

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09201

Priority: August 10, 2004

Maximum Diversion Rate: 0.01 CFS

This is to certify, that JOHN T POWERS
PO BOX 2193
SANDPOINT ID 83864

has applied for a permit to appropriate water from:

Source: FRY CREEK

Tributary: PEND OREILLE RIVER

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

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/01 to 10/31

RATE OF DIVERSION

0.01 CFS

LOCATION OF POINT OF DIVERSION:

FRY CREEK L3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 2, Twp 56N, Rge 02W, B.M., BONNER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
56N 02W 2								.13									.13
							L 3										

Total Acres: 0.13

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2006**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.01 cfs nor more than 0.4 afa at the field headgate for irrigation of the land described above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of January, 2005.


for KARL J DREHER, Director

RECEIVED

JAN - 4 2005

DEPARTMENT OF WATER RESOURCES

John & Lyn Powers
PO Box 2193
Sandpoint, ID 83864

RECEIVED

AUG 10 2004

IDWR/North

Ident. No.

96-9201

7159/
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

APR 06 2004

IDWR/North

- Name of Applicant JOHN T POWERS Phone 208 255 1774
Mailing address P.O. Box 2193 SANDPOINT ID 83864
- Source of water supply FRYB CRBBR which is a tributary of Lake Paul Orville
- Location of point of diversion is Township 2 Range 56N Sec. 2W, in the NE 1/4, NW 1/4, Govt. Lot 3, B.M., BONNER County;
additional points of diversion if any: BLK-2 LOT 12 - 99 BUCK RUN SAGE ID
- Water will be used for the following purposes:

Amount <u>0.0044563</u> for <u>SPATER LANE</u> purposes from <u>4-1</u> to <u>10-31</u> (both dates inclusive)
Amount <u>—</u> for <u>NONE</u> purposes from <u>—</u> to <u>—</u> (both dates inclusive)
Amount <u>—</u> for <u>—</u> purposes from <u>—</u> to <u>—</u> (both dates inclusive)
Amount <u>—</u> for <u>—</u> purposes from <u>—</u> to <u>—</u> (both dates inclusive)
Amount <u>—</u> for <u>—</u> purposes from <u>—</u> to <u>—</u> (both dates inclusive)
Amount <u>—</u> for <u>—</u> purposes from <u>—</u> to <u>—</u> (both dates inclusive)
- Total quantity to be appropriated is (a) 0.0044563 cubic feet per second and/or (b) (GPM ÷ 448.8 cubic feet) acre feet per annum
- Proposed diverting works:
 - Describe type and size of devices used to divert water from the source 1/2 HP PUMP AT WATER
EDGE. 4" PIPES EXTENDING INTO WATER 30 FEET DEPTH OF 6 FEET
AT SUMMER POOL, 1" PIPES INSIDE 4" PIPES 1" HOLES IN 4" PIPES
 - Height of storage dam — feet; active reservoir capacity — acre-feet; total reservoir capacity — acre-feet
 - Proposed well diameter is — inches; proposed depth of well is — feet
 - Is ground water with a temperature of greater than 85°F being sought? —
 - If well is already drilled, when? —; Drilling firm —
Well was drilled for (well owner) —; Drilling Permit No. —
- Time required for completion of works and application of water to proposed beneficial use is *1 years (minimum 1 year)
- Description of proposed uses (if irrigation only, go to item 9):
 - Hydropower; show total feet of head and proposed capacity in kW. —
 - Stockwatering; list number and kind of livestock. —
 - Municipal; show name of municipality. —
 - Domestic; show number of households. 1 HOUSE (2 PEOPLE)
 - Other; describe fully. WATER A LAWN 1/8 ACRES IN SIZE
JUNE THROUGH SEPT

* SYSTEM WAS COMPLETED BY CONTRACTOR BEFORE WE MOVED IN. IT IS USED TO WATER OUR LAWN WHICH IS ABOUT 1/8 ACRES IN SIZE.

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. *I DON'T KNOW WHAT TO ENTER HERE*

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		<i>2</i>					<i>1/8</i>												
		<i>56N</i>																	
		<i>2W</i>																	

Total number of acres to be irrigated 1/8 ACRES (THE ENTIRE LOT IS APPROX 1/4 ACRES) WE ARE NOT WATERING THE WHOLE LOT.

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? JOHN & LYN POWERS

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: I ENCLOSED ORIGINAL APPLICATION FROM THE CONTRACTOR TROY KENNEDY ACRES. & USED HIS DRAWING OF FOR THIS APPLICATION IT LOOKS CORRECT

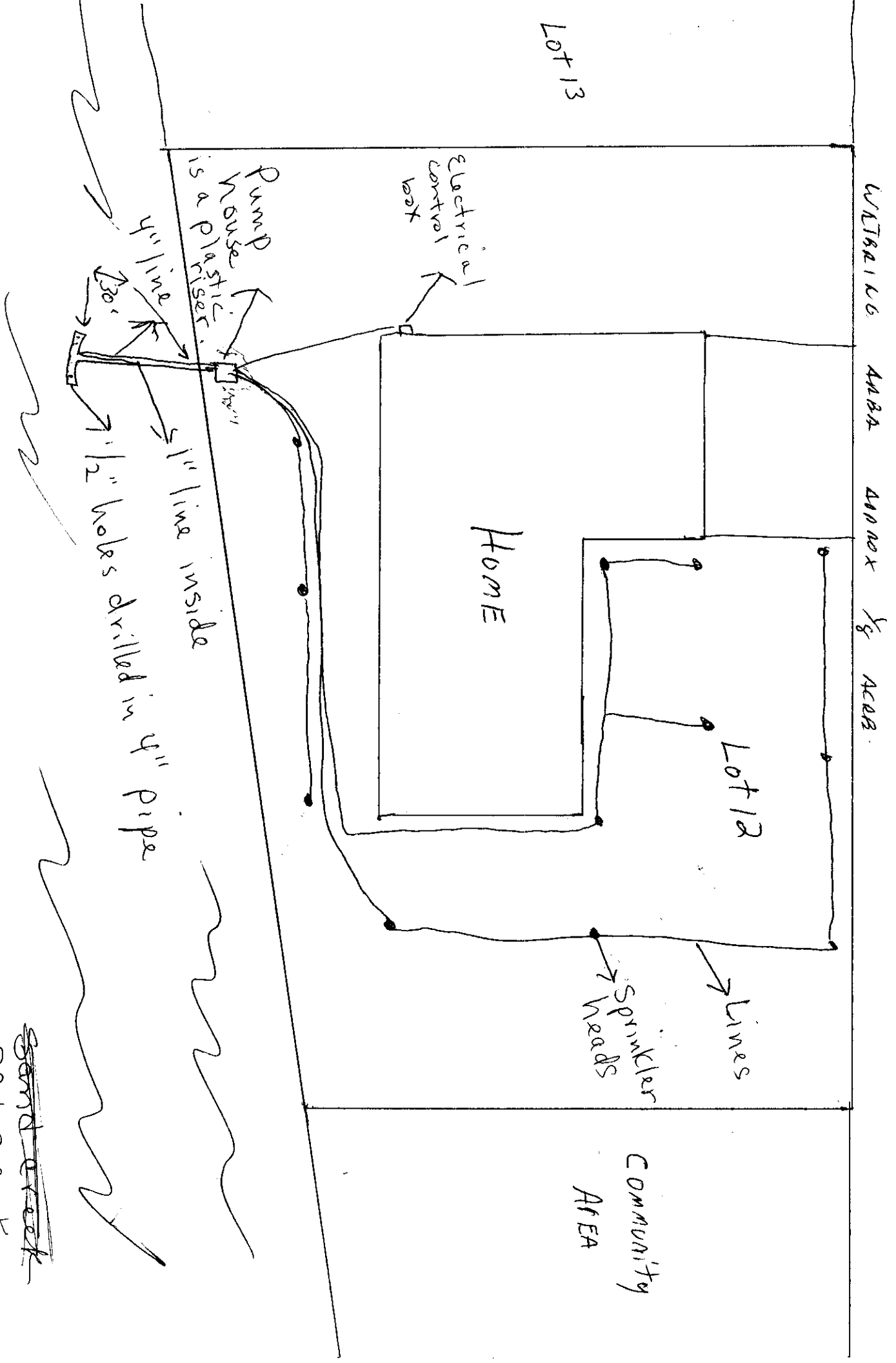
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

John E. Powers
Signature of Applicant (and title, if applicable)

Received by db Date 4/6/04 Time 1:30 P Preliminary check by db
 Fee \$ 100.00 Receipted by db # N016160 Date 4/6/04
 Publication prepared by db Date 10/26/04 Published in Banner & Daily Bee 11/4 & 11/04
 Publication approved db Date 10/26/04

Lot 12 - 2-56N-2W - Buck Run Sandpoint, IDAHO
Buck Run



Lot 13

WETLANDS AREA ANNEK 1/8 ACR.

electrical control box

HOME

Lot 12

lines

sprinkler heads

Community Area

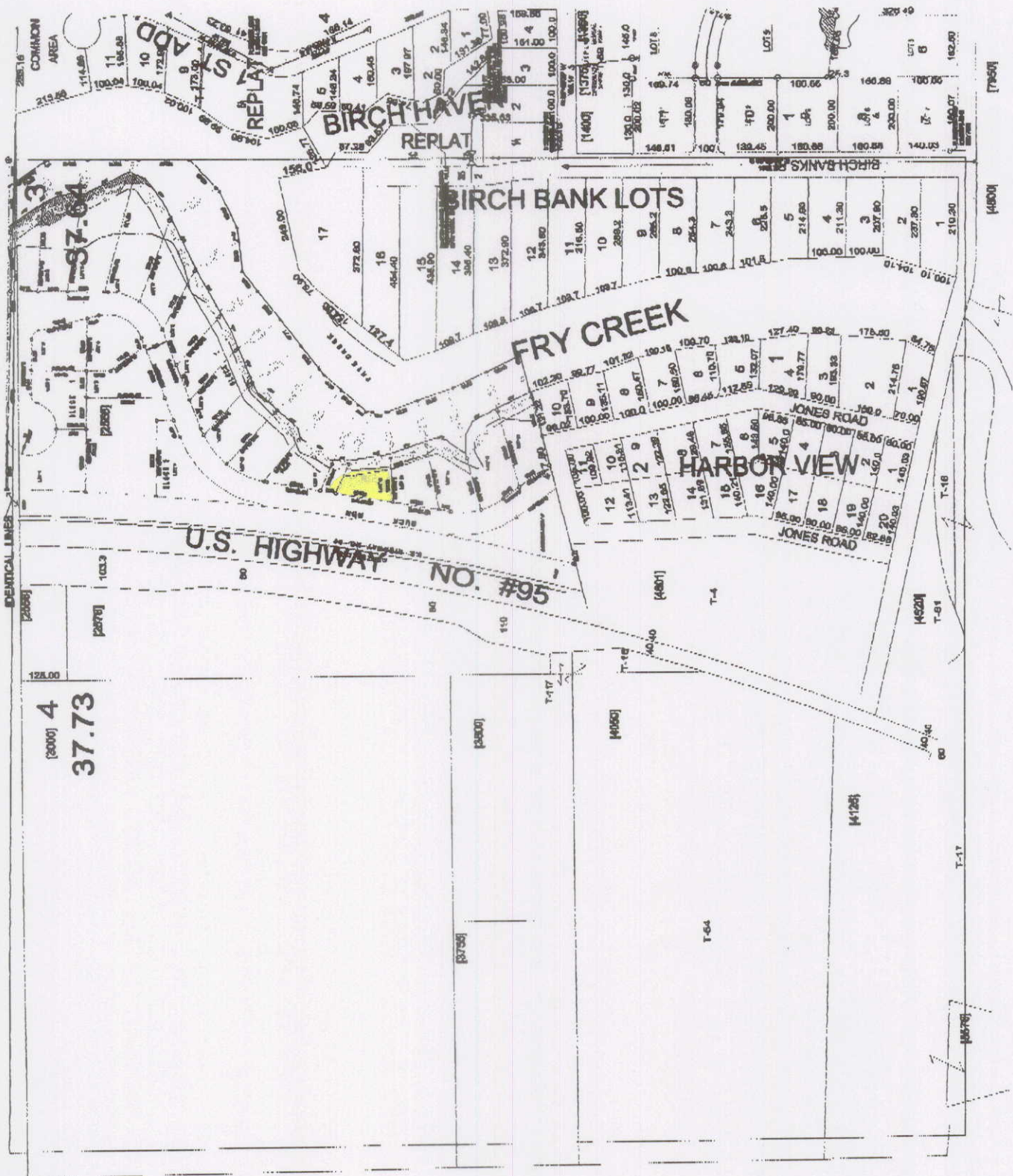
Pump house is a plastic riser.

4" line

30'

1 1/2" holes drilled in 4" pipe

~~SAND CREEK~~
FRY CREEK





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

January 21, 2005

JOHN T POWERS
PO BOX 2193
SANDPOINT ID 83864

RE: Permit No. 96-9201

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.

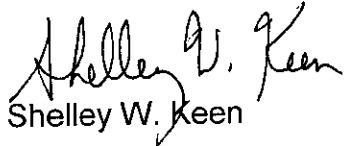
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

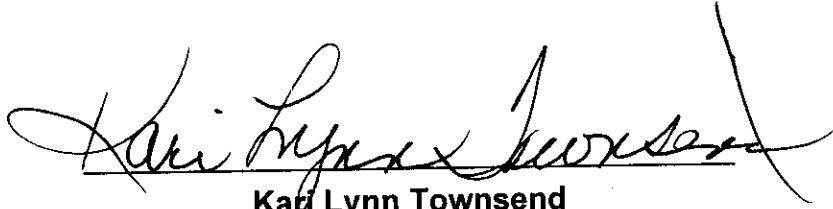
CERTIFICATE OF SERVICE

I hereby certify that on January 21, 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.

96-9201

**JOHN T POWERS
PO BOX 2193
SANDPOINT ID 83864**



**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

96-9201

1. kwalker 1/13/2005 Source & Tributary

Comment: While reviewing this app. I found the source and tributary listed to be confusing. I pulled topo D6 and found that Fry Creek flows into Sagle Slough where this app. is proposed to be diverted. I searched our data base of other rights within this area and saw other rights with a source of Fry Creek but none with the source of Sagle Slough. Recommend we issue with source listed as Fry Creek tributary to Pend Oreille River.

2. kwalker 1/13/2005 Permit Review

Comment: This application was filed to record use of water for irrigation of 1/8 acre of lawn. The place of use is shown as 0.13 acres. Region had entered as 0.25 acres but if data base will take that it should also be able to accept the 0.13 acres that was actually applied for. Application does not fall within any problem areas. Recommend approval.

<u>Basin</u>	<u>Sequence</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Source</u>	<u>Source Table</u>	<u>App.ID</u>
96	7746	License	1/31/1979	0.08		BIRCH CREEK	wrWaterRight	
96	9205		8/20/2004	0.03		FRY CREEK	wrWaterApplication	71623
96	4188	Statutory Claim	4/20/1971	0.01		FRY CREEK	wrWaterRight	
96	4196	Statutory Claim	4/1/1962	0.02		FRY CREEK	wrWaterRight	
96	4464	Statutory Claim	6/1/1953	0.2		FRY CREEK	wrWaterRight	
96	9201		8/10/2004	0.01		~~FRY~~ CREEK	wrWaterApplication	71591
96	4409	Statutory Claim	11/1/1959	0.06		GROUND WATER	wrWaterRight	
96	4509	Statutory Claim	6/1/1953	0.06		GROUND WATER	wrWaterRight	
96	7594	License	8/1/1977	0.12	3.6	GROUND WATER	wrWaterRight	
96	7760	License	3/13/1979	0.04	1.2	GROUND WATER	wrWaterRight	
96	7922	License	12/23/1980	0.06	4.2	GROUND WATER	wrWaterRight	
96	8144	License	2/22/1983	0.03	4.2	GROUND WATER	wrWaterRight	
96	8299	License	6/30/1983	0.05	5.9	GROUND WATER	wrWaterRight	
96	8337	License	7/1/1983	0.04	9.6	GROUND WATER	wrWaterRight	
96	8450	License	2/28/1986	0.15	28.2	GROUND WATER	wrWaterRight	
96	8861	License	4/7/1995	0.04	5.4	GROUND WATER	wrWaterRight	
96	8667		9/20/1991	0.67		GROUND WATER	wrWaterPermit	
96	8777		10/21/1993	1.58		GROUND WATER	wrWaterPermit	
96	4249	Statutory Claim	6/1/1954	0.08		LAKE PEND OREILLE	wrWaterRight	
96	8336	License	8/4/1983	0.03	9	LAKE PEND OREILLE	wrWaterRight	
96	9078	License	6/18/2001	0.04	1.5	LAKE PEND OREILLE	wrWaterRight	
96	2282	License	10/30/1964	0.04	6	SPRING	wrWaterRight	
96	2097	License	5/12/1921	0.11		SPRING CREEK	wrWaterRight	
96	9170	Statutory Claim	8/30/1958	0.1		~~UNNAMED~~ SPRING	wrWaterRight	
96	4160	Statutory Claim	6/1/1964	2.5		UNNAMED STREAM	wrWaterRight	
96	8145	License	2/9/1983	0.05	8	UNNAMED STREAM	wrWaterRight	

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION ANALYSIS SHEET

W.R. # 96-9201

APPLICATION ID # 71591
INITIAL REVIEW

ENT. 10/22/04 BCA 10/22/04 OK to Publish 10/22/04

APPLICANT: Powers BY: [Signature] DATE: 10/22/04

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)

RECEIVED

JAN - 4 2005

DEPARTMENT OF WATER RESOURCES

*** 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 # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 8/10/04

(Include Moratorium Remark)

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

ADVERTISE IN: Bonner County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information
() Power Information () Other: _____

INFORMATION RECEIVED:

() Dam Information () Fish Information
() Power Information () Other: _____

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y() N()
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y() N()
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	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 _____
Affidavit of publication received _____
Application published correctly. If not, record action taken: _____

10/26 Publication dates and paper recorded on application
2 Protests received, Final protest date: 11/22/04 Sr. Agent initial _____
2 Measuring device required
2 Measuring port required
2 Special conditions: _____
1 Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: [Signature]

Date: 12/29/04

AFFIDAVIT OF PUBLICATION

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 4 day of Nov., 2004 and ending on the 11 day of Nov., 2004

and that said notice was published in said newspaper.

On this 11 day of Nov. 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.

Notary Public for Idaho

Residing at

Sandpoint

Commission expires:

8/06

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

96-9201

JOHN T POWERS

PO BOX 2193

SANDPOINT ID 83864

Point(s) of Diversion L3 (NENW) S2 T56N R02W BONNER County

Source FRYE CREEK

Tributary To LAKE PEND OREILLE

Use: IRRIGATION

04/01 To 10/31 0.01 CFS

Total Diversion:

0.01 CFS

Date Filed: 08/10/2004

Place Of Use: IRRIGATION

T56N R02W S2 NENW Lot 3

Number of Acres 0.25

96-9202

LINDA MUSKOPF

RONALD MUSKOPF

PO BOX 127

COCOLALLA ID 83813

Point(s) of Diversion L6 (NENW) S18 T55N R02W BONNER County

Source COCOLALLA LAKE

Tributary To COCOLALLA CREEK

Use: IRRIGATION

03/15 To 11/15 0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 09/21/2004

Place Of Use: IRRIGATION

T55N R02W S18 NENW Lot 6

Number of Acres 3.3

96-9204

KOOTENAI HEIGHTS WATER SYSTEM

C/O FLOYD MC GHEE

PO BOX 1925

SANDPOINT ID 83864

Point(s) of Diversion NWSW S1 T57N R02W

BONNER County

Source GROUND WATER

Use: MUNICIPAL

01/01 To 12/31 0.2 CFS

Total Diversion:

0.2 CFS

Date Filed: 10/26/2004

Place Of Use: MUNICIPAL

T57N R02W S1 NWSW SWSW

Remark: Municipal use is within the service area of 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 11/22/2004. The protestant must also send a copy of the protest to the applicant. KARL J DREHER, Director

Legal 5598

November 4, 11, 2004

py A OK

5598



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

October 26, 2004

JOHN T POWERS
PO BOX 2193
SANDPOINT ID 83864

RE: Application for Permit No 96-9201

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 November 4 and 11, 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,

Robert G. Haynes, P.E.
Regional Manager

Enclosure(s) - Receipt No. N016160



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

October 26, 2004

**PLEASE FAX PROOF PRIOR TO PUBLICATION
TO ATTENTION OF BOB HAYNES**

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

RE: Application for Permit No. 96-9201, 96-9202 and 96-9204

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, November 4 and 11, 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 11/22/2004. Your cooperation is, as always, GREATLY appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, October 26, 2004 2:59 PM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal notice for publication on November 4 and 11, 2004

Good afternoon, Sheri,

Attached is a copy of our cover letter requesting publication of a legal notice, also attached. Publication is requested for November 4 and 11, 2004.

PLEASE FAX PROOF PRIOR TO PUBLICATION - TO BOB HAYNES. I will be out of the office on medical leave starting Thursday of this week and probably through the end of the year, due to surgery. [*Unless you could get this set and faxed to me tomorrow, then I will still be here.*]

Bob Haynes, our Regional Manager will be handling follow-up on this.

Thanks very much for all your good work. I should be back the first part of January [unless the doctor releases me a couple weeks earlier.]

 *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

10/26/2004

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
96-9201

JOHN T POWERS
PO BOX 2193
SANDPOINT ID 83864

Point(s) of Diversion L3 (NENW) S2 T56N R02W BONNER County
Source FRYE CREEK Tributary To LAKE PEND OREILLE
Use: IRRIGATION 04/01 To 10/31 0.01 CFS
Total Diversion: 0.01 CFS

Date Filed: 08/10/2004

Place Of Use: IRRIGATION T56N R02W S2 NENW Lot 3
Number of Acres 0.25

96-9202

LINDA MUSKOPF
RONALD MUSKOPF
PO BOX 127
COCOLALLA ID 83813

Point(s) of Diversion L6 (NENW) S18 T55N R02W BONNER County
Source COCOLALLA LAKE Tributary To COCOLALLA CREEK
Use: IRRIGATION 03/15 To 11/15 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 09/21/2004

Place Of Use: IRRIGATION T55N R02W S18 NENW Lot 6
Number of Acres 3.3

96-9204

KOOTENAI HEIGHTS WATER SYSTEM
C/O FLOYD MC GHEE
PO BOX 1925
SANDPOINT ID 83864

Point(s) of Diversion NWSW S1 T57N R02W BONNER County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 10/26/2004

Place Of Use: MUNICIPAL T57N R02W S1 NWSW SWSW
Remark: Municipal use is within the service area of 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 11/22/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on November 4 and 11, 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

October 22, 2004

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

FAXED to Mary 10/22/04
6 pages total

Application to Permit No. 96-9201

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 dball@idwr.state.id.us prior to October 27, 2004, or if after October 27, 2004 to bhaynes@idwr.state.id.us, as I will be out of the office on medical leave.

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)

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 5, 2004

RECEIVED

AUG 10 2004

IDWR/North

John T. Powers
PO Box 2193
Sandpoint, ID 83864

RE: Application for Permit Filing

Dear Mr. Powers:

We received your application for permit to appropriate water from Frye Creek. The application is being returned to you for the following reasons.

1. Item 3 is missing the section, ¼ ¼ descriptions and the County
2. The smallest rate of diversion the department recognizes is 0.01 cfs. The rate you have listed should be rounded up to this figure. You have indicated “sprinklers” for the purpose of use. If the use is for lawn watering, “irrigation” is the appropriate use to list. The standard season of irrigation for your area is 4/1 to 10/31. If in-house use is not anticipated, nothing should be listed under Item 8d because the filing is irrigation use.

After you have made the changes listed above, please return the application to us for processing. Please call if you have questions.

Sincerely,

Charla Carter

Al Beardslee
Sr. Water Resource Agent

Enclosure

ITEMS HAVE BEEN CORRECTED!!
(Bearing)

#3 = BONNER COUNTY, SL4, 42, 54, E
#4 = IRRIGATION, 4-1 10-31,
CFS 0.01,

Thank You

JOHN POWERS

$E_{MAIL} =$

LJ POWERS@INTERGATIZ.COM

(208) 255 1774

To whom it may concern,

I called because I didn't understand the cfs stuff. Someone there told me to figure gallons per minute- divide by 448.8 cubic feet. I did call my electrician who installed the sprinkler system to ask him how to figure this. Since I STILL couldn't figure this, I am sending the information my electrician gave me. He said 7 zones once a day. 14 gallons per minute, 7 days a week for 120 days out of the yr (june - sept). Can you please help me figure this and let me know what the fee is? My email is sherik@imbris.com or you can call me at 208-255-7078

Thanks,

Sheri & Troy Krumenacker

UPDATED INFO

JOHN POWERS

4-3 2004

(208) 255 1774

2 GALLONS PER MINUTES PER ZONE. ZONES
ARE ON 1 AT A TIME. NOT ALL 7 AT
ONCE. 30 MINUTES PER ZONE FOR 60 GALLONS
EACH ZONE FOR 420 GALLON EACH DAY SYSTEM
IS USED. THE MAXIMUM ~~PER~~ AMOUNT OF
WATER ~~USED~~ THAT COULD BE USED IF THE
SYSTEM WAS ON EVERY DAY IS 51240

GALLONS FROM JUNE TO SEPT 122 DAYS.

RUN OFF RETURNS TO LAKE. WE'LL USE

THE SYSTEM EVERY OTHER DAY FOR APPROX

25620 GALLON USED REALISTICLY EACH SUMMER

THANKS JOHN POWERS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

FEB 11 2004

IDWR/North

1. Name of Applicant Troy Krumenaker Phone 208-255-7078
Mailing address 421 Lakeview Blvd Sandpoint, ID
2. Source of water supply FRY creek which is a tributary of Lake Pend Oreille
3. Location of point of diversion is Township 2 Range 56 W Sec. 20 in the _____ 1/4, _____ 1/4, _____ 1/4, Govt. Lot _____, B.M., _____ County;
additional points of diversion if any: BK-2 Lot 12 - 99 Buck Run Sandpoint, ID.

4. Water will be used for the following purposes: IRRIGATION
- Amount 0 for Sprinklers purposes from June to Sept (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 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source Pump 1/2 HP. Pump at water's edge, 4" pipe going into water with 1" pipe inside - holes drilled in 4" pipe.

- 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) See below

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. 1
- e. Other; describe fully. _____

The work is already complete. I put in a sprinkler system with my electrician who does my sprinkler systems unaware that I needed a permit. When Mike from Core of Engineers contacted me he let me know I needed to contact you for an application for a permit.

3. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	

See township under #3

Total number of acres to be irrigated 1/4 acre 1/8

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? John + Lyn Powers

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

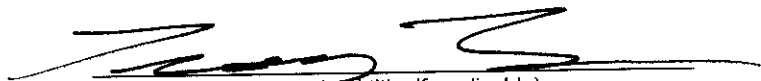
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: I was the builder - they bought the house.

12. Remarks:

Please contact me if you need any further information. 208-255-7078

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

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


Signature of Applicant (and title, if applicable)

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ _____ Received by _____ # _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____