

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09185

Priority: April 23, 2004

Maximum Diversion Rate: 0.04 CFS

This is to certify, that JOHN T POLARINE
SHERRI L MITCHELL
PO BOX 1345
SAGLE ID 83864

has applied for a permit to appropriate water from:

Source: PEND OREILLE LAKE

Tributary: PEND OREILLE RIVER

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

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

PEND OREILLE LAKE L1 (NE¼ NE¼) Sec. 27, Twp 56N, 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	
56N 01W 27	X																
	L1																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2005**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for 2 homes.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12th day of August, 2004.


for KARL J DREHER, Director

WORKING COPY

http://www.idwr.state.id.us
71300

Ident. No. 96-9185

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
AUG 10 2004

RECEIVED
APR 25 2004
IDWR/North

1. Name of applicant Sherri L. Mitchell / John T. Polmarine Phone _____
Best Office address P.O. Box 1345, Sagle, Id 83864 (859 Rock Harbor)
2. Source of water supply LAKE PEND OREILLE which is a tributary of PEND OREILLE RIVER
3. Location of point of diversion is _____ 1/4 of NE 1/4 of NE 1/4, Govt. Lot #1
Sec. 27 Township 56N Range 1W B.M. BONNER County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.04 for DOMESTIC purposes from Jan 01 to 31 Dec (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) 0.04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 1/2 Hp 10P2 wire, Pump encased in 4" pipe projecting into lake 3' Below LWM along existing sloped Terrain. Connected To House by
b. Height of storage dam NA feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
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? NA; Drilling firm _____
Well was drilled for (well owner) _____
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 if KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. 2
e. Other; describe fully. _____

6a. continued: 1" plastic pipe. At a rate of 8-10 gal per minute as needed for stored purposes.

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	
56N	1W	27	D																

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? Steen The Applicants / EDC

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

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

12. Remarks: To Supply Lake water for house hold, and emergency fire protection in and around our home, and adjacent property. Installation by Pan Handle Pump & Irrigation, Sdpt, Ed 208-263-7867 Duane Miller & Property owners.

13. MAP OF PROPOSED PROJECT ATTACHED _____ Show clearly the proposed point of diversion, place of use, section number, township and range number.

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.

X Al Mitchell
(Applicant)

Received by AB Date 4-23-04 Time 12:05 Preliminary check by AS
 Fee \$ 100 Received by AS # 18016206 Date 4-23-04
 Publication prepared by AS Date 6/23/04 Published in Burnley Co. & District Bee
 Publication approved AS Date 8/3/04 7/14/04

Record of Survey map #1

Mouth of Garfield Bay

See Detail incl 2

VICINITY MAP

From



IN
IN/NEAR

COUNTY,

DATE:

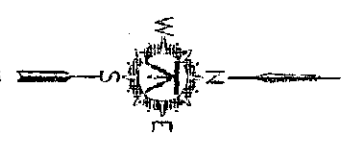
SHEET 1 OF 3

APPLICATION BY:

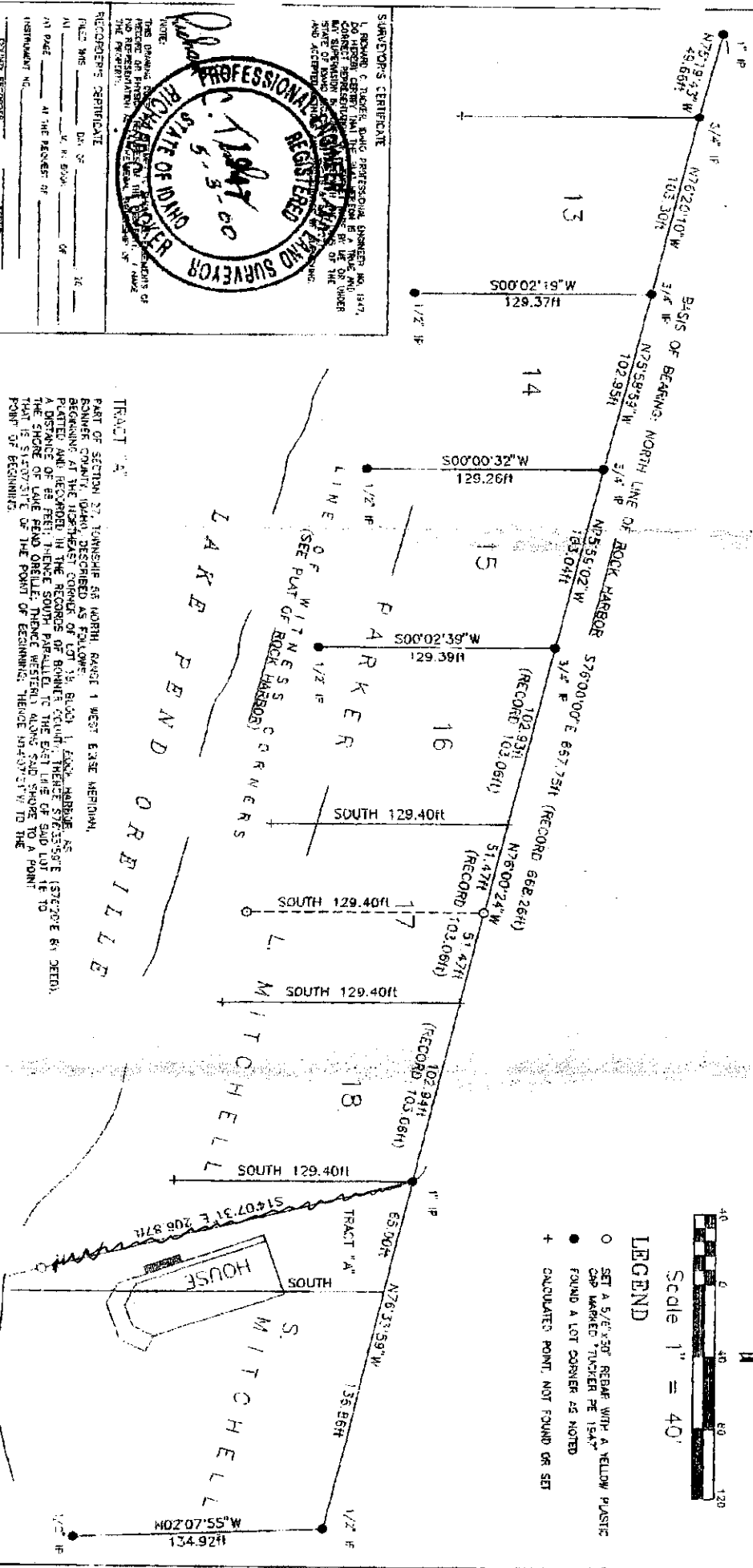
S. Mitchell / J. Polaine

map # 1

RECORD OF SURVEY OF LOTS 15, 16, 17 & 18, ROCK HARBOR AND ADJOINING TRACT LOCATED IN SECTION 27, TOWNSHIP 56 NORTH, RANGE 18 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO



- LEGEND**
- SET A 5/8"x30" REBAR WITH A YELLOW PLASTIC CAP MARKED TUCKER PER 1547
 - FOUND A LOT CORNER AS NOTED
 - + CALCULATED POINT, NOT FOUND OR SET



SURVEYOR'S CERTIFICATE

I, ROBERT C. TUCKER, being duly sworn, depose and say that I am a duly Licensed Professional Engineer in the State of Idaho, and that I am the owner of the above described land, and that I have caused the same to be surveyed and the boundaries thereof to be marked by me or by my assistants, and that the same are true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me this 15th day of May, 2006.

Robert C. Tucker

PROFESSIONAL ENGINEER
REGISTERED
STATE OF IDAHO
No. 53500
Exp. 5-3-08

RECORDED CERTIFICATE

FILED THIS 15th DAY OF MAY 2006

AT THE OFFICE OF THE CLERK OF THE DISTRICT COURT IN AND FOR THE COUNTY OF BONNER, IDAHO

CLERK

TUCKER ENGINEERING CONSULTANTS
CIVIL ENGINEERING - SURVEYING - CONSTRUCTION

117 CHURCH ST. SPOKANE, IDAHO 83201

DATE MAY 2006

CHECKED BY GSE

FOR SHEEN MITCHELL

**IDAHO FISH AND GAME**

2750 Kathleen Avenue
Coeur d'Alene, Idaho 83815

Dirk Kempthorne/Governor
Steven Huffaker/Director

June 24, 2004

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

Via email to Diane Ball:

REFERENCE: Water Right Application 96-9185 -- MITCHELL/POLARINE

IDFG has reviewed the above named application to withdraw 0.04 cfs for domestic use from Lake Pend Oreille.

We have no specific objections to this request. However, water lines and pumps are an encroachment in lakes and rivers that can be detrimental to fish and fish habitat. The applicant should obtain necessary encroachment permits from Idaho Department of Lands before installing water lines and pumps in state waters.

If a line and pump are placed in the creek and excavation is necessary, we recommend that applicants be required to install the lines during low water when underwater excavation will be minimized. Dug materials should be sidecast to only one side and the bottom contour and substrate restored. The pump should be screened to prevent entrainment of fish; the maximum screen mesh size should be 0.25 inches. In addition, pump approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish. It would be preferable to place pumps on land rather than in the water.

Thank you for the opportunity to comment.

Mary Terra-Berns
Environmental Staff Biologist

C: IDFG NRPB, Boise; Chip Corsi, IDFG, Cd'A; File

File: IDWR WR 96-9185 MITCHELL/POLARINE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 13, 2004

JOHN T POLARINE
SHERRI L MITCHELL
PO BOX 1345
SAGLE ID 83864

RE: Permit No. 96-9185

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

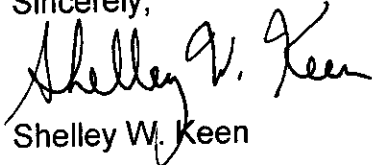
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in black ink, 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)

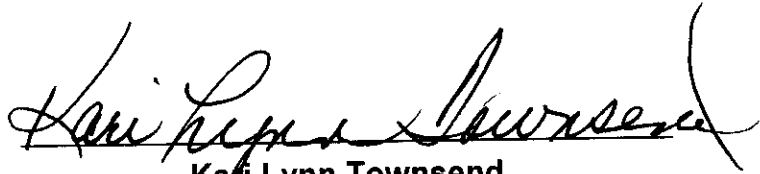
CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

96-9185

**JOHN T POLARINE
SHERRI L MITCHELL
PO BOX 1345
SAGLE ID 83864**

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

96-9185

1. dball 6/14/2004 Legal Notice Remarks

Comment: Domestic use is for 2 homes.

2. dball 6/16/2004 4:24:24 PM Comment Letter Notes

Comment:

WHO: IDL - Jim Brady

RESPONSE: Recommended

DATE RECEIVED: 6/16/2004

IDL issued an encroachment permit L-96-S-1262A on or about June 9, 2004.

3. E Retelle 8/12/2004 application for permit review

Comment: Recommend approval as suggested by IDWR Northern.

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 96-9185

APPLICATION ID # 71300

ENT. 6/14/04 BCA 6/14 OK to Publish 6/14

RECEIVED INITIAL REVIEW

APPLICANT: MITCHELL POLARINE

AUG 10 2004

BY: [Signature]

DATE: 05/13/04

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
- ☒ Nature of Proposed Use
- ☒ Period of Use
5. ☒ Total Quantity
6. ☒ Description of diverting works
7. ☒ Time required for b/u
8. ☒ Proposed use
9. ☒ Place of use or acres irrigated
10. ☒ Other water Rights
11. ☒ Ownership
12. ☒ Map
- ☒ Signature
- ☒ Fee (Amt, receipt, acknowledgement)

Department of Water Resources

PROCESSING

(Yes)(No)

PRIORITY DATE: 04/23/04

☒ (Include Moratorium Remark)

☒ Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

BC/plum

ADVERTISE IN: BONAVILLE County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information

() Power Information () Other: N/A

INFORMATION RECEIVED:

() Dam Information () Fish Information

() Power Information () Other: N/A

*** Send info sheet Y() N()

ADDITIONAL INFORMATION

(Yes)(No)

 Shape File Created Date By:
 Field check: by
 Field report attached
 Analysis Supp. attached(>5cfs/500af)
 Water delivered by water master? Water District #

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
<u> </u>	<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y() N()
<u> </u>	<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y() N()
<u> </u>	<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y() N()

- Groundwater management area
- Critical ground water area
- Well Drilling Permit required
- Well Drilling Application and Fees received
- Well Drilling Application approved?

Remarks:

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- Notice of pending void order issued. Final order response date: / /
- Further information required from applicant
- 1/3 Affidavit of publication received
- ✓ Application published correctly. If not, record action taken:

1/23 Publication dates and paper recorded on application

Sr. Agent initial

Final protest date: 7/19/04

- Protests received,
- Measuring device required
- Measuring port required
- Special conditions:
- Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: [Signature]

Date: 08/05/04

State of Idaho

ss.

County of Bonner, Delma Bergman

_____ 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:

Applications to public
Waters

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 1st day of July, 20 04
and ending on the 8th day of July, 20 04
and that said notice was published in said newspaper.

On this 8th day of July in the year
of 2004, before me, a Notary Public, personally
appeared Delma Bergman,
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

Notary Public for Idaho

Residing at

My Commission expires: 8/16

RECEIVED
AUG 03 2004
IDWR/North

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

96-9184

ARLOWENE VESS
5015 EUREKA RD
SAGLE ID 83860
Point(s) of Diversion NWNE S35 T57N R01W BONNER County
Source GROUND WATER
Use: IRRIGATION 03/15 To 11/15 0.03 CFS
Use: DOMESTIC 01/01 To 12/31 0.12 CFS
Total Diversion: 0.12 CFS
Date Filed: 03/05/2004
Place Of Use: DOMESTIC T57N R01W S35 NWNE SWNE
Place Of Use: IRRIGATION same as DOMESTIC
Number of Acres 1
Remark: Domestic use is for 5 homes.

96-9185

SHERRI L MITCHELL
JOHN T POLARINE
PO BOX 1345
SAGLE ID 83864
Point(s) of Diversion L1 (NENE) S27 T56N R01W BONNER County
Source PEND OREILLE LAKE Tributary To PEND OREILLE
RIVER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 04/23/2004
Place Of Use: DOMESTIC T56N R01W S27 NENE Lot 1
Remark: Domestic use is for 2 homes.

96-9186

T V REED
NOEL STURGEON
NE 905 D STREET
PULLMAN WA 99163
Point(s) of Diversion NESE S8 T56N R02E BONNER County
Source COUGAR CREEK Tributary To SINKS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 06/04/2004
Place Of Use: DOMESTIC T56N R02E S8 SENE
Remark: Domestic use is for 1 home.

96-9187

LE ROY SELBERG
BERNICE SELBERG
PO BOX 49
COLBURN ID 83865-0049
Point(s) of Diversion SWSENE S6 T58N R01W BONNER County
Source SPRING Tributary To SINKS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 06/18/2004
Place Of Use: STOCKWATER T58N R01W S6 SENE
Remark: Stockwater use is for 5 head mixed stock.
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 07/19/2004. The protestant must also send a
copy of the protest to the applicant.
KARL J DREHER, Director
Legal SNP#5303
July 1, 8, 2004

5-000



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

June 23, 2004

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

RE: Application for Permit No. 96-9184, 96-9185, 96-9186 and 96-9187

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, July 1 and 8, 2004, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 07/19/2004. Your cooperation is always greatly appreciated.

Have a wonderful day.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, June 23, 2004 1:50 PM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal notice for publication on July 1 & 8, 2004

Good afternoon, Sheri,

Attached you will find a copy of our cover letter requesting publication of the legal notice, also attached, to publish on July 1 & 8, 2004

If you have any questions, please call, and also, **please fax proof prior to publication.**

Thanks and have a beautiful 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

6/23/2004

The following applications have been filed to appropriate the public waters of the State of Idaho:

96-9184

ARLOWENE VESS
5015 EUREKA RD
SAGLE ID 83860

Point(s) of Diversion NWNE S35 T57N R01W BONNER County
Source GROUND WATER

Use: IRRIGATION	03/15 To 11/15	0.03 CFS
Use: DOMESTIC	01/01 To 12/31	0.12 CFS
Total Diversion:		0.12 CFS

Date Filed: 03/05/2004

Place Of Use: DOMESTIC T57N R01W S35 NWNE SWNE

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres: 1

Remark: Domestic use is for 5 homes.

96-9185

SHERRI L MITCHELL
JOHN T POLARINE
PO BOX 1345
SAGLE ID 83864

Point(s) of Diversion L1 (NENE) S27 T56N R01W BONNER County
Source PEND OREILLE LAKE Tributary To PEND OREILLE RIVER

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

Date Filed: 04/23/2004

Place Of Use: DOMESTIC T56N R01W S27 NENE Lot 1

Remark: Domestic use is for 2 homes.

96-9186

T V REED
NOEL STURGEON
NE 905 D STREET
PULLMAN WA 99163

Point(s) of Diversion NESE S8 T56N R02E BONNER County
Source COUGAR CREEK Tributary To SINKS

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

Date Filed: 06/04/2004

Place Of Use: DOMESTIC T56N R02E S8 SENE

Remark: Domestic use is for 1 home.

96-9187

LE ROY SELBERG
BERNICE SELBERG
PO BOX 49
COLBURN ID 83865-0049

Point(s) of Diversion SWSENE S6 T58N R01W BONNER County
Source SPRING Tributary To SINKS

Use: STOCKWATER	01/01 To 12/31	0.02 CFS
Total Diversion:		0.02 CFS

Date Filed: 06/18/2004

Place Of Use: STOCKWATER T58N R01W S6 SENE

Remark: Stockwater use is for 5 head mixed stock.

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 07/19/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on July 1 and 8, 2004



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 23, 2004

SHERRI L MITCHELL
JOHN T POLARINE
PO BOX 1345
SAGLE ID 83864

RE: Application for Permit No 96-9185

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 July 1 and 8, 2004. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

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

Sincerely,

A handwritten signature in cursive script that reads "Allen Beardslee".

Allen Beardslee
Senior Water Resource Agent

Ball, Dianne

From: Jim Brady [jbrady@idl.state.id.us]
Sent: Monday, June 14, 2004 12:54 PM
To: 'dball@idwr.state.id.us'
Subject: 96-9185-Mitchell

Diane, The Idaho Dept. of Lands issued an encroachment permit, L-96-S-1262A, to place the above referenced water withdrawal system on or about June 9, 2004. Thank you for the opportunity to comment.

Jim Brady, Resource Manager
Minerals and Navigable Waters
Idaho Department of Lands, Mica Supervisory Area
3706 Industrial Ave. South
Coeur d'Alene, ID 83815
(208) 666-8607
(208) 769-1597 fax

*Entered on computer
6/16/04
db*

6/14/2004

ID. Dept. of Lands
1210 NW Blvd. Ste. #201
Coeur d'Alene ID. 83814

STATE OF IDAHO
DEPARTMENT OF LANDS
ATTACHMENT FOR ENCROACHMENT

ENCROACHMENT # _____
APPLICANT _____

Required When Applying for an Idaho Dept. of Lands Lake Encroachment Permit

"John COE-IDE Application" for encroachment must be signed by the riparian or littoral property owner or his agent. A riparian or littoral owner is the person whose upland property intersects the ordinary or average highwater mark of a given waterway. A complete application must include the legal description of the upland property; a vicinity map showing the location of the proposed design plans showing the adjacent boundary line, encroachment dimensions, water depth, and a labeled profile, all relative to the ordinary or official high water mark; and name and address of the adjacent property owner(s).

DOCK REQUIREMENTS AND SET BACKS

General requirements are as follows:

- 1) Encroachment installed perpendicular to the general shoreline.
- 2) Encroachment not to extend beyond a depth necessary for customary navigation nor beyond the established line of navigation.
- 3) Dock encroachment is not to exceed 700 square feet in size nor 10 feet in width, excluding a slip extent.
- 4) Approach ramp is not to exceed 6 feet in width. ONLY 4 THINGS ALLOWED.
- 5) Structures may not be closer than 10 feet to adjacent property and/or riparian boundary line without written consent from the adjacent property owner, as riparian line extend into the water perpendicular from the general shoreline.
- 6) Commercial encroachments are required to maintain 25 feet from adjacent property and/or riparian boundary line.

CONSENT OF ADJACENT RIPARIAN OR LITTORAL PROPERTY OWNERS

Navigational and non-navigational encroachments located adjacent to an upland property may infringe upon the adjacent property owner. Signature of the owner(s) will automatically rebut this presumption. The owner's signature below and initials per applicant's drawing will complete the permit requirement process.

I, Jon A. Geiss, am the owner of riparian or littoral property adjacent to the riparian or littoral area listed in this application. I am familiar with the scope and location of the proposed encroachment as evidenced by accompanying plans which I have initialed. I offer no objection to the encroachment.

5/2/99
Date

Jon A. Geiss
Name
4899 Chantrey Place
MINNETONKA, MN 55345
Address

I, Leonard N. Mitchell, am the owner of riparian or littoral property adjacent to the riparian or littoral area listed in this application. I am familiar with the scope and location of the proposed encroachment as evidenced by accompanying plans which I have initialed. I offer no objection to the encroachment.

5-21-99
Date

Leonard N. Mitchell
Name
P.O. Box 277
Sagle, ID 83860
Address



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

June 14, 2004

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

FAXED TO DEPT OF LANDS 6/14/04
6 PAGES TOTAL

Application to Permit No. 96-9185 - Mitchell/Polarine

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 application is enclosed 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.

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

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure(s)

PS Jim - you can reply to my
e-mail dball@idwr.state.id - as long
as you are not 'protesting' the app.
D



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

June 14, 2004

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

FAXED TO MARY 6/14/04
6 PAGES TOTAL

Application to Permit No. 96-9185 - Mitchell/Polarine

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 is enclosed for your reference.

Please respond within two weeks of receipt of this request, by June 28, 2004. You may respond by e-mail should you choose to do so, to dball@idwr.state.id.us.

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.

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)>