

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09128

Priority: April 08, 2003

Maximum Diversion Rate: 0.04 CFS

This is to certify, that DALE ROCKWELL
812 SYRINGA HEIGHTS
SANDPOINT ID 83864

has applied for a permit to appropriate water from:

Source: LAKE PEND OREILLE **Tributary:** PEND OREILLE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT OF DIVERSION:

LAKE PEND OREILLE L5 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 33, Twp 57N, Rge 01W, B.M., BONNER County

PLACE OF USE: DOMESTIC

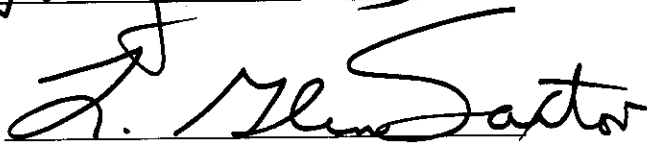
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
57N	01W	33																	

L 5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2004**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. A fish screen of $\frac{1}{4}$ inch or smaller mesh shall be installed and maintained at the point of diversion.
5. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
6. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 1st day of July, 2003.


for **KARL J DREHER, Director**

MICROFILMED

DEC 03 2003

70519

Ident. No. 96-9128

RECEIVED
JUN 28 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
APR 08 2003
IDWR/North

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of Applicant DAU ROCKWELL Phone 203-265-2455
Mailing address 812 Syringa HTS SANDPOINT ID 83864
2. Source of water supply LAKE PEND ORILL which is a tributary of PEND ORILL RIVER
3. Location of point of diversion is Township S7N Range 1W Sec. 33, in the SE $\frac{1}{4}$,
SW $\frac{1}{4}$, Govt. Lot 5, B.M., Bonner County;

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 0.04 cfs for Domestic purposes from 4/1 to 12/31 (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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.04 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works: Submersible pump

a. Describe type and size of devices used to divert water from the source 1/2 hp submersible pump
on a 1 1/4" line

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

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

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

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

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

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

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. Booths Bay

d. Domestic; show number of households. one cabin

e. Other; describe fully. _____

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9. Description of place of use:

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

GOVT. LOT 5

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>S7N</u>	<u>1W</u>	<u>33</u>																	

Total number of acres to be irrigated 0

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? Dale Rockwell
- b. Who owns the land to be irrigated or place of use? Dale Rockwell
- 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.

Dale Rockwell

Signature of Applicant (and title, if applicable)

Received by do Date 4/8/03 Time 3:48P Preliminary check by RB

Fee \$ 100.00 Receipted by do # N015559 Date 4/8/03

Publication prepared by do Date 4/9/03 Published in Banner Co. Daily Bee 4/17 & 24/03

Publication approved do Date 4/28/03

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DEC 03 2003

539

540 27' 30"

541

542

543

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APR 08 2003

IDWR/North

KANIKSU

NATIONAL FOREST

BOTTLE P.O.W.
point of diversion
BAY

NEWMAN

KANIKSU
NAT FOR

KANIKSU

NATIONAL FOREST

Landing
Strip

Providence
Lake

Newman
Sch

T57 N
R1 W

MICROFILMED
DEC 03 2003

Garfield

2703T

2135T

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 2, 2003

DALE ROCKWELL
812 SYRINGA HEIGHTS
SANDPOINT ID 83864

RE: Permit No. 96-9128

Permit Approval Notice

Dear Permit Holder:

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

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

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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

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

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DEC 03 2003

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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DEC 03 2003

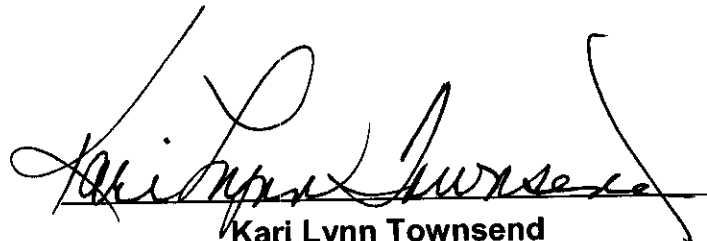
CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2003 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.

96-9128

**DALE ROCKWELL
812 SYRINGA HEIGHTS
SANDPOINT ID 83864**



**Kari Lynn Townsend
Secretary**

**MICROFILMED
DEC 03 2003**

**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

To: File 96-9128

From: Kay Walker

Date: July 1, 2003

Re: Fish & Game Comments

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

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

I also noticed that the applicant stated he owned the property at point of diversion and place of use. Since this permit is right on Lake Pend Oreille and Fish and Game is requiring an encroachment permit, I have conditioned the permit that it does not grant any right of way or easement across the land of another.

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DEC 03 2003



IDAHO FISH & GAME

PANHANDLE REGION
2750 Kathleen Avenue
Coeur d'Alene, Idaho 83815

Dirk Kempthorne/Governor
Steven M. Huffaker/Director

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

E on computer

April 18, 2003

RECEIVED

APR 23 2003

IDWR/North

Dear Mr. Haynes:

REFERENCE: WATER RIGHT APPLICATION: # 96-9128 ROCKWELL

We have reviewed the above named application for a water right. Dale Rockwell requests 0.4 cfs from Bottle Bay, Lake Pend Oreille for domestic use.

IDFG does not object to the requested appropriation. However, water lines and pumps are an encroachment in lakes and rivers that can be detrimental to fish and fish habitat. The applicant should obtain necessary encroachment permits from Idaho Department of Lands before installing diversion structures, water lines or pumps in state waters.

We recommend that applicants install lines beneath the lake, river or stream 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.

Diversions or water intakes should be screened to prevent entrainment or impingement of fish. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.

Thank you for the opportunity to comment.

Sincerely,

Greg Tourlotte
Regional Supervisor

GIT:RH:kh

C: IDFG NRPB, Boise

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DEC 03 2003

File: IDWR WR #96-9128 rockwell, lpo

Keeping Idaho's Wildlife Heritage

AFFIDAVIT OF PUBLICATION RECEIVED

State of Idaho

APR 28 2003

ss.

IDWR/North

County of Bonner,

Sherrilyn Jones

being first duly sworn on oath

deposes and says that he/she is

Bookkeeper

of the Bonner County Daily Bee, a newspaper printed and published at Sandpoint, Bonner County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Bonner County during a period of 12 months prior to the first publication of the hereto attached

notice of publication in the case of:

Notice of Application

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 17 day of Apr., 2003 and ending on the 24 day of Apr., 2003 and that said notice was published in said newspaper.

On this 24 day of April in the year of 2003, before me, a Notary Public, personally appeared *Sherrilyn Jones*, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

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

96-9128

DALE ROCKWELL

812 SYRINGA HTS

SANDPOINT ID 83864

Point(s) of Diversion L5 (SESW) S33 T57N R01W BONNER County

Source LAKE PEND OREILLE Tributary To PEND OREILLE RIVER

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

Total Diversion:

0.04 CFS

Date Filed: 04/08/2003

Place Of Use: DOMESTIC

T57N R01W S33 SESW Lot 5

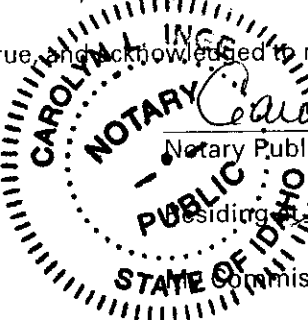
Remark: Domestic use is for 1 cabin.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 05/05/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal SNP#4225 - April 17, 24, 2003



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DEC 03 2003

4225

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, April 09, 2003 4:43 PM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal Notice for publication on April 17 and 24, 2003



Hello there, angel, and a very happy day to you.

I am attaching a copy of my cover letter to you as well as a copy of the legal notice we wish to have published on 4/17 and 4/24/03.

If you have any problems opening them, or preparing them for publication, please let me know right away.

Thanks bundles, and keep smiling, because:

A smile is a light in the window of your face that shows that your heart is home.

Dianne

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

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DEC 03 2003

4/9/2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 09, 2003

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

e-mailed to Sheri Jones 4/9/03

PLEASE FAX PROOF PRIOR TO PUBLICATION

RE: Application for Permit No. 96-9128

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, April 17 and 24, 2003, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 05/05/2003. Your cooperation is GREATLY appreciated, as always.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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DEC 03 2003

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

96-9128

DALE ROCKWELL
812 SYRINGA HTS
SANDPOINT ID 83864

Point(s) of Diversion L5 (SESW) S33 T57N R01W BONNER County
Source LAKE PEND OREILLE Tributary To PEND OREILLE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 04/08/2003

Place Of Use: DOMESTIC

T57N R01W S33 SESW Lot 5

Remark: Domestic use is for 1 cabin.

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

Any protest against the approval of this application must be filed with the
Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite
210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each
application on or before 05/05/2003. The protestant must also send a copy of
the protest to the applicant.

KARL J DREHER, Director

Published on April 17 and 24, 2003

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DEC 03 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 09, 2003

DALE ROCKWELL
812 SYRINGA HTS
SANDPOINT ID 83864

RE: Application for Permit No 96-9128

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Bonner County Daily Bee on April 17 and 24, 2003. 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,

A handwritten signature in cursive script that reads "Allen Beardslee".

Allen Beardslee
Senior Water Resource Agent

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REC 9 3 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 **Fax (208) 769-1454**

April 09, 2003

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RAY HENNEKEY
STATE OF IDAHO
DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

*Forwarded to Ray 4/9/03
5 Pages Total*

Application to Permit No. 96-9128 - ROCKWELL

Dear Ray:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within two weeks of date you receive this request, before April 25, 2003. If you prefer to respond by e-mail, my e-mail address is dball@idwr.state.id.us.

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

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure(s)

MICHAEL BALL

APR 09 2003