

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 96-09277

Priority: March 02, 2006

Maximum Diversion Volume: 1.5 AF

This is to certify, that RICHARD ZURCHER
PO BOX 92
DOVER ID 83825

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM **Tributary:** PEND OREILLE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31	1.5 AF

LOCATION OF POINT OF DIVERSION:

UNNAMED STREAM L1 (NE¼ NW¼) Sec. 32, Twp 57N, Rge 02W, B.M. BONNER County

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N 02W 32					X												
					L1												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2007**.
2. Subject to all prior water rights.
3. Wildlife storage use is 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 23rd day of May, 20 06


for KARL JOREHER, Director

RECEIVED
FORM 202
12/99

MAY 6
DEPARTMENT OF
WATER RESOURCES

Ident. No. 96-9277

72663
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

RECEIVED
MAR 02 2006
IDWR/North

1. Name of Applicant RICHARD ZURCHER Phone 208-263-2590
Mailing address PO Box 92 DOVER ID 83825
2. Source of water supply ~~MT. COOK~~ ^{Unranked stream in} DOVER CREEK which is a tributary of THE WILDLIFE STORAGE POND
3. Location of point of diversion is Township T57N Range R.2W Sec. 32, in the NE $\frac{1}{4}$,
NW $\frac{1}{4}$, Govt. Lot 1, B.M., BONNER County;
additional points of diversion if any:

4. Water will be used for the following purposes:

- Amount 1 1/2 acre ft. WILDLIFE STORAGE 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1 1/2 acre ft. and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works: WILDLIFE STORAGE

a. Describe type and size of devices used to divert water from the source NONE

b. Height of storage dam 5' ALREADY THERE feet; active reservoir capacity 1 1/2 acre-feet; total
reservoir capacity 1 1/2 acre-feet

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

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

e. If well is already drilled, when? _____; Drilling firm _____

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is _____ years (minimum 1 year)
existing pond

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. WILDLIFE STORAGE

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	
T57N	R2W	32	W				W	W											

Total number of acres to be irrigated NA

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? APPLICANT (RICHARD ZURCHER)
- b. Who owns the land to be irrigated or place of use? APPLICANT
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: NA

12. Remarks: This is an existing pond that has been here for 80 plus years (according to long term residents). The wood ducks and Mallard ducks return every year to have there offspring. We don't want that to change. With the new Dover Bay Subdivision going in, there considering diverting the creek in a few years. This will destroy this refuge. Which is the only pond in Dover. This is the reason for the water rights request.

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.

Richard Zurcher

Signature of Applicant (and title, if applicable)

Received by [Signature] Date 3/2/06 Time 1:20 P Preliminary check by [Signature] Date 3/2/06

Fee \$ 100.00 Receipted by [Signature] # NO12394

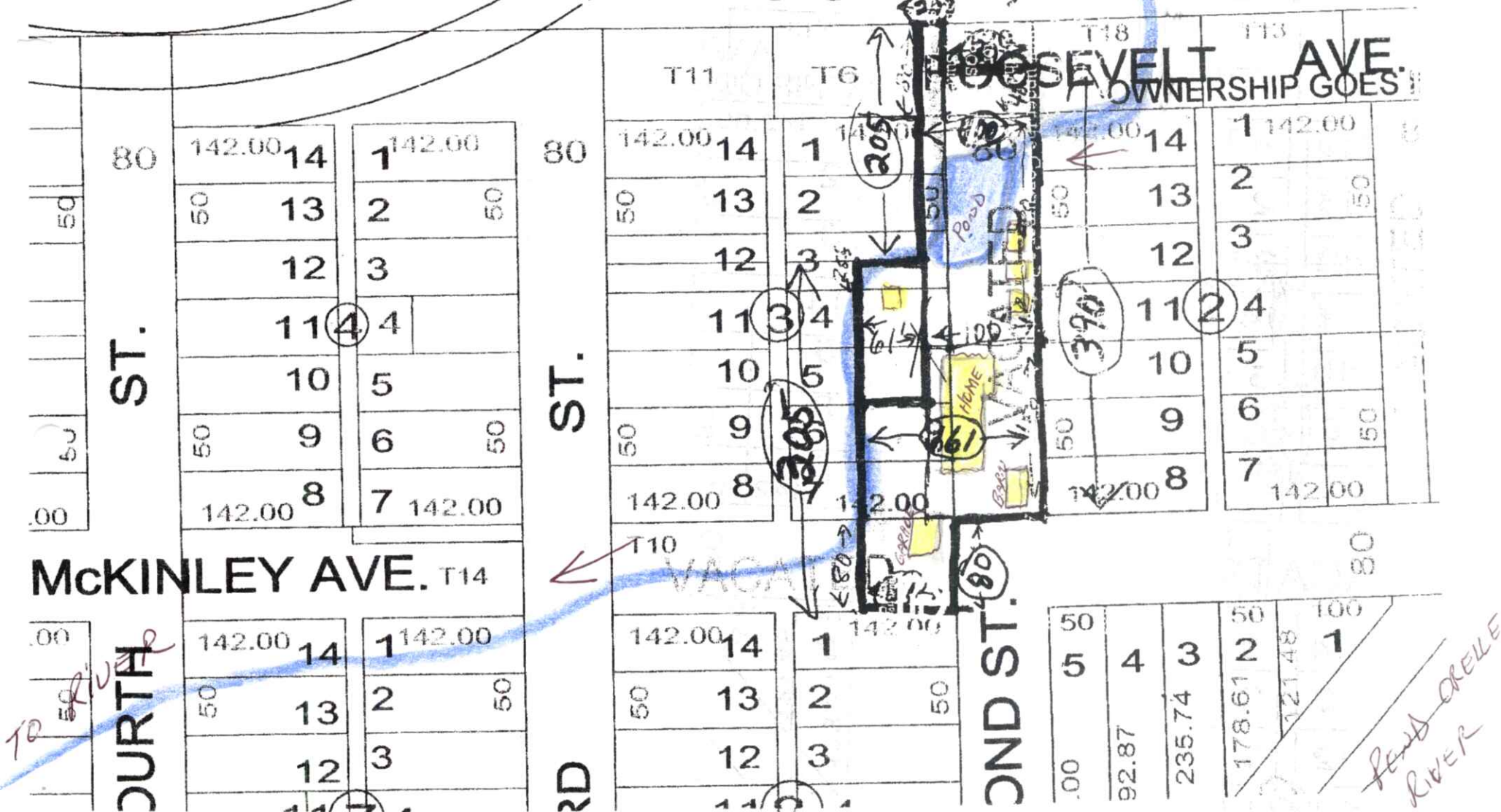
Publication prepared by CP Date 3/31/06 Published in BCDB 4/6-13/06

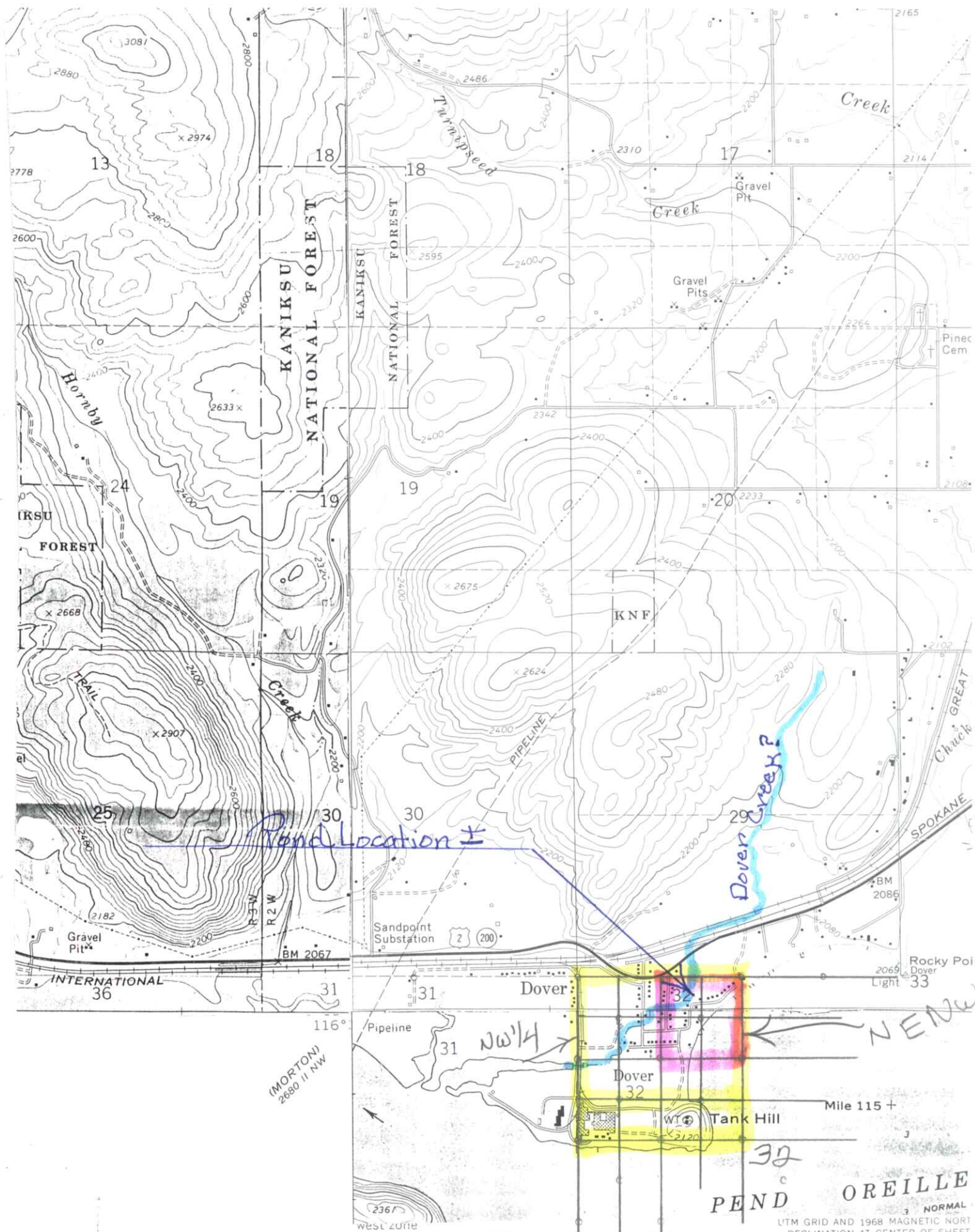
Publication approved CP Date 4/18/06

Pond size.
140' x 130'
approx. 5' deep

HWAY NO. 200

T57N, R2W S





1000-meter Universal Transverse Mercator grid ticks, zone 11, shown in blue

Red tint indicates areas in which only landmark buildings are shown

Fine red dashed lines indicate selected fence lines

POND OREILLE
NORMAL
LTM GRID AND 1968 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

30

GREG TAYLOR,

THIS IS THE ONLY MAP
WE COULD FIND, SO I DREW A LINE
TO SHOW WHERE THE CREEK & POND IS.

RICHARD

RECEIVED
MAR 02 2006
IDWR/North

29

CREEK

POND

NEW
DOVER
SUBDIVISION

32

31

ZURCHER



- Bonner taxlots
- GCDB57N02W GCDB
- Application POD
- Application POU



0.09 0 0.09 0.18 Miles

**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.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 23, 2006

RICHARD ZURCHER
PO BOX 92
DOVER ID 83825

RE: Permit No. 96-9277

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,

for Kari Lynn Johnson

Shelley W. Keen

Water Rights Supervisor

SWK:klt

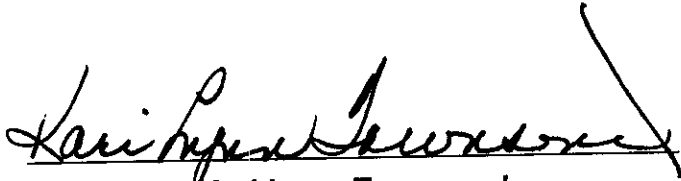
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 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. 96-9277

RICHARD ZURCHER
PO BOX 92
DOVER ID 83825



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.



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

May 15, 2006

MARY TERRA BERNES
IDAHO DEPARTMENT OF FISH & GAME
2750 KATHLEEN AVE.
COEUR D'ALENE, ID 83815

FAXED TO MARY 5/15/06
4 pages total

Re: Water Permit Application No. 96-9277

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 one and several others came in while I was off again for medical leave, and some of the steps in the process fell by the wayside.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **May 22, 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 Dianne.Ball@idwr.idaho.gov.

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

Thanks for your attention to some of these coming to you this week for quick turn-around. I appreciate your help.

Sincerely,

Dianne Ball
Administrative Assistant

MEMORANDUM

Date: May 12, 2006
To: Water Right File 96-9277
From: eretelle
Re: permit review

Not in any WD or restricted area.
No min stream flow

No protest
No overlap

Recommend approval as suggested by IDWR Northern.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

) ss.

County of Bonner)

Shenlyn 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 6 day of Apr, 2006 and ending on the 13 day of Apr, 2006.

Shenlyn Jones

RECEIVED
APR 18 2006
IDWR/North

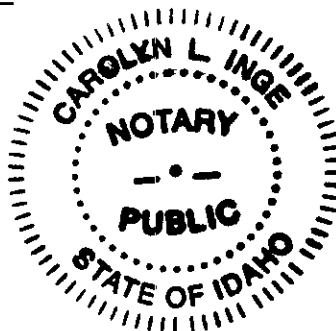
SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this 17 day of April, 2006.

Carolyn L. Inge

Notary Public

Residing at: Sandpoint

Comm. Exp.: 8/06



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

96-9277

RICHARD ZURCHER
PO BOX 92
DOVER ID 83825
Point(s) of Diversion L1 (NENW) S32 T57N R02W BONNER County
Source UNNAMED STREAM Tributary To PEND OREILLE RIVER
Use: WILDLIFE STORAGE 01/01 To 12/31 1.5 AFA
Total Diversion: 1.5 AFA
Date Filed: 03/02/2006
Place Of Use: WILDLIFE STORAGE
T57N R02W S32 NENW Lot 1

96-9279

DAVID GEORGE
KATHLEEN GEORGE
1635 BAKERSFIELD ST
LEMON GROVE CA 91945
Point(s) of Diversion SENE S6 T55N R02W BONNER County
Source COCOLALLA CREEK Tributary To COCOLALLA LAKE
Use: IRRIGATION 03/15 To 11/15 0.03 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.07 CFS
Date Filed: 03/28/2006
Place Of Use: DOMESTIC & IRRIGATION
T55N R02W S6 SENE
Number of Acres 2

96-9280

MICHAEL L COLE
CHERYL A COLE
1459 SAGLE CREEK RD
SAGLE ID 83860
Point(s) of Diversion NENW S30 T56N R01W BONNER County
Source FRY CREEK Tributary To SAGLE SLOUGH
Use: WILDLIFE STORAGE 01/01 To 12/31 7.2 AFA
Use: RECREATION STORAGE 01/01 To 12/31 7.2 AFA
Total Diversion: 7.2 AFA

Date Filed: 03/27/2006
Place Of Use: RECREATION STORAGE & WILDLIFE STORAGE
T56N R01W S30 NENW

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 04/24/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on April 6 & 13 2006

Legal SNP#7745
April 6, 13, 2006

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

96-9277

RICHARD ZURCHER

PO BOX 92

DOVER ID 83825

Point(s) of Diversion L1 (NENW) S32 T57N R02W BONNER County

Source UNNAMED STREAM Tributary To PEND OREILLE RIVER

Use: WILDLIFE STORAGE 01/01 To 12/31 1.5 AFA

Total Diversion: 1.5 AFA

Date Filed: 03/02/2006

Place Of Use: WILDLIFE STORAGE

T57N R02W S32 NENW Lot 1

96-9279

DAVID GEORGE

KATHLEEN GEORGE

1635 BAKERSFIELD ST

LEMON GROVE ID 91945

Point(s) of Diversion SENE S6 T55N R02W BONNER County

Source COCOLALLA CREEK Tributary To COCOLALLA LAKE

Use: IRRIGATION 03/15 To 11/15 0.03 CFS

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

Total Diversion: 0.07 CFS

Date Filed: 03/28/2006

Place Of Use: DOMESTIC & IRRIGATION

T55N R02W S6 SENE

Number of Acres 2

96-9280

MICHAEL L COLE

CHERYL A COLE

1459 SAGLE CREEK RD

SAGLE ID 83860

Point(s) of Diversion NENW S30 T56N R01W BONNER County

Source FRY CREEK Tributary To SAGLE SLOUGH

Use: WILDLIFE STORAGE 01/01 To 12/31 7.2 AFA

Use: RECREATION STORAGE 01/01 To 12/31 7.2 AFA

Total Diversion: 7.2 AFA

Date Filed: 03/27/2006

Place Of Use: RECREATION STORAGE & WILDLIFE STORAGE

T56N R01W S30 NENW

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 04/24/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on April 5 & 12 2006



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

March 31, 2006

Sheri Jones
Legal Notice Department
BONNER COUNTY DAILY BEE
PO BOX 159
SANDPOINT ID 83864

RE: Application for Permit No. 96-9277 , 96-9279 & 96-9280

Please fax proof copy before this goes to press, to 208-769-1454
Thanks, Christy

Dear Sheri:

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 04/24/2006. Your cooperation is appreciated.

Sincerely

Christy Phillips
Clerk

Haynes, Bob

To: sjones@bonnercountydaileybee.com

Hi Sheri,
sorry this is late I m just learning what to do but
attached is our cover letter requesting publication of a legal notice on April 6 & 13 2006. The legal notice is attached also.

If you have any questions please call me at 208-769-1450 and **please fax me a proof copy** before this goes to press, at
208-769-1454

thanks have a good day,

Christy Phillips
clerk
Id Dept of Water Resources
1910 Northwest Blvd suite 210
Coeur d Alene Id 83814



coverletter bc
3-31-2006.doc



LegalNotice bc
3-31-2006.RTF



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

March 31, 2006

RICHARD ZURCHER
PO BOX 92
DOVER ID 83825

RE: Application for Permit No 96-9277

Dear Applicant:

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

A legal notice of the application has been prepared and is scheduled for publication in the Bonner County Daily Bee on April 6 & 13 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