

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09207

Priority: August 06, 2004

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 0.6 AF

This is to certify, that RICHARD HANSEN
PO BOX 8
BAYVIEW ID 83803

has applied for a permit to appropriate water from:

Source: BAYVIEW 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>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
WILDLIFE STORAGE	01/01 to 12/31		0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

BAYVIEW CREEK NE¼ NW¼ Sec. 27, Twp 54N, Rge 02W, B.M. KOOTENAI County

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
54N 02W 27		X			X												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2005**.
2. Subject to all prior water rights.
3. Wildlife storage use is for a pond.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 9th day of March, 2005.


for KARL J. DREHER, Director

RECEIVED

FEB 25 2005

DEPARTMENT OF
WATER RESOURCES

RECEIVED

AUG 17 2004

IDWR/North

Ident. No. 96-9207

71688
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

AUG 06 2004

IDWR/North

1. Name of Applicant Richard Hansen Phone 208-683-2262
Mailing address Box 8 Bayview Id 83803
2. Source of water supply Bayview CR which is a tributary of Pdo Lake
3. Location of point of diversion is Township 54 N Range 2 W Sec. 27, in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot _____, B.M., HOOTENAI County;
additional points of diversion if any:
4. Water will be used for the following purposes: DIV. TO
Amount 0.20 for RAND W STORAGE purposes from JAN 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum) STORAGE FOR
Amount 0.60 for WILDLIFE 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)
5. Total quantity to be appropriated is (a) 120 cubic feet per second and/or (b) 0.60 acre feet per annum
6. Proposed diverting works: Pipe line to Creek
 - a. Describe type and size of devices used to divert water from the source Pipe line to a small dam
 - b. Height of storage dam 1-2 FT. 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? No
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. Wildlife Pond

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	
54	2W	27		*			*												

* = WILDLIFE STORAGE
Total number of acres to be irrigated _____

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? Richard Hansen

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

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 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Richard Hansen
Signature of Applicant (and title, if applicable)

Received by [Signature] Date 8/6/04 Time 1:33p Preliminary check by [Signature]
Fee \$ 100.00 Receipted by [Signature] # N016480 Date 8/6/04
Publication prepared by [Signature] Date 11/3/05 Published in CDA Review 1/20 & 27/05
Publication approved [Signature] Date 11/3/05



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

March 10, 2005

RICHARD HANSEN
PO BOX 8
BAYVIEW ID 83803

RE: Permit No. 96-9207

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.

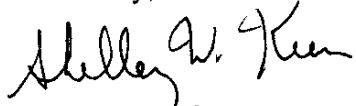
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

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)

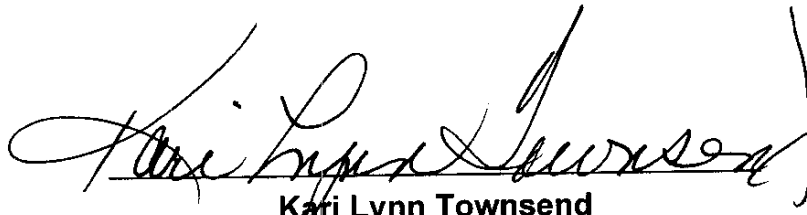
CERTIFICATE OF SERVICE

I hereby certify that on March 10, 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.

96-9207

**RICHARD HANSEN
PO BOX 8
BAYVIEW ID 83803**



**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.

MEMORANDUM

Date: March 09, 2005
To: Water Right File 96-9207
From: eretelle
Re: permit review

no WD, moratorium, MSF or WaSR.
no overlap or protests.

Recommend approval as suggested by IDWR Northern.

AFFIDAVIT OF PUBLICATION

RECEIVED
JAN 28 2005
IDWTF/North

STATE OF IDAHO, } ss.
County of Kootenai.

being first duly sworn
Kattie Hay

upon oath deposes and says:
1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

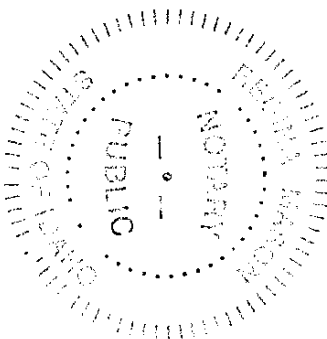
3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 26 day of January 2005, and ending on the 27 day of January 2005, and such publication was made as often during said period as said newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice. Kattie Hay on this 27 day of January in the year of 2005, before me, a Notary Public, personally appeared Kattie Hay 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.

Rebecca Mason
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/09



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

95-9248
THE RIDGE AT BLACKROCK BAY HOMES INC
10636 N. GOVERNMENT WAY
HAYDEN ID 83835
Point(s) of Diversion: L1 (NENE) S9 T48N R04W KOOTENAI County
Source: GROUND WATER
Use: MUNICIPAL
Total Diversion: 01/01 To 12/31 0.25 CFS
Date Filed: 10/25/2004
Place Of Use: MUNICIPAL
Remarks: Municipal use is within service area of applicant.

95-9249

WILLIAM TARNASKY
MYRNA TARNASKY
752 DUNDEE
POST FALLS ID 83854
Point(s) of Diversion: L2 (SENE) S9 T51N R03W KOOTENAI County
Source: HAYDEN LAKE
Use: DOMESTIC
Total Diversion: 01/01 To 12/31 0.04 CFS
Date Filed: 11/17/2004
Place Of Use: DOMESTIC T51N R03W S9 SENE Lot 2

96-9207

RICHARD HANSEN
PO BOX 8
BAYVIEW ID 83803
Point(s) of Diversion: NENW S27 T54N R02W KOOTENAI County
Source: BAYVIEW CREEK Tributary To LAKE PEND OREILLE
Use: WILDLIFE STORAGE
Use: DIVERSION TO STORAGE
Total Diversion: 01/01 To 12/31 0.2 CFS
Date Filed: 08/06/2004
Place Of Use: WILDLIFE STORAGE T54N R02W S27 N4NE NENW
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 02/07/2005. The protestant must also send a copy of the protest to the applicant.

Legal 6565
January 20, 27, 2005

KARL J DREHER,

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

95-9248

THE RIDGE AT BLACKROCK BAY HOMES INC
10636 N. GOVERNMENT WAY
HAYDEN ID 83835

Point(s) of Diversion L1 (NENE) S9 T48N R04W KOOTENAI County

Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 0.25 CFS

Total Diversion: 0.25 CFS

Date Filed: 06/09/2004

Place Of Use: MUNICIPAL

Remarks: Municipal use is within service area of applicant.

95-9249

WILLIAM TARNASKY
MYRNA TARNASKY
752 DUNDEE
POST FALLS ID 83854

Point(s) of Diversion L2 (SENE) S9 T51N R03W KOOTENAI County

Source HAYDEN LAKE Tributary To SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 11/17/2004

Place Of Use: DOMESTIC T51N R03W S9SENE Lot 2

96-9207

RICHARD HANSEN
PO BOX 8
BAYVIEW ID 83803

Point(s) of Diversion NENW S27 T54N R02W KOOTENAI County

Source BAYVIEW CREEK Tributary To LAKE PEND OREILLE

Use: WILDLIFE STORAGE 01/01 To 12/31 0.6 AFA

Use: DIVERSION TO STORAGE 01/01 To 12/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 08/06/2004

Place Of Use: WILDLIFE STORAGE T54N R02W S27 NWNE NENW

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 02/07/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on January 20 and 27, 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 13, 2005

**PLEASE FAX PROOF COPIES ON BOTH OF THESE TWO SEPARATE
LEGALS PRIOR TO PUBLICATION - TO 769-1454.**

**KATTIE HOY &/OR KRISTY PEAK
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814**

RE: Application for Water Right Permit Nos. 95-9248, 95-9249, and 96-9207
ALSO NOTICE OF DRAFT PERMITS for Injection Wells #95W001001 and 95W002001

Dear Kattie &/or Kristy:

I'm back after 2+ months on medical leave and trust that you are still handling legal notices for the "Press".

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, January 20 and 27, 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 02/07/2005. Your cooperation is GREATLY appreciated, as always

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, January 13, 2005 4:19 PM
To: Legal Notices-CdA Press (E-mail); Kristy Peak (E-mail)
Cc: Grimm, Angie; Lepard, Dave
Subject: Legal notices (2) for publication on January 20 and 27, 2005

Greetings, ladies,

I'm back from 2+ months of medical leave and have a couple of legal notices that need to be advertised on January 20 and 27, 2005.

I have attached a cover letter and the two (2) legal notices below.

If you have ANY questions, please call me at 769-1450, and PLEASE FAX A PROOF ON BOTH OF THESE PRIOR TO PUBLICATION.

Thanks very much. Stay warm and have a great day.



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

1/13/2005



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

January 13, 2005

RICHARD HANSEN
PO BOX 8
BAYVIEW ID 83803

RE: Application for Permit No 96-9207

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 Coeur d'Alene Press on January 20 and 27, 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 cursive script that reads 'Allen Beardslee'.

Allen Beardslee
Senior Water Resource Agent



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

January 07, 2005

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

Faxed to Mary 1/7/054 - pages total

Application to Permit No. 96-9207

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 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)