

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09251

Priority: July 29, 2005

Maximum Diversion Rate: 0.04 CFS

This is to certify, that STEVE IMLAY Or
TINA IMLAY
203 MEADOW LN
SAGLE ID 83860

has applied for a permit to appropriate water from:

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

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

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

LOCATION OF POINT OF DIVERSION:

PEND OREILLE LAKE L2 (SW¼ NE¼) Sec. 17, Twp 56N, Rge 01E, B.M. BONNER County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	01E	17																	
					X														
					L2														

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2006**.
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 11th day of October, 2005.


for KARL DREHER, Director

RECEIVED

OCT 04 2005

Department of Water Resources

72206
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 96-9251

RECEIVED

JUL 29 2005

IDWR/North

1. Name of Applicant Steven or Tina Imlay Phone (208) 263-6124
Mailing address 203 Meadow Ln Saghe, ID 83860
2. Source of water supply LARE POB OREILLE which is a tributary of Pend Oreille River
3. Location of point of diversion is Township 56N Range 1E Sec. 17, in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot 2, B.M., BONNER County;

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount .04 cfs for DOMESTIC 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .04 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 1/2 HP Submersible pump,
Piped to home
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

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

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

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. 1 Home
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	
56N	1E	17			^{1.2} D														

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? Applicant

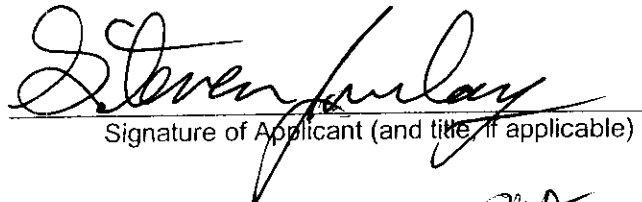
b. Who owns the land to be irrigated or place of use? Applicant

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.


Signature of Applicant (and title, if applicable)

Received by JF. Date 7-29-05 Time 11:45 A Preliminary check by RJA
 Fee \$ 100.00 Receipted by JF. # NO17075 Date 7-29-05
 Publication prepared by [initials] Date 8/23/05 Published in Boyer's Daily Bee 9/1 + 8/06
 Publication approved [initials] Date 9/9/06

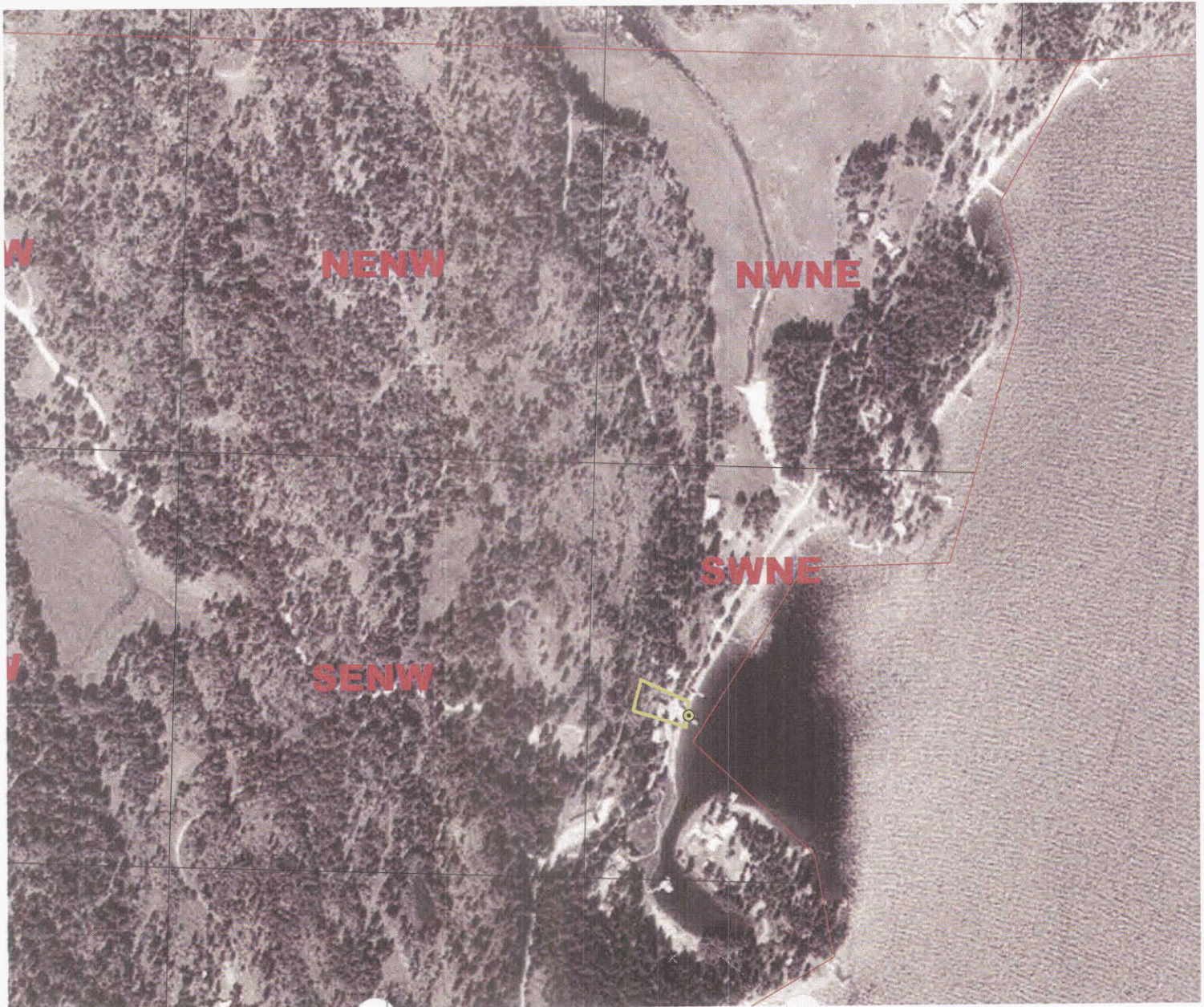
T56N R1E Section 17



Place of Use



Point of Diversion



**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

October 12, 2005

STEVE IMLAY
TINA IMLAY
203 MEADOW LN
SAGLE ID 83860

RE: Permit No. 96-9251

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.

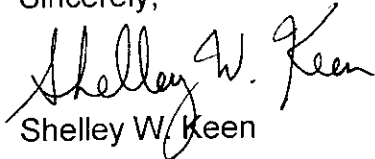
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

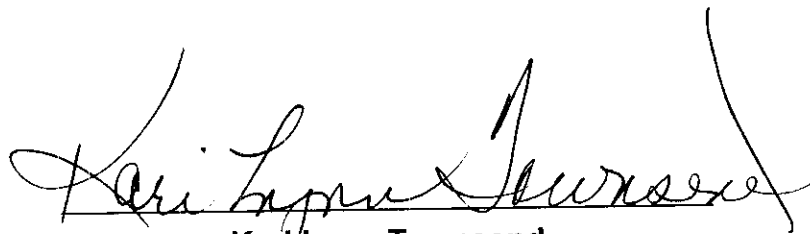
CERTIFICATE OF SERVICE

I hereby certify that on October 12, 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.

96-9251

**STEVE IMLAY
TINA IMLAY
203 MEADOW LN
SAGLE ID 83860**

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.

M E M O R A N D U M

Date: October 06, 2005
To: Water Right File 96-9251
From: eretelle
Re: permit review

No WD, min stream flow or moratorium.

No overlap or protest.

Recommend approval as suggested by IDWR Northern.

AFFIDAVIT OF PUBLICATION

RECEIVED
SEP 09 2005
IDWR/North

STATE OF IDAHO)

) ss.

County of Bonner)

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

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Water Capps.
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;

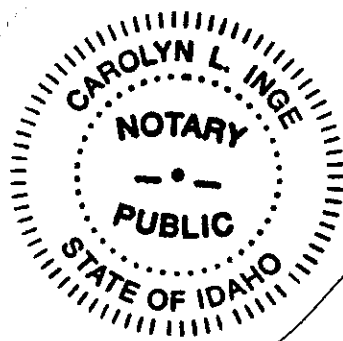
3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

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 1 day of Sept, 2005, and ending on the 8 day of Sept, 2005.

Shenlyn Jones

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this 8 day of Sept, 2005.

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



See reverse for
legal copy
D

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

96-9247

DOVER BAY DEVELOPMENT INC
120 E LAKE ST
STE 101

SANDPOINT ID 83864

Point(s) of Diversion L1 (NESE) S31 T57N R02WBONNER County

Source PEND OREILLE RIVER Tributary To COLUMBIA RIVER

Use: IRRIGATION 04/01 To 10/31 2 CFS

Total Diversion: 2 CFS

Date Filed: 07/29/2005

Place Of Use: IRRIGATION

T57N R02W S31 N1/2NE SWNE Lot 2 SENE Lot 1 NENW Lot 3
NWNW Lot 4 SENW Lot 3 NESE Lot 1

T57N R02W S32 NWNW SWNW Lot 3 SENW Lot 2

Number of Acres 159

96-9251

STEVE IMLAY

TINA IMLAY

203 MEADOW LN

SAGLE ID 83860

Point(s) of Diversion L2 (SWNE) S17 T56N R01E BONNER County

Source PEND OREILLE LAKE Tributary To PEND OREILLE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 07/29/2005

Place Of Use: DOMESTIC T56N R01E S17 SWNE Lot 2

Remark: Domestic use is for 1 home

96-9252

MICHAEL NEDWICK

LAURA NEDWICK

2044 CALLE YUCCA

THOUSAND OAKS CA 91360

Point(s) of Diversion L5 (SWNE) S36 T57N R03WBONNER County

Source PEND OREILLE RIVER Tributary To COLUMBIA RIVER

Use: IRRIGATION 05/01 To 10/01 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 08/18/2005

Place Of Use: IRRIGATION T57N R03W S36 SWNE Lot 5

Number of Acres 0.6

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 09/19/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 7222

September 1, 8, 2005

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

96-9247

DOVER BAY DEVELOPMENT INC
120 E LAKE ST
STE 101

SANDPOINT ID 83864

Point(s) of Diversion L1 (NESE) S31 T57N R02W BONNER County
Source PEND OREILLE RIVER Tributary To COLUMBIA RIVER
Use: IRRIGATION 04/01 To 10/31 2 CFS
Total Diversion: 2 CFS

Date Filed: 07/29/2005

Place Of Use: IRRIGATION

T57N R02W S31 N1/2NE SWNE Lot 2 SENE Lot 1 NENW Lot 3 NWNW Lot 4
SENE Lot 3 NESE Lot 1

T57N R02W S32 NWNW SWNW Lot 3 SENW Lot 2

Number of Acres 159

96-9251

STEVE IMLAY

TINA IMLAY

203 MEADOW LN

SAGLE ID 83860

Point(s) of Diversion L2 (SWNE) S17 T56N R01E BONNER County
Source PEND OREILLE LAKE Tributary To PEND OREILLE RIVER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 07/29/2005

Place Of Use: DOMESTIC

T56N R01E S17 SWNE Lot 2

Remark: Domestic use is for 1 home

96-9252

MICHAEL NEDWICK

LAURA NEDWICK

2044 CALLE YUCCA

THOUSAND OAKS CA 91360

Point(s) of Diversion L5 (SWNE) S36 T57N R03W BONNER County
Source PEND OREILLE RIVER Tributary To COLUMBIA RIVER
Use: IRRIGATION 05/01 To 10/01 0.02 CFS
Total Diversion: 0.02 CFS

Date Filed: 08/18/2005

Place Of Use: IRRIGATION

T57N R03W S36 SWNE Lot 5

Number of Acres 0.6

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

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KARL J DREHER, Director Published September 1 and 8, 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

August 23, 2005

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

RE: Application for Permit No. 96-9247, 96-9251 and 96-0252

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates Indicated, September 1 and 8, 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 09/19/2005. Your cooperation is appreciated, always.

Sincerely

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, August 23, 2005 4:49 PM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal Notice for publication September 1 and 8, 2005 - WRs 96-9247, 96-9251 and 96-9252

Good afternoon, Sheri,

Time for another legal notice to be published - so I'm attaching our cover letter and the legal notice - with request that it be published September 1 and 8, 2005.

If you have ANY questions please call me at 208-769-1454.

PLEASE FAX A PROOF COPY BEFORE PUBLICATION DATE.

You should be able to do a straight copy and paste and then have only minor adjustments - if the press will work with you on that.

Always a pleasure to work with you, and have a wonderful evening, and a marvelous day tomorrow, also.

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
3-23-05 BCDB e-ma.



LegalNotice
3-23-05 BCDB 96-9.



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

August 23, 2005

STEVE IMLAY
TINA IMLAY
203 MEADOW LN
SAGLE ID 83860

RE: Application for Permit No 96-9251

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 September 1 and 8, 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

Ball, Dianne

From: Jim Brady [jbrady@idl.state.id.us]
Sent: Monday, August 22, 2005 12:57 PM
To: Ball, Dianne
Subject: 96-9251 - Imlay

Dianne, IDL is aware of this application. We will take care of our end. 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

*Go on computer
8/22/05
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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 16, 2005

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

FAXED TO MARY 8/16/05
4 pages total

Re: Water Permit Application No. 96-9251

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 **September 15, 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



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

August 16, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

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

4 pages total

Re: Water Permit Application No. 96-9251

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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,

A handwritten signature in cursive script that reads "Dianne".

Dianne Ball
Administrative Assistant