

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 97-07448

Priority: June 21, 2005

Maximum Diversion Rate: 0.12 CFS

This is to certify, that JOHN H MYERS And JEANNE M MYERS
PO BOX 369
PRIEST RIVER ID 83856

have applied for a permit to appropriate water from:

Source: SPRING

Tributary: SADDLER 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	01/01 to 12/31	0.04 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
IRRIGATION	04/01 to 10/31	0.06 CFS

LOCATION OF POINT OF DIVERSION:

SPRING SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2, Twp 56N, Rge 05W, B.M., BONNER County

PLACE OF USE: DOMESTIC & STOCKWATER

Twp Rge Sec	NE			NW			SW			SE			
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
56N 05W 2											X		

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE			NW			SW			SE			
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
56N 05W 2											3.0		3.0

Total Acres: 3

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2006**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
4. Stockwater use is for 8 horses.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 22nd day of August, 2005.


for KARL J DREHER, Director

John & Mrs John H Myers
PO Box 369
Priest River ID 83856-0369

72097
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

REC VED
JUN 06 2005
IDWR/North
Ident. No. 97-7448

RECEIVED
JUN 21 2005
IDWR/North

1. Name of Applicant John H. and Jeanne M. Myers Phone (209) 448-4538
2. Mailing address P.O. Box ~~369~~ Priest River, ID 83856
3. Source of water supply Spring, John which is a tributary of Saddler Creek
4. Location of point of diversion is Township 56 N Range 5 W Sec. 2, in the John SE $\frac{1}{4}$,
John NW $\frac{1}{4}$, John SE $\frac{1}{4}$, Govt. Lot _____, B.M., Banner County;
5. additional points of diversion if any: *See attached for further information
6. Water will be used for the following purposes:
- | |
|---|
| Amount <u>0.04 cfs</u> for <u>Domestic (leach)</u> purposes from <u>Jan 1</u> to <u>Dec 31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>0.02 cfs</u> for <u>Live stock (beach)</u> purposes from <u>Jan 1</u> to <u>Dec 31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>0.06 cfs</u> for <u>Irrigation</u> purposes from <u>April 1</u> to <u>Oct 31</u> (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) |
7. Total quantity to be appropriated is (a) 0.12 cubic feet per second and/or (b) NA acre feet per annum
8. Proposed diverting works: John Spring, 3/4 hp sub-pump (cistern reservoir)
- a. Describe type and size of devices used to divert water from the source 3/4 hp sub-pump
pumped from spring fed cistern reservoir.
- b. Height of storage dam NA feet; active reservoir capacity 10' x 5' round Pipe acre-feet; total
reservoir capacity 157 cu ft acre-feet
- c. Proposed well diameter is NA inches; proposed depth of well is NA feet
- d. Is ground water with a temperature of greater than 85°F being sought? NE
- e. If well is already drilled, when? NA; Drilling firm NA
Well was drilled for (well owner) NA; Drilling Permit No. NA
9. Time required for completion of works and application of water to proposed beneficial use is NA 1 years (minimum 1 year)
10. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. NA
- b. Stockwatering; list number and kind of livestock. 8 horses
- c. Municipal; show name of municipality. NA
- d. Domestic; show number of households. one household from pre-existing spring fed cistern.
- e. Other; describe fully. Spring developed prior to July 1, 1987

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	5W	2														3			3
		2														D/S			

Total number of acres to be irrigated (3) within 20 ac. tract.

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

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: NA

12. Remarks: Diversion and use on applicants' property

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.

Jeannette M. Myers
Signature of Applicant (and title, if applicable)

Received by [Signature] Date 6/6/05 Time 1:20P Preliminary check by [Signature] Date 6/6/05
Fee \$ 100.00 Receipted by [Signature] # N016955
Publication prepared by [Signature] Date 7/13/05 Published in Prater River Times 7/20 + 27/05
Publication approved [Signature] Date 8/4/05

3. Cont'd.

- * The South half of the Northwest quarter of the Southeast quarter and the Southeast quarter of the Northeast quarter of the Northwest quarter of the Southeast quarter of Section 2, Township 56 North, Range 5 West, Boise Meridian, Bonner County, Idaho;

LESS the Northwest quarter of the Southwest quarter of the Northwest quarter of the Southeast quarter of Section 2, Township 56 North, Range 5 West, Boise Meridian, Bonner County, Idaho.

SUBJECT TOPOGRAPHY MAP/⊗ IS APPROX LOCATION OF SPRING/CISTERN



**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

August 23, 2005

JOHN H MYERS
JEANNE M MYERS
PO BOX 369
PRIEST RIVER ID 83856

RE: Permit No. 97-7448

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.

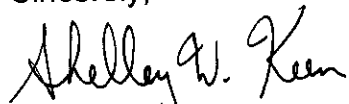
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

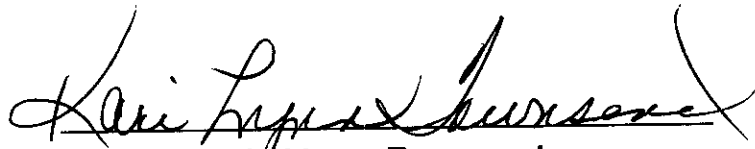
CERTIFICATE OF SERVICE

I hereby certify that on August 23, 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.

97-7448

**JEANNE M MYERS
JOHN H MYERS
PO BOX 369
PRIEST RIVER ID 83856**

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.

Comment Report

97-7448

1. kwalker 8/22/2005 POD

Comment: Updated shape

2. kwalker 8/22/2005 POU

Comment: Updated Shape

3. kwalker 8/22/2005 POU

Comment: Updated Shape

4. kwalker 8/22/2005 POU

Comment: Updated Shape

5. dball 7/8/2005 Legal Notice Remarks

Comment: Domestic use is for 1 home.

Stockwater use is for 8 horses.

6. kwalker 8/22/2005 Permit Review

Comment: Application does not fall within any problem areas. No place of use overlap found. Recommend approval.

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

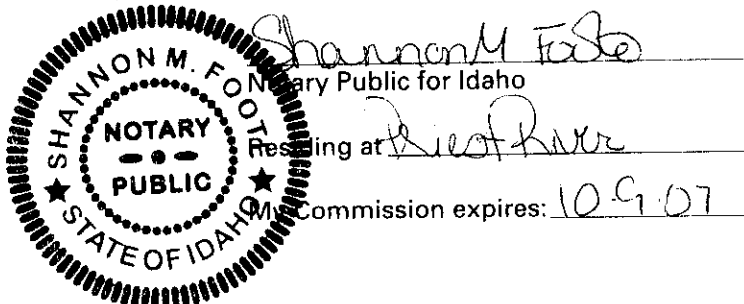
County of Bonner, Terri Jvie

_____ being first duly sworn on oath
deposes and says that he/she is Managing Editor
of the Priest River Times, a newspaper printed and
published at Priest River, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

97-7448 - Myers
96-9239 - Sebero

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 20th day of July, 20 05
and ending on the 27th day of July, 20 05
and that said notice was published in said newspaper.

On this 27th day of July in the year
of 2005, before me, a Notary Public, personally
appeared Terri Jvie,
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me
first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.



RECEIVED
AUG 01 2005
DWR/North

The following application(s) have been filed to appropriate the public waters of
the State of Idaho:
97-7448

JOHN H MYERS
JEANNE M MYERS
PO BOX 369
PREIST RIVER ID 83856
Point(s) of Diversion SENWSE S2 T56N R05W BONNER County
Source SPRING Tributary to SADDLER CREEK
Use: IRRIGATION 04/01 To 10/31 0.06 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.12 CFS
Date Filed: 06/21/2005
Place Of Use: DOMESTIC - T56N R05W S2 NWSE
Place of Use: STOCKWATER AND IRRIGATION same as DOMESTIC
Number of Acres 3
Remark: Domestic use is for 1 home.
Stockwater use is for 8 horses.
96-9239

JAMES SEBERO
PO BOX 339
LACLEDE ID 83841
Point(s) of Diversion L3(NWNW) S31 T56N R03W BONNER County
Source PEND OREILLE RIVER - Tributary to COLUMBIA RIVER
Use: IRRIGATION 04/01 To 10/31 0.06 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.1 CFS
Date Filed: 06/27/2005
Place Of Use: DOMESTIC - T56N R03W S31 NWNW Lot 3
Place of Use: IRRIGATION same as DOMESTIC
Number of Acres 2.5
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 Resources, Northern Region, 1910 Northwest Blvd, Suite
210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each appli-
cation on or before 08/08/2005. The protestant must also send a copy of the
protest to the applicant.

KARL J DREHER, Director
Legal 615288
July 20, 27 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 13, 2005

JOHN H MYERS
JEANNE M MYERS
PO BOX 369
PRIEST RIVER ID 83856

RE: Application for Permit No 97-7448

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 Priest River Times on July 20 and 27, 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 black ink, appearing to read 'Gregory J. Taylor'.

Gregory J. Taylor
Senior Water Resource Agent



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 13, 2005

SHANNON FOOTE
LEGAL NOTICE DEPARTMENT
PRIEST RIVER TIMES
PO BOX 10
PRIEST RIVER ID 83856

e-mailed to prtimes@cdapress.com

RE: Application for Permit No. 97-7448 and 96-9239

Dear Shannon:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, July 20 and 27, 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 08/08/2005. Your cooperation is, AS ALWAYS - GREATLY appreciated.

Thank you,

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, July 13, 2005 3:58 PM
To: Legal Notices-Priest River Times (E-mail)
Subject: Legal notice for publication on July 20 and 27, 2005

Good afternoon, Shannon,

Attached is our cover letter requesting publication on July 20 and 27, 2005 of the attached legal notice.

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

PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION DATE.

Thank you very much - it's **always** great to work with you.

Too blessed to be stressed,

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

7-13-05 PRT 97-77.7-13-05 PRT e-mai.

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

97-7448

JOHN H MYERS
JEANNE M MYERS
PO BOX 369
PRIEST RIVER ID 83856

Point(s) of Diversion SENWSE S2 T56N R05W BONNER County
Source SPRING Tributary To SADDLER CREEK
Use: IRRIGATION 04/01 To 10/31 0.06 CFS
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Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.12 CFS

Date Filed: 06/21/2005

Place Of Use: DOMESTIC - T56N R05W S2 NWSE

Place Of Use: STOCKWATER and IRRIGATION same as DOMESTIC

Number of Acres 3

Remark: Domestic use is for 1 home.
Stockwater use is for 8 horses.

96-9239

JAMES SEBERO
PO BOX 339
LACLEDE ID 83841

Point(s) of Diversion L3 (NWNW) S31 T56N R03W BONNER County
Source PEND OREILLE RIVER - Tributary To COLUMBIA RIVER
Use: IRRIGATION 04/01 To 10/31 0.06 CFS
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Total Diversion: 0.1 CFS

Date Filed: 06/27/2005

Place Of Use: DOMESTIC - T56N R03W S31 NWNW Lot 3

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres 2.5

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 08/08/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on July 20 and 27, 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**

July 8, 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 7/8/05
5 pages total

Re: Water Permit Application No. 97-7448 – Myers

Dear Mary:

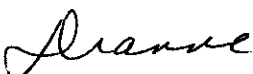
The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application follows for your reference.

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 **July 29, 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

Gregory:

I made the corrections
per your letter. Thanks for the
help on this. If you need
anything more, please let me know.

RECEIVED
JUN 21 2005
IDWR/North

Thanks, John