

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 96-09189

Priority: June 30, 2004

Maximum Diversion Rate: 0.30 CFS

This is to certify, that CITY OF SANDPOINT
1123 W LAKE ST
SANDPOINT ID 83864-1714

has applied for a permit to appropriate water from:

Source: SAND CREEK

Tributary: LAKE PEND OREILLE

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	0.30 CFS

LOCATION OF POINTS OF DIVERSION:

SAND CREEK	NW¼NW¼SW¼	Sec. 23, Twp 57N, Rge 02W, B.M., BONNER County
SAND CREEK	SW¼SW¼NW¼	Sec. 23, Twp 57N, Rge 02W, B.M., BONNER County

PLACE OF USE: IRRIGATION

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 02W 22	.4																.4
57N 02W 23						.1	1.9			2.2	.2						4.4
						L1	L2										
Total Acres: 4.55																	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2008**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. This right does not grant any right-of-way or easement across the land of another.
5. This right when combined with all other rights shall provide no more than 0.30 cfs nor more than 13.7 afa at the field headgate for irrigation of the land described above.
6. A fish screen of ¼ inch or smaller mesh shall be installed and maintained at the point of diversion.
7. 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 7th day of April, 2005.


FOR KARL J DREHER, Director

71425

Agent No. 96-9189

RECEIVED

SEP 13 2004

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JUN 30 2004

IDWR/North

RECEIVED

JUN 5 2005

1. Name of Applicant City of Sandpoint Phone (208) 263-3310

Mailing address 1123 Lake Street; Sandpoint, Idaho 83864

2. Source of water supply Sand Creek which is a tributary of Lake Pend Oreille

3. Location of point of diversion is Township 57N Range 2 W Sec. 23 in the NW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot Bonner County;

additional points of diversion if any: T57N, R2W, SW 1/4, SW 1/4, NW 1/4, Sec. 23

4. Water will be used for the following purposes:

Amount 0.3 cfs for irrigation purposes from April 15 to Oct 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)

5. Total quantity to be appropriated is (a) 0.3 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 two -7 1/2 hp, 240v, 3 phase centrifugal pumps, one per site

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 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9): Development period - 3 years

a. Hydropower; show total feet of head and proposed capacity in kW. Irrigation period - indefinite

b. Stockwatering; list number and kind of livestock.

c. Municipal; show name of municipality.

d. Domestic; show number of households.

e. Other; describe fully.

3. 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	
57N	2W	23										2.15	0.15						2.30
		23						0.05	1.85										1.90
57N	2W	22	0.35																0.35

Total number of acres to be irrigated 4.55

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? Idaho Transportation Department

b. Who owns the land to be irrigated or place of use? Idaho Transportation Department

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Maintenance Agreement between ITD and the City of Sandpoint

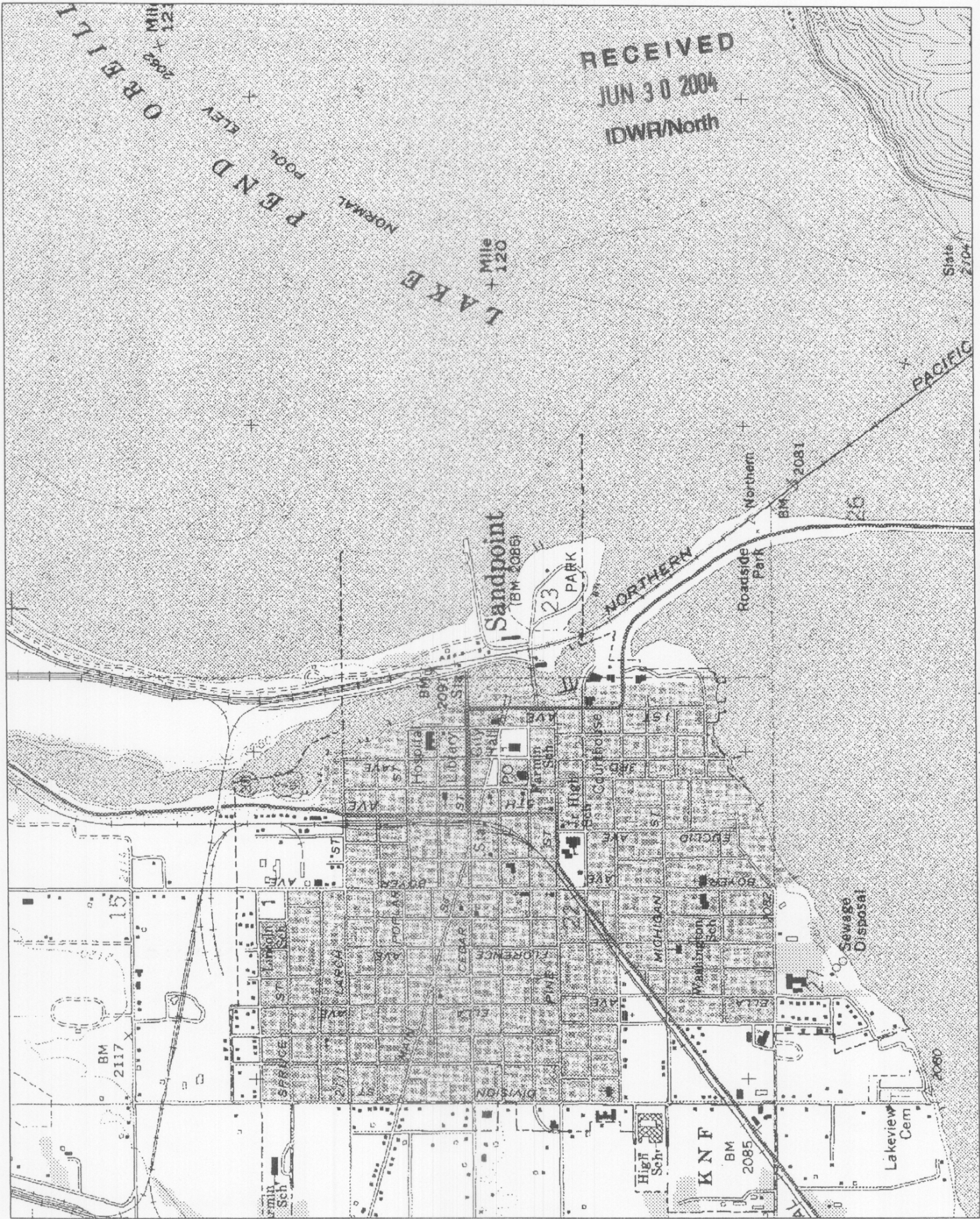
12. Remarks: _____

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.)

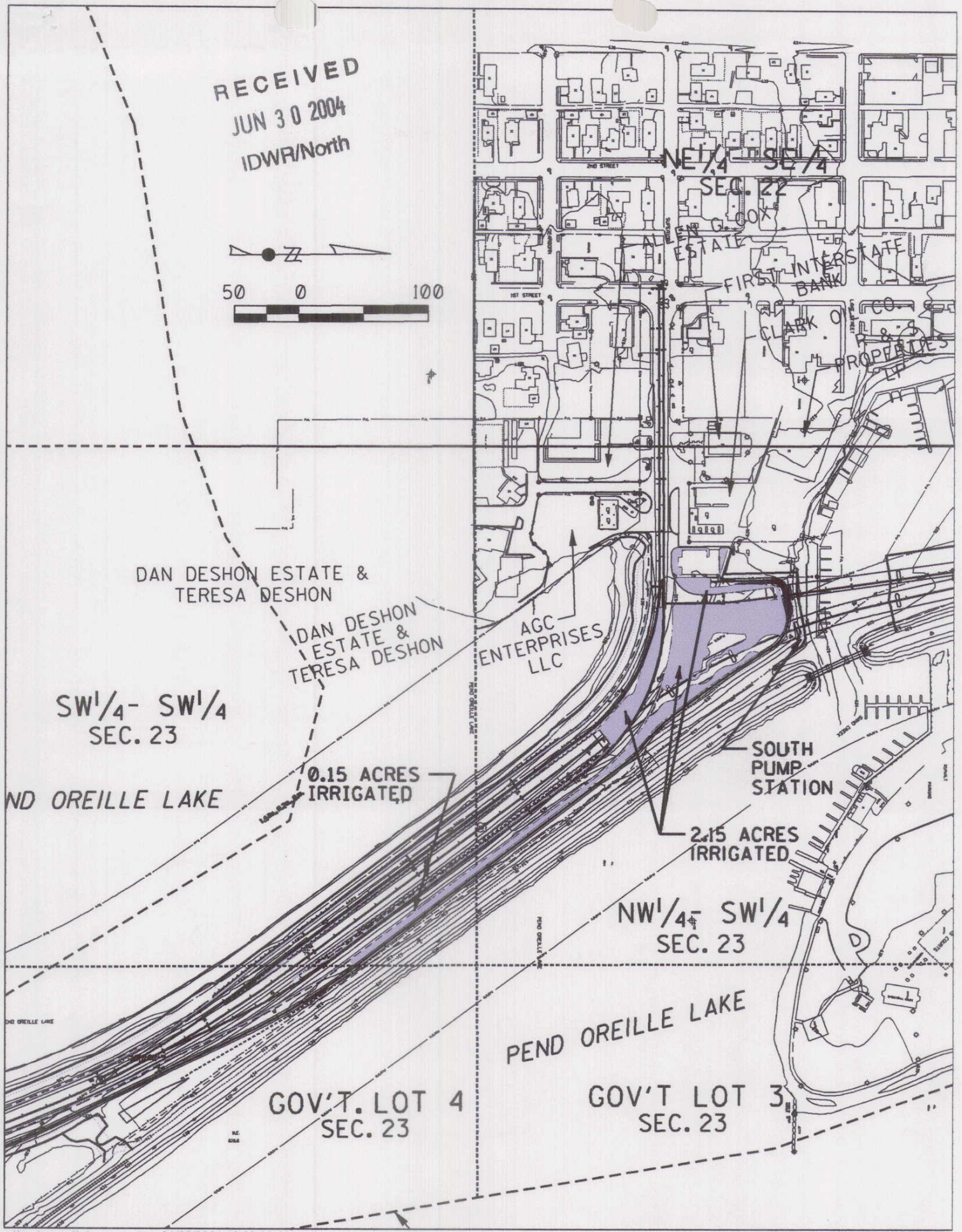
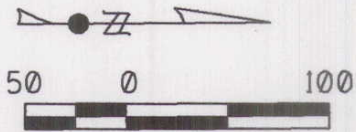
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Randy P. Miller Mayor
 Signature of Applicant (and title, if applicable)

Received by db Date 6/30/04 Time 11:22a Preliminary check by JB
 Fee \$ 250.00 Receipted by db # N 016382 Date 6/30/04
 Publication prepared by db Date 8/11/04 Published in Bonne Co Weekly Rec 8/19 & 26/04
 Publication approved db Date 9/2/04



RECEIVED
JUN 30 2004
IDWR/North



SW¹/₄- SW¹/₄
SEC. 23

PEND OREILLE LAKE

DAN DESHON ESTATE &
TERESA DESHON

AGC ENTERPRISES
LLC

NW¹/₄ SW¹/₄
SEC. 23

PEND OREILLE LAKE

GOV'T. LOT 4
SEC. 23

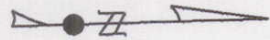
GOV'T LOT 3
SEC. 23

T.57N., R.2W., B.M.

CITY OF SANDPOINT

SE 1/4- SEC.

50 0 100



NE 1/4- NE 1/4
SEC. 22

SE 1/4- NE 1/4
SEC. 22

STATE
OF
IDAHO
SAND CREEK

STATE

NORTH
PUMP
STATION

0.35 ACRES
IRRIGATED

1.85 ACRES
IRRIGATED

GOV'T LOT 1
SEC. 23

CITY OF SANDPOINT

NW 1/4 NW 1/4
SEC. 23 MEANDER LINE

0.05 ACRES
IRRIGATED

SW 1/4- NW 1/4
SEC. 23

GOV'T LOT 2
SEC. 23

PEND OREILLE LAKE

RECEIVED
JUN 30 2004
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

April 8, 2005

CITY OF SANDPOINT
1123 W LAKE ST
SANDPOINT ID 83864-1714

RE: Permit No. 96-9189

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.

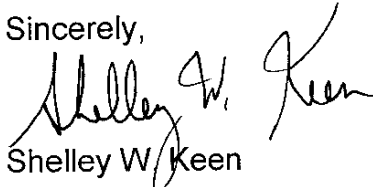
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 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 208-287-4947.

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 the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

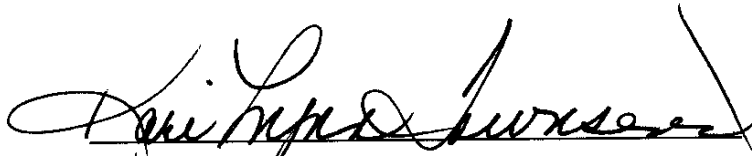
CERTIFICATE OF SERVICE

I hereby certify that on April 8, 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.

96-9189

**CITY OF SANDPOINT
1123 W LAKE ST
SANDPOINT ID 83864-1714**

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

96-9189

1. dball 8/3/2004 Comment/Analysis

Comment: Maintenance Agreement between ITD and applicant.

2. dball 8/20/2004 Comment Letter Notes

Comment: WHO: IDF&G - Mary Terra-Berns - Environmental Staff Biologist

RESPONSE: Conditional Recommendation

DATE RECEIVED: 8/20/2004

Recommend allocation be reduced to standard diversion rate of 0.03 cfs per acre, calculated for area to be irrigated.

Recommend applicant be required to install lines beneath stream bed and should occur during low water periods when underwater excavation will be minimized. Dug materials to be sidecast to only one side and bottom contour and substrate restored.

Any unburied sections of line to be anchored on bottom to prevent it from floating and interfering with boat anchors or anglers lines etc. Smooth cover to be provided for pump and preferable to place pumps on land rather than in water. Intakes to be screened with mesh size of 0.25 inches, approach velocities not to exceed 0.5 ft per second to prevent juvenile fish loss.

Obtain necessary encroachment permits from IDL prior to installing water lines or pumps.

3. kwalker 9/14/2004 Permit Review

Comment: In creating the GIS shape for the place of use I made the shape bigger than it should be. I left the bigger shape since could not tell exactly where the place of use will be. This app is located where there are no concern areas so recommend approval.

Application is for 0.06 cfs per acre. Diversion rate is considered reasonable and necessary due to the operation time limitations of the system. Need to limit volume in conditions of approval. (4.55 ac x 3.0 afa – 13.65 approx. 13.7 afa)

4. kwalker 3/15/2005 2nd Review

Comment: Updated season of use to that recommended for this area which is 4/1 to 10/31. Added fish screen and velocity conditions per fish & game comments.



Washington Group International

Integrated Engineering, Construction, and Management Solutions

RECEIVED

MAR 31 2005

**DEPARTMENT OF
WATER RESOURCES**

March 30, 2005

Kay Walker
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Re: Water Right Application No. 96-9189

Dear Ms. Walker:

We are responding to your letter dated March 16, 2005 addressed to the City of Sandpoint. Washington Group International helped to prepare the application as we are under contract with the Idaho Transportation Department who is working with the City of Sandpoint, the Permit Applicant.

The land to be irrigated under this permit includes maintained turf, landscaping and vegetated retaining walls. Much of this land will be immediately adjacent to a multi-use pedestrian and bike pathway. The designing landscape architect and City envision irrigating overnight or during the early morning hours and not over a continuous 24-hour period. Due to right of way restrictions in this narrow transportation corridor, an irrigation holding pond is not practical. We believe that the Administrator's Memorandum (Application Processing Memo #60) dated 8/15/1996 would govern this particular Water Right Application.

We have prepared the enclosed calculation comparing the requested diversion rate of 0.3 cfs to the maximum flow rate that would be permitted in compliance with the Administrator's Memorandums No's. 17 and 60. The requested flow rate of 0.3 cfs is less than the 0.41 cfs that could be permitted for an 8-hour cycle.

On behalf of the City of Sandpoint, we request that the permit be accepted for a diversion rate of 0.3 cfs and a maximum daily diversion volume of 65,000 gallons (0.20 acre-ft). If you have any questions regarding the permit application or information provided within this letter please feel free to contact me directly at (208) 386-5945.

Regards,



Washington Group International

Integrated Engineering, Construction, and Management Solutions



Project	Sand Creek Byway	Contract No	02362	File No.	26018-001-1735
Feature	Permits - IDWR	Designed	J. Arambarri	Date	March 22, 2005
Item	Irrigation Flows	Checked	P. Dewit	Date	March 23, 2005

REQUIRED: Evaluate the required diversion flow rates and volumes required for the Idaho Department of Water Resources Irrigation Permit

REFERENCE: IDWR Administrator's Memorandum: *Irrigation Diversion Rate for Turf Grass in Public Areas (8/15/1996)*
IDWR Administrator's Memorandum: *Acceptable Rates of Irrigation Flow for Small Acreages (9/19/1979)*

CALCULATION:

As per the initial Application for Permit, the designed flow rate for the irrigation system is 0.3 cfs. This flow will be applied over an 8-hour time period for the 4.55 acres irrigated. For this situation a holding pond for irrigation water is not practical. This condition is similar to that given as an example in the August 15, 1996 IDWR memo referenced above.

Max_Flow_Rate := $0.03 \frac{\text{cfs}}{\text{acre}}$ Maximum flow rate that can be permitted for irrigated areas under 5.0 acres (as per IDWR Memo dated 9/19/1979)

Area := 4.55 · acre Irrigated Area for Permit

$$Q_{\text{max_permissible}} := \frac{4.55 \cdot \text{acre} \cdot \left(0.03 \cdot \frac{\text{cfs}}{\text{acre}} \right)}{\left(\frac{8 \cdot \text{hr}}{24 \cdot \text{hr}} \right)}$$

$$Q_{\text{max_permissible}} = 0.41 \text{ cfs}$$

This would be the maximum flow that could be permitted from Sand Creek based upon an 8 hour irrigation day

The pump and irrigation system are designed such that no more than 0.3 cfs total will be pumped from Sand Creek. This flow rate is below the maximum permitted flow rate of 0.41 cfs that would be applicable for an 8-hour irrigation day.

As:

$$Q_{\text{system}} < Q_{\text{max_permissible}}$$

$$0.3 \text{ cfs} < 0.41 \text{ cfs}$$

It appears that the system can be permitted for a diversion rate 0.3 cfs as requested in the permit application. The 8/15/1996 Memorandum indicates that a daily maximum volume would be required in the permit.

$$V_{\text{daily_max}} := 0.3 \text{ cfs} \cdot 8 \cdot \text{hr}$$

$$V_{\text{daily_max}} = 6.463 \times 10^4 \text{ gal}$$

or

$$V_{\text{daily_max}} = 0.198 \text{ acre_ft}$$

<<END>>

SCANNED
MAY 11 3 2005



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

March 16, 2005

CITY OF SANDPOINT
1123 LAKE ST
SANDPOINT ID 83864

RE: Water Right Application No. 96-9189

Dear Applicants:

The Department of Water Resources (IDWR) is processing your application to divert 0.3 cfs from Sand Creek to irrigate 4.55 acres pursuant to a maintenance agreement between Idaho Transportation Department and the City. Your requested diversion rate equates to 0.066 cfs per acre. Pursuant to Administrator's Memorandum No. 17, IDWR cannot issue a permit for irrigation purposes in excess of 0.03 cfs per acre (if less than 5 acres), unless the applicant demonstrates that the additional rate is necessary due to soil conditions, a limited number of hours to irrigate each day, or other similar reasons.

Please provide a written explanation for the additional diversion rate within 30 days. If IDWR does not receive your response within 30 days, your permit will be limited to 0.03 cfs per acre, or 0.14 cfs in total.

If you have any questions, please call me at 208-287-4953, or email me at kay.walker@idwr.idaho.gov.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k

Cc: Northern Region

MEMORANDUM

RECEIVED
FEB 01 2005
Department of Water Resources

To: File 96-9189

From: Al Beardslee 

Date: February 15, 2005

Re: Rate of Diversion

This filing is for irrigation associated with some city landscaping. The system was designed to pump a higher rate for a shorter period of time (typically during night hours). For this reason, we recommend that the rate requested (0.30 cfs) be accepted and approved.

Conditions X15 and X16 should be placed on the permit in line with Fish & Game comments. The other comments (with the exception of the higher rate of diversion requested) addressed in their letter of 8/18/2004 go beyond the scope of the water right process. Justification for the rate of diversion has been addressed above.

MEMORANDUM

DATE: September 17, 2004

TO: Water Right File 96-9189

FROM: Shelley W. Keen *SWK*

RE: Diversion Rate

This morning I spoke with Al Beardslee in Northern Region about the need for information to support the request for a diversion rate exceeding 0.03 cfs per acre. Al said he would ask the applicant to provide the required information.

SEP 01 2004

IDWR/North

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 19 day of Aug, 2004

and ending on the 26 day of Aug, 2004

and that said notice was published in said newspaper.

On this 26 day of Aug 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 acknowledged to me that he executed the same.

Sherilyn L. Jones
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:

96-9189

CITY OF SANDPOINT

1123 W LAKE ST

SANDPOINT, ID 83864 1714

Point(s) of Diversion (2) NWNWSW and SWSWNW S23 T57N R02W BONNER County

Source SAND CREEK Tributary to LAKE PEND ORIELLE

Use: IRRIGATION 03/15 To 11/15 0.3 CFS

Total Diversion 0.3 CFS

Date Filed: 06/30/2004

Place of Use: IRRIGATION

T57N R02W S22 NENE

T57N R02W S23 NWNW SWNW NWSW SWSW

Number of Acres 4.55

96-9190

MCGHEE RANCH ESTATES

4825 GLASGOW DR

FAIRBANKS AK 99709-2319

Point(s) of Diversion(2) SWNW S22 T56N R02W BONNER County

Source GROUNDWATER

Use: MUNICIPAL 01/01 To 12/31 0.32 CFS

Total Diversion: 0.32 CFS

Date Filed: 07/16/2004

Place of Use: MUNICIPAL

Municipal use is within service area of the applicant

96-9191

SANDY BEACH PROPERTIES LLC

431 LAKEVIEW BLVD

SANDPOINT ID 83864

Point(s) of Diversion L5(NESW) S7 T55N R02W BONNER County

Source COCOLALLA LAKE Tributary to COCOLALLA CREEK

Use: IRRIGATION 03/15 To 11/15 0.08 CFS

Use: DOMESTIC 01/01 To 12/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 07/20/2004

Place of Use: IRRIGATION

T55N R02W S7 NESW Lot 5 NWSW Lot 3

Number of Acres 3

Place of Use: DOMESTIC-same as IRRIGATION

Remark: Domestic use is for 11 homes.

96-9192

CLAY WILLIAMS

DIANE WILLIAMS

801 WHITETAIL DR

SANDPOINT ID 83864

Point(s) of Diversion NESW S17 T59N R01E BONNER County

Source UNNAMED STREAM Tributary to NORTH FORK GROUSE

CREEK

Use: IRRIGATION 03/15 To 11/15 0.03 CFS

Use: POWER 01/01 To 12/31 0.10 CFS

Total Diversion: 0.13 CFS

Date Filed: 07/30/2004

Place of Use: POWER T59N R01E S17 NESW

Place of Use: IRRIGATION-same as POWER

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 09/06/2004. The protestant must also send a copy of the protests to the applicant.

KARL J. DREHER, Director

Legal 5413

August 19, 26, 2004

5413



IDAHO FISH AND GAME

2750 Kathleen Avenue
Coeur d'Alene, Idaho 83815

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

Via email to Dianne Ball:

REFERENCE: Water Right Application #96-9189 – CITY OF SANDPOINT

We have no specific objections or comments about the above applications. However, the application is for a higher diversion rate than the standard 0.03 cfs per acre. We do recommend that the allocation should be at the standard diversion rate of 0.03 cfs/acre for irrigation, calculated for the area to be irrigated.

Water lines and pumps are an encroachment in lakes and rivers, which can be detrimental to fish and fish habitat. We recommend that applicants be required to install lines beneath the lake, river or stream bed should occur during low water periods when underwater excavation will be minimized. Dug materials should be sidecast to only one side and the bottom contour and substrate restored. Any unburied sections of the line should be anchored on the bottom to prevent it from floating and interfering with boat anchors or anglers' lines or capturing debris. The applicant should also provide a smooth cover for the pump to avoid interference with boat anchors or anglers' lines and to avoid capturing debris. It would be preferable to place pumps on land rather than in the water. Water intakes should be screened to prevent entrainment or impingement of fish. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.

2. Applicants should obtain necessary encroachment permits from Idaho Department of Lands prior to installing water lines or pumps in waters of a lake, river or stream.

Thank you for the opportunity to comment.

Mary Terra-Berns
Environmental Staff Biologist

C: IDFG NRPB, Boise; File

File: IDWR City of Sandpoint 96-9189

Dirk Kempthorne/Governor
Steven Huffaker/Director

August 18, 2004

RECEIVED

AUG 19 2004

IDWR/North

*Entered on
computer
8/20/04*



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

August 11, 2004

CITY OF SANDPOINT
1123 W LAKE ST
SANDPOINT ID 83864 1714

RE: Application for Permit No 96-9189

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Bonner County Daily Bee on August 19 and 26, 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. N016382



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

August 11, 2004

~PLEASE FAX PROOF PRIOR TO PUBLICATION!
THANK YOU.

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

e-mailed to Sheri 8/11/04

RE: Application for Permit No. 96-9189, 96-9190, 96-9191 and 96-9192

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, August 19 and 26, 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 09/06/2004. Your cooperation is GREATLY appreciated, as always.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, August 11, 2004 8:54 AM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal notice for publication August 19 and 26, 2004

Good morning, Sherri, and a very happy day to you.

Attached you will find a cover letter requesting publication of a legal notice, also attached. Please publish the legal notice on August 19 and 26, 2004

If you have **ANY** questions, please call me at 208-769-1450, or e-mail me.

ALSO - PLEASE FAX A PROOF PRIOR TO PUBLICATION. It helps me to see how the layout looks - tabs do some funny things when you cut or copy and paste. Thanks.

Have a simply marvelous day, and try to stay cool!

May your day be filled with beauty.

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

8/11/2004

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

96-9189

CITY OF SANDPOINT
1123 W LAKE ST
SANDPOINT ID 83864 1714

Point(s) of Diversion (2) NWNWSW and SWSWNW S23 T57N R02W BONNER County

Source SAND CREEK Tributary To LAKE PEND OREILLE

Use: IRRIGATION 03/15 To 11/15 0.3 CFS
Total Diversion: 0.3 CFS

Date Filed: 06/30/2004

Place Of Use: IRRIGATION

T57N R02W S22 NENE

T57N R02W S23 NWNW SWNW NWSW SWSW

Number of Acres 4.55

96-9190

MC GHEE RANCH ESTATES
4825 GLASGOW DR
FAIRBANKS AK 99709-2319

Point(s) of Diversion (2) SWNW S22 T56N R02W BONNER County

Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 0.32 CFS
Total Diversion: 0.32 CFS

Date Filed: 07/16/2004

Place Of Use: MUNICIPAL

Municipal use is within service area of the applicant.

96-9191

SANDY BEACH PROPERTIES LLC
431 LAKEVIEW BLVD
SANDPOINT ID 83864

Point(s) of Diversion L5 (NESW) S7 T55N R02W BONNER County

Source COCOLALLA LAKE Tributary To COCOLALLA CREEK

Use: IRRIGATION 03/15 To 11/15 0.08 CFS
Use: DOMESTIC 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 07/20/2004

Place Of Use: IRRIGATION

T55N R02W S7 NESW Lot 5 NWSW Lot 3

Number of Acres 3

Place Of Use: DOMESTIC - same as IRRIGATION

Remark: Domestic use is for 11 homes.

CONTINUED ON FOLLOWING PAGE

96-9192

CLAY WILLIAMS
DIANE WILLIAMS
801 WHITETAIL DR
SANDPOINT ID 83864

Point(s) of Diversion NESW S17 T59N R01E BONNER County
Source UNNAMED STREAM Tributary To NORTH FORK GROUSE CREEK
Use: IRRIGATION 03/15 To 11/15 0.03 CFS
Use: POWER 01/01 To 12/31 0.10 CFS
 Total Diversion: 0.13 CFS

Date Filed: 07/30/2004

Place Of Use: POWER T59N R01E S17 NESW
Place Of Use: IRRIGATION - same as POWER

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 09/06/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on August 19 and 26, 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 03, 2004

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

FAXED to Mary 8/3/04
6 pages total

Application to Permit No. 96-9189 - City of Sandpoint

Dear Mary:

Following 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 letter, by August 18, 2004. Unless you plan to protest this application, you may reply by e-mail to dball@idwr.state.id.us.

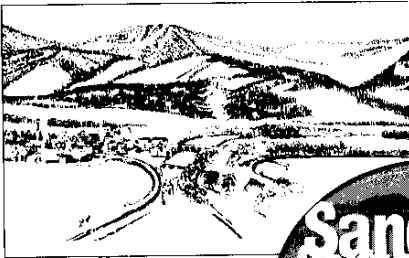
Please feel free to contact this office if you have any questions regarding the application.

Sincerely,

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

Dianne Ball
Administrative Assistant

Enclosure(s)



City of Sandpoint

CITY HALL
1123 Lake Street • Sandpoint, Idaho 83864

RECEIVED
JUN 30 2004
IDWR/North

February 4, 2004

Debra M. Van Dyk, P.E.
Clearwater Engineering
P. O. box 251
Sandpoint, ID 83864

Re: Sand Creek Byway Project - Irrigation Permit

Dear Ms. Van Dyk:

Attached please find the Application for Permit to the State of Idaho Department of Water Resources which has been signed by Mayor Miller. The requested list of elected officials is included with the application.

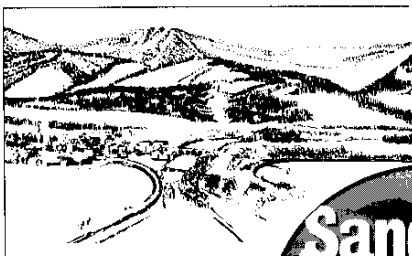
Thank you for your assistance in completing this application and submitting it for the city.

Yours truly,

CITY OF SANDPOINT

Helen M. Newton
City Clerk

Encs.



City of Sandpoint

CITY HALL
1123 Lake Street • Sandpoint, Idaho 83864

February 3, 2004

RECEIVED
JUN 30 2004
IDWR/North

State of Idaho
Department of Water Resources

Re: City of Sandpoint application for Permit

Pursuant to the Department's Instructions for Filing an Application for Permit, following is the list of the City of Sandpoint elected officials:

Raymond P. Miller, Mayor
Cindy Elliott, Council
Michael Boge, Council
Francis Ogilvie, Council
Alison Burgstahler, Council
Charles Spickelmire, Council
Sandra Lamson, Council

All may be reached through Sandpoint City Hall, 1123 Lake Street, Sandpoint, ID 83864 (208-263-3310).

Yours truly,

CITY OF SANDPOINT

Helen M. Newton
City Clerk