

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09256

Priority: September 12, 2005

Maximum Diversion Rate: 0.02 CFS

This is to certify, that STEVE BARNHART
485 KRIPPLE KREEK RD
ATHOL ID 83801

has applied for a permit to appropriate water from:

Source: CAREYWOOD CREEK **Tributary:** SINKS
SPRING CAREYWOOD 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>
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINTS OF DIVERSION:

CAREYWOOD CREEK NE¼ SW¼ Sec. 15, Twp 54N, Rge 02W, B.M. BONNER County
SPRING NE¼ NE¼ SW¼ Sec. 15, Twp 54N, Rge 02W, B.M. BONNER County

PLACE OF USE: STOCKWATER and DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
54N 02W 15											X						
											L 3						

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2006**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. Stockwater use is for 10 head mixed stock.
5. 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 15th day of November, 2005.


For KARL J DREHER, Director

RECEIVED

09 2005

72284
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 Barnhart Phone 208 683-6103

Mailing address 485 Kripple Creek RD Athol ID 83801

2. Source of water supply Careywood Creek which is a tributary of Sinks

3. Location of point of diversion is Township 54N Range 2W Sec. 15, in the 1/4,

(x2) NE 1/4, SW 1/4, Govt. Lot and unnamed spring trib to Careywood Creek, B.M., Bonner County;

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 02 cfs for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 02 cfs for stock purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 02 and/or (b) _____
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 pipeline (2 in)

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

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

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

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

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

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

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

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

b. Stockwatering; list number and kind of livestock. 10 Mixed

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. 1

e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
54N	2W	15										D							
												GL							
												3							

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Philip Barnhart 786 Kripple Creek Rd Athol
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

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

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

Steve Barnhart

Signature of Applicant (and title, if applicable)

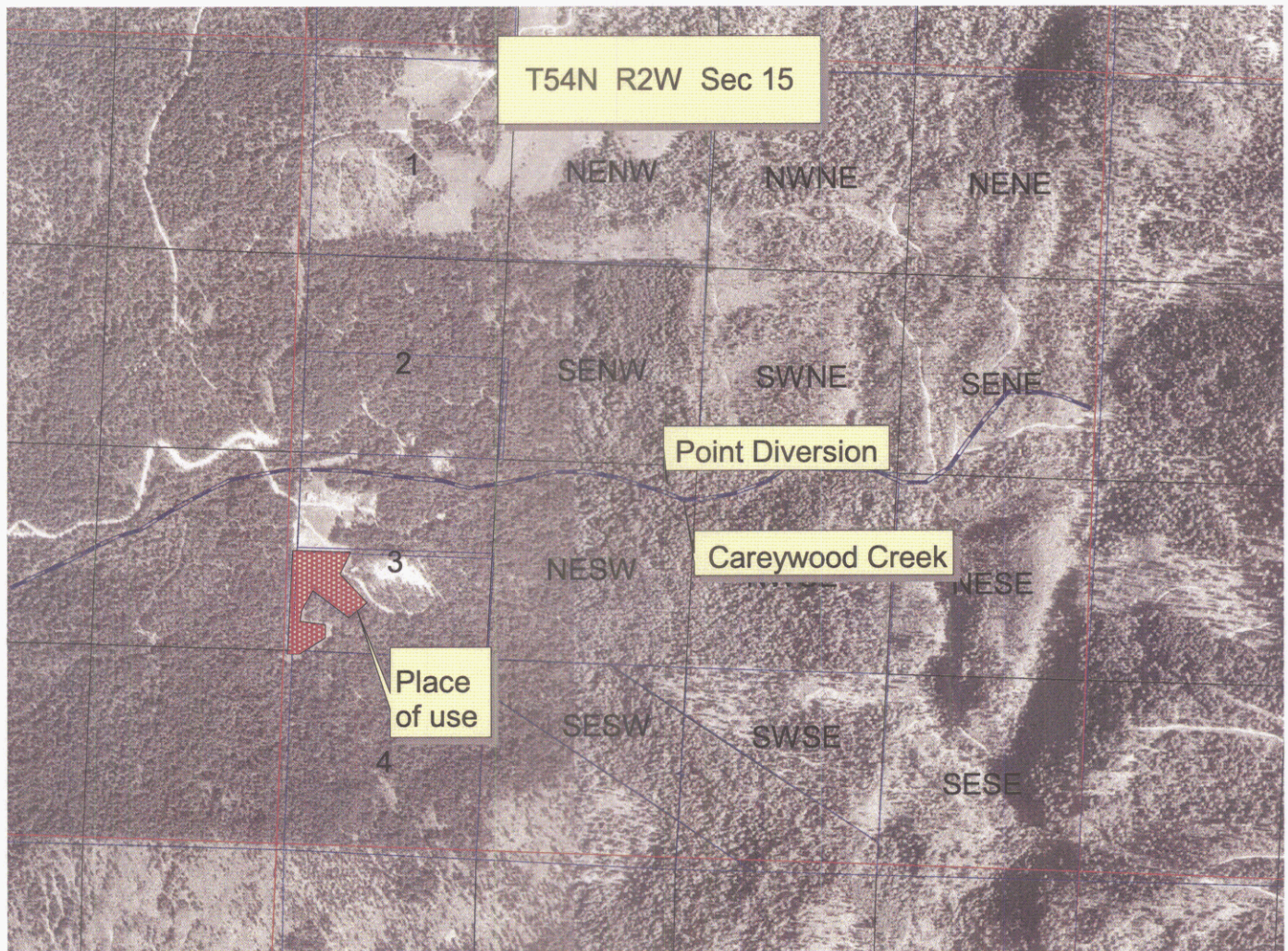
Received by DAH Date 9/10/05 Time 12:30 Preliminary check by _____

Fee \$ 100.00 Received by cm # 1017174 Date 9-12-05

Publication prepared by cb Date 9/27/05 Published in Banner Co. Ogilby Bu 10/6 & 13/05

Publication approved _____ Date 11/3/05

Barnhart



7.5 Minute Quad BoundariesQuad75.shp
Bonner.shp
PLSS Section LinesSections.shp
T54n02w.shp

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 16, 2005

STEVE BARNHART
485 KRIPPLE CREEK RD
ATHOL ID 83801

RE: Permit No. 96-9256

Permit Approval Notice

Dear Permit Holder:

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

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

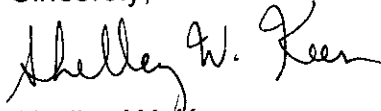
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

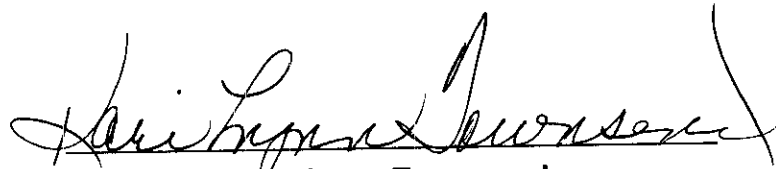
CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2005 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.

96-9256

**STEVE BARNHART
485 KRIPPLE CREEK RD
ATHOL ID 83801**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", written over a horizontal line.

**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: November 10, 2005
To: Water Right File 96-9256
From: eretelle
Re: permit review

No WD or moratorium.

No PoU overlap or protest.

Recommend approval as suggested by IDWR Northern.

RECEIVED
NOV 03 2005
IDWR/North

) SS.

Shanika 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;

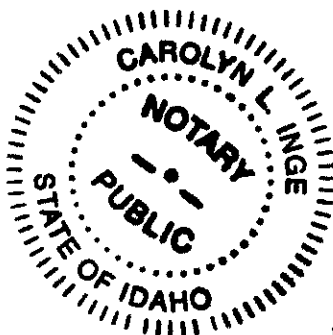
3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

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 16 day of Oct, 2005 and ending on the 13 day of Oct, 2005.

Whirlpools

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this 13 day of Oct, 2005.

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



See reviews for legal

7304

RECEIVED

NOV 03 2005

DWR/North

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

96-9256

STEVE BARNHART
485 KRIPPLE CREEK RD
ATHOL ID 83801
Point(s) of Diversion NESW S15 T54N R02W BONNER County
Source CAREYWOOD CREEK - Tributary To SINKS
Point(s) of Diversion NENESW S15 T54N R02W BONNER County
Source SPRING Tributary To CAREYWOOD CREEK
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 09/12/2005
Place Of Use: DOMESTIC
T54N R02W S15 NWSW Lot 3
Place Of Use: STOCKWATER same as DOMESTIC
Remark: Domestic use is for 1 home.
Stockwater use is for 10 head of mixed stock.

96-9259

ROBERT MYERS
120 E LAKE ST STE 309
SANDPOINT ID 83864
Point(s) of Diversion SENWNE S29 T57N R02W BONNER County
Source GROUND WATER
Use: DOMESTIC 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 09/06/2005
Place Of Use: DOMESTIC
T57N R02W S29 NWNE
Remark: Domestic use is for up to 9 homes.

96-9261

J RICHARD ROGERS
DOLORES J ROGERS
100 E COEUR D ALENE AVE #1020
COEUR D ALENE ID 83814
Point(s) of Diversion L9 (SESE) S31 T57N R01E BONNER County
Source LAKE PEND OREILLE Tributary To PEND OREILLE RIVER
Use: IRRIGATION 03/15 To 11/15 0.1 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.14 CFS
Date Filed: 09/21/2005
Place Of Use: IRRIGATION
T57N R01E S31 SESE Lot 9
Number of Acres 5
Place Of Use: DOMESTIC same as IRRIGATION
Remark: Domestic use is for 1 home.
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 10/24/2005. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director
Legal 7304
October 6, 13, 2005

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

96-9256

STEVE BARNHART
485 KRIPPLE CREEK RD
ATHOL ID 83801

Point(s) of Diversion NESW S15 T54N R02W BONNER County
Source CAREYWOOD CREEK - Tributary To SINKS
Point(s) of Diversion NENESW S15 T54N R02W BONNER County
Source SPRING Tributary To CAREYWOOD CREEK
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS

Date Filed: 09/12/2005
Place Of Use: DOMESTIC
T54N R02W S15 NWSW Lot 3
Place Of Use: STOCKWATER same as DOMESTIC
Remark: Domestic use is for 1 home.
Stockwater use is for 10 head of mixed stock.

96-9259

ROBERT MYERS
120 E LAKE ST STE 309
SANDPOINT ID 83864

Point(s) of Diversion SENWNE S29 T57N R02W BONNER County
Source GROUND WATER
Use: DOMESTIC 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 09/06/2005
Place Of Use: DOMESTIC
T57N R02W S29 NWNE
Remark: Domestic use is for up to 9 homes.

96-9261

J RICHARD ROGERS
DOLORES J ROGERS
100 E COEUR D'ALENE AVE
COEUR D'ALENE ID 83814

Point(s) of Diversion L9 (SESE) S31 T57N R01E BONNER County
Source LAKE PEND OREILLE Tributary To PEND OREILLE RIVER
Use: IRRIGATION 03/15 To 11/15 0.1 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.14 CFS

Date Filed: 09/21/2005
Place Of Use: IRRIGATION
T57N R01E S31 SESE Lot 9
Number of Acres 5
Place Of Use: DOMESTIC same as IRRIGATION
Remark: Domestic use is for 1 home.

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 10/24/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published October 6 and 13, 2005



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

September 27, 2005

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

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

e-mailed to Sheri 9/27/05

RE: Application for Permit No. 96-9256, 96-9259 and 96-9261

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, October 6 and 13, 2005, (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 10/24/2005. Your cooperation is truly greatly appreciated. It is always a pleasure to work with you.

Thank you,
Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, September 27, 2005 3:36 PM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal notice for publication Oct.6 & 13, 2005

Good afternoon, Sheri,

Attached is our cover letter requesting publication of a al notice on October 6 and 13, 2005. The legal notice is also attached.

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

Please **FAX A PROOF COPY** prior to publication to 208-769-1454 - so I can check layout and for any last minute corrections.

Thanks for all your help - it's always a pleasure to work with you.

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
9-27-05 BCDB e-ma.



LegalNotice
9-27-05 e-mail BC..



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 27, 2005

STEVE BARNHART
485 KRIPPLE CREEK RD
ATHOL ID 83801

RE: Application for Permit No 96-9256

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 October 6 and 13, 2005. 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,

Gregory J. Taylor
Senior Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 15, 2005

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

FAXED TO MARY 9/15/05
4 pages total

Re: Water Permit Application No. 96-9256

Dear Mary:

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

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **October 28, 2005**. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

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

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

Sincerely,

Dianne Ball
Administrative Assistant