

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09243

Priority: July 13, 2005

Maximum Diversion Rate: 0.18 CFS

This is to certify, that TERESA A DAY
2413 TWIN CREEK RD
CLARK FORK ID 83811

has applied for a permit to appropriate water from:

Source: DELYLE CREEK

Tributary: TWIN 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>
POWER	01/01 to 12/31	0.17 CFS
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:

DELYLE CREEK L4 (NW¼NW¼) Sec. 1, Twp 54N, Rge 02E, B.M., BONNER County

PLACE OF USE: POWER & 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
54N 02E 1						X											
						L 4											

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2006**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
5. This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.
6. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
7. The Director retains jurisdiction of this right in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.
8. A fish screen of ¼ inch or smaller mesh shall be installed and maintained at the point of diversion.
9. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09243

10. The right holder shall install a measuring device that can be used to determine the instantaneous rate of flow of water through the system, or the right holder shall provide to the department a flow rate measurement or computation made by a certified water right examiner in accordance with actual system design and operation.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 14th day of September, 2005.


FOR KARL J DREHER, Director

RECEIVED
FORM 202
12/99
SEP 12 2005

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho (208) IDWR/North

Ident. No. 96-9243

RECEIVED
JUL 13 2005

1. Name of Applicant TERESA A. DAY Phone 266-0315
Mailing address 2413 TWIN CREEK RD. CLARK FORK, IDAHO 83811
2. Source of water supply DELYLE CREEK which is a tributary of TWIN CREEK
3. Location of point of diversion is Township 54 NORTH Range 2 EAST Sec. 1, in the NW 1/4, NW 1/4, Govt. Lot 4 (B.M.) BONNER County;
additional points of diversion if any:

4. Water will be used for the following purposes:

Per T.C. #1 T. Day 7-13-05
Amount 0.002 for DOMESTIC USE purposes from JAN. 1 to DEC. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.17 for HYDROPOWER purposes from JAN. 1 to DEC. 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) 0.18 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works: 4" PVC PIPE IN THE FLOW OF THE CREEK ENTERING THROUGH
a. Describe type and size of devices used to divert water from the source 4" PVC SANDSCREEN (1/32 IN. SLITS)
b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? N/A
e. If well is already drilled, when? N/A; 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. 46 FT. OF HEAD .3 KW
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. ONE
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	2E	1						D											
54N	2E	1						P											

Total number of acres to be irrigated N/A

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? JOE GAWEL (SEE ATTACHED EASEMENT COPY)

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

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.

Teresa A Day
Signature of Applicant (and title, if applicable)

Received by db Date 7/13/05 Time 11:35a Preliminary check by _____
 Fee \$ 100.00 Receipted by db # N017036 Date 7/13/05
 Publication prepared by db Date 7/27/05 Published in Boonville Daily Bee 8/14+11/05
 Publication approved db Date 8/31/05

464120

EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged, the Grantor, DEL STAMNESS, hereby grants and conveys to the Grantees, BRADLEY G. DAY, BRIAN H. DAY, and JACOB S. DAY the following described easement;

LEGAL DESCRIPTION

An easement for a water line and ingress and egress for maintenance of said water line, 15 feet in width, 7 1/2 feet each side of the centerline, located in the Northwest One Quarter of Section 1, Township 54 North, Range 2 East, Boise Meridian, Bonner County, Idaho, said centerline more particularly described as follows:

Commencing at the Northwest corner of said Section 1; thence South 00° 02' 59" East a distance of 617.45 feet along the westerly boundary of the Northwest Quarter of said Section 1 to the centerline of the Clark Fork tributary known as Delyle Creek; thence along said centerline South 89° 23' 36" East a distance of 18.6 feet; thence continuing along said centerline, South 68° 49' 06" East a distance of 17.52 feet to the true point of beginning for said easement; thence leaving said centerline of Delyle Creek North 52° 29' 15" East a distance of 177.62 feet to the westerly boundary of the DAY FAMILY property and the termination of said easement.

The Easement herein contained shall run with the land and is binding upon all subsequent owners thereof.

In witness whereof, the said Grantor has executed this instrument the 20 day of April 1995.

Del Stamness

STATE OF ~~IDAHO~~ ^{Montana})
COUNTY OF ~~BONNER~~ ^{Sanders}) SS.

This day, personally appeared before me, the undersigned Notary Public, DEL STAMNESS, a single man, known to me to be the person whose signature is subscribed to the within instrument and acknowledged to me that He executed the same.

In witness whereof, I have hereunto set my hand and seal this 20th Day of April 1995.

Ed Johnson
NOTARY PUBLIC, State of Montana

RESIDING AT: Noxon, Montana

COMMISSION EXPIRES March 2, 1998

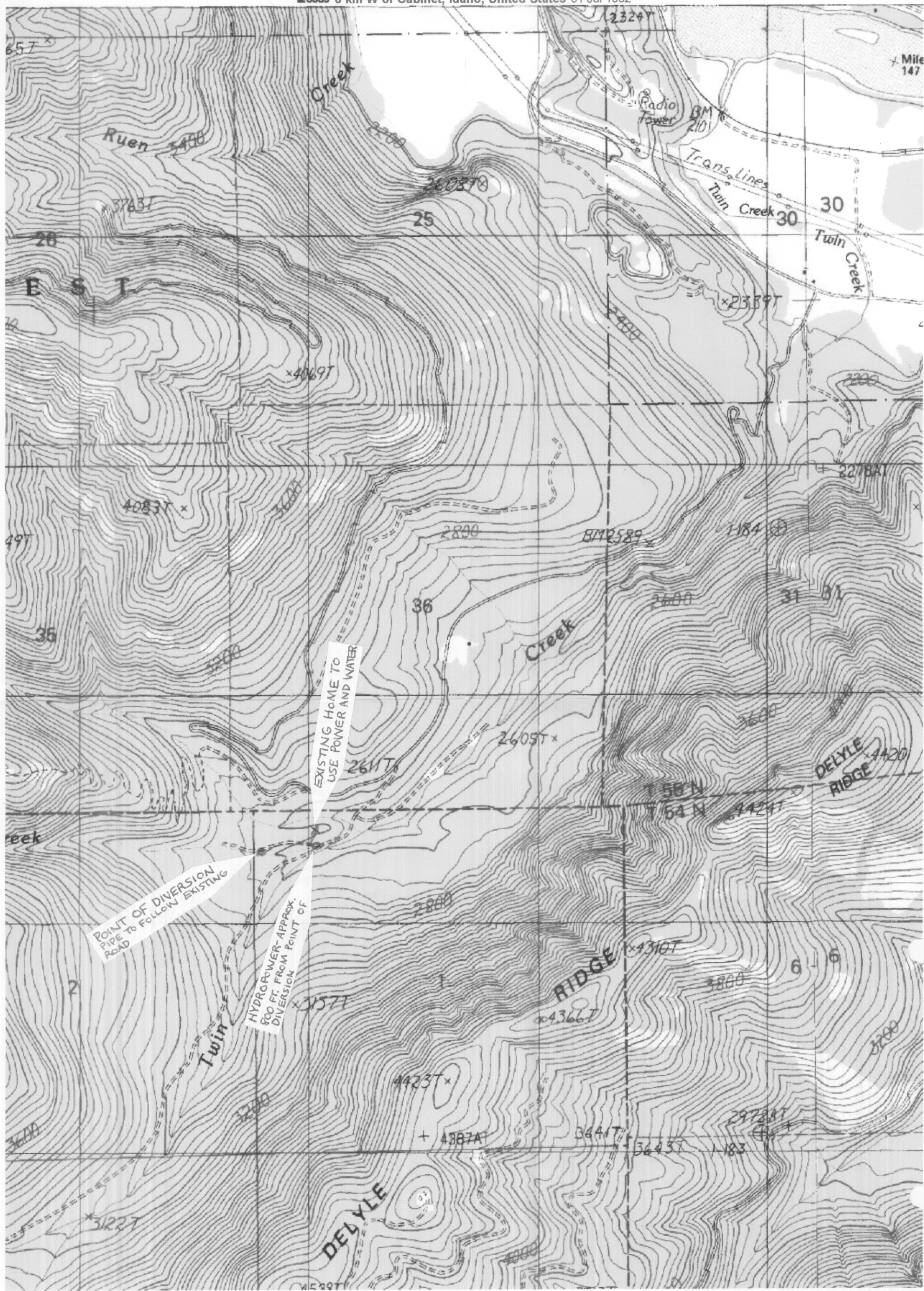
DEP. COUNTY BY Marie Scott
RECORDED BY BONNER
MARIE SCOTT

95 APR 24 PM 12 30

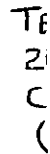
FILED BY Day

Act to:

Day
HER 645
CLARK FORK



TERESA A. DAY
2413 TWIN CREEK RD.
CLARK FORK, ID. 83811
(208) 266-0315



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AFFIDAVIT

Permit No. _____

for
Water Rights to be used for Power Purposes

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or individual Members of a Partnership:

I, TERESA A. DAY of CLARK FORK
(name) (city)
County of BONNER State of Idaho, being duly sworn, do
hereby certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, N/A of _____
(name) (city)
County of _____, State of Idaho, being duly sworn, depose and say: That
I am the designated registered agent of the _____: That as such
(name of corporation)
I am in charge of the registered office of the said corporation as required by Section
30-1-12, Idaho Code, at _____, Idaho, wherein are kept the corporate
(city)
records required by Section 30-1-52, Idaho Code: and that _____
(name of corporation)
is a corporation qualified to do business in the State of Idaho under the laws of the
State of Idaho.

B. Ownership of Facilities:

The hydropower facility to be developed pursuant to the attached Appropriation Application:
____ Will utilize existing man-made irrigation facilities such as a dam or a canal, and
permission of the owner is documented in an affidavit attached hereto.
____ Will utilize existing man-made irrigation facilities such as a dam or a canal, and
the owner of the facilities is the signee of this affidavit.
☒ Will not utilize existing man-made irrigation facilities such as a dam or a canal.

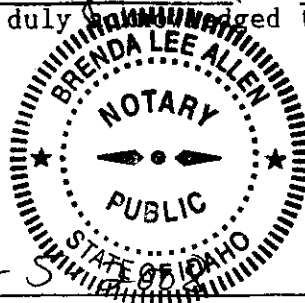
C. Purpose:

☒ The power to be produced pursuant to the attached Appropriation Application is for my own
personal use and will not to be offered for sale.
____ The power to be produced pursuant to the attached Appropriation Application is to be
offered for sale.

State of Idaho)
County of Bonner) ss.

Teresa A. Day
Applicant

On this 12th day of July, 2005, personally appeared before me the signer(s)
of the above instrument, who duly sworn to me that he (she) (they) executed the same.



Brenda Lee Allen
Notary Public residing at
Clark Fork, ID

My commission expires: 6-5

**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

September 14, 2005

TERESA A DAY
2413 TWIN CREEK RD
CLARK FORK ID 83811

RE: Permit No. 96-9243

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.

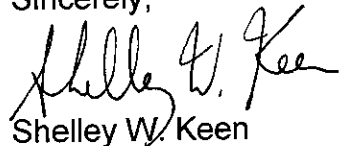
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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" and last name "Keen" being more prominent than the middle initial "W.".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

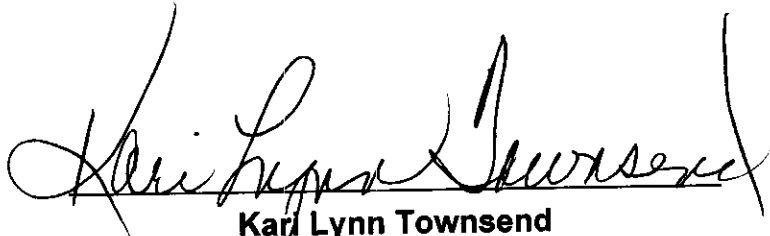
CERTIFICATE OF SERVICE

I hereby certify that on September 14, 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.

96-9243

**TERESA A DAY
2413 TWIN CREEK RD
CLARK FORK ID 83811**



**Karl 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.

Comment Report

96-9243

1. kwalker 9/13/2005 POD

Comment: Updated shape

2. kwalker 9/13/2005 POD

Comment: Updated PLS

3. kwalker 9/13/2005 POU

Comment: Updated Shape

4. kwalker 9/13/2005 POU

Comment: Updated Shape

5. dball 7/21/2005 Legal Notice Remarks

Comment: Domestic use is for one home.

6. dball 8/23/2005 11:07:20 AM Comment Letter Notes

Comment: WHO: IDF&G - Charles E. "Chip" Corsi

Regional Supervisor

RESPONSE: Conditional Recommendation

DATE RECEIVED: 8/1/2005

If applicant intends to impound any water they should be aware that an in-stream impoundment may contribute to elevated stream temperatures and have other potentially adverse impacts on water quality and stream function. Applicant indicated water would be diverted for approximately 800 ft but did not indicate where water would re-enter stream.

Recommend against permitting construction of any type of dam to impound water from Delye Ck. Application should be required either to withdraw water from the creek as needed or install off-stream storage. If impounded, dam must be designed, installed and maintained to allow fish passage per Idaho Code 36-906.

Water intakes should be screened to prevent entrainment or impingement of fish. Maximum screen mesh size 0.25 inches; approach velocities not to exceed 0.5 ft per second to prevent losses of juvenile fish.

7. kwalker 9/13/2005 Permit Review

Comment: Application does not fall within any problem areas. Fish & Game concerns have been addressed by memo in file. Recommend approval.

RECEIVED

SEP 12 2005

Department of Water Resources

Date: 9/1/2005

To: File #96-9243

From: Greg Taylor

RE: IDFG Letter

-
- The applicant will not be impounding water. The diversion works are a 4" PVC pipe and a sand screen with 1/32" slits.
 - No dam is planned at the site.
 - Stream Alteration application is not necessary because of the water right exemption.



IDAHO FISH & GAME

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

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

Go on computer
[Signature]

July 26, 2005

Ms. Dianne Ball
Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd, S 210
Coeur d'Alene, ID 83814

RECEIVED
AUG 01 2005
IDWR/North

Dear Dianne:

REFERENCE: 96-9243: TERESA DAY

We have reviewed the above named application to withdraw 0.02 cfs for domestic use and 0.17 cfs for hydropower from Delyle Creek, which is a tributary of Twin Creek, from January 1 to December 31.

We have no objection to issuing the water right; however, if the applicant intends to impound any water they should be aware that an in-stream impoundment may contribute to elevated stream temperatures and have other potentially adverse impacts on water quality and stream function. The applicant noted that water would be diverted for approximately 800 feet but did not indicate where the water would re-enter the stream.

Delyle Creek is a tributary to Twin Creek, which harbors bull trout and cutthroat trout; therefore, it is particularly important to protect water quality and temperature in this drainage. Tributary streams are an important source of organic materials and nutrients to larger streams and are production areas for macro invertebrates that fish rely on for food. Protection of these tributary stream functions is a key element for conservation of many species of fish and to maintaining the health of larger rivers and streams. Recently, restoration work was completed on Twin Creek to improve habitat for both bull trout and cutthroat; therefore we are extremely keen on maintaining water quality in this stream.

We recommend against permitting construction of any type of dam to impound water from Delyle Creek. The applicant should be required either to withdraw water from the creek as needed or install off-stream storage. Additionally, if water is impounded the dam must be designed, installed and maintained to allow fish passage per Idaho Code 36-906. No dam design or details were provided in the application information; therefore we anticipate that we will have an opportunity to review and comment on a stream alteration permit application detailing the design and construction plans for a dam, if that option is being considered for obtaining water for this water right.

Ms. Dianne Ball
July 25, 2005

Page 2 of 2

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

Thank you for the opportunity to comment.

Sincerely,



Charles E. "Chip" Corsi
Regional Supervisor

CEC:MTB:kh

C: Tracey Trent, NRPB Boise

AFFIDAVIT OF PUBLICATION

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 Book Keeper 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 4 day of Aug, 2005 and ending on the 11 day of Aug, 2005.

Sherilyn Jones

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this 11 day of August, 2005.

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



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

96-9240

PEND OREILLE LTD
HCR 61 BOX 169
BONNERS FERRY ID 83805
Point(s) of Diversion SWSW S16 T57N R01E BONNER County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.5 CFS
Total Diversion: 0.5 CFS
Date Filed: 07/18/2005
Place Of Use: MUNICIPAL
Remark: Municipal use is for applicants service area

96-9241

JIM CARROLL
1847 GARFIELD BAY CUTOFF RD
SAGLE ID 83860
Point(s) of Diversion NWNE S22 T56N R01W BONNER County
Source UNNAMED STREAM Tributary To LAKE PEND OREILLE
Use: WILDLIFE STORAGE 01/01 To 12/31 4 AFA
Total Diversion: 4 AFA
Date Filed: 07/15/2005
Place Of Use: WILDLIFE STORAGE 56N R01W S22 WNE

96-9242

JIM CARROLL
1847 GARFIELD BAY CUTOFF RD
SAGLE ID 83860
Point(s) of Diversion NENE S22 T56N R01W BONNER County
Source UNNAMED STREAM Tributary To LAKE PEND OREILLE
Use: WILDLIFE STORAGE 01/01 To 12/31 24 AFA
Total Diversion: 24 AFA
Date Filed: 07/15/2005
Place Of Use: WILDLIFE STORAGE T56N R01W S22 NWNE

96-9243

TERESA A DAY
2413 TWIN CREEK RD
CLARK FORK ID 83811
Point(s) of Diversion L4 (NWNW) S1 T54N R02E BONNER County
Source DELYLE CREEK Tributary To TWIN CREEK
Use: POWER 01/01 To 12/31 0.17 CFS
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.18 CFS
Date Filed: 07/13/2005
Place Of Use: DOMESTIC T54N R02E S1 NWNW Lot 4
Place Of Use: POWER - same as DOMESTIC
Remark: Domestic use is for one 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 08/22/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Legal 7143

August 4, 11, 2005

7143



**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

July 27, 2005

PLEASE FAX A PROOF BEFORE PUBLICATION
Thanks, Dianne

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

RE: Application for Permit No. 96-9240, 96-9241, 96-9242 and 96-9243

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, August 4 and 11, 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 08/22/2005. Your cooperation is GREATLY appreciated. It's always a pleasure to work with you.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, July 27, 2005 3:41 PM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal Notice for publication on August 4 and 11, 2005 - WRs 96-9240,41,42,43

Good afternoon, Sheri,

I am attaching a cover letter requesting publication of a legal notice on August 4 and 11, 2005. Also attached is the legal notice.

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

PLEASE FAX A PROOF COPY BEFORE PUBLICATION.

As always, it is a pleasure to work with you, and have a wonderful evening. Stay cool if you can!

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



LegalNotice

7-27-05 BCDB e-ma 7-27-05 BCDB e-ma.

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

96-9240

PEND OREILLE LTD
HCR 61 BOX 169
BONNERS FERRY ID 83805
Point(s) of Diversion SWSW S16 T57N R01E BONNER County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.5 CFS
Total Diversion: 0.5 CFS

Date Filed: 07/18/2005

Place Of Use: MUNICIPAL

Remark: Municipal use is for applicants service area

96-9241

JIM CARROLL
1847 GARFIELD BAY CUTOFF RD
SAGLE ID 83860
Point(s) of Diversion NWNE S22 T56N R01W BONNER County
Source UNNAMED STREAM Tributary To LAKE PEND OREILLE
Use: WILDLIFE STORAGE 01/01 To 12/31 4 AFA
Total Diversion: 4 AFA

Date Filed: 07/15/2005

Place Of Use: WILDLIFE STORAGE 56N R01W S22 NWNE

96-9242

JIM CARROLL
1847 GARFIELD BAY CUTOFF RD
SAGLE ID 83860
Point(s) of Diversion NENE S22 T56N R01W BONNER County
Source UNNAMED STREAM Tributary To LAKE PEND OREILLE
Use: WILDLIFE STORAGE 01/01 To 12/31 24 AFA
Total Diversion: 24 AFA

Date Filed: 07/15/2005

Place Of Use: WILDLIFE STORAGE T56N R01W S22 NENE

96-9243

TERESA A DAY
2413 TWIN CREEK RD
CLARK FORK ID 83811
Point(s) of Diversion L4 (NWNW) S1 T54N R02E BONNER County
Source DELYLE CREEK Tributary To TWIN CREEK
Use: POWER 01/01 To 12/31 0.17 CFS
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.18 CFS

Date Filed: 07/13/2005

Place Of Use: DOMESTIC T54N R02E S1 NWNW Lot 4

Place Of Use: POWER – same as DOMESTIC

Remark: Domestic use is for one 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 08/22/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published August 4 and 11, 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 27, 2005

TERESA A DAY
2413 TWIN CREEK RD
CLARK FORK ID 83811

RE: Application for Permit No 96-9243

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 August 4 and 11, 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,

A handwritten signature in cursive script, reading 'Gregory J. Taylor'.

Gregory J. Taylor
Senior Water Resource Agent

Enclosure(s) – Receipt No. N017036



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

July 21, 2005

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

FAXED TO MARY 7/21/05
6 pages total

Re: Water Permit Application No. 96-9243

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 **August 12, 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