

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09262

Priority: January 28, 2005

Maximum Diversion Rate: 0.70 CFS

This is to certify, that DON INGERSOLL and/or MARY INGERSOLL
4240 PARTRIDGE LN
WASHOE VALLEY NV 89704

has applied for a permit to appropriate water from:

Source: LITTLE PLUMMER CREEK **Tributary:** PLUMMER 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>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	01/01 to 12/31		2.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.70 CFS	
IRRIGATION FROM STORAGE	04/01 to 10/31		2.0 AF
IRRIGATION	04/01 to 10/31	0.70 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LITTLE PLUMMER CREEK NW¼SE¼ Sec. 33, Twp 46N, Rge 04W, B.M. BENEWAH County

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
46N 04W 33														X			

PLACE OF USE: IRRIGATION AND IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
46N 04W 33															35.0		35.0

Total Acres: 35

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 1, 2010**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-09262

CONDITIONS OF APPROVAL CONTINUED

4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 10th day of May, 2005.


for KARL J DREHER, Director

dent. No. 95-9262

RECEIVED

MAY 02 2005

71835
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JAN 28 2005

IDWR/North

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of Applicant Don & Mary Ingersoll Phone 775-849-9615
Mailing address 4240 Partridge Ln Washoe Valley NV 89704
2. Source of water supply Plummer Creek which is a tributary of Benevah Lake
3. Location of point of diversion is Township 46N Range 4W Sec. 33, in the NW SE 1/4, Govt. Lot Benevah County;

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 0.7 cfs for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.7 for Diversions to Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 2 AF for Storage for Irrigation purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 2 AF for Irrigation from Storage purposes from 3/15 to 11/15 (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)

5. Total quantity to be appropriated is (a) 0.7 cfs and/or (b) 2 AF
cubic feet per second acre feet per annum

6. Proposed diverting works: Pump and Excavated pond

a. Describe type and size of devices used to divert water from the source _____

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 5 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:

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	
76N	4W	33														35			35

Total number of acres to be irrigated 35

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

11. a. Who owns the property at the point of diversion? Applicant

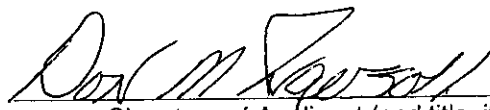
b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

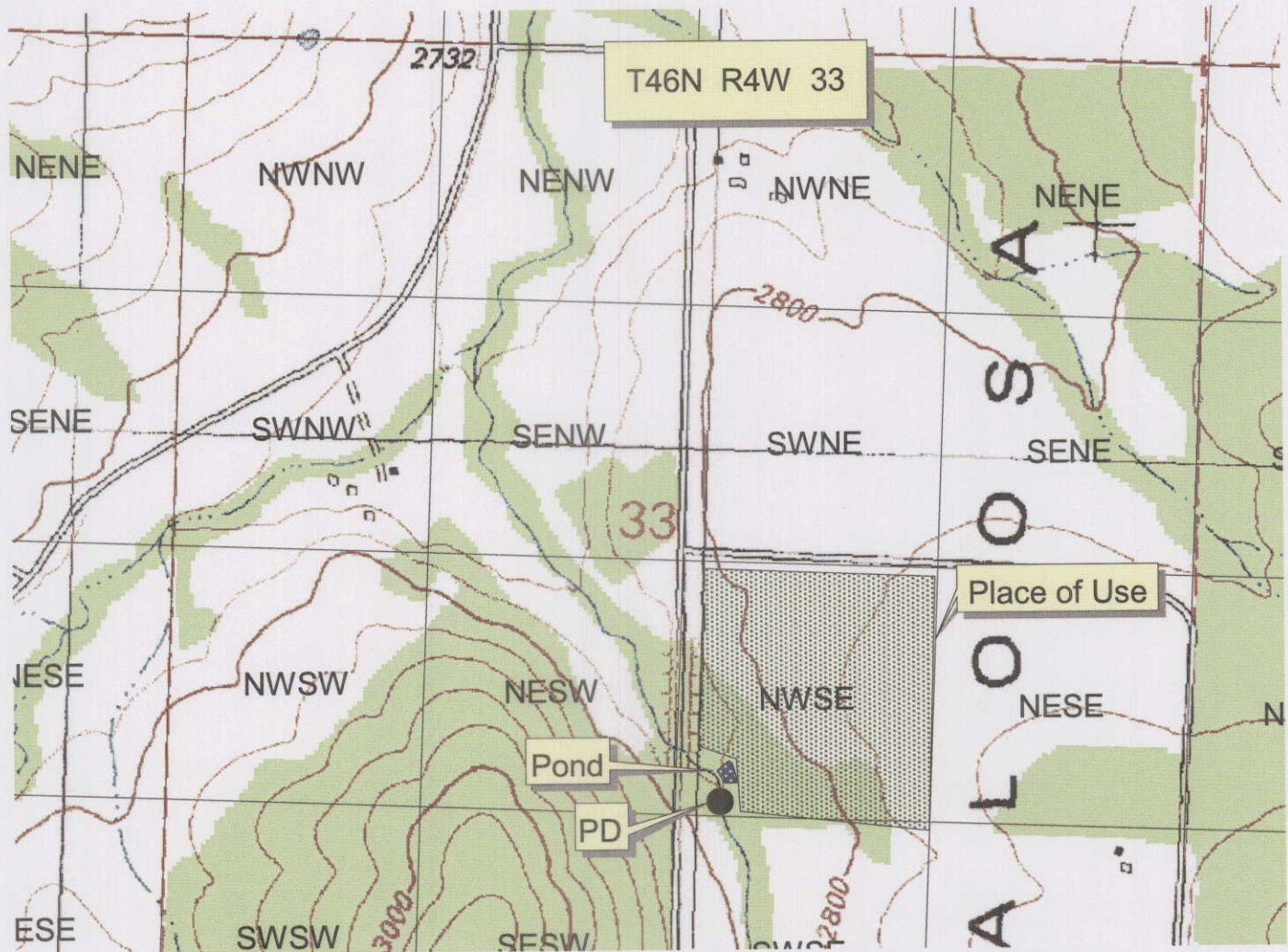
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.



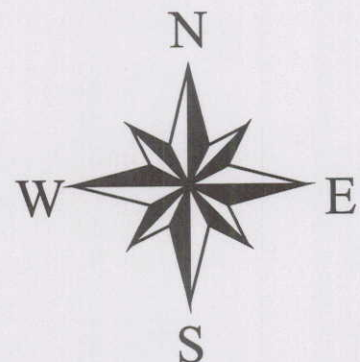
Signature of Applicant (and title, if applicable)

Received by DMT Date 1/28/05 Time 9:00 AM Preliminary check by _____
 Fee \$ 250.00 Received by DMT # N16716 Date _____
 Publication prepared by ch Date 3/9/05 Published in St. Marcell Gazette 3/16+23/05
 Publication approved ch Date 3/25/05

Ingersoll



Unknown Units: View1



**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

May 11, 2005

DON INGERSOLL
MARY INGERSOLL
4240 PARTRIDGE LN
WASHOE VALLEY NV 89704

RE: Permit No. 95-9262

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

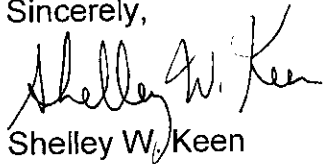
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

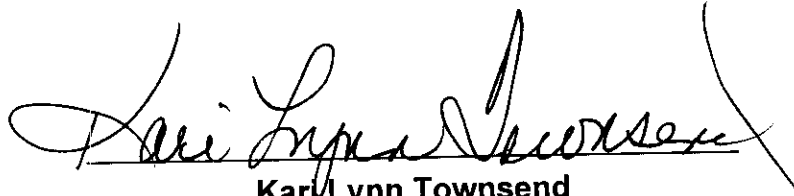
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 11, 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. 95-9262

**DON INGERSOLL
MARY INGERSOLL
4240 PARTRIDGE LN
WASHOE VALLEY NV 89704**



**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.

MEMORANDUM

Date: May 05, 2005
To: Water Right File 95-9262
From: Shelley Keen *SWK*
Re: Permit Review

WATER SOURCE

The applicant described the source of water for this proposed use as Plummer Creek, but it is actually Little Plummer Creek, a tributary of Plummer Creek. Because the legal description was provided correctly, and because the actual source is within the same drainage as the advertised source, this application does not have to be re-advertised.

AVAILABILITY OF WATER

The Coeur D'Alene Tribe submitted information showing that the flow of water in Little Plummer Creek probably cannot sustain the requested amount in the months of July and August. However, the applicant could irrigate with natural flow in the spring and fall and rely on storage for the summer.

REFERENCE:



COEUR D'ALENE TRIBE

850 A STREET
P.O. BOX 408
PLUMMER, IDAHO 83851
(208) 686-1800 • Fax (208) 686-1182

April 1, 2005

Bob Haynes
Dept. of Water Resources, Northern Region
1910 Northwest Blvd, Suite 210,
Coeur d'Alene ID 83814

RECEIVED

APR 05 2005

IDWR/North

Dear Mr. Haynes,

The Coeur d'Alene Tribe's Water Resource Program would like to take this opportunity to provide you with information regarding the data we collect on streams within the exterior boundaries of the Coeur d'Alene Reservation. The Tribe's Water Resource Program conducts an ongoing water quality survey and assessment of all waters that lie wholly or partially within the Reservation. Information and data collected includes stream discharge, water chemistry, water temperature and other physical parameters. This data is housed in an internal database maintained by the Water Resource Program. This data may be provided to non-Tribal groups for use in regional planning efforts, upon written request.

As an illustration, I am providing the data the Tribe has collected on Little Plummer Creek, a small non-navigable creek located entirely within the boundaries of the Reservation. The sample site location is approximately one-half of a mile upstream of the confluence of Little Plummer Creek and Plummer Creek.

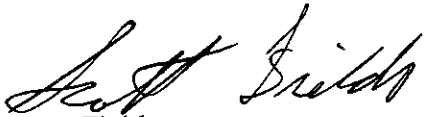
Date	Discharge (cfs)
7/6/1999	0.78
4/26/2000	10.06
5/5/2000	5.71
6/26/2000	0.30
4/11/2001	24.55
4/23/2001	6.69
5/11/2001	3.93
6/11/2001	0.81
6/19/2001	0.35
6/29/2001	0.61
8/27/2001	0.00
5/2/2002	4.44
5/16/2002	1.84
6/10/2002	2.14
7/11/2002	0.31
07/07/04	0.19
07/29/04	0.00
08/05/04	0.00

08/19/04	0.00
09/10/04	0.00
09/27/04	<0.5

As you can see this stream, like many others in this region, almost completely dries out on an annual basis. There is no excess water for irrigation or other consumptive uses beyond that which is impliedly reserved for the Coeur d'Alene Tribe. The Tribe believes that this data is critical to the decision making process of both Tribal and State agencies in planning for water use throughout this region.

If you feel that data collected by Tribal staff may be of use to you or your staff for regional comparisons of other waters outside the exterior boundaries of the Coeur d'Alene Reservation please do not hesitate to contact me and I would be happy to provide data on other Reservation waters.

Sincerely



Scott Fields

Water Resource Program Manager
Coeur d'Alene Tribe

CC: Natural Resources
Legal
Chrono

Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 1000 issues, the first publication being on the 16 day of March, 2005 and the last on the 23 day of March, 2005.

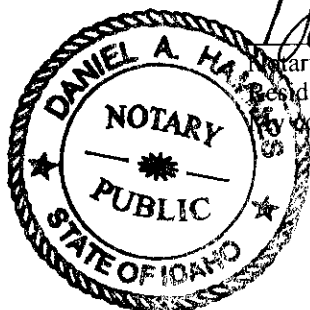
That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Dated this 23 day of March, 2005

Cynthia Ann Hammes

STATE OF IDAHO)
COUNTY OF BENEWAH)

On this 23 day of March, in the year of 2005 before me, a Notary Public, personally appeared Cynthia Ann Hammes, 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 she executed the same.



Daniel C. Hammes
Notary Public for Idaho
Residing at St. Maries, Idaho
Commission expires: 07-12-2007

RECEIVED

MAR 25 2005

IDWR/North

Application for water use

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

95-9262

DON INGERSOLL
MARY INGERSOLL
4240 PARTRIDGE LN
WASHOE VALLEY NV 89704

Point(s) of Diversion NWSE S33 T46N R04W BENEWAH County
Source PLUMMER CREEK Tributary To BENEWAH LAKE
Use: IRRIGATION 03/15 To 11/15 0.7 CFS
Use: DIVERSION TO STORAGE 01/01 To 12/31 0.7 CFS
Use: IRRIGATION STORAGE 01/01 To 12/31 2 AFA
Use: IRRIGATION FROM STORAGE 03/15 To 11/15 2 AFA
Total Diversion: 0.7 CFS

Date Filed: 01/28/2005
Place Of Use: IRRIGATION T46N R04W S33 NWSE
Number of Acres: 35
Place Of Use: IRRIGATION STORAGE and IRRIGATION FROM STORAGE same as IRRIGATION

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 04/04/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
6082 March 16-March 23

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

95-9262

DON INGERSOLL
MARY INGERSOLL
4240 PARTRIDGE LN
WASHOE VALLEY NV 89704

Point(s) of Diversion NWSE S33 T46N R04W BENEWAH County

Source PLUMMER CREEK Tributary To BENEWAH LAKE

Use: IRRIGATION 03/15 To 11/15 0.7 CFS

Use: DIVERSION TO STORAGE 01/01 To 12/31 0.7 CFS

Use: IRRIGATION STORAGE 01/01 To 12/31 2 AFA

Use: IRRIGATION FROM STORAGE 03/15 To 11/15 2 AFA

Total Diversion: 0.7 CFS

Date Filed: 01/28/2005

Place Of Use: IRRIGATION T46N R04W S33 NWSE

Number of Acres 35

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KARL J DREHER, Director

Published on March 16 and 23, 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 09, 2005

**PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION
TO ~ 208-769-1454**

KAISIE BREDE
LEGAL NOTICE DEPARTMENT
ST MARIES GAZETTE RECORD
610 MAIN AVE
ST MARIES ID 83861-1838

RE: Application for Permit No. 95-9262 - INGERSOLL

Dear Kaisie:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, March 16 and 23, 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 04/04/2005. Your cooperation is, as always, GREATLY appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, March 09, 2005 2:22 PM
To: Legal Notices-SMGazette (E-mail)
Subject: Legal Notice for publication of notice of Water Right Application No. 95-9262 on March 16 and 23, 2005

Good afternoon, Kaisie,

Attached you will find our cover letter requesting publication of a Legal Notice on March 16, and 23, 2005. Also attached is the Legal Notice for publication.

PLEASE FAX ME A PROOF COPY PRIOR TO PUBLICATION so I can double check my work and make sure the tabs don't develop a mind of their own when copied and pasted.

Thanks very much. It's always a pleasure to work with you.

 *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

3/9/2005



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 **Fax (208) 769-1454**

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 09, 2005

DON INGERSOLL
MARY INGERSOLL
4240 PARTRIDGE LN
WASHOE VALLEY NV 89704

RE: Application for Permit No 95-9262

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 St Maries Gazette on March 16 and 23, 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



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 09, 2005

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

FAXED TO MARY 3/9/05
4 pages total

Application to Permit No. 95-9262 - Ingersoll

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.

You may reply/comment by e-mail to Dianne.Ball@idwr.idaho.gov.

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

Sincerely,

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

Dianne Ball
Administrative Assistant

Enclosure(s)