

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09059

Priority: November 02, 2000

Maximum Diversion Rate: 0.10 CFS

This is to certify, that STEVE P ADAMS
122 WOODVIEW RD
SANDPOINT ID 83864

has applied for a permit to appropriate water from:

Source: TURNIPSEED CREEK **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>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	1/01 to 12/31		0.6 AF
DIVERSION TO STORAGE	1/01 to 12/31	0.10 CFS	

LOCATION OF POINT(S) OF DIVERSION:

TURNIPSEED CREEK SE¼NE¼ Sec. 18, Twp 57N, Rge 02W, B.M. BONNER County

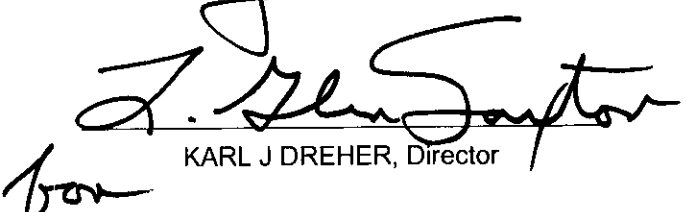
PLACE OF USE: RECREATION STORAGE

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 18				X													

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 1, 2004.**
2. Subject to all prior water rights.
3. 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 28th day of May, 2003


KARL J DREHER, Director

MICROFILMED

DEC 9 3 2003

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)	
FOR PERMIT NO. 96-9059 IN THE)	PRELIMINARY ORDER
NAME OF STEVE P. ADAMS)	
_____)	

This matter having come before the Idaho Department of Water Resources ("Department") in the form of a protested application for permit and the Department having held a conference and a hearing in the matter, the hearing officer enters the following Findings of Fact, Conclusions of Law and Preliminary Order:

FINDINGS OF FACT

1. On November 2, 2000, Steve P. Adams ("applicant") submitted Application for Permit No. 96-9059 ("application") to the Department proposing the diversion of 0.10 cubic feet per second ("cfs") of water from Turnipseed Creek tributary to the Pend Orielle River to be stored year-round in a small pond for recreation (fishing and swimming) purposes. The proposed point of diversion and place of use are located in SE1/4NE1/4 Section 18, T57N, R2W, B.M., Bonner County, Idaho.

(Note: The "1/4" designations will be omitted from subsequent legal descriptions in this order).

2. The Department published notice of the application that was subsequently protested by James M. Ford.

3. On April 23, 2003, the Department conducted a hearing in the matter in Sandpoint, Idaho. The applicant was present and represented himself. The protestant was present and represented himself.

4. Issues the Department can consider in this matter are as follows:
- a. Whether the appropriation will reduce the quantity of water under existing water rights;
 - b. Whether the water supply itself is insufficient for the purpose for which it is sought to be appropriated;
 - c. Whether the application is made in good faith, or is made for delay or speculative purposes;
 - d. Whether the applicant has sufficient financial resources with which to complete the work involved therein;
 - e. Whether the proposed appropriation will conflict with the local public interest; and

- f. Whether the proposed appropriation is contrary to conservation of water resources within the state of Idaho.
5. Neither the applicant nor the protestant offered exhibits for admission as a part of the hearing record.
6. Using his own equipment, the applicant has excavated a low spot on his property adjacent to a Bonner County road in order to provide for a pond. The pond filled naturally with ground water. During the spring of the year, the pond captures and impounds some overland flow of water from adjacent land. A specific surface water source such as a spring or stream, however, does not presently provide water to the pond. The applicant seeks water from Turnipseed Creek in order to keep the water in the pond fresh and from becoming stagnant. He proposes a "flow through" system that will return water diverted from the creek back to the creek with the loss being only the amount of water that evaporates or seeps into the ground.
7. The applicant has obtained approval from the county to cross the road right-of-way in order to construct a point of diversion and pipeline from Turnipseed Creek to his pond. The pipeline will be about 200 feet long and will be buried 3 to 4 feet deep.
8. The protestant is concerned that the applicant has changed parts of the original application for permit from the original application submittal, believes the pond is partially located on property owned by Bonner County, believes the pond could pose a danger to cars that might slide into the pond, and believes the pond will be a source of mosquitoes in the area.
9. The protestant lives several miles from the applicant's pond, does not use water from Turnipseed creek and does not have water rights from the creek.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides in pertinent part as follows:

In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of

the department of water resources may reject such application and refuse issuance of a permit therefor. . . .

2. The use of water proposed by the applicant is essentially non-consumptive in nature and will not reduce the quantity of water under existing water rights.

3. The water supply itself is sufficient for the purposes intended.

4. The application is made in good faith and not for delay or speculative purposes.

5. The applicant has constructed most of the facilities associated with the proposed appropriation of water and has sufficient financial resources with which to complete the project.

6. The application does not conflict with the local public interest.

7. The application is essentially non-consumptive and is not contrary to the conservation of water resources within Idaho.

8. The issuance of a permit by the Department does not grant the right to use the land of another party nor a right-of-way across land not owned by the applicant.

9. The Department should approve the application with certain conditions.

ORDER

IT IS THEREFORE hereby ORDERED that Application for Permit No. 96-9059 in the name of Steve P. Adams is **APPROVED** subject to the following conditions:

1. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before **June 1, 2004**.

2. The issuance of this right does not grant any right-of-way or easement across the land of another.

Signed this 7th day of May, 2003.


L. GLEN SAXTON, P.E.
Hearing Officer

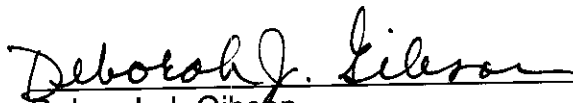
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of May, 2003, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

JAMES M FORD
855 WOOD VIEW ROAD
SANDPOINT ID 83864

STEVE P ADAMS
122 WOODVIEW RD
SANDPOINT ID 83864

BOB HAYNES – NORTHERN REGION
IDAHO DEPT. OF WATER RESOURCES
1910 NORTHWEST BLVD STE 210
COEUR D' ALENE ID 83814-2615



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Ident. No. 96-09059

68781

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant STEVE P. ADAMS Phone 2082633809
Mailing address 122 WOODVIEW RD SANDPOINT IDAHO 83864
2. Source of water supply TURNIPSEED CREEK which is a tributary of PEND ORIELLE RIVER
3. Location of point of diversion is Township 57N Range 2W Sec. 18, in the SE 1/4, SE 1/4, NE 1/4, Govt. Lot , B.M., BONNER County;
additional points of diversion if any:
4. Water will be used for the following purposes: DIVERSION TO STORAGE
Amount 0.10 CFS for WATER FLOW THROUGH A POND purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum) STORAGE FOR RECREATION
Amount 0.56 for purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum) purposes from to (both dates inclusive)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum) purposes from to (both dates inclusive)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum) purposes from to (both dates inclusive)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.10 CFS and/or (b) 0.56
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source 4" PVC PIPE FROM STREAM
TO POND, WATER THEN FLOWS BACK INTO THE STREAM
b. Height of storage dam 9' feet; active reservoir capacity 0.56 acre-feet; total
reservoir capacity 0.56 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.
d. Domestic; show number of households.
e. Other; describe fully. Recreation use is for fishing & swimming

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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.

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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57	2W	18				~~R~~													~~R~~
						R	(STORAGE)												

Total number of acres to be irrigated 5

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? STEVE P. ADAMS

b. Who owns the land to be irrigated or place of use? STEVE P. ADAMS

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: THIS SYSTEM WILL RETURN MOST ALL OF THE DIVERTED WATER TO THE CREEK, LESS SEEPAGE AND EVAPORATION.

SP 11/26/02

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.

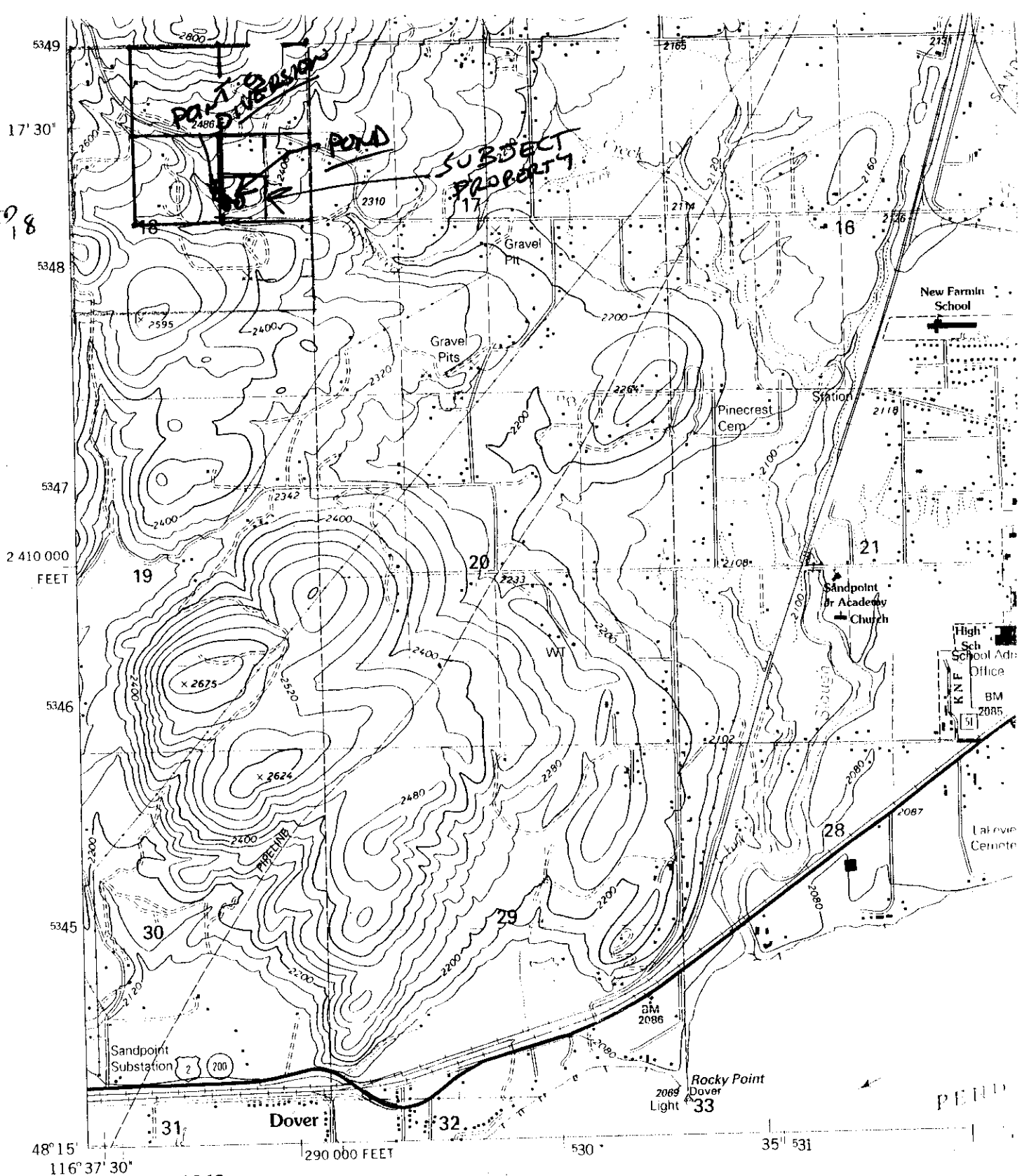
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11/2/00 db
10/3/00

Steve P. Adams
Signature of Applicant (and title, if applicable)

Received by db Date 11/2/00 Time 1:05 P Preliminary check by JP
Fee \$ 100.00 Receipted by db # N013981 Date 10/3/00
Publication prepared by db/db Date 11/8/00/27/01 Published in CDA Press 11/16 + 23/00
Publication approved db Date 12/4/00/3/5/01 2/15 + 22/01

SEE
ENLARGED
SECTION 18
MAP.



the United States Geological Survey 1968
USDA Forest Service 1996

dated 1966. Planimetry derived from Imagery taken 1992
System and survey control current as of 1996

Datum of 1927 (NAD 27). Projection and 10 000-foot ticks:
system, west zone (transverse Mercator)

Universal Transverse Mercator ticks, zone 11

Datum of 1983 (NAD 83) is shown by dashed corner ticks
shift between NAD 27 and NAD 83 for 7.5-minute
obtainable from National Geodetic Survey NADCON software

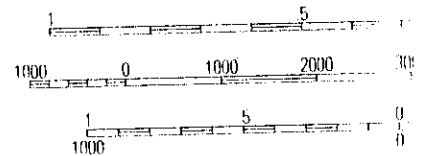
al Forest System lands within the National Forest
may exist in other National or State reservations

Legal land line or ownership document. Public lands are
and leasing, and may have access restrictions; check
Obtain permission before entering private lands

UTM GRID AND 1996 MAGNETIC NORTH
DECLINATION AT CENTER OF

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SUPPLEMENT
NATIONAL
TO CONVER

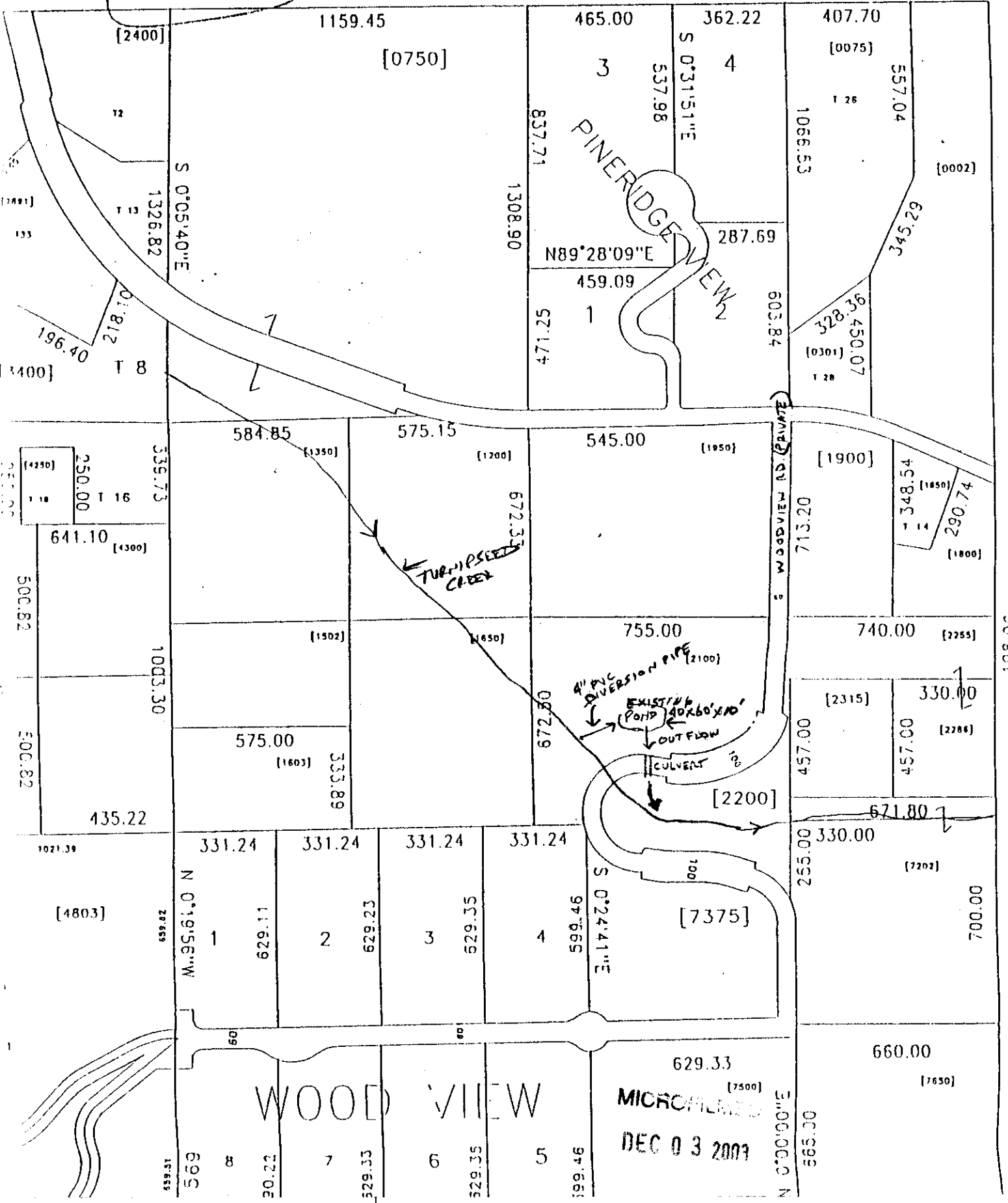
THIS MAP COMPILED
FOR SALE BY U.S. GEOLOGIC/

TO: TIM



7N,R2W

SEC. 18



**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

May 28, 2003

STEVE P ADAMS
122 WOODVIEW RD
SANDPOINT ID 83864

RE: Permit # 96-9059

Dear Water Right Holder(s):

Enclosed please find a copy of the above referenced approved permit.

If you have any questions regarding this matter, please call me at 327-5452.

Sincerely,

Sharla R. Curtis
Sr. Water Resource Agent

SRC:klt

Enclosure

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U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees
Sent To
Street
City, State, ZIP+4[®]
PS Form 3811, July 1999

5/7/03
Postmark Here
MICROFILMED
DEC 03 2003

STEVE P ADAMS
122 WOODVIEW RD
SANDPOINT ID 83864

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees
Sent To
Street
City, State, ZIP+4[®]
PS Form 3811, July 1999

5/7/03
Postmark Here
MICROFILMED
DEC 03 2003

JAMES M FORD
855 WOOD VIEW RD
SANDPOINT ID 83864

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, a. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

STEVE P ADAMS
122 WOODVIEW RD
SANDPOINT ID 83864

96-9059

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Name) B. Date of Delivery
STEVE P. ADAMS
C. Signature
X
D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)
7000 1670 0011 3313 9208

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, a. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JAMES M FORD
55 WOOD VIEW RD
SANDPOINT ID 83864

96-9059

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Name) B. Date of Delivery
J. FORD
C. Signature
X
D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)
7000 1670 0011 3313 9215

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952



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

May 7, 2003

Re: In the matter of Application for Permit No. 96-9059 in the name of Steve P. Adams

Dear Interested Parties:

The Department of Water Resources (department) has issued the enclosed **Amended Preliminary Order** pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.**

Please note that water right owners are required to report any change of water right ownership and/or change of 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 our homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at (208) 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

c: IDWR - Regional Office Manager

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DEC 03 2003

**RESPONDING TO PRELIMINARY ORDERS ISSUED
BY THE IDAHO DEPARTMENT OF WATER RESOURCES**

The accompanying order is a **Preliminary Order** issued by the Idaho Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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.

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DEC 03 2003

CERTIFICATE OF SERVICE

All exceptions, briefs, request 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 Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 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.

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DEC 03 2003

State of Idaho
Department of Water Resources



ROSTER OF ATTENDANCE

IN THE MATTER OF APPLICATION FOR PERMIT NO. 96-9059
IN THE NAME OF STEVE P. ADAMS

Date: apr 23, 2003
Time: 8:00 a.m.
Location: Sandpoint, ID

Hearing Officer: L. Glen Saxton

*** Please Print ***

NAME	ADDRESS	REPRESENTING (Applicant, Protestant)
J. FORD	855 WOODVIEW RD	P
A. FORD	855 WOODVIEW RD	P
STEVE ADAMS	122 WOODVIEW RD SANDPOINT ID.	APPLICANT

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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 4, 2003

JAMES M FORD
855 WOOD VIEW ROAD
SANDPOINT ID 83864

RE: APPLICATION FOR PERMIT NO. 96-0959 - STEVE P. ADAMS

Dear Mr. Ford:

Enclosed are copies of the Rules of Procedure and the Water Appropriation Rules referenced in your letter.

The Idaho Code is available at the public library.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Haynes".

Robert G. Haynes, P.E.
Regional Manager

/db

Enclosures

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DEC 03 2003

James M. Ford
855 Wood View Road
Sandpoint, Idaho 83864

RECEIVED
APR 04 2003
IDWR/North

Robert G. Haynes, Regional Supervisor
State of Idaho
Department of Water Resources
Northern Region Office
1910 Northwest Blvd – Suite 210
Coeur d'Alene, Idaho 83814-2676

April 2, 2003

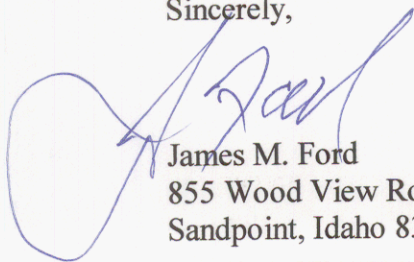
IN THE MATTER OF APPLICATION
FOR PERMIT NO. 96-9059
IN THE NAME OF STEVE P. ADAMS

NOTICE OF HEARING:

Please provide a copy of the provisions of Chapter 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45 as provided for in your letter of 31 March, 2003.

Also request copy of IDAP Rule of Procedure 37.01.01606 providing for a copy of exhibits be provided to each party and the presiding officer.

Sincerely,



James M. Ford
855 Wood View Road
Sandpoint, Idaho 83864

cc: L.Glen Saxton, Presiding Hearing Officer

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DEC 03 2003

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services. 96-9059
- Complete items 3 and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

STEVE P ADAMS
122 WOODVIEW RD
SANDPOINT ID 83864

MICROFILM

4a. Article Number

7099 3220 0005 8955 8912

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

4-9-03

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services. 96-9059
- Complete items 3 and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JAMES M FORD
855 WOODVIEW RD
SANDPOINT ID 83864

RECEIVED
APR 04 2003
Post Office North

4a. Article Number

7099 3220 0005 8955 8929

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

4/2

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

|

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 96-9059)
IN THE NAME OF STEVE P. ADAMS)

NOTICE OF HEARING

On November 2, 2000, STEVE P ADAMS (applicant) filed with the Department of Water Resources (department), application for permit No. 96-9059. The application was protested by JAMES M FORD. The conference held by the department on June 26, 2002, did not resolve the matter of protest.

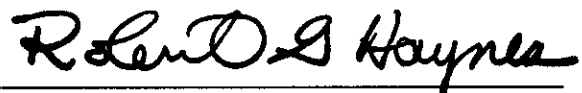
The department has scheduled the matter for hearing on **April 23, 2003, at 8:00 AM** at the **GSA BUILDING, Conference Room, 1500 Highway 2 (Dover Highway), Sandpoint, Idaho.** . The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be L. Glen Saxton.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 31st day of March, 2003.



Robert G. Haynes, Regional Supervisor

I hereby certify that on the 31st day of March, 2003, I mailed a true and correct copy of this document, postage prepaid, to the applicant(s) and protestant(s) listed below:


Dianne L. Ball, Administrative Assistant

Certified Mail

✓ STEVE P ADAMS
122 WOODVIEW RD
SANDPOINT ID 83864

✓ JAMES M FORD
855 WOODVIEW RD
SANDPOINT ID 83864

MICROFILMED
DEC 03 2003

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

MICROFILMED

DEC 03 2003

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (120) days prior to the hearing.

MICROFILMED**DEC 03 2003**

PUBLIC HEARING

File: 96-9059 - Adams

Date: June 26, 2002

Time: 10:30 A.M.

Place: Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene ID 83814

ROSTER OF ATTENDANCE

NAME

ADDRESS

JIM FORD
Barbara J. Ford
STEVE ADAMS

855 WOODVIEW RD SANDPOINT
855 Woodview Rd Sandpoint
122 WOODVIEW RD SANDPOINT ID.

MICROFILMED

DEC 03 2003

CONFERENCE/HEARING SCHEDULE

Northern Region

Location Dept. of Water Resources
CONFERENCE ROOM
1910 Northwest Blvd., Suite 210
Coeur d'Alene ID 83814

June 26, 2002

8:30 A.M. 96-9088 - Lundstrom

✓ 10:30 A.M. 96-9059 - Adams

2:30 P.M. 98-7805 - Wells

MICROFILMED
DEC 03 2003

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JAMES M. FORD
855 WOODVIEW RD
SANDPOINT ID 83864

RECEIVED
JUN 12 2003
IDWR/NOB

4a. Article Number

7099 3220 0005 8955 6116

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

6-11-02 cf

5. Received By: (Print Name)

JIM FORD

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

DEC 03 2003

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 a. and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

STEVE P. ADAMS
122 WOODVIEW RD
SANDPOINT ID 83864

RECEIVED
JUN 11 2003
IDWR/NOB

4a. Article Number

7099 3220 0005 8955 6123

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

6-10-02

5. Received By: (Print Name)

STEVE P. ADAMS

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

DEC 03 2003

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 96-9059
IN THE NAME OF STEVE P. ADAMS

)
)
)
)
NOTICE OF CONFERENCE
AND/OR HEARING

On November 2, 2000, Steve P. Adams filed with the Department of Water Resources (department) Application for Permit No. 96-9059. The application was protested by James M. Ford.

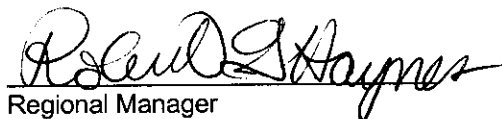
The department has scheduled the matter for conference &/or hearing on June 26, 2002 at 10:30 A.M. at the Department of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID. The conference &/or hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the conference &/or hearing will be Robert Haynes.

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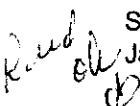
All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 5th day of June, 2002.


Regional Manager

I hereby certify that on the 5th day of June, 2002, I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:


Administrative Assistant

Certified Mail
Steve P. Adams
James M. Ford

Non-Certified Mail

MICROFILMED
DEC 03 2003

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

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BONNER COUNTY PUBLIC WORKS

ROAD AND BRIDGE DEPARTMENT

123 S. First Ave. • Sandpoint, ID 83864 • Phone: (208) 265-1497 – Fax: (208) 263-9751
E-mail: roads@co.bonner.id.us

Via Fax (208) 769-1454

May 16, 2002

Attention: Allen Beardslee
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615

RECEIVED
MAY 17 2002
IDWR/North

RE: Bonner County Permit No: 02-05013-1

Dear Allen:

Our Foreman, Guy Meserve has granted permission for the above referenced permit to trench within the right-of-way with a 4" pipe to serve as a gravity line to a pond. He has inspected the area and found there to be no detrimental impacts to the County right-of-way. This permit is for the 4" pipe only, there are to be no water diversion devices installed within the right-of-way now or in the future.

Mr. Adams is required to backfill the shoulder and the trench area with CDF for 20 feet.

If you have additional questions or concerns please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Marshall".

Leslie Marshall
Administrative Assistant

Enc:

Cc: Steve Adams

MICROFILMED
DEC 03 2003

BONNER COUNTY
APPLICATION AND PERMIT TO USE PUBLIC RIGHT-OF-WAY
UTILITIES AND ENCROACHMENTS

123 S. First Ave., Sandpoint, ID 83864

(208) 265-1497 - FAX 263-9751

COPY OF PERMIT MUST BE PRESENT AT WORK SITE DURING CONSTRUCTION

PERMIT NO. 02-0501 3-1

PUBLIC ROAD SURFACE TYPE: (DIRT) (GRAVEL) (PAVEMENT)

START DATE:

7-1-02

ESTIMATED COMPLETION DATE: 7-14-02

ROAD NAME: Woodview Rd

LOCATION: 3 miles west on Baldy Mnt Rd -
turn south woodview- 1/4 mile

NOTICE

This permit shall not be valid for excavation until, or unless, the provisions of Idaho Code title 55, Chapter 22 have been complied with. **PRIOR TO EXCAVATION, CALL ONE NUMBER LOCATION SERVICE.**

TELEPHONE NO. 1 - 800 - 626 - 4950

UTILITY OR OTHER USE

DISTANCE FROM: 20'

CENTER LINE

10'

RIGHT-OF-WAY LINE

ANGLE OF CROSSING Parallel

UTILITY TYPE Water

OVERHEAD ☐

SIZE OF PIPE 4"

PRESSURE gravity line

UNDERGROUND ☒

VERTICAL CLEARANCE 36" - 48"

DEPTH 36" - 48"

A PLAN OF PROPOSED WORK AND APPLICABLE TRAFFIC CONTROL PLANS MUST BE ATTACHED:

SPECIAL PROVISIONS: No traffic interruption- work is along side rd

SEE REVERSE SIDE FOR GENERAL PROVISIONS: Starting at 36" CMP backfill must be CDF for 20'

I CERTIFY THAT I AM THE AUTHORIZED UTILITY COMPANY REPRESENTATIVE AND REQUEST PERMISSION TO CONSTRUCT THE ABOVE FACILITIES WITHIN THE ROADWAY RIGHT-OF-WAY IN ACCORDANCE WITH THE GENERAL PROVISIONS PRINTED ON THE REVERSE SIDE OF THIS FORM. THE SPECIAL PROVISIONS AND THE PLANS MADE A PART OF THIS PERMIT.

COMPANY NAME <u>Adams Construction Inc</u>	TELEPHONE NO. <u>263-6863</u>	APPLICANT - PLEASE TYPE OR PRINT <u>Steve B Adams</u>
ADDRESS <u>122 Woodview Rd</u>		SIGNATURE AUTHORIZED REPRESENTATIVE 
CITY <u>Sandpoint</u>	STATE <u>ID</u>	ZIP <u>83864</u>
DATE <u>4-30-02</u>		

SUBJECT TO ALL TERMS, CONDITIONS, AND PROVISIONS SHOWN ON THIS FORM OR ATTACHMENTS, PERMISSION IS HEREBY GRANTED TO THE ABOVE-NAMED APPLICANT TO PERFORM THE WORK DESCRIBED ABOVE.

FOR ROAD DEPARTMENT USE

TEMPORARY PERMIT

TENTATIVE APPROVAL SUBJECT TO INSPECTION OF INSTALLATION.

DATE: 5/2/02

BY: 
BONNER COUNTY REPRESENTATIVE

FINAL PERMIT

APPROVED ☐ DATE: _____ REJECTED ☐ DATE: _____
CORRECTIONS REQUIRED: _____

APPROVED BY: _____
BONNER COUNTY AUTHORIZED REPRESENTATIVE

This form may be reproduced for use in making multiple applications.

GENERAL PROVISIONS

1. All utilities must be installed under any culverts they cross.
2. During the progress of the work, such barricades, lights and other traffic control devices shall be erected and maintained as may be necessary or as may be directed for the protection of the traveling public. Said barricades, lights and other traffic control devices shall conform to the current issue of the *Manual on Uniform Traffic Control Devices*. Parked equipment and stored materials shall be as far from the travelway as feasible. Items left overnight within 30 feet of travelway shall be marked and/or protected. Bonner County may provide barricades (when available) upon request.
3. In accepting this permit, the permittee, its successors and assigns, agrees to hold Bonner County harmless from any and all liability on account of the erection, installation, construction, maintenance or operation of the facilities located under this permit.
4. Any disturbance of the traveled surface of the road and/or traffic control devices, shall be restored to the satisfaction of Bonner County. Permittee shall be responsible for proper pavement cut, excavation, backfill, compaction and asphalt repair. Asphalt repair shall be in accordance with Bonner County Road Standards Manual.
5. If the work done under this permit interferes in any way with the drainage of the highway, the permittee shall wholly and at his own expense make such provision as Bonner County may direct to take care of said drainage.
6. On completion of said work herein contemplated, all rubbish and debris shall be immediately removed and the roadway and roadside shall be left neat and presentable to the satisfaction of Bonner County.
7. All of the work herein contemplated shall be done to conform with current government and industry standards under the review and to the satisfaction of Bonner County and the entire expense of said review shall be borne by the permittee.
8. Bonner County hereby reserves the right to order the change of location or the removal of any structure(s) or facility(ies) authorized by this permit. Said change or removal to be made at the sole expense of the permittee, or its successors and assigns.
9. All such changes, reconstruction or relocation by the permittee shall be done in such a manner as will cause the least interference with any of the County's work.
10. This permit shall not be deemed or held to be an exclusive one and shall not prohibit the County from granting other permits or franchise rights or like or other nature to other public or private utilities, nor shall it prevent the County from using any of its public rights-of-way, or public places, or affect its right to full supervision and control over all or any part of them, none of which is hereby surrendered.
11. The County may revoke, amend, amplify, or terminate this permit or any of the conditions herein enumerated if permittee fails to comply with any or all of its provisions, requirements or regulations as herein set forth or through willful or unreasonable neglect, fails to heed or comply with notices given, or if the utility herein granted is not installed or operated and maintained in conformity.
12. The permittee shall maintain at its sole expense the structure or subject for which this permit is granted.
13. Adequate drawings or sketches shall be included showing the existing and/or proposed location of the facility with respect to the existing and/or planned location of the highway improvement, the traveled way, the public right-of-way lines and approved access points.
14. If trench or pavement settlement should occur within two years from the date of installation, repairs shall be made by the permittee as directed by the County at no cost to Bonner County. If the permittee fails to make the necessary repairs, the County will make the repairs and bill the permittee. No new permits shall be issued to the permittee until such claim has been settled.
15. No work shall be started until an authorized representative of the County has given notice to the permittee to proceed. Permittee shall notify the County to schedule a time for road closure and opening. If the work will prevent emergency traffic from traveling through, local law enforcement office must be notified.
16. A bond in the amount of \$_____ is required for the protection of Bonner County as set forth in the terms of the bond.
17. Any replacement of, addition to, or change in the facility granted by this permit shall require a new permit prior to initiation of such work.

RECORDED

DEC 03 2003

o. 57, NORTH, RANGE 2, WEST, BOISE MERIDIAN, IDAHO

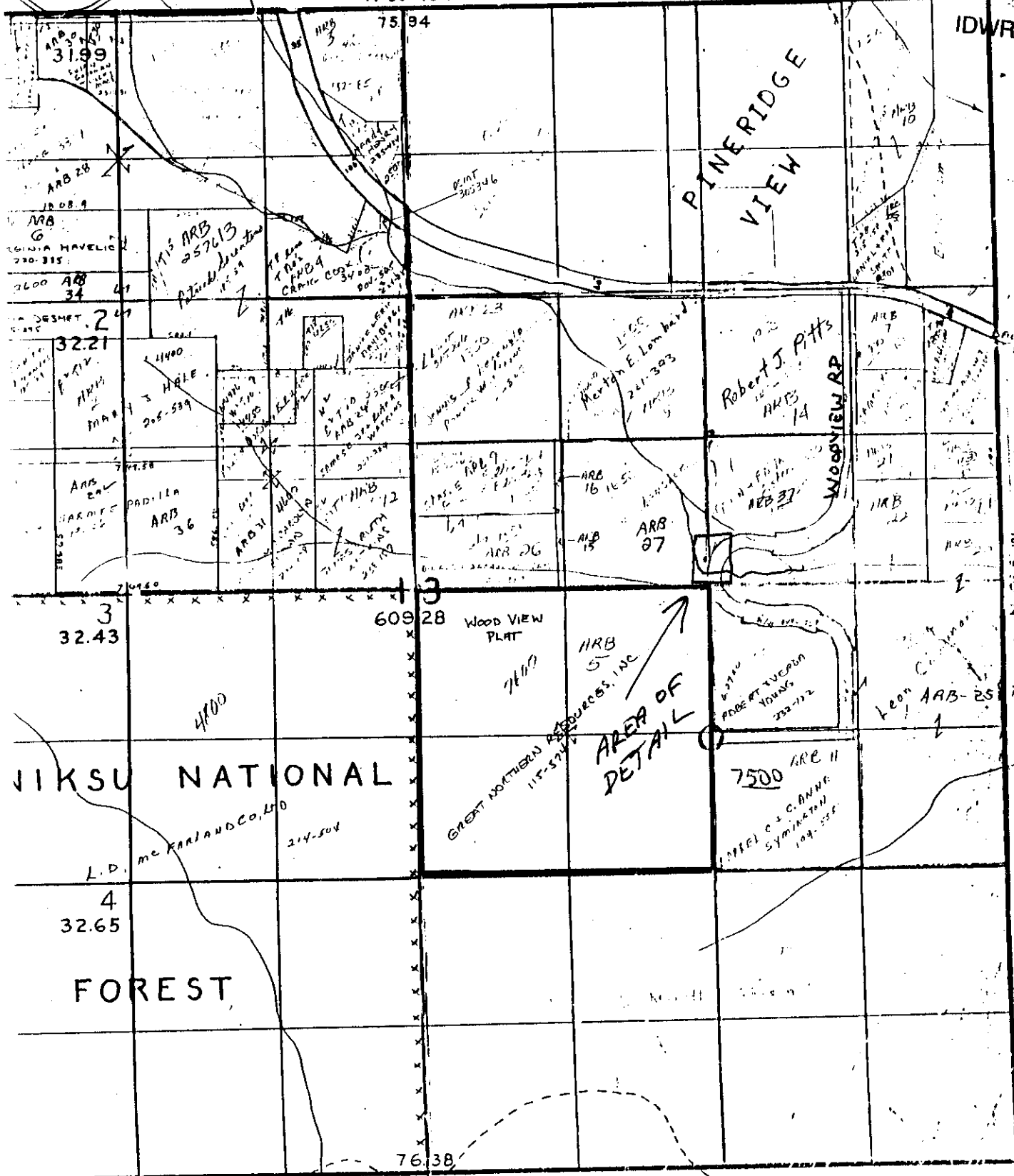
SECTION No. 18, SUBDIVISION

N 89° 45' E

RECEIVED

MAY 17 2002

IDWR/North



MICROFILMED

DEC 03 2003

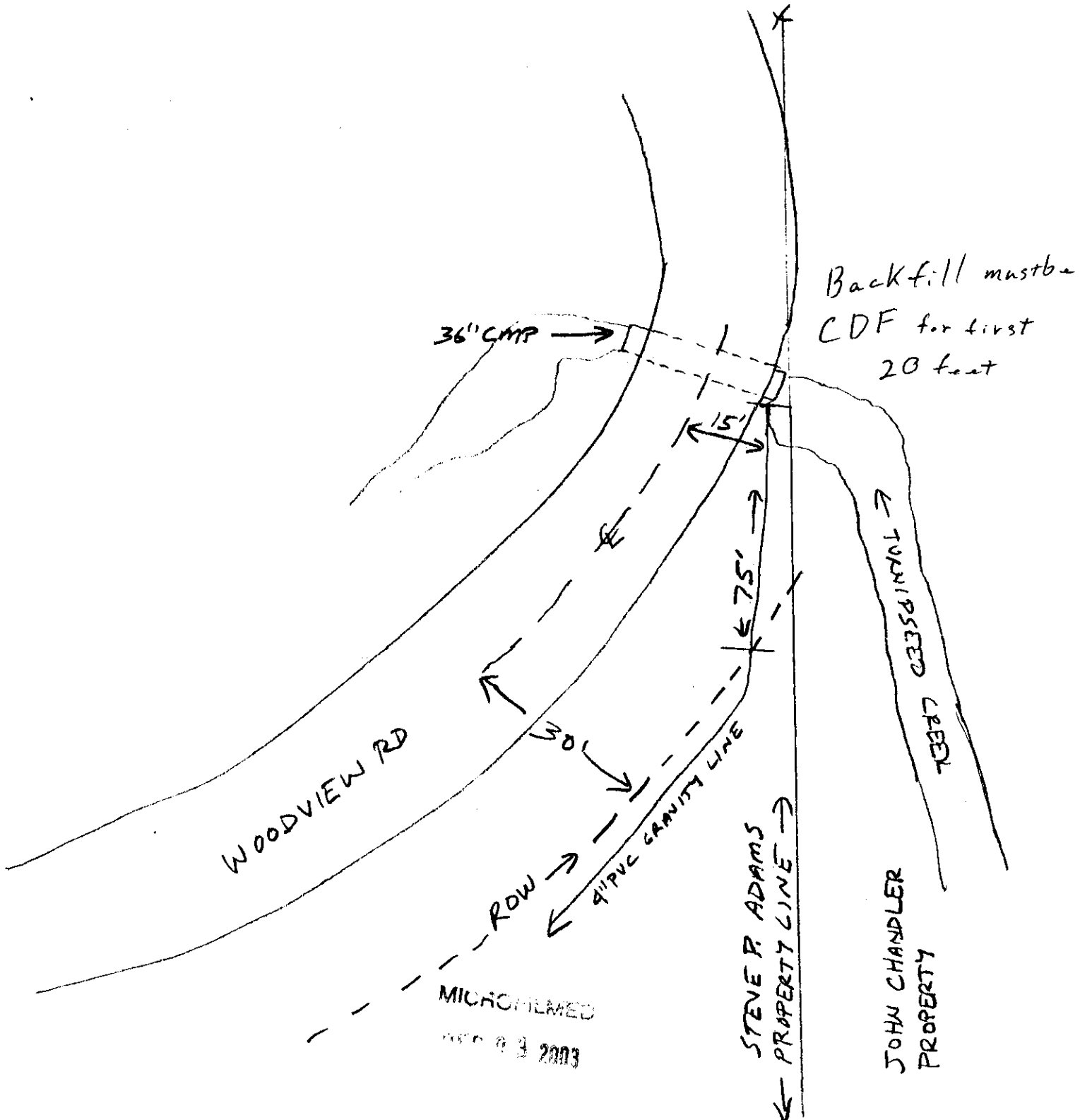
ADAMS CONSTRUCTION INC
122 WOOD VIEW RD
SANDPOINT ID 83864

ROAD PROFILE
GRAVEL SURFACE

EDGE OF ROAD AT CULVERT
36"
COMPACTED NATIVE FILL
4" PVC.

RECEIVED
MAY 17 2002

IDWR/North



May 5, 2002

Robert G. Haynes
Allen Beardslee
Idaho Dept of Water Resources

RECEIVED
MAY 06 2002
IDWR/North

RE: Application for permit #96-09059

Sirs,

As per our phone conversation of April 29,.....attached is a copy of the permit to use the public right of way from Bonner County, my response to the protest filed by Mr. Ford, and a detailed drawing showing the diversion line location as approved by Bonner County. Please advise me of the next step, and a timetable for resolving this issue.

Sincerely,

A handwritten signature in black ink, appearing to be 'SP Adams', written over a horizontal line.

Steve P Adams

MICROFILMED
DEC 03 2003

RECEIVED
MAY 06 2002
IDWR/North

BONNER COUNTY
APPLICATION AND PERMIT TO USE PUBLIC RIGHT-OF-WAY
UTILITIES AND ENCROACHMENTS

123 S. First Ave., Sandpoint, ID 83864

(208) 265-1497 - FAX 263-9751

COPY OF PERMIT MUST BE PRESENT AT WORK SITE DURING CONSTRUCTION

PERMIT NO. 02-050/31

PUBLIC ROAD SURFACE TYPE: (DIRT) (GRAVEL) (PAVEMENT)

START DATE:

7-1-02

ESTIMATED COMPLETION DATE: 7-14-02

ROAD NAME: Woodview Rd

LOCATION: 3 miles west on Baldy Mnt Rd -
turn south woodview 1/4 mile

NOTICE

This permit shall not be valid for excavation until, or unless, the provisions of Idaho Code title 55, Chapter 22 have been complied with. **PRIOR TO EXCAVATION, CALL ONE NUMBER LOCATION SERVICE.**

TELEPHONE NO. 1-800-626-4950

UTILITY OR OTHER USE	DISTANCE FROM: <u>20'</u> <u>CENTER LINE</u> <u>10'</u> <u>RIGHT-OF-WAY LINE</u>
	ANGLE OF CROSSING <u>Paralell</u> UTILITY TYPE <u>Water</u>
OVERHEAD ☐	SIZE OF PIPE <u>4"</u> PRESSURE <u>gravity line</u>
UNDERGROUND ☒	VERTICAL CLEARANCE <u>36" - 48"</u> DEPTH <u>36" - 48"</u>

A PLAN OF PROPOSED WORK AND APPLICABLE TRAFFIC CONTROL PLANS MUST BE ATTACHED:

SPECIAL PROVISIONS: No traffic interruption- work is along side rd

SEE REVERSE SIDE FOR GENERAL PROVISIONS: Starting at 36" CMP backfill must be CDF 1.20'

I CERTIFY THAT I AM THE AUTHORIZED UTILITY COMPANY REPRESENTATIVE AND REQUEST PERMISSION TO CONSTRUCT THE ABOVE FACILITIES WITHIN THE ROADWAY RIGHT-OF-WAY IN ACCORDANCE WITH THE GENERAL PROVISIONS PRINTED ON THE REVERSE SIDE OF THIS FORM. THE SPECIAL PROVISIONS AND THE PLANS MADE A PART OF THIS PERMIT.

COMPANY NAME	TELEPHONE NO.	APPLICANT - PLEASE TYPE OR PRINT
<u>Adams Construction Inc</u>	<u>263-6863</u>	<u>Steve B Adams</u>
ADDRESS		SIGNATURE AUTHORIZED REPRESENTATIVE
<u>122 Woodview Rd</u>	<u>FAX 263 3809</u>	<u>[Signature]</u>
CITY	STATE	ZIP
<u>Sandpoint</u>	<u>ID</u>	<u>83864</u>
		DATE
		<u>4-30-02</u>

SUBJECT TO ALL TERMS, CONDITIONS, AND PROVISIONS SHOWN ON THIS FORM OR ATTACHMENTS, PERMISSION IS HEREBY GRANTED TO THE ABOVE-NAMED APPLICANT TO PERFORM THE WORK DESCRIBED ABOVE.

FOR ROAD DEPARTMENT USE	
TEMPORARY PERMIT	FINAL PERMIT
TENTATIVE APPROVAL SUBJECT TO INSPECTION OF INSTALLATION.	APPROVED ☐ DATE: _____ REJECTED ☐ DATE: _____
DATE: <u>5/2/02</u>	CORRECTIONS REQUIRED: _____
BY: <u>[Signature]</u>	APPROVED BY: _____
BONNER COUNTY REPRESENTATIVE	BONNER COUNTY AUTHORIZED REPRESENTATIVE

This form may be reproduced for use in making multiple applications.

MICROFILMED
DEC 03 2003

**STATE OF IDAHO
DEPT OF WATER RESOURCES**

RECEIVED
MAY 06 2002
IDWR/North

RESPONSE TO NOTICE OF PROTEST

From : Stephen P Adams 5/6/02

I have attached a copy of the protest from James Ford and I have numbered his points to correspond with my responses.

- 1. There are several versions of maps from the county assessors office, the first one sent with the application showed the incorrect location of the creek and diversion line. A second application was submitted with changes made. The current location of the creek, and diversion line are within the Adams property and public right of way.**
- 2. The application shows the pond as existing because it was created before the application was submitted. While the pond fills naturally from ground water it would be beneficial to have more water flowing through it. I am attempting to create a fish and waterfowl habitat with a natural setting.**
- 3. The pond was never filled from suction, the pond was being pumped out while excavation was underway. Mr. Ford must have mistaken that pumping out as being a suction line.**
- 4. I am unsure what Mr. Ford means by "The approach to the pond" When completed the area between the pond and road will be fenced and landscaped and the pond is not in the right of way.**
- 5. A permit to use public right of way has been issued by the Bonner County road dept. A copy is attached.**
- 6. The intake will be screened.**
- 7. Environmental impact statements are not required.**
- 8. The proximity of the pond has been laid out according to the existing survey on file with Bonner County and lies on private property. There is no requirement to have a civil engineer determine possible damage to the road. The pond has now been in existence for two winters and two spring breakups with no effect on the road.**


Stephen P Adams

MICROFILMED
DEC 03 2003

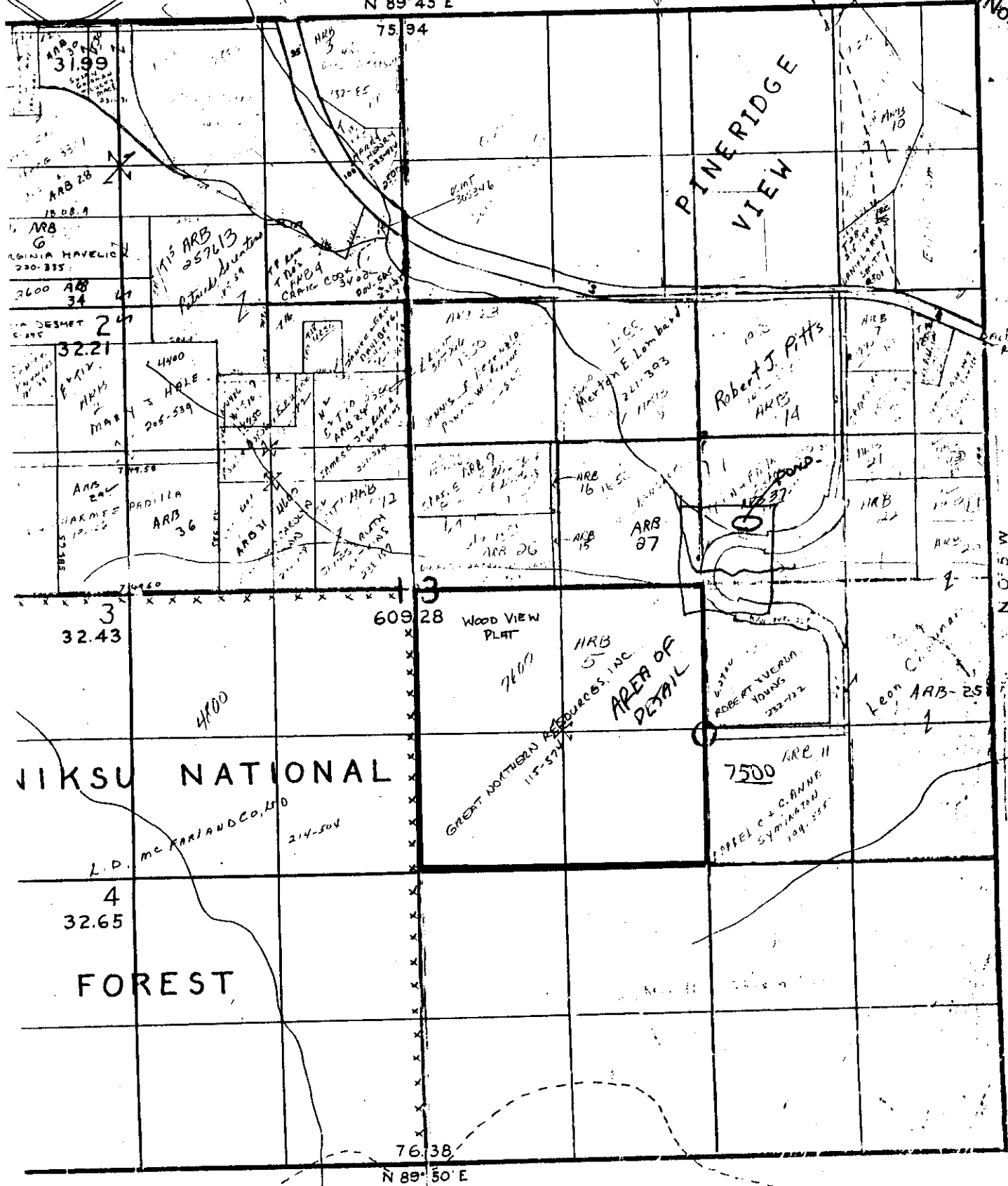
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

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MAY 06 2002
IDWR/North

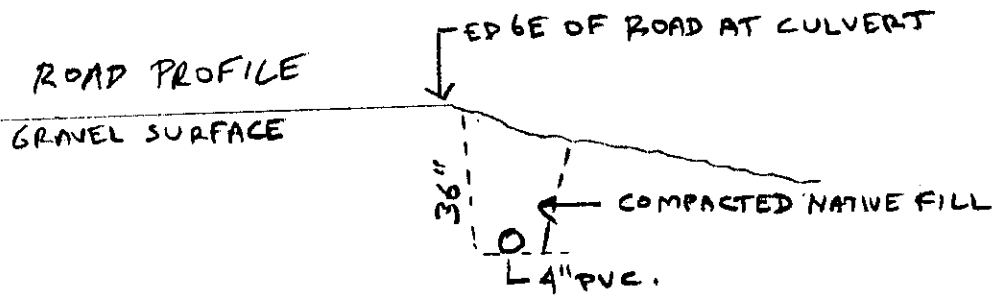
Attachment to paragraph 6 of said Protest:

- 1 The application fails to record the true location of Turnipseed Creek. Approximately 40-50 years ago the creek relocated about 100 feet south of the location identified on the map accompanying the application and now flows through the property of John B. Chandler rather than Mr. Adams property. —
- 2 The application incorrectly identifies the location of the newly created pond identified as an “existing pond”.
- 3 Application fails to indicate the pond was partially filled this past fall prior to filling this application by taking a suction from Turnipseed Creek through an existing culvert under the county roadway.
- 4 The approach to the pond as currently constructed impinges upon the Right-of-Way easement dedicated to Wood View Road.
- 5 An easement or right to trespass was not obtained from the Bonner County Road Department.
- 6 Application fails to conform to Idaho Code relating to screened diversion of fresh water
- 7 Environmental Impact Statement was not obtained prior to construction and partial filling of said pond.
- 8 Proximity of pond to Wood View Road has not been surveyed or appproved by a civil engineer to determine the possible damage to the road.

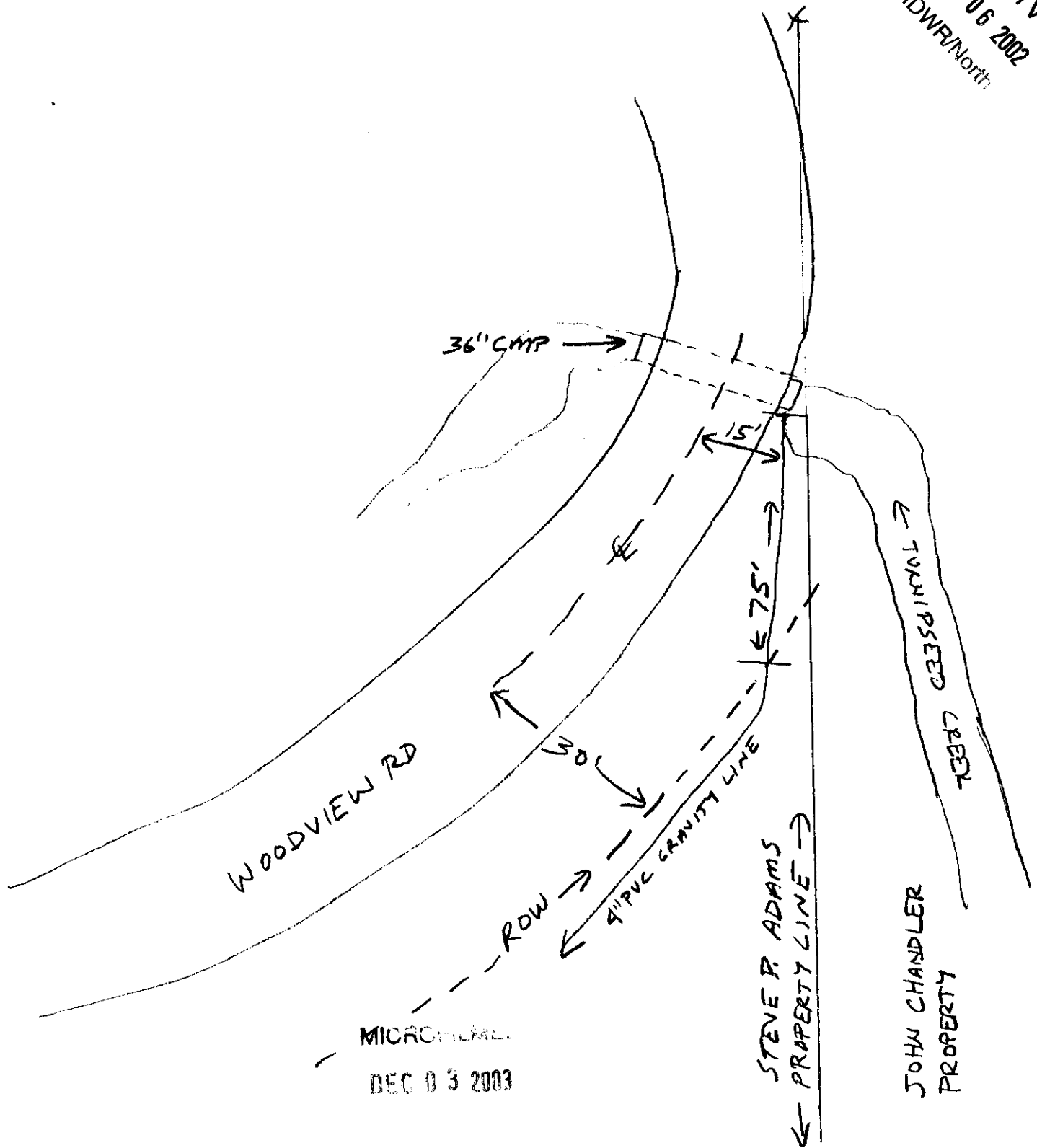
MICROFILMED
DEC 03 2003



ADAMS CONSTRUCTION INC
122 WOOD VIEW RD
SANDPOINT ID 83864



RECEIVED
MAY 06 2002
IDWR/North



MICROFILM

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 1, 2002

JAMES M. FORD
855 WOOD VIEW ROAD
SANDPOINT ID 83864

Re: Application for Permit No. 96-9059 - Steve P. Adams

Dear Mr. Ford:

In regard to our phone conversation, enclosed for your reference are copies of letters to Leslie Marshall of the Bonner County Road & Bridge Department, and to Mr. Adams.

Sincerely,

A handwritten signature in black ink that reads "Allen Beardslee".

Allen Beardslee
Senior Water Resource Agent

AB:db

MICROFILMED
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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 30, 2002

Leslie Marshall
Bonner County Road & Bridge
123 S. 1st St.
Sandpoint ID 83864

Dear Mrs. Marshall:

I am writing as a follow up to our phone conversation regarding Mr. Adams water right application.

As we discussed, Mr. Adam's water right filing has been protested by Mr. James Ford. One of the issues of protest is whether Mr. Adam's diversion of water and pond are located on Bonner County road right-of-way property. If so, we presume that Mr. Adams will need to work out the details of easement with your office.

We understand that you will be in contact with Mr. Adams and will advise us of your position regarding his project.

If you have any questions, or if I can be of further assistance, please feel free to contact me at this office.

Sincerely,

Allen Beardslee
Sr. Water Resource Agent

MICROFILM

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 30, 2002

Mr. Steve Adams
122 Woodview Rd
Sandpoint ID 83864

RE: Application for Permit

Dear Mr. Adams:

I am writing as a follow up to our phone conversation regarding your Water Right Application 96-09059.

As we discussed, Mrs. Leslie Marshall, of the Bonner County Road & Bridge Department has been contacted by our office regarding the possibility of easement requirements for your project. Her phone number is (208) 265-1497. Please let us know what you and Leslie work out.

We also talked about the other issues of Mr. Ford's protest against your water right filing. Please write us a letter responding to the issues raised in Mr. Ford's protest.

If I can be of further assistance, please feel free to contact me at this office.

Sincerely,

Allen Beardslee
Sr. Water Resource Agent

MICROFILMED
DEC 03 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 05, 2001

STEVE P ADAMS
122 WOOD VIEW RD
SANDPOINT, ID 83864

Application to Permit No. 96-9059

Dear Applicant(s):

Enclosed is a copy of a protest filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH:db

MICROFILMED
DEC 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 05, 2001

JAMES M FORD
855 WOOD VIEW ROAD
SANDPOINT, ID 83864

Application to Permit No. 96-9059

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH:db

Enc. Receipt No. N014172

DEC 03 2003

James M. Ford
855 Wood View Road
Sandpoint, Idaho 83864
Telephone: (208) 265-9508

RECEIVED
MAR 05 2001
IDWR/North

STATE OF IDAHO WATER RESOURCES

Rec. No 14172

In Re: Steven P. Adams
Water Diversion Application
96-09059

PROOF OF SERVICE
Date: March 3, 2001
Application Deadline: March 5, 2001

I, James M. Ford, reside in Sandpoint, Bonner County, Idaho; I am over the age of Eighteen years and a party to the within-entitled action: my business address is 855 Wood View Road, Sandpoint, Idaho 83864. I am familiar with the common and accepted practice for the collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business and personal correspondence mail is deposited with the United States Postal Service on the same day that it is collected and processed in my business and personal activities.

On March 3, 2001 at Sandpoint, Idaho, I served the following:

OBJECTION TO APPLICATION OF STEVEN (Steve) P. ADAMS FOR WATER DIVERSION ON TURNIPSEED CREEK LOCATED IN SWNE TOWNSHIP 57 NORTH, RANGE 2 WEST, PARCEL 2100, BONNER COUNTY, IDAHO , application # 96-09059

MICROFILMED

DEC 03 2003

On the parties set forth below by placing a true copy thereof enclosed in a sealed envelope, bearing the address(es) set forth hereinbelow, into an outgoing mail receptacle in accordance with the above business and personal practices for the collection, processing and mailing of outgoing mail.

Steven (Steve) P. Adams
122 Wood View Road
Sandpoint, ID 83864-8256

STATE OF IDAHO
Department of Water Resources
1910 Northwest Blvd, Suite 210
Coeur d'Alene, Idaho 83814

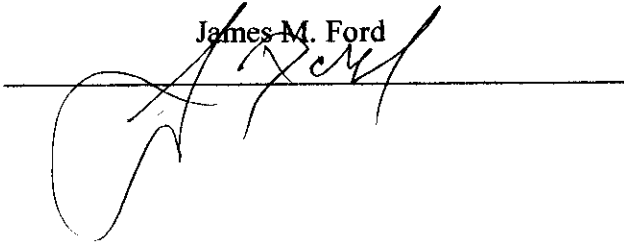
IDAHO FISH & GAME
Panhandle Region
2750 Kathleen Avenue
Coeur d'Aleno, Idaho 83815

BONNER COUNTY
Public Works Department
Road Division
123 S. First Street
Sandpoint, Idaho 83864

I declare under penalty of perjury under the laws of the State of Idaho that the foregoing is true and correct.

Executed the 3rd day of March, 2001, at Sandpoint, Idaho.

James M. Ford



MICROFILMED

DEC 03 2003

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

**RECEIVED
MAR 05 2001
IDWR/North**

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

- ADAMS / TURNIPSEED CREEK
1. Matter being protested Diversion of Turnipseed Creek , Application # 96-09059
2. Name of protestant James M. Ford
3. Protestant's representative for service (If different than protestant)

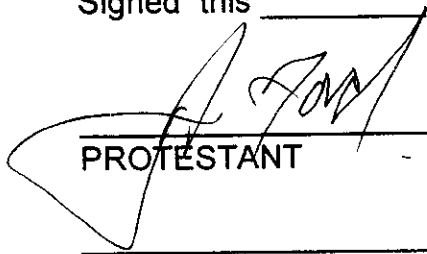
4. Service mailing address 855 Wood View Road, Sandpoint, ID 83864
5. Service telephone no. 208 265-9508
6. Basis of protest (including statement of facts and law upon which the protest is based)

SEE ATTACHED

- (additional pages may be attached to describe the nature of the protest)*
7. What would resolve your protest? Terminate the diversion of Turnipseed Creek
Relocate the pond

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 3 day of March, 19 2001.



PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED

DEC 13 2001

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by db Date 3/5/01 Time 1:20 p
\$25.00 fee Receipted by db # N014172 Date 3/5/01

MICROFILMED

DEC 03 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

Attachment to paragraph 6 of said Protest:

The application fails to record the true location of Turnipseed Creek. Approximately 40-50 years ago the creek relocated about 100 feet south of the location identified on the map accompanying the application and now flows through the property of John B. Chandler rather than Mr. Adams property.

The application incorrectly identifies the location of the newly created pond identified as an "existing pond".

Application fails to indicate the pond was partially filled this past fall prior to filling this application by taking a suction from Turnipseed Creek through an existing culvert under the county roadway.

The approach to the pond as currently constructed impinges upon the Right-of-Way easement dedicated to Wood View Road.

An easement or right to trespass was not obtained from the Bonner County Road Department.

Application fails to conform to Idaho Code relating to screened diversion of fresh water

Environmental Impact Statement was not obtained prior to construction and partial filling of said pond.

Proximity of pond to Wood View Road has not been surveyed or appproved by a civil engineer to determine the possible damage to the road.

MICROFILMED

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

February 26, 2001

Mr. James M. Ford
855 Wood View Road
Sandpoint ID 83864

RE: Application For Permit Number 96-09059

Dear Mr. Ford:

We are responding to your letter regarding the status of Mr. Adams' water right filing.

Currently, this filing is being processed. The final date of protest is March 5, 2001. An Application for Permit cannot be approved until after the protest period.

The approval of an Application for Permit does not grant, or imply any right to trespass on other's property. If Wood View Road is a county road, Mr. Adams may need an easement from the county if he plans on diverting water from, or across county property.

Part of our processing involves notifying Idaho Fish and Game of all surface water filings. They are active in providing comments and conditions to the approval of water right filings. IDFG has been notified of Mr. Adam's filing.

If we can be of further assistance, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allen Beardslee'.

Allen Beardslee
Sr. Water Resource Agent

CC: Idaho Fish and Game
Bonner County Public Works

MICROFILMED

DEC 03 2003

AFFIDAVIT OF PUBLICATION

State of Idaho

SS.

County of Bonner,

Debra Bergman

being first duly sworn on oath

deposes and says that he/she is Brookbecker

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 Correction

as it was published in the regular and entire issue of the

said paper for a period of 2 consecutive weeks,

commencing on 15th day of Feb., 2001

and ending on the 22nd day of Feb., 2001

and that said notice was published in said newspaper.

On this 22nd day of Feb. in the year

of 2001, before me, a Notary Public, personally

appeared Debra Bergman,

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.

Notary Public for Idaho

Residing at Sandpoint

My Commission expires: 8/06

RECEIVED
MAR 05 2001
IDWR/North

NOTICE OF CORRECTION
NOTICE IS HEREBY GIVEN
THAT APPLICATION FOR PER-
MIT NO. 96-9059 in the name of
Steve P. Adams, 122 Woodview
Rd., Sandpoint, ID 83864, was
incorrectly advertised on 11/16 &
23, 2000.

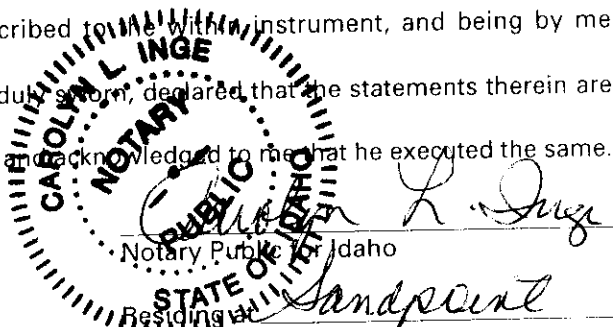
The POINT OF DIVERSION
was incorrectly advertised as
SWNE Sec 18 T57N R02W in
BONNER County, whereas cor-
rectly it should be SENE Sec 18
T57N R02W in BONNER County.

(For additional information con-
cerning the property location, call
the Northern Regional Office at
769-1450.)

Any protests against the
approval of the above-referenced
correction must be filed with the
applicant and with the Director,
Dept. of Water Resources, 1910
Northwest Blvd., Suite 210, Coeur
d'Alene, Id. 83814, together with a
protest fee of \$25.00 on or before
March 5, 2001.

KARL J. DREHER, Dir.
Legal SNP#2382 - Feb. 15, 22,
2001

ok



MICROFILMED

DEC 03 2003

2382



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

February 7, 2001

Legal Notices Department
Bonner County Daily Bee
PO Box 159
Sandpoint ID 83864

Re: Water Right Application No. 96-09059

Legal Notices Department:

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

An affidavit of publication along with the publication bill must be submitted to the Department. Please send the Affidavit of Publication, and the bill, to this office before March 5, 2001.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne Ball'.

Dianne Ball
Administrative Assistant

Enclosure

MICROFILMED

DEC 03 2003

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 96-9059 in the name of Steve P. Adams, 122 Woodview Rd., Sandpoint, ID 83864, was incorrectly advertised on 11/16 & 23, 2000.

The POINT OF DIVERSION was incorrectly advertised as SWNE Sec 18 T57N R02W in BONNER County, whereas correctly it should be **SENE** Sec 18 T57N R02W in BONNER County.

(For additional information concerning the property location, call the Northern Regional Office at 769-1450.)

Any protests against the approval of the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, together with a protest fee of \$25.00 on or before March 5, 2001.

KARL J. DREHER, Dir.

Published in the Bonner County Daily Bee on 2/15 & 22/2001.

MICROFILMED

DEC 9 3 2003

State of Idaho
Department of Water Resources
Northern Region
1910 Northwest Blvd, Se 210
Coeur d'Alene, Idaho 83814-2615

January 18, 2001

RECEIVED
JAN 23 2001
IDWR/North

Attn: Mr. Allen Beardslee

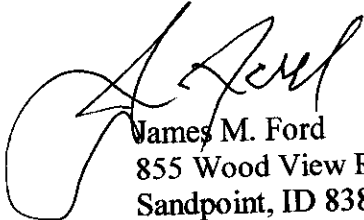
Dear Mr. Beardslee:

On November 2, 2000 Mr. Steven Adams of 122 Woodview Road, Sandpoint, Idaho made application for a water permit, Identification Number 96-09059 ADAMS/TURNIPSEED CREEK.

Please advise me of the status of this application. Was it granted and what were the terms of the permit if granted.

Does the permit authorize drawing water (suction) under Wood View Road via an existing culvert without return to Turnipseed Creek?

Sincerely;



James M. Ford
855 Wood View Road
Sandpoint, ID 83864

Copy to;
Idaho Fish & Game
Panhandle Region
Attn;Greg Tourtlotte,
Regional Supervisor
2750 Kathleen Avenue
Coeur d'Alene, ID 83815

Bonner County Public Works
Road Department
Attn: Leslie Marshall
123 South First Ave.
Sandpoint, ID 83864

MICHAEL

DEC 23 2003

BONNER COUNTY ASSESSOR
127 SOUTH FIRST, SUITE #1
SANDPOINT, IDAHO 83864
(208) 265-1440
FAX (208) 265-1451

FACSIMILE TRANSMITTAL SHEET

TO:

Al

FROM:

Charlotte Jydstrup

COMPANY:

DATE:

01/30/01

FAX NUMBER:

769-1454

TOTAL NO. OF PAGES INCLUDING COVER:

3

PHONE NUMBER:

RE:

Adams parcel # 57N02W182100

Remember... After any salary raise, you will have less money at the end of the week.

MICROFILMED
DEC 03 2003

NAME ROLL

HS	SF	HO	Quantity	Unit	Value
12	2000		6.060	AC	51,980
34	2000				89,611

Totals->	<u>6.060</u>	<u>141,591</u>
----------	--------------	----------------

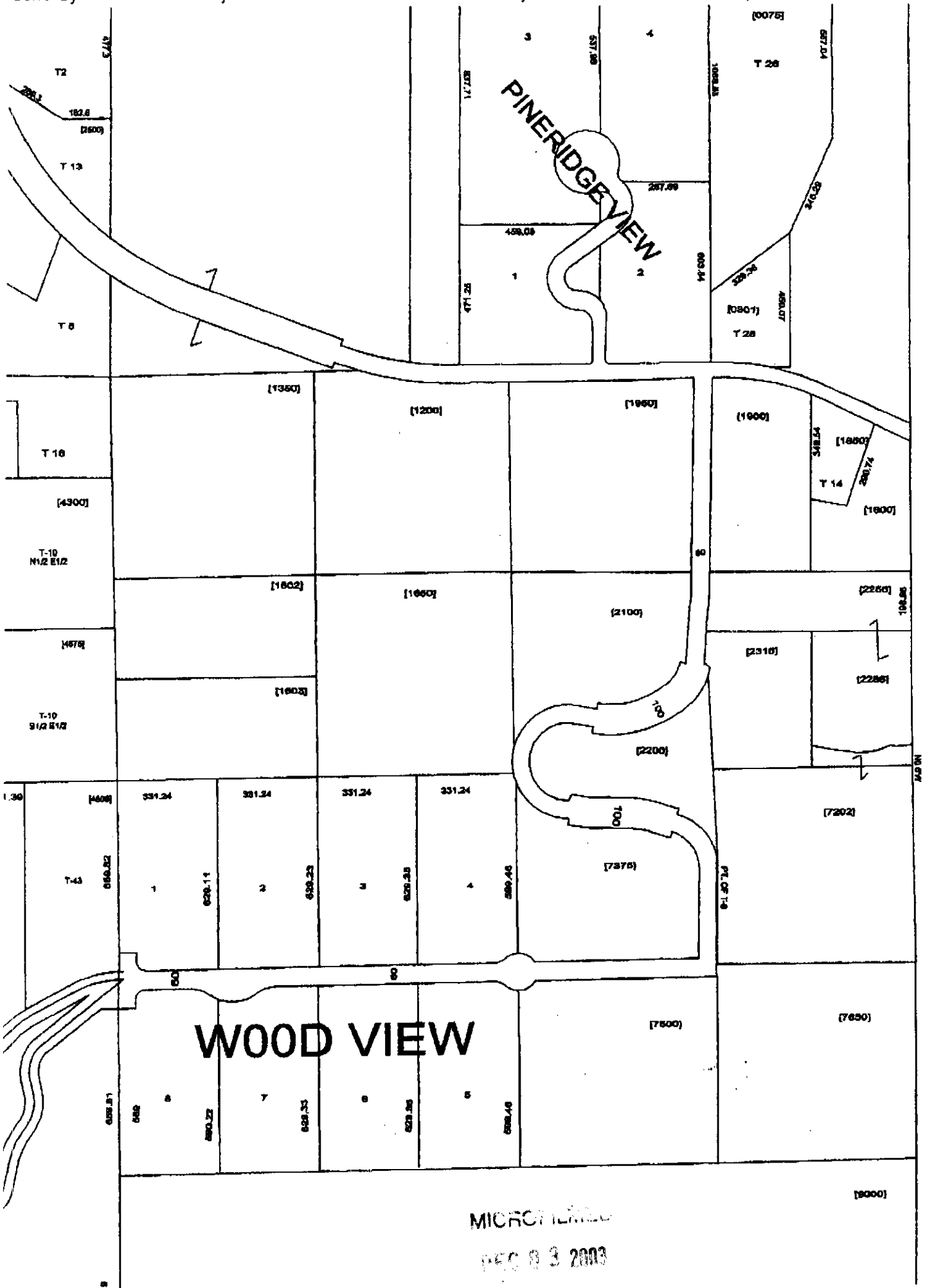
EF 2/01/1988 Area 22-00 Location 3500
EX _____ Owner Code _____ Type 3J
_____ Physically Inspected 2000
83864

```

WND->          5-LD  6-EX  8-SP  9-DE 11-SF          PARCEL> RP _____ A
SUB->          15-RC  1  18-HS          22-SL 23-LI
F1-Toggle      F2-Tax Due      F3-End      F4-Rural Land Char      F24-More Keys

```

MICROFILMED
DEC 03 2003





IDAHO FISH & GAME

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

Dirk Kempthorne / Governor
Rod Sando / Director

November 13, 2000
RECEIVED
NOV 16 2000
IDWR/North

Mr. Robert G. Haynes
Idaho Department of Water Resources
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, Idaho 83814

Dear Bob:

REFERENCE: 96-09059 ADAMS / TURNIPSEED CREEK

We have reviewed the water right application by Mr. Adams for 0.1 cfs from Turnipseed Creek, to be used for storage purposes. Turnipseed Creek supports westslope cutthroat trout, therefore it is important that the diversion, if approved, not negatively impact fish or their habitat.

It is not clear from the application announcement whether the storage pond is intended to be on the stream channel or off. We are opposed to on-stream ponds due to their risk of failure, tendency to block fish migration, and tendency to result in elevated water temperatures downstream. If the pond is off-channel, the following features should be in place in order to comply with Idaho Code:

- The diversion should be screened to prevent entrainment of fish. The screen needs to be quarter inch or smaller mesh, and approach velocities need to be less than 0.5 feet per second. The screen should be located at or near the point of diversion.
- If a diversion structure is placed in the stream, it needs to be passable by up and downstream migrating fish.
- If overflow from the pond is to be returned to the creek, the water quality of the return water should be essentially the same as the creek water.

The applicant should also be aware that if he intends to stock the pond, he will need a permit from the Department to transport the fish, and that they will need to be certified as disease free. He should contact this office to obtain a permit.

Thanks for the opportunity to comment.

Sincerely,

Greg Tourtlotte
Regional Supervisor

GIT:CEC:kh

C: Tracey Trent, IDFG, Boise
DEQ, Coeur d'Alene

RECEIVED

DEC 03 2000

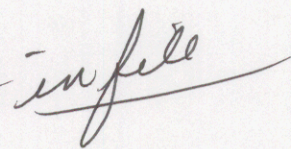
Keeping Idaho's Wildlife Heritage

Ball, Dianne

From: CHARLES CORSI [ccorsi@IDFG.STATE.ID.US]
Sent: Thursday, November 09, 2000 4:35 PM
To: dball@idwr.state.id.us
Subject: re: perweek1.txt

Hi Dianne,

No real comments on the Faulkner application, other than it seems like there is a need to assess at some point the cumulative effects of (if any) all of the withdrawals from the lake. We'll send a letter on the Adams application.



Chip

----- Original Text -----

From: "Ball, Dianne" <dball@idwr.state.id.us>, on 11/8/00 2:28 PM:

Greetings, Chip:

There are a couple of water rights near the bottom of this list on which we need comments from you. They are as follows:

95-09054 - Faulkner - source: Lake Coeur d'Alene

96-09059 - Adams - source: Turnipseed Creek.

On both of these, we need your comments on or before December 4, 2000.

Thanks again for your usual prompt attention to this.

Dianne

<http://www.idwr.state.id.us/info/water/rights/perweek1.txt>
<<perweek1.txt.url>>

MICROFILMED
DEC 03 2003

AFFIDAVIT OF PUBLICATION

RECEIVED

DEC 04 2000

IDWR/North

State of Idaho

ss.

County of Bonner,

Sherilyn 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 App

as it was published in the regular and entire issue of the

said paper for a period of 2 consecutive weeks,

commencing on 16 day of Nov., 2000

and ending on the 23 day of Nov., 2000

and that said notice was published in said newspaper.

On this 23 day of Nov. in the year

of 2000, before me, a Notary Public, personally

appeared Sherilyn Jones,

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me

first duly sworn, he declared that the statements therein are

true, and acknowledged to me that he executed the same.



Notary Public for Idaho

Residing at

My Commission expires:

MICROFILMED
8/06
DEC 03 2003

NOTICE OF APPLICATION
FOR WATER RIGHT

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

96-09059

ADAMS, STEVE P
122 WOODVIEW RD
SANDPOINT, ID 83864
Source: TURNIPSEED CREEK
Tributary: PEND OREILLE
RIVER

Diversion Pt: SWNE Sec 18 T 57N
R 02W in BONNER County.

Use: RECREATION STORAGE
(0.60 AF)

DIVERSION TO STORAGE
(0.100 CFS)

Total ok

Diversion: (0.100 CFS)

Date Filed: 11/2/2000

In: BONNER County

T57N R02W S18 SENE

96-09060

VILLELLI ENTERPRISES INC

HCR61 BOX 169

BONNERS FERRY, ID 83805

Source: GROUNDWATER

Diversion Pt: SWNW Sec 31 T

58N R 01E in BONNER County.

Use: MUNICIPAL (0.350 CFS)

Total Diversion (0.350 CFS)

Date Filed: 10/31/2000

Place of use is within the ser-
vice area of Golden Tee Estates/
Vilcelli Enterprises, Inc.

For additional information con-
cerning the property location, call
the Northern Regional Office at
(208) 769-1450.

The permit(s) will be subject to
all prior water rights. Protests
must be filed with the applicant
and with the Director, Dept. of
Water Resources, Northern
Region, 1910 Northwest Blvd.,
Suite 210, Coeur d'Alene, Idaho
83814, together with a protest fee
of \$25.00 on or before DECEM-
BER 4, 2000.

KARL J. DREHER, Director
Legal SNP#2200
November 16, 23, 2000

2200

November 17, 2000

Jim Ford
855 Wood View Rd
Sandpoint ID 83864

Re: Water Right Application No. 96-09059 for Steve P. Adams

Dear Mr. Ford:

Pursuant to your request, enclosed is a copy of the information you requested regarding the above referenced water right application.

Also enclosed is a Notice of Protest form for your use, should you desire to file a protest against the issuance of this water right.

Sincerely,

Allen Beardslee
Senior Water Resource Agent

db

enc.

MICROFILMED

DEC 03 2003

96-09059

ADAMS, STEVE P
122 WOODVIEW RD
SANDPOINT, ID 83864

Source: TURNIPSEED CREEK

Tributary: PEND OREILLE RIVER

Diversion Pt: SWNE Sec 18 T 57N R 02W in BONNER County.

Use: RECREATION STORAGE	(	0.60 AF)
DIVERSION TO STORAGE	(	0.100 CFS)
Total Diversion:	(	0.100 CFS)

Date Filed: 11/ 2/2000

In: BONNER County
T57N R02W S18 SENE

MICROFILMED

DEC 9 3 2003

November 8, 2000

Steve P. Adams
144 Woodview Rd
Sandpoint ID 83864

Re: Water Appropriation Application No. 96-09059

Dear Mr. Adams:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

MICROFILMED

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 25, 2000

Mr. Steve Adams
122 Woodview Rd
Sandpoint ID 83864

RECEIVED
NOV 02 2000
IDWR/North

RE: Application for Permit

Dear Mr. Adams:

We are returning your Application for Permit, along with Receipt Number N013981, in the amount of \$100.00.

It appears that the legal descriptions on the form for the Point of Diversion and the Place of use do not correspond with the 40 acre tract location for where your pond has been marked on the map.

Also, I have added a use of "Diversion to Storage" with a rate of 0.10 CFS, which is for the diversion of water to the pond. A storage use for the volume of water in the pond will need to be added as well. Many times, "Recreational Storage" is a common use. We will need to add a volume of water in Acre Feet for this use. If you would like to irrigate from the pond "Irrigation" and "Irrigation and Irrigation Storage" should be listed as well.

Please do not hesitate to call if you have questions, or need further assistance with your filing.

Sincerely,

Allen Beardslee
Sr. Water Resource Agent

MICHAEL
DEC 03 2000

WR0749NP
No. 96-09059

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/03/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STEVE P ADAMS 122 WOODVIEW RD SANDPOINT ID 83864 (208) 263-3809	11/02/2000	RECREATION STORAGE DIVERSION TO STORAGE	01/01 12/31 01/01 12/31	0.100 CFS	0.56 AFA
TOTAL DIVERSION:					0.100 CFS	

Water Source: TURNIPSEED CREEK

Tributary to: PEND OREILLE RIVER

Stage: APPLICATION

Point(s) of Diversion: T57N R02W S18 SWNE

BONNER County

Place of use Legal Description for: RECREATION STORAGE

NE				NW				SW				SE			
MENE	NWNE	SWNE	SENE	NE	NW	SW	SE	MENE	NWNE	SWNE	SENE	NE	NW	SW	SE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
57N 02W 18 : R :															

Pou County: BONNER

Remarks: GEN Recreation use is for fishing and swimming.

Dates: App. Received: 11/02/2000 Priority Date: 11/02/2000
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 11/03/2000 User-ID: DBALL Subject: Examiner's notes.
4" pvc pipe from stream to pond. Water then flows back into the
stream.
Ht of storage dam 9'; active and total reservoir capacity 0.56_AF
Time required 1 year.

Audit: 11/03/00 DBALL