

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09172

Priority: February 23, 2004

Maximum Diversion Rate: 0.04 CFS

This is to certify, that ROY MIRONUCK
702 WEEKS RD
CRANBROOK BC VIC 6^W26

has applied for a permit to appropriate water from:

Source: LAKE PEND OREILLE

Tributary: PEND OREILLE RIVER

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

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.04 CFS

LOCATION OF POINT OF DIVERSION:

LAKE PEND OREILLE L3 (NW $\frac{1}{4}$ SE $\frac{1}{4}$) Sec. 2, 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 2														X			L 3

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2005**.
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.
5. A fish screen of $\frac{1}{4}$ inch or smaller mesh shall be installed and maintained at the point of diversion.
6. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 1st day of May, 2004.


Acting for KARL J DREHER, Director

71121

Ident. No. 96-9172

RECEIVED

APR 22 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

FEB 23 2004

IDWR/North

Department of Water Resources

Applicant Roy MIRONUCK

Phone 250 489 2175

Mailing address 702 - WEEKS RD, CRANBROOK, B.C., CANADA V1C 6W6

2. Source of water supply LAKE PEND OREILLE which is a tributary of PEND OREILLE RIVER
3. Location of point of diversion is Township 56N Range 1E Sec. 2 in the RP 00563 00009A0
NW 1/4, SE 1/4, Govt. Lot 3 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 Lake system to include ~200' manifold (intake tube) w 1/2 HP pump. Vault located ~20' above high water.

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. Domestic use - 1 household

e. Other; describe fully. —

Manifold buried vault → low water

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.

[illegible]

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

12. Remarks: 31 #2 11/1 12/1 1/1 Feb '04

Remarks: Submitted application to Dept of Lands Feb 6 '04

- Submitted application to US Army Corps of Eng. Feb 6 '01

- Dept of Lands will forward to you after evaluating my application

- #13 → PER conversation Feb 18 - Pls download a map to accompany this app (The AI. attached sketch & plot plan.

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 DB Date 2/23/04 Time 11:09a Preliminary check by DB
 Fee \$ 100.00 Received by DB # N 016097 Date 2/23/04
 Publication prepared by DB Date 3/24/04 Published in Donner County Daily Bee 4/1 + 8/04
 Publication approved DB Date 4/19/04

CLIFTON BAY - LAKE PEND ORE, LE

Avista Primary #PPL 5601
Power 024302
Pol 180' → shore

(10)

N 0° 14' E 732.50

9A

N 0° 14' E 732.50

(9)

9B

N 0° 14' E 732.50

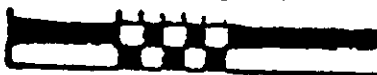
9C

N 0° 14' E 732.50

(8)

SCALE: 1" =

100 50 0 feet



LEGEND:

- - Found 5/8" iron pipe
- - Found 1 1/4" iron pipe
- - Set 5/8" rebar w/le

R - 406.7900
D - 14° 05' 05"
A - 34° 36' 02"
L - 248.0239

2-56N-1E

9A LAKESIDE HOMES

Fire Port of Bgatory

91.67

91.67

91.67

5.89 37.11 275.01

2704.57 5.89 37.11

SEEKING PERMISSIONS:
1) service to pump house
2) relocate guy wire

Proposed Location of Pump House

Proposed RV site Location

93.21

91.67

91.67

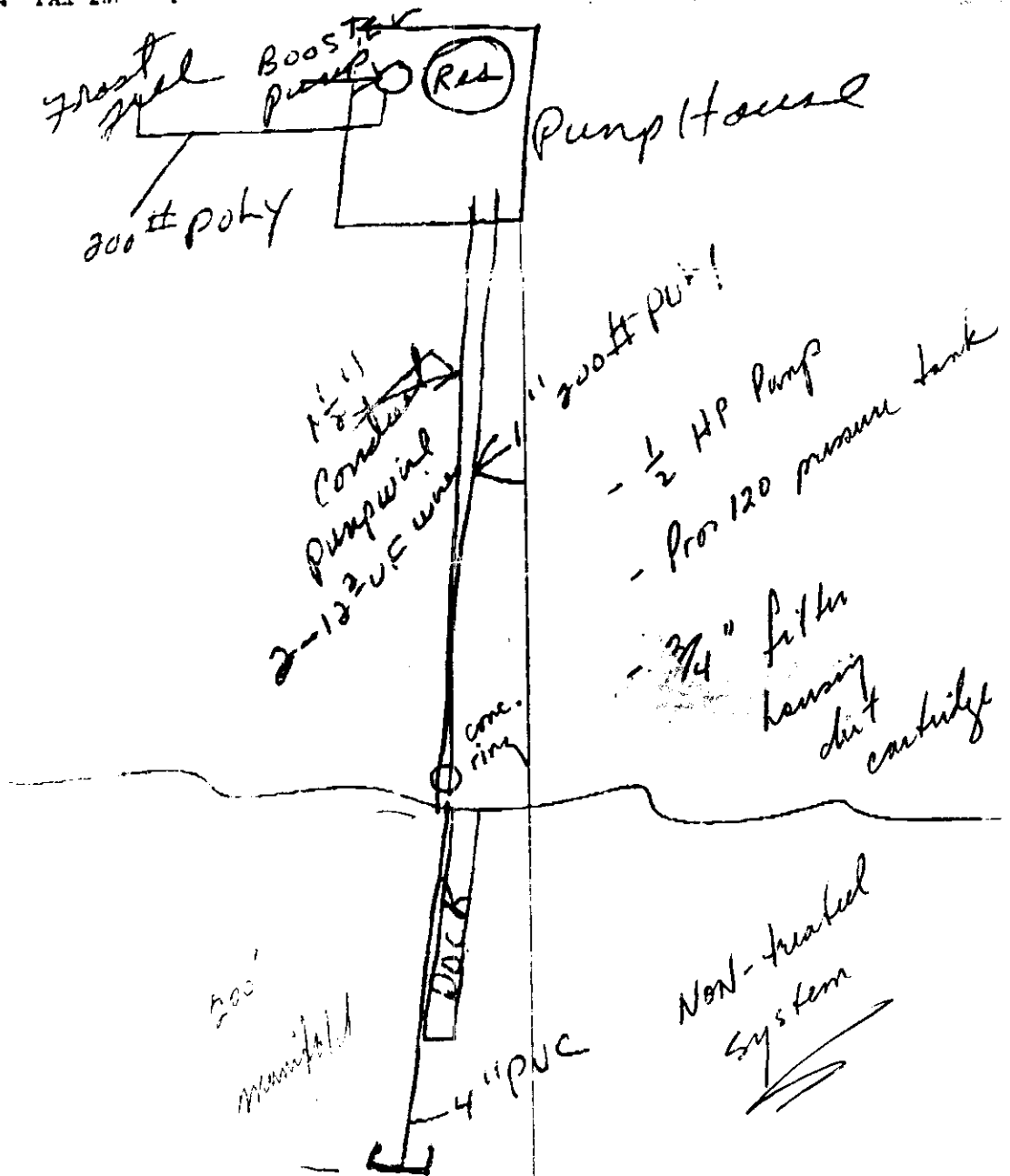
120' 30" Pump house lift

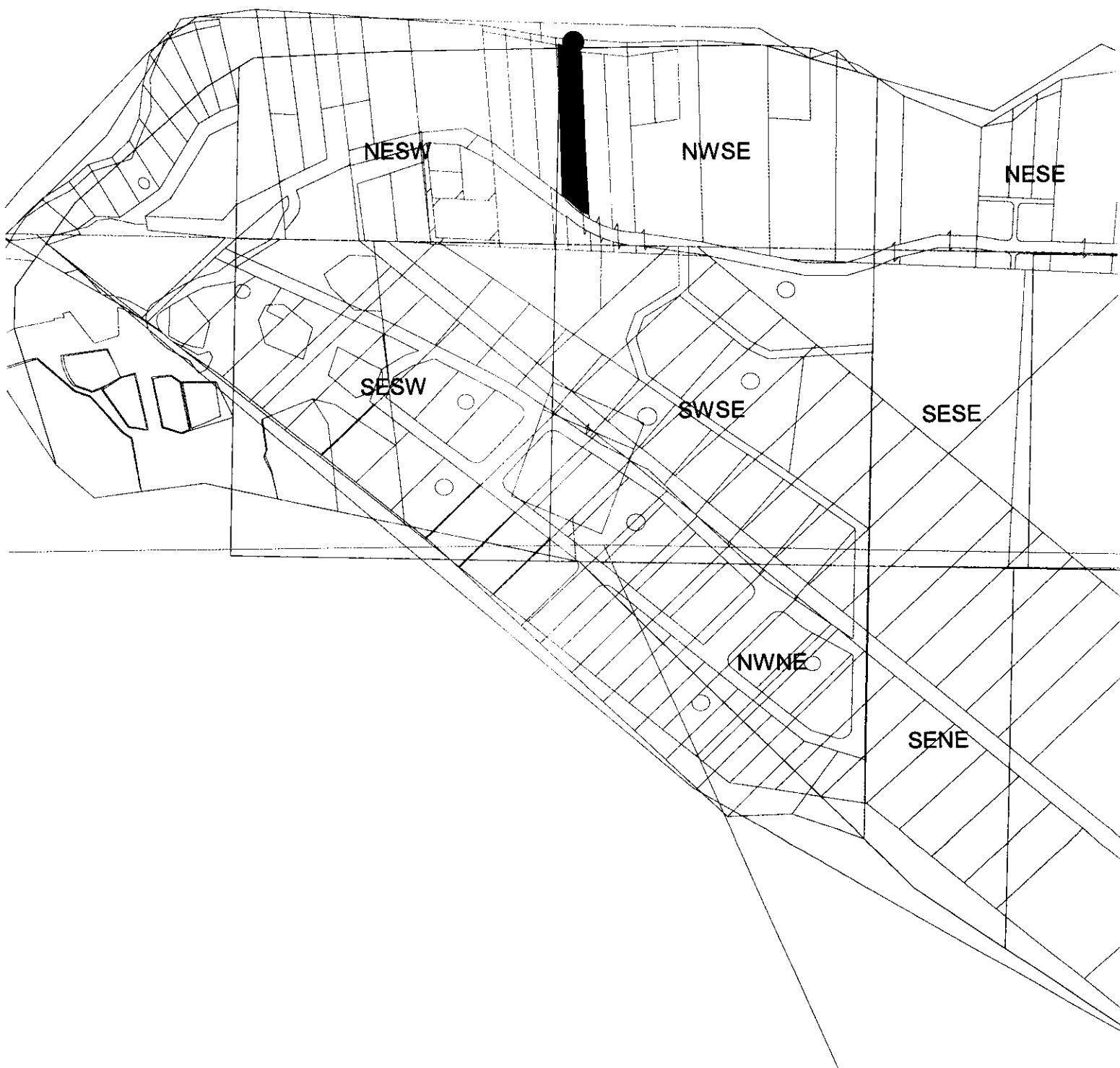
Hander

Rel Fir Rel

NW 1/4
SE 1/4
4.4
3

COUNTY ROAD





**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 3, 2004

ROY MIRONUCK
702 WEEKS RD
CRANBROOK BC VIC626

RE: Permit No. 96-9172

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.

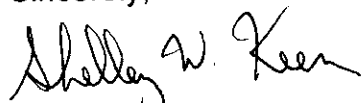
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 a 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 208-327-7946.

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)

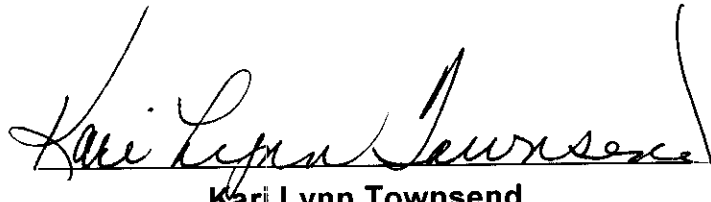
CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2004 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.

96-9172

**ROY MIRONUCK
702 WEEKS RD
CRANBROOK BC VIC626**



**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

96-9172

1. dball 3/23/2004 Legal Notice Remarks

Comment: Domestic use is for 1 home.

2. kwalker 4/27/2004 Permit Review

Comment: Recommending fish screen and velocity conditions even though not requested by F&G.

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 1 day of Apr, 20 04
and ending on the 8 day of Apr, 20 04
and that said notice was published in said newspaper.

On this 8 day of April in the year
of 2004, 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 he/she acknowledged to me that he executed the same.

Carolyn L. Jones
Notary Public for Idaho
Residing at Sandpoint
My Commission expires: 8/06

RECEIVED
APR 19 2004
IDWR/North

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

96-9171

STEVEN A WOOD
LOUISE A WOOD
482169 HWY 95
SANDPOINT ID 83864
Point(s) of Diversion SWSW S1
T58N R02W BONNER County
Source COLBURN CREEK
Tributary To PACK RIVER
Point(s) of Diversion SESW S1
T58N R02W BONNER County
Source COLBURN CREEK
Tributary To PACK RIVER
Use: IRRIGATION 03/15
To 11/15 1.2 CFS

Total Diversion:

1.2 CFS
Date Filed: 02/17/2004
Place Of Use: IRRIGATION T58N
R02W S1 SWSW SESW SWSE
Number of Acres 93

96-9172

ROY MIRONUCK
702 WEEKS RD
CRANBROOK BC CANADA
VIC6W6
Point(s) of Diversion L3 (NWSE)

S2 T56N R01E BONNER County
Source LAKE PEND OREILLE
Tributary To PEND OREILLE
RIVER
Use: DOMESTIC 01/01
To 12/31 0.04 CFS

Total Diversion:

0.04 CFS
Date Filed: 02/23/2004
Place Of Use: DOMESTIC
T56N R01E S2 NWSE Lot 3
Remark: Domestic use is
for 1 home.

Permits will be subject to all prior
water rights. Protests may be sub-
mitted 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 appli-
cation on or before 04/19/2004. The
protestant must also send a copy of
the protest to the applicant.

KARL J DREHER, Director
Legal SNP#5090
April 1, 8, 2004

5090



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

March 24, 2004

ROY MIRONUCK
702 WEEKS RD
CRANBROOK BC VIC626

Postage \$1.60 per USPS

RE: Application for Permit No 96-9172

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 April 1 and 8, 2004. 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 that reads "Allen Beardslee".

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) - Receipt No. N016097



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

March 24, 2004

PLEASE FAX PROOF PRIOR TO PUBLICATION

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

e-mailed to sjones@cdapress.com

RE: Application for Permit No. 96-9171 and 96-9172

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, April 1 and 8, 2004, (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 04/19/2004. Your cooperation is GREATLY appreciated, as always.

Thanks, and have a wonderful day.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, March 24, 2004 3:44 PM
To: Legal Notices-BCDB-2 (E-mail)
Subject: Legal Notice for publication on April 1 and 8, 2004

Good afternoon, Sheri,

Attached you will find a copy of our cover letter requesting publication of a legal notice on April 1 and 8, 2004. The legal notice is also attached, as the second document.

Will you please fax a copy of the notice to me prior to publication, at 208-769-1454.

If you have ANY questions, please give me a call at 208-769-1450 for clarification.

Thank you very much, and have a simply marvelous and sunny day.

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

3/24/2004

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

96-9171

STEVEN A WOOD
LOUISE A WOOD
482169 HWY 95
SANDPOINT ID 83864

Point(s) of Diversion SWSW S1 T58N R02W BONNER County
Source COLBURN CREEK Tributary To PACK RIVER
Point(s) of Diversion SESW S1 T58N R02W BONNER County
Source COLBURN CREEK Tributary To PACK RIVER

Use: IRRIGATION 03/15 To 11/15 1.2 CFS
Total Diversion: 1.2 CFS

Date Filed: 02/17/2004

Place Of Use: IRRIGATION T58N R02W S1 SWSW SESW SWSE
Number of Acres 93

96-9172

ROY MIRONUCK
702 WEEKS RD
CRANBROOK BC CANADA VIC6W6

Point(s) of Diversion L3 (NWSE) S2 T56N R01E BONNER County
Source LAKE PEND OREILLE Tributary To PEND OREILLE RIVER

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

Date Filed: 02/23/2004

Place Of Use: DOMESTIC T56N R01E S2 NWSE Lot 3

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 04/19/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on April 1 and 8, 2004



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**

March 23, 2004

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHARALES CORSI
STATE OF IDAHO
DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

FAXED TO CHIP CORSI 3/23/04

Application to Permit No. 96-9172

Dear Chip:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within two weeks of receipt of this request. You may e-mail your comments to dball@idwr.state.id.us if you prefer.

Please feel free to 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



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

March 23, 2004

STATE OF IDAHO
DEPT OF LANDS
3706 INDUSTRIAL AVE S
COEUR D ALENE, ID 83815

Application to Permit No. 96-9172

STATE OF IDAHO:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within two weeks of receipt of this request. You may e-mail your comments to dball@idwr.state.id.us if you prefer.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne', is written in black ink.

Dianne Ball
Administrative Assistant

Enclosure(s)