

**STARTING  
LEFT  
SIDE OF  
FILE**

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 96-09267

Priority: December 12, 2005

Maximum Diversion Rate: 0.02 CFS

This is to certify, that SUSAN R WHITEHEAD  
1 SANDY DR  
COCOLALLA ID 83813

has applied for a permit to appropriate water from:

**Source:** COCOLALLA LAKE

**Tributary:** COCOLALLA CREEK

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              | 03/15 to 11/15       | 0.02 CFS                 |

**LOCATION OF POINT OF DIVERSION:**

COCOLALLA LAKE L5 (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) Sec. 18, Twp 55N, Rge 02W, B.M. BONNER County

**PLACE OF USE:** DOMESTIC

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |     | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|----|----|----|----|----|----|-----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE  | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 55N | 02W | 18  |    |    |    |    |    |    |    | X   |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    | L 5 |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2007**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. 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 2nd day of February, 20 06

  
for KARL DREHER, Director

RECEIVED

JAN 30 2006

DEPARTMENT OF  
WATER RESOURCES

72475

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 96-9267

RECEIVED

DEC 12 2005

IDWR/North

- Name of Applicant Susan R Whitehead Phone CELL 425-923-3908
- Mailing address 1 Sandy Drive COCOLALLA, ID 83813
- Source of water supply LAKE COCOLALLA which is a tributary of COCOLALLA CREEK
- Location of point of diversion is Township 55 North Range 2 West Sec. 18, in the SE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Govt. Lot 5, B.M., \_\_\_\_\_ County;

additional points of diversion if any:

- Water will be used for the following purposes:

Amount .02 cfs for Domestic purposes from 3/15 to 11/15 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

- Total quantity to be appropriated is (a) .02 cubic feet per second and/or (b) \_\_\_\_\_ acre feet per annum

- Proposed diverting works: PUMP UP FROM LAKE FOR LAWN

a. Describe type and size of devices used to divert water from the source ELECTRIC PUMP 1" OR 2" PVC Pipe

b. Height of storage dam NONE feet; active reservoir capacity NONE 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? \_\_\_\_\_

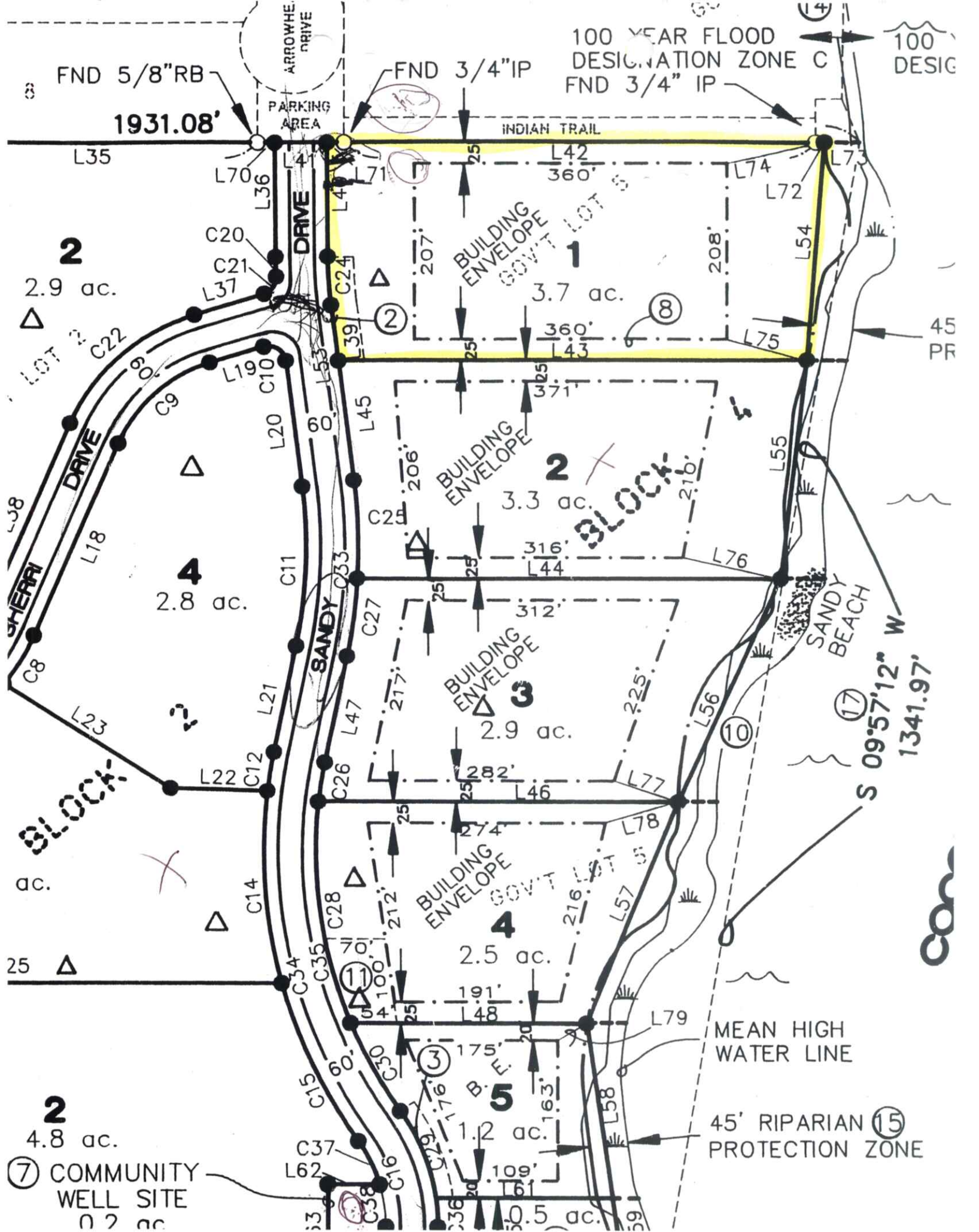
e. If well is already drilled, when? \_\_\_\_\_; Drilling firm \_\_\_\_\_

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

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

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

- Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_
- Stockwatering; list number and kind of livestock. \_\_\_\_\_
- Municipal; show name of municipality. \_\_\_\_\_
- Domestic; show number of households. 1
- Other; describe fully. \_\_\_\_\_



# Whitehead

**T55N R2W Section 18**



**Place of Use**

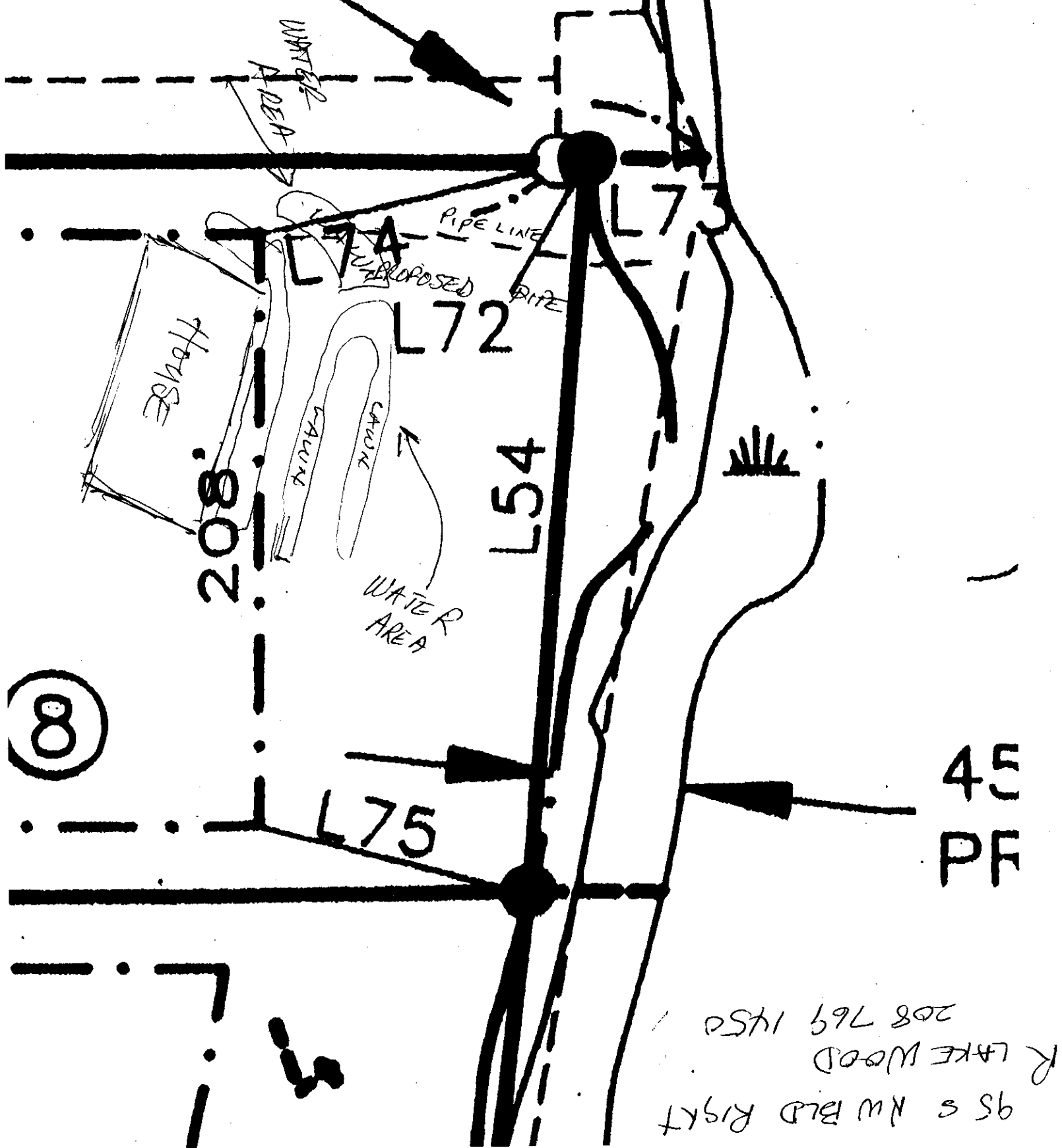


**Point of Diversion**



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**NOW  
STARTING  
RIGHT  
SIDE OF  
FILE**



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 8, 2006

SUSAN R WHITEHEAD  
1 SANDY DR  
COCOLALLA ID 83813

RE: Permit No. 96-9267

**Permit Approval Notice**

Dear Permit Holder:

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

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

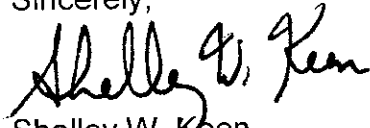
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

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

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

If you have any questions, please contact me at 208-287-4947.

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

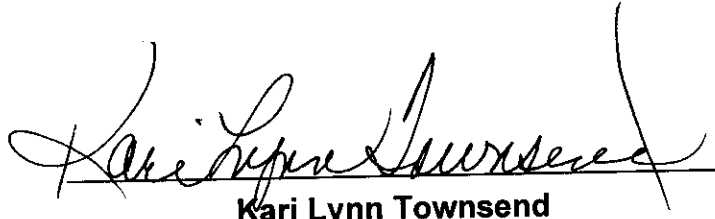
## **CERTIFICATE OF SERVICE**

I hereby certify that on February 8, 2006 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

**RE: WATER RIGHT NO.**

**96-9267**

**SUSAN R WHITEHEAD  
1 SANDY DR  
COCOLALLA ID 83813**



**Kari Lynn Townsend  
Secretary**

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

**PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

**EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

**REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

**ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

## MEMORANDUM

**Date:** February 02, 2006  
**To:** Water Right File 96-9267  
**From:** eretelle  
**Re:** permit review

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No WD or moratorium.

No protest or overlap.  
IDL permit required.

No development period listed. 1 year given.

Recommend approval as suggested by IDWR Northern.

AFFIDAVIT OF PUBLICATION

RECEIVED  
JAN 17 2006  
IDWR/North

STATE OF IDAHO )  
 ) ss.  
County of Bonner )

Sherilyn Jones, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Notice of Application.  
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

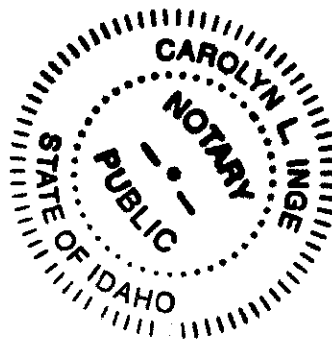
3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 5 day of Jan, 2006 and ending on the 12 day of Jan, 2006.

Sherilyn Jones

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this 12 day of Jan, 2006

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



*See reverse for copy  
of legal description*

RECEIVED

JAN 17 2006

IDWR/North

**NOTICE OF APPLICATION**

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

96-9267

SUSAN R WHITEHEAD

1 SANDY DR

COCOLALLA ID 83813

Point(s) of Diversion L5 (SENW) S18 T55N R02W BONNER County

Source COCOLALLA LAKE - Tributary To COCOLALLA CREEK

Use: DOMESTIC 03/15 To 11/15 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 12/12/2005

Place Of Use: DOMESTIC

T55N R02W S18 SENW Lot 5

Remark: Domestic use is for 1 home

96-9268

CITY OF SANDPOINT

1123 W LAKE ST

SANDPOINT ID 83864-1714

Point(s) of Diversion SENW S21 T57N R02W BONNER County

Source CHUCK SLOUGH - Tributary To PEND OREILLE RIVER

Use: IRRIGATION 04/15 To 10/31 0.6 CFS

Total Diversion: 0.6 CFS

Date Filed: 12/22/2005

Place Of Use: IRRIGATION

T57N R02W S21 NWNE SWNE NENW SENW

Number of Acres 30

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 01/23/2006.

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

KARL J DREHER, Director

Legal SNP#7529

January 5, 12, 2006

*See records for  
Dredging*

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

96-9267

SUSAN R WHITEHEAD

1 SANDY DR

COCOLALLA ID 83813

Point(s) of Diversion L5 (SENW) S18 T55N R02W BONNER County

Source COCOLALLA LAKE - Tributary To COCOLALLA CREEK

Use: DOMESTIC 03/15 To 11/15 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 12/12/2005

Place Of Use: DOMESTIC

T55N R02W S18 SENW Lot 5

Remark: Domestic use is for 1 home

96-9268

CITY OF SANDPOINT

1123 W LAKE ST

SANDPOINT ID 83864-1714

Point(s) of Diversion SENW S21 T57N R02W BONNER County

Source CHUCK SLOUGH - Tributary To PEND OREILLE RIVER

Use: IRRIGATION 04/15 To 10/31 0.6 CFS

Total Diversion: 0.6 CFS

Date Filed: 12/22/2005

Place Of Use: IRRIGATION

T57N R02W S21 NWNE SWNE NENW SENW

Number of Acres 30

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 01/23/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on 01/05 & 01/12/2006



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

December 29, 2005

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

e-mailed to Sheri 12/29/05

RE: Application for Permit No. 96-9267 and 96-9268

*Please FAX proof copy before publication, to 208-769-1454*

*Thanks, Dianne*

**Dear Sheri:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates Indicated, January 5 and 12, 2006, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 01/23/2006. Your cooperation is VERY GREATLY appreciated, as always.

Sincerely

*Dianne*

Dianne Ball  
Administrative Assistant

**DEPARTMENT OF WATER RESOURCES**  
1910 NORTHWEST BLVD., SUITE 210  
COEUR D'ALENE ID 83814  
Phone 208-769-1450 - FAX - 208-769-1454

**Ball, Dianne**

---

**From:** Ball, Dianne  
**Sent:** Thursday, December 29, 2005 2:23 PM  
**To:** Legal Notices-Bonner Co Daily Bee (E-mail)  
**Subject:** Legal notice for publication on January 5 and 12, 2006

Good afternoon, Sheri,

I trust you have had a blessed Christmas and are looking forward to a great new year.

Attached is our cover letter requesting publication of a legal notice on January 5 and 12, 2006. The legal notice is also attached.

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

Also - **PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION** - to 208-769-1454, so I can check layout, etc.

Many thanks for all the help you give throughout the year. You make our legals look great!

*Dianne*

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



CoverLetter  
2-29-05 BCDB e-ma.



LegalNotice  
2-29-05 BCDB e-ma.



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

December 29, 2005

SUSAN R WHITEHEAD  
1 SANDY DR  
COCOLALLA ID 83813

RE: Application for Permit No 96-9267

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 January 5 and 12, 2006. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory J. Taylor', is written over a horizontal line.

Gregory J. Taylor  
Senior Water Resource Agent

**Ball, Dianne**

---

**From:** Jim Brady [jbrady@idl.state.id.us]  
**Sent:** Thursday, December 15, 2005 4:02 PM  
**To:** Ball, Dianne  
**Subject:** 96-9267 Whitehead

Dianne, Whitehead needs to make application with us too. I will contact her. Thank you.

Jim Brady, Resource Manager  
Minerals and Navigable Waters  
Idaho Department of Lands, Mica Supervisory Area  
3706 Industrial Ave. South  
Coeur d'Alene, ID 83815  
(208) 666-8607  
(208) 769-1597 fax

Please note that after January 3, 2006 my address and phone numbers will be:  
Idaho Department of Lands-Pend Oreille Supervisory Area  
2550 Highway 2 West  
Sandpoint, ID 83864-7307  
(208) 263-5104  
(208) 263-0724 fax

*E in computer  
12/16/05  
b*



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

December 13, 2005

JIM BRADY  
IDAHO DEPARTMENT OF LANDS  
3706 INDUSTRIAL AVE S  
COEUR D'ALENE, ID 83815

FAXED TO JIM 12/13/05  
6 pages total

Re: Water Permit Application No. 96-9267

Dear Jim:

I'm sending this to your Coeur d'Alene address because you indicated your position was not to change until January 1, 2006. If you're already moved, I presume they will forward this to you.

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

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **January 20, 2006**. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 769-1454, or by e-mail to [Dianne.Ball@idwr.idaho.gov](mailto:Dianne.Ball@idwr.idaho.gov).

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

Sincerely,

Dianne Ball  
Administrative Assistant



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

December 13, 2005

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

MARY TERRA-BERNS  
IDAHO DEPARTMENT OF FISH AND GAME  
2750 KATHLEEN AVE.  
COEUR D'ALENE, ID 83815

FAXED TO MARY 12/13/05  
6 pages total

Re: Water Permit Application No. 96-9267

Dear Mary:

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

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **January 20, 2006**. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 769-1454, or by e-mail to [Dianne.Ball@idwr.idaho.gov](mailto:Dianne.Ball@idwr.idaho.gov).

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

Sincerely,

Dianne Ball  
Administrative Assistant