

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09217

Priority: December 13, 2004

Maximum Diversion Rate: 0.02 CFS

This is to certify, that KEITH ELLINGSON
N 2813 VISTA RD
SPOKANE WA 99212

has applied for a permit to appropriate water from:

Source: GRANITE CREEK

Tributary: PEND OREILLE LAKE

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

0.02 CFS

LOCATION OF POINT OF DIVERSION:

GRANITE CREEK SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25, Twp 55N, Rge 01W, 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	
55N 01W 25									X								

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2006**.
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. Water shall not be diverted under this right when flows in Granite Creek are below established minimum flow amounts.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 4th day of April, 2005.


for KARL J DREHER, Director

Ident. No. 96-9217

RECEIVED

MAR 25 2005

DEPARTMENT OF
WATER RESOURCES

71781

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

DEC 13 2004

IDWR/North

1. Name of Applicant Keith Ellingson Phone (509) 926 6296
Mailing address N. 2013 Vista Rd, Spokane, WA 99212
2. Source of water supply Granite Creek which is a tributary of Pend Oreille Lake
3. Location of point of diversion is Township 55 N Range 1 W Sec. 25, in the SE 1/4, NW 1/4, Govt. Lot Bonner County;
additional points of diversion if any:

4. Water will be used for the following purposes:
Amount 0.02 cfs for domestic use purposes from Mar. 1 to Nov. 30 (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) 0.02 cfs and/or (b) 1 hp KWE 1 1/4" KWE
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 1/2 hp pump, 3/4" to 1" above ground poly hose with 1/8" screen at in take, foot valve
b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total KWE reservoir capacity _____ acre-feet
c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? N/A
e. If well is already drilled, when? N/A; 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. NO
b. Stockwatering; list number and kind of livestock. NO
c. Municipal; show name of municipality. NO
d. Domestic; show number of households. Single residence
e. Other; describe fully. None

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	
55N	01W	25				✓				~~B~~ D									

Total number of acres to be irrigated N/A

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? U.S. Forest Service

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: Special water use permit from Sandpoint Ranger District applied for.

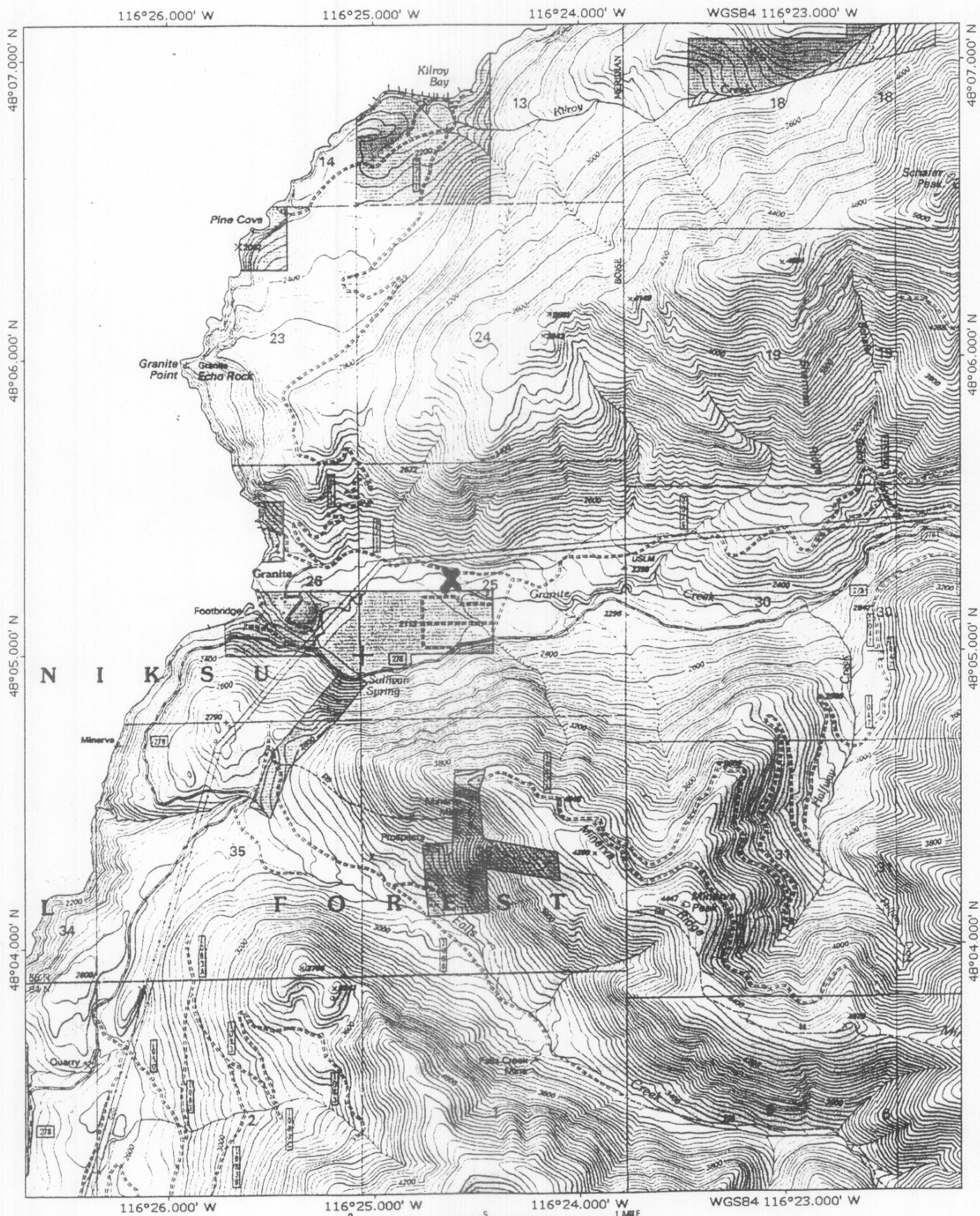
12. Remarks: Parcel RP 00158010007A

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.

Keith W. Ellingson
Signature of Applicant (and title, if applicable)

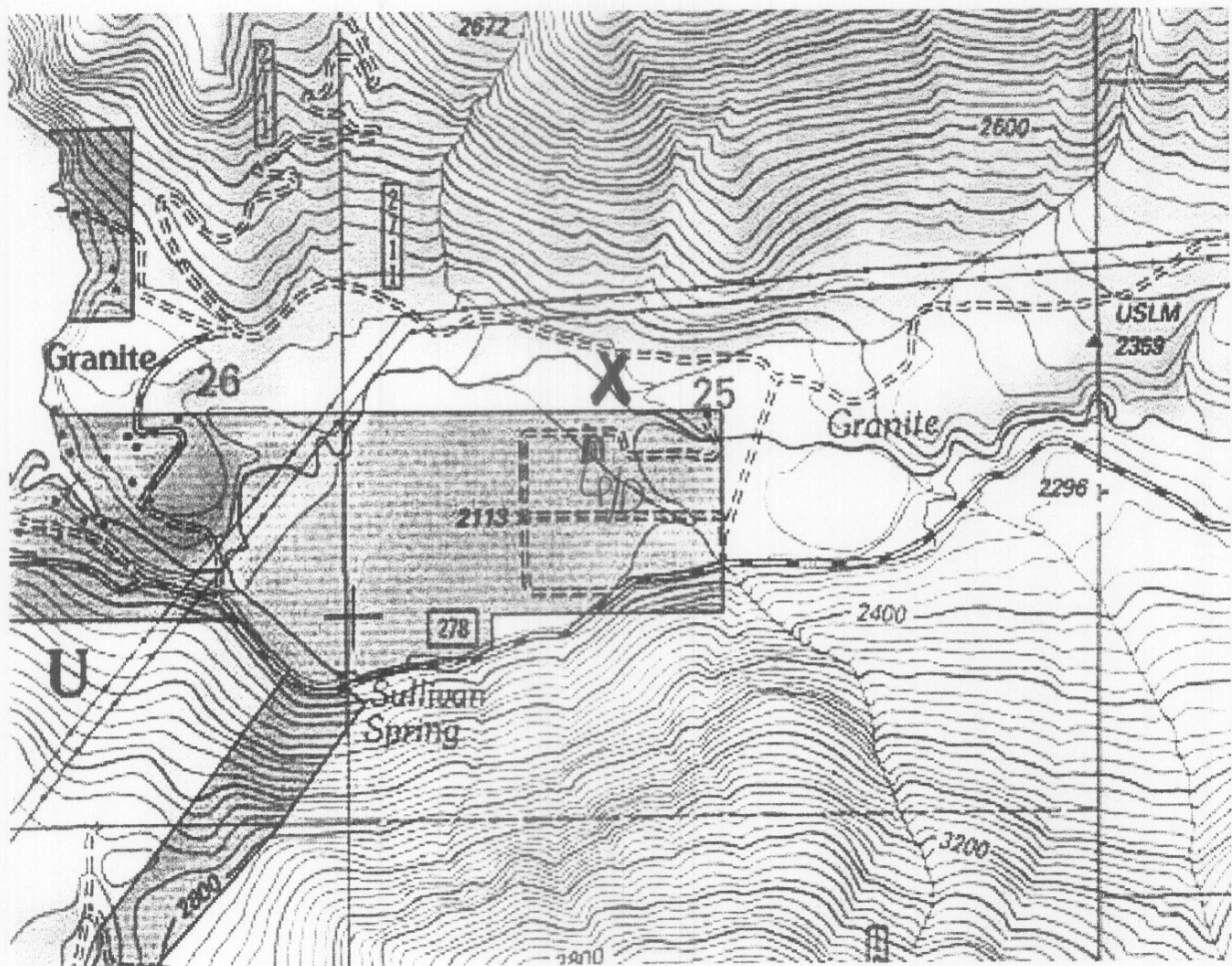
Received by [Signature] Date 12-13-04 Time 10:00 Preliminary check by [Signature]
 Fee \$ 100 Received by [Signature] # 2016668 Date 12-13-04
 Publication prepared by [Signature] Date 2/23/05 Published in Bonner Co Daily Bee 3/3x10/05
 Publication approved [Signature] Date 3/11/05



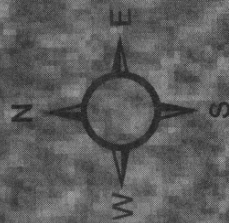
TN* / MN
17°

Map created with TOPO! © 2003 National Geographic (www.nationalgeographic.com/topo)

X General diversion location



X General diversion location



1 inch equals 100 feet

ELLINGSON DIVERSION POINT
←

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 5, 2005

KEITH ELLINGSON
N 2813 VISTA RD
SPOKANE WA 99212

RE: Permit No. 96-9217

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 208-287-4947.

Sincerely,


for Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

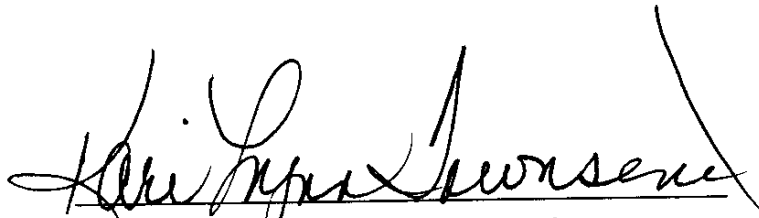
CERTIFICATE OF SERVICE

I hereby certify that on April 5, 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.

96-9217

**KEITH ELLINGSON
N 2813 VISTA RD
SPOKANE WA 99212**



**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

96-9217

1. dball 2/11/2005 Legal Notice Remarks

Comment: Domestic use is for 1 home.

2. kwalker 3/30/2005 Permit Review

Comment: Application does not fall within any problem areas. There is a minimum stream flow on Granite Creek, recommend using condition WB9.

— Bill Graham
agreed 4/4/05.
kw

AFFIDAVIT OF PUBLICATION

RECEIVED
MAR 11 2005
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 3 day of Mar, 20 05

and ending on the 10 day of Mar, 20 05

and that said notice was published in said newspaper.

On this 10 day of Mar 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:

96-9214

RADD RAYNOR
PO BOX 1747
SANDPOINT ID 83864
Point(s) of Diversion SENW S25 T55N R01W BONNER County
Source GRANITE CREEK Tributary To PEND OREILLE LAKE
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 12/13/2004
Place Of Use: DOMESTIC T55N R01W S25NESW
Remark: Domestic use is for 1 home.

96-9216

RITA FLOYD
924 MILL AVE
COEUR D'ALENE ID 83814
Point(s) of Diversion SENW S25 T55N R01W BONNER County
Source GRANITE CREEK Tributary To PEND OREILLE LAKE
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 12/13/2004
Place Of Use: DOMESTIC T55N R01W S25NESW
Remark: Domestic use is for 1 home.

96-9217

KEITH ELLINGSON
N 2813 VISTA RD
SPOKANE WA 99212
Point(s) of Diversion SENW S25 T55N R01W BONNER County
Source GRANITE CREEK Tributary To PEND OREILLE LAKE
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 12/13/2004
Place Of Use: DOMESTIC T55N R01W S25NESW
Remark: Domestic use is for 1 home.

96-9218

TIM MATHISON
23205 E COLONY CT
LIBERTY LAKE WA 99019
Point(s) of Diversion NESW S25 T55N R01W BONNER County
Source GRANITE CREEK Tributary To PEND OREILLE LAKE
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 12/23/2005
Place Of Use: DOMESTIC T55N R01W S25NESW
Remark: Domestic use is for one home (cabin)

96-9219

SCHWEITZER BASIN WATER COMPANY
PO BOX 772
SAGLE ID 83860
Point(s) of Diversion SWSE SESW S20 T58N R02W BONNER County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 1 CFS
Total Diversion: 1 CFS
Date Filed: 06/08/2004
Place Of Use: MUNICIPAL Municipal use is within the service area of the applicant.

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 03/21/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal SNP #5887
March 3, 10, 2005

5887



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

February 23, 2005

KEITH ELLINGSON
N 2813 VISTA RD
SPOKANE WA 99212

RE: Application for Permit No 96-9217

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 March 3 and 10, 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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

PLEASE FAX A PROOF TO ME PRIOR TO PUBLICATION

February 23, 2005

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

RE: Application for Permit No. 96-9214, 96-9216, 96-9217, 96-9218 and 96-9219

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, March 3 and 10, 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 03/21/2005. Your cooperation is very greatly appreciated, as always.

Sincerely

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, February 24, 2005 8:53 AM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal Notice for Water Right Nos. 96-9214,96-9216,17,18 and 19 - for publication March 3 and 10, 2005

Good morning, Sheri,

Another legal notice for publication. Attached is our cover letter requesting publication on March 3 and 10, 2005 of the legal notice, also attached.

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

ALSO - PLEASE FAX A PROOF COPY TO ME PRIOR TO PUBLICATION. Those pesky tabs sometimes do crazy things. Just need a layout check.

Thanks and have a wonderful 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

2/24/2005

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

96-9214

RADD RAYNOR
PO BOX 1747
SANDPOINT ID 83864
Point(s) of Diversion SENW S25 T55N R01W BONNER County
Source GRANITE CREEK Tributary To PEND OREILLE LAKE
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 12/13/2004
Place Of Use: DOMESTIC T55N R01W S25 NESW
Remark: Domestic use is for 1 home.

96-9216

RITA FLOYD
924 MILL AVE
COEUR D'ALENE ID 83814
Point(s) of Diversion SENW S25 T55N R01W BONNER County
Source GRANITE CREEK Tributary To PEND OREILLE LAKE
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 12/13/2004
Place Of Use: DOMESTIC T55N R01W S25 NESW
Remark: Domestic use is for 1 home.

96-9217

KEITH ELLINGSON
N 2813 VISTA RD
SPOKANE WA 99212
Point(s) of Diversion SENW S25 T55N R01W BONNER County
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Total Diversion: 0.02 CFS
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Remark: Domestic use is for 1 home.

96-9218

TIM MATHISON
23205 E COLONY CT
LIBERTY LAKE WA 99019
Point(s) of Diversion NESW S25 T55N R01W BONNER County
Source GRANITE CREEK Tributary To PEND OREILLE LAKE
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 12/23/2005
Place Of Use: DOMESTIC T55N R01W S25 NESW
Remark: Domestic use is for one home (cabin)

96-9219

SCHWEITZER BASIN WATER COMPANY
PO BOX 772
SAGLE ID 83860
Point(s) of Diversion SWSE SESW S20 T58N R02W BONNER County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 1 CFS
Total Diversion: 1 CFS
Date Filed: 06/08/2004
Place Of Use: MUNICIPAL Municipal use is within the service area of the applicant.

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 03/21/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on March 3 and 10, 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

February 11, 2005

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

9 Pages Total

Application to Permit No. 96-9214 - 96-9216 AND 96-9217
STATE OF IDAHO :

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 applications follow for your reference.

This office can publish notice of the applications 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 comment by e-mail to Dianne.Ball@idwr.idaho.gov

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

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure(s)

*NOTE: Same
maps apply
to all 3
applications.*
DB