

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09236

Priority: June 15, 2005

Maximum Diversion Rate: 0.03 CFS

This is to certify, that DOUGLAS GROENHOUT
712 PONDER POINT DR
SANDPOINT ID 83864

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>
IRRIGATION	04/01 to 10/31	0.03 CFS

LOCATION OF POINT OF DIVERSION:

PEND OREILLE LAKE L3 (SE¼NW¼) Sec. 12, Twp 57N, Rge 02W, B.M., BONNER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
57N 02W 12								1.0									1.0
							L 3										

Total Acres: 1

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. 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 16th day of August, 2005.


KARL J DREHER, Director

RECEIVED
JUN 15 2005
IDWR/North

72040
RECEIVED
STATE OF IDAHO

Ident. No. 96-9236

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

RECEIVED
NOV 26 2003
IDWR/North

1. Name of Applicant DOUGLAS GROENHOUT Phone 208-265-2481
Mailing address 250 Ponder Point Dr. SANDPOINT ID 83864
2. Source of water supply LAKE Pendo Oreille which is a tributary of CLARK Fork Pendo Oreille River
3. Location of point of diversion is Township 57N Range 2W Sec. 12, in the SE $\frac{1}{4}$, N.W. $\frac{1}{4}$, Govt. Lot 3, B.M., Bonnen County;
additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 13 for irrigation purposes from July 1 to Sept 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .03 cubic feet per second and/or (b) _____ 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 pump?
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. _____
e. Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
57N	2W	12								1									1
										1									

Total number of acres to be irrigated 1 acre

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

- Who owns the property at the point of diversion? Douglas & Kathleen Groenhout
- Who owns the land to be irrigated or place of use? Douglas Groenhout
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

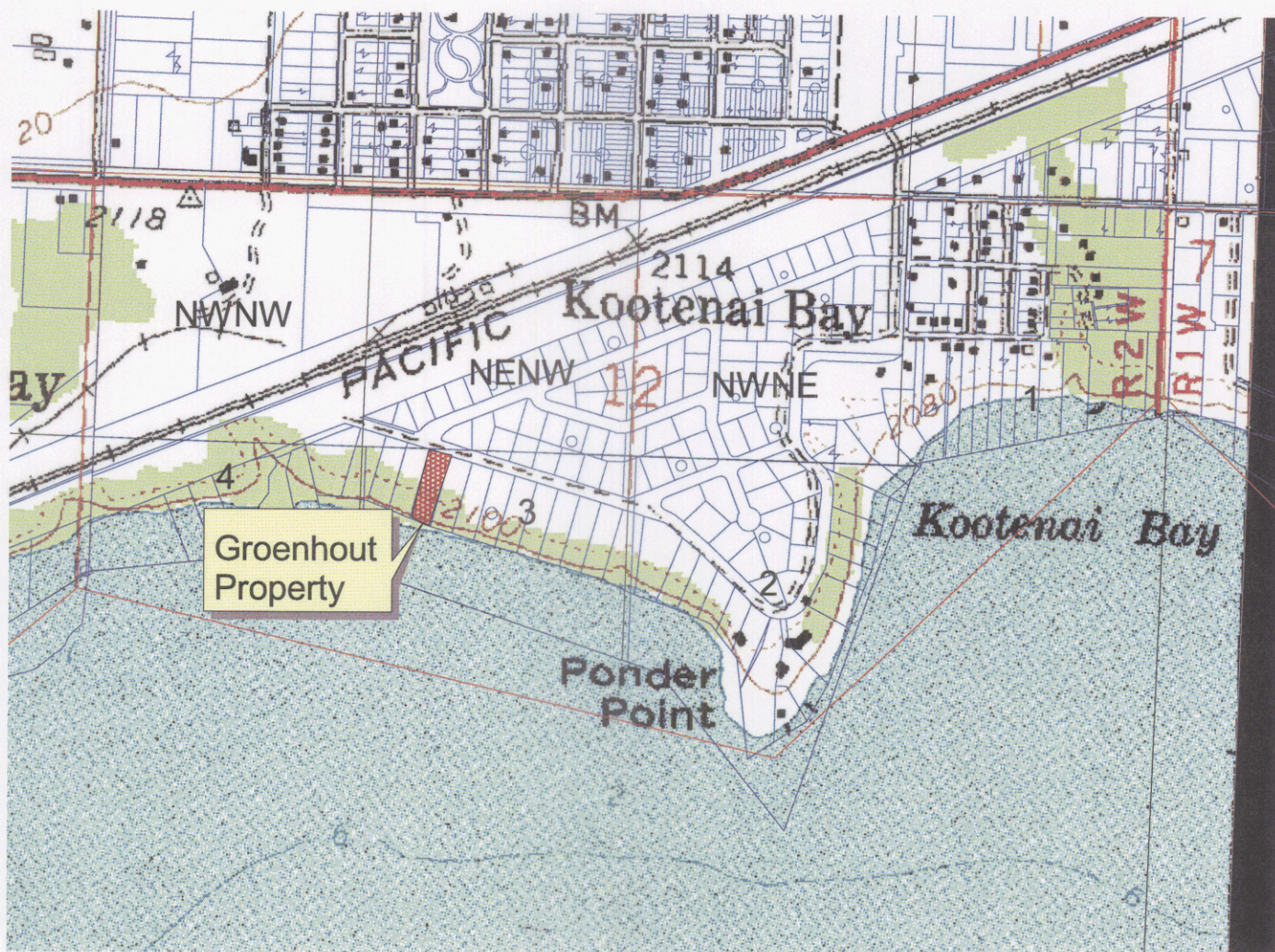
12. Remarks: Target RP 0035 0100H

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"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.)

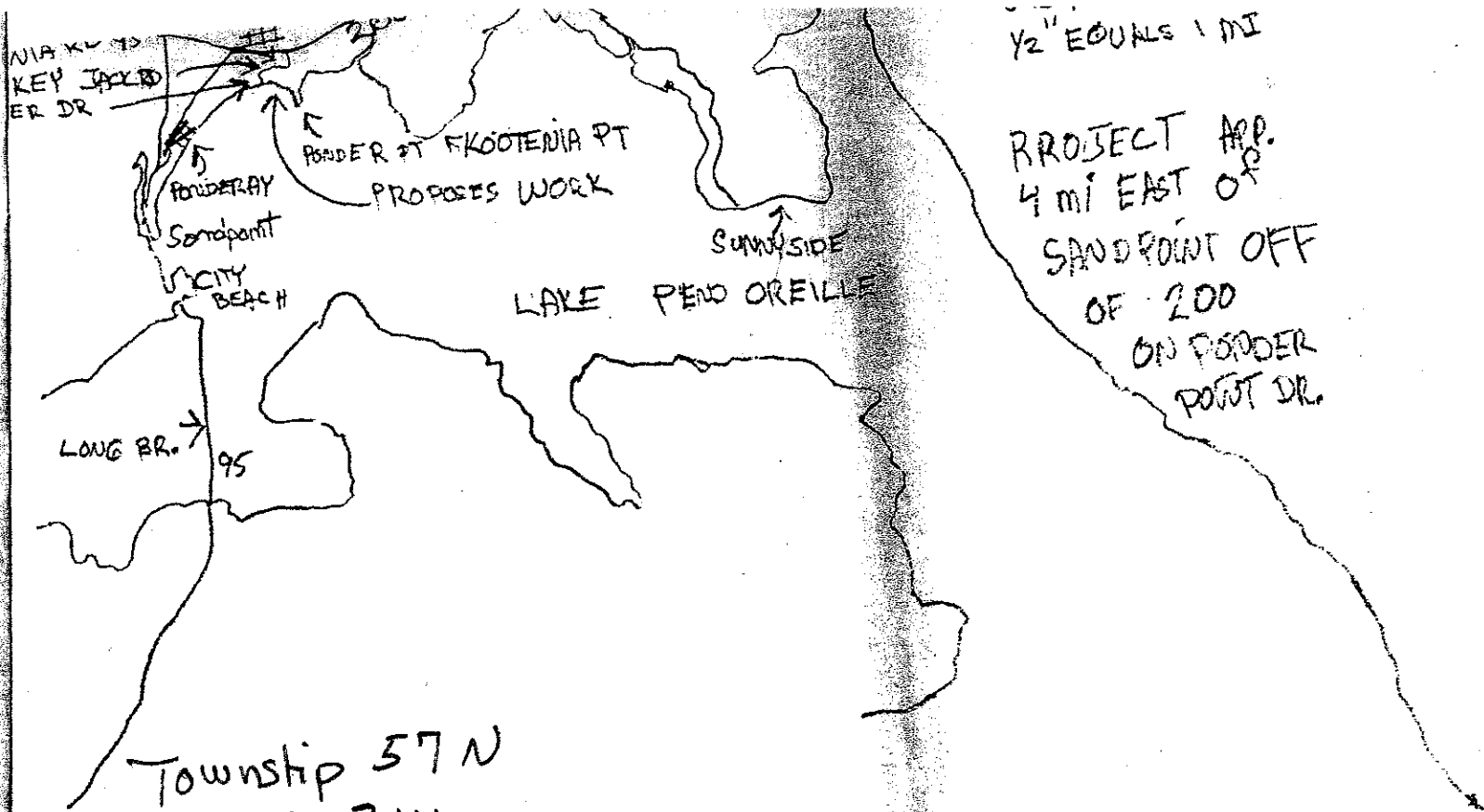
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Priority date 6/15/05
Douglas Groenhout
 Signature of Applicant (and title, if applicable)

Received by [Signature] Date 11/26/03 Time _____ Preliminary check by _____
 Fee \$ 100.00 Receipted by [Signature] # N016024 Date 11/26/03
 Publication prepared by [Signature] Date 7/1/05 Published in Boonville Dispatch 7/7-14/05
 Publication approved [Signature] Date 8/3/05



- 7.5 Minute Quad BoundariesQuad75.shp
- Bonner.shp
- PLSS Section LinesSections.shp
- T57n02w.shp



Township 57 N
Range 2 W
SECT 12
LOT #10
BLOCK 2
County, Bonner

1/2" EQUALS 1 MI

PROJECT APP.
4 mi EAST OF
SANDPOINT OFF
OF 200
ON POUNDER
POINT DR.

COPY

RECEIVED
NOV 26 2003
IDWR/North

**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 16, 2005

DOUGLAS GROENHOUT
712 PONDER POINT DR
SANDPOINT ID 83864

RE: Permit No. 96-9236

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,

for 
Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

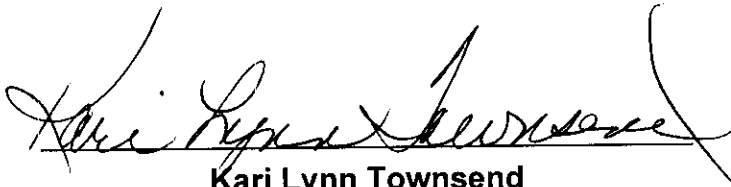
CERTIFICATE OF SERVICE

I hereby certify that on August 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.

96-9236

**DOUGLAS GROENHOUT
712 PONDER POINT DR
SANDPOINT ID 83864**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is 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

96-9236

1. kwalker 8/16/2005 POD

Comment: Updated shape

2. kwalker 8/16/2005 POU

Comment: Updated Shape

3. kwalker 8/16/2005 Permit Review

Comment: Application does not fall within any problem areas. Changed irrigation season to the standard for this area. Recommend approval.

AFFIDAVIT OF PUBLICATION

State of Idaho

SS.

County of Bonner,

Sherilyn Jones

being first duly sworn on oath

deposes and says that he/she is

Bookkeeper

of the Bonner County Daily Bee, a newspaper printed and published at Sandpoint, 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:

Notice of App

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 7 day of July, 2005 and ending on the 14 day of July, 2005 and that said notice was published in said newspaper.

On this 14 day of July in the year of 2005, before me, a Notary Public, personally appeared Sherilyn Jones, 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.

Notary Public for Idaho

Residing at

Sandpoint

My Commission expires:

8/06

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

96-9236

DOUGLAS GROENHOUT

712 PONDER POINT DR

SANDPOINT ID 83864

Point(s) of Diversion L3 (SENW) S12 T57N R02W BONNER County

Source PEND OREILLE LAKE - Tributary To PEND OREILLE RIVER

Use: IRRIGATION 07/01 To 09/15 0.03 CFS

0.03 CFS

Total Diversion:

Date Filed: 06/15/2005

Place Of Use: IRRIGATION - T57N R02W S12 SENW Lot 3

Number of Acres 1

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

07/25/2005. The protestant must also send a copy of the protest to the appli-

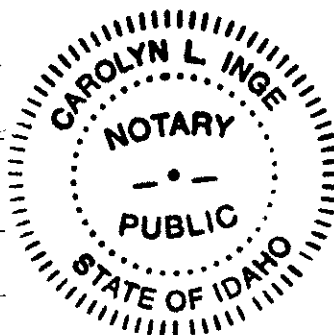
cant.

KARL J DREHER, Director

Legal 7087

July 7, 14, 2005

RECEIVED
AUG 03 2005
IDWR/North





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 01, 2005

DOUGLAS GROENHOUT
712 PONDER POINT DR
SANDPOINT ID 83864

RE: Application for Permit No 96-9236

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 July 7 and 14, 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 that reads "Robert G. Haynes".

Robert G. Haynes, P.E.
Regional Manager

Enclosure(s) Receipt No. N016024



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 01, 2005

PLEASE FAX PROOF COPY PRIOR TO PUBLICATION

Thanks, Dianne

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

E-MAILED TO SHERI 7/1/05

RE: Application for Permit No. 96-9236

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, July 7 and 14, 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 07/25/2005. Your cooperation is appreciated.

Thank you,

Sincerely

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Friday, July 01, 2005 2:18 PM
To: Legal Notices-Bonner Co Daily Bee (E-mail); Legal Notices-BCDB-2 (E-mail)
Subject: Legal notice for publicaion on July 7 and 14, 2005 - WR No. 96-9236



Good afternoon, Sheri,

Attached is our cover letter requesting a legal notice be published on July 7 and 14, 2005. The legal notice is also attached.

PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION to 769-1454

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

Have a marvelous holiday weekend, and stay safe.

 *Dianne*

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

7/1/2005

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

96-9236

DOUGLAS GROENHOUT
712 PONDER POINT DR
SANDPOINT ID 83864

Point(s) of Diversion L3 (SENW) S12 T57N R02W BONNER County
Source PEND OREILLE LAKE - Tributary To PEND OREILLE RIVER
Use: IRRIGATION 07/01 To 09/15 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 06/15/2005

Place Of Use: IRRIGATION - T57N R02W S12 SENW Lot 3
Number of Acres 1

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 07/25/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on July 7 and 14, 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

June 16, 2005

MARY TERRA-BERNS
STATE OF IDAHO
DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

FAXED TO MARY 6/16/05
5 PAGES TOTAL

Application to Permit No. 96-9236

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 1, 2005**.

You may comment by regular mail, by FAX to 769-1454 or by e-mail to Dianne.Ball@idwr.idaho.gov.

If we do not hear from you by July 1, 2005, 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.

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

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure(s)



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

June 16, 2005

DEPT OF LANDS
3706 INDUSTRIAL AVE SO.
COEUR D ALENE, ID 83815

faxed 6/16/05
5 pages total
(D)

Application to Permit No. 96-9236

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We are sending this to you for your comments, and would appreciate receiving your comments by no later than **July 1, 2005**.

You may comment by regular mail, by FAX to 769-1454 or by e-mail to Dianne.Ball@idwr.idaho.gov.

If we do not hear from you by July 1, 2005, 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.

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

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

ATT GREG LEE

work 266-0456 FAX 266-0453

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 5, 2004

RECEIVED
JUN 15 2005
IDWR/North

Douglas Groenhout
2450 Ponder Point Dr.
Sandpoint, ID 83864

RE: Application for Permit Filing

Dear Mr. Groenhout:

We received your application for permit to appropriate water from Lake Pend Oreille. The application is being returned to you for the following reasons.

1. Item 3 is a required field. You must identify the legal description where the water is to be diverted from the lake.
2. Item 4 requires an amount of water in cfs (cubic feet per second) be identified for appropriation. You have listed "watering lawn" as the use and have indicated one (1) home in Item 8d. It appears that you want to use water from the lake to water your lawn and for in-house use. If this is the case, "irrigation" and "domestic" uses should both be identified under item 4 with the requested flow for each.
3. Item 5 needs to show the total amount of water intended to be appropriated based on the uses identified in item 4

After you have made the changes listed above, please return the application to us for processing. Please call if you have questions.

Sincerely,

Al Beardslee
Sr. Water Resource Agent

Enclosure