Total Diversion: 0.1 AFA

Date Filed: 05/26/2006

Place Of Use: - FIRE PROTECTION & FLOOD CONTROL STORAGE

T57N R03W S28 NWNW

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 07/03/2006.

The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on June 15 and 22, 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

June 07, 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. 96-9284 and 96-9285

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, June 15 and 22, 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 07/03/2006. Your cooperation is ALWAYS GREATLY appreciated.

Thank you,

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, June 07, 2006 1:50 PM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal notice for publication on June 15 and 22, 2006

Good afternoon, Sheri,

Once again, attached you will find our cover letter requesting publication of a legal notice on June 15 and 22, 2006. The legal notice is also attached.

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

PLEASE SEND ME A PROOF PRIOR TO GOING TO PRESS - TO 208-769-1454.

Thanks for all your help. You are a "jewel" to work with.

Too blessed to be stressed.

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
3-07-06 BCDB e-ma.



LegalNotice
3-07-06 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

June 07, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

DOUG HARLICKER
KELLY HARLICKER
1144 JOHNNY LONG RD
SANDPOINT ID 83864

RE: Application for Permit No 96-9284 and 96-9285

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 June 15 and 22, 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

Enclosure(s) – Receipt No. N017621 for your records.



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 1, 2006

MARY TERRA-BERNS
IDAHO DEPARTMENT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE ID 83815

FAXED TO MARY 6/1/2006
10 pages total

Re: Water Permit Applications No. 96-9284 and 96-9285 both for HARLICKER

Dear Mary:

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

We are sending these to you for your comments, and would appreciate receiving your comments by no later than **July 3, 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 these permits.

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

**Clearwater Engineering
P. O. Box 251
Sandpoint, Idaho 83864**

Phone/FAX (208) 263-9398

TRANSMITTAL LETTER

RECEIVED
MAY 26 2006
IDWR/North

DATE: May 23, 2006
TO: Keith Franklin
COMPANY: Department of Water Resources, State of Idaho
FROM: Debbie Van Dyk, P.E.
SUBJECT: Ironstone Ranch Subdivision

COMMENTS:

Attached are two Applications for Permit for Ironstone Ranch, each describing a detention pond within the subdivision. Each pond is expected to detain less than 0.20 cfs, therefore, \$200 in application fees are included.

Please call if further clarification is necessary.

Debbie Van Dyk