

91-7173

33 SEP 86 P3 37

Deanne Wilson, clp.

RECEIVED

RAY SWANSON, JR. KC 00

Deanne Hawks

KC 00 Box 86

CORRECTION DEED

THIS INSTRUMENT, Made and entered into this 23rd day of July, 1995, by and between EUPHEMIA PENNEY and RAY A. SWANSON and MINA L. SWANSON, the Parties of the First Part and STEVE W. HAWKS and DEANNE A. HAWKS, the Parties of the Second Part, whose address is HC-02 Box 86, St. Maries, ID 83861.

WITNESSETH

That the Parties of the First Part, for and in consideration of the sum of One and no/100 Dollars (\$1.00) to them paid by the said Parties of the Second Part, the receipt whereof is hereby acknowledged, does hereby grant, sell and convey to the Parties of the Second Part and their heirs, devisees and assigns forever the following described real property situated in the County of Benewah, State of Idaho, to-wit:

Lot Thirteen (13), Block Two (2), Sylvia's Haven Subdivision, together with an easement for purposes of moorage in and upon the riparian rights in the dockage lagoon as shown on said plat adjacent and appertaining to the southerly forty (40) feet of the shore line of Lot Twelve (12), Block Two (2), Sylvia's Haven Subdivision, County of Benewah.

THIS INSTRUMENT is intended as a Correction Deed to correct an error in the description in that certain Correction Deed between the parties hereto recorded in the office of the Benewah County, State of Idaho, Recorded on the 30th day of November, 1990 as Instrument No. 184924.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, title, right and interest in and to the property, as well in law as in equity, of the Parties of the First Part.

TO HAVE AND TO HOLD all and singular the above-mentioned and described premises together with the appurtenances unto the Parties of the Second Part, and to their heirs, devisees and assigns forever.

And the Parties of the First Part, and their heirs, shall and will WARRANT and by these presents forever DEFEND the premises

1. CORRECTION DEED

in the quiet and peaceable possession of the Parties of the Second Part, their heirs, devisees and assigns against all and every person or persons whomsoever lawfully claiming the same.

IN WITNESS WHEREOF, the Parties of the First Part have hereunto set their hands the day and year first above written.

Euphemia Penney
EUPHEMIA PENNEY

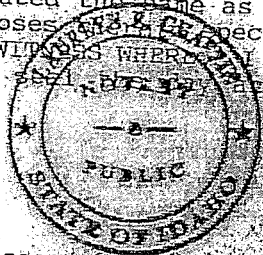
Ray A. Swanson
RAY A. SWANSON

Mina L. Swanson
MINA L. SWANSON

STATE OF IDAHO)
County of Shoshone)

On this 20th day of July, 1993, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared, EUPHEMIA PENNEY, to me known to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same as her free and voluntary act and deed for the purposes therein specified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 20th day and year in this certificate first above written.

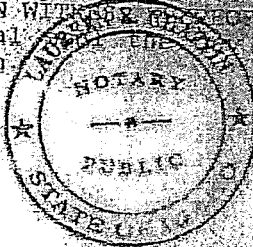


Laurie L. Chaffin
Notary Public in and for Idaho
Residing at: Kingston, therein
Commission expires: 07/08/99

STATE OF IDAHO)
County of Shoshone)

On this 20th day of July, 1993, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared, RAY A. SWANSON and MINA L. SWANSON, to me known to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the purposes therein specified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 20th day and year in this certificate first above written.



Laurie L. Chaffin
Notary Public in and for Idaho
Residing at: Kingston, therein
Commission expires: 07/08/99

2. CORRECTION DEED

EXHIBIT B

IDAHO DEPARTMENT OF LANDS

1910 NW Blvd., Suite 201
Coeur d'Alene, Idaho 83814-2615
Phone: (208) 769-1535 FAX (208) 769-1557

STANLEY F. HAMILTON - DIRECTOR

BOARD OF LAND
COMMISSIONERS

PHILIP E. BATT
Governor

PETE T. CENARRUSA
Secretary of State

ALAN G. LANCE
Attorney General

J.D. WILLIAMS
State Controller

ANNE C. FOX
Sup't of Public
Instruction

ENCROACHMENT PERMIT NO. L-95-S-4339

Permission is hereby granted to STEVE HAWKS
of HCR 2 Box 86 St. Maries, ID 83861 to install and maintain
2.5' x 20' ramp & 8' x 30' float dock w/ 4 piling
located: St. Joe River, Sylvia's Haven, Block 2, Lot 13, Section 7,
Township 46 North, Range 2 West, Boise Meridian, Benewah County.

1. All applicable provisions of the Rules for Regulation of Beds, Waters, and Airspace over Navigable Lakes and Streams in the State of Idaho are incorporated herein by reference and made a part hereof.
2. Construction will follow details and specifications shown on the approved drawings and data provided by the applicant. Should such information and data prove to be materially false, incomplete and/or inaccurate, this authorization may be modified, suspended, or revoked in accordance with the Administrative Procedures Act, Idaho Code title 67, chapter 52.
3. This permit does not convey the State's title to or jurisdiction or management of lands lying below the natural or ordinary high water mark.
4. Acceptance of this permit constitutes permission by the Permittee for representatives of the Department of Lands to come upon Permittee's lands at all reasonable times to inspect the encroachment authorized by this permit.
5. The Permittee assumes all liability for damages which may result from the exercise of this permit.
6. This permit does not relieve the Permittee from obtaining additional local or federal permits as required.
7. This permit is not valid until the identification number is displayed on the outermost area of the encroachment.
8. If the activity authorized herein is not completed on or before the 15th day of August, 2000 (three years from the date of issuance), this permit shall automatically expire unless it was previously revoked or otherwise extended.

KEEP IDAHO GREEN
PREVENT WILDFIRE

CDAT OBJ-7173 0004

9. White bead foam flotation shall be completely encased in a manner that will maintain the structural integrity of the foam. The encasement shall be resistant to the entry of rodents.
10. Removal of any pre-existing facilities is a condition of this permit.
11. This permit supersedes and voids any permit previously issued for this property unless otherwise noted.
12. Construction materials shall be natural or pressure treated utilizing only those preservative chemicals registered for the specific uses, such as CCA (Chromated Copper Arsenate), by the U.S. Environmental Protection Agency (EPA). All treated wood materials shall be produced in compliance with "Best Management Practices (BMPs) For the Use of Treated Wood in Aquatic Environments" issued by the Western Wood Preservers Institute (WWPI), July 1986. Treated materials not in contact with the water shall be completely dry before use near navigable waters. Contact Idaho Department of Health and Welfare, Division of Environmental Quality, at (208)769-1422 with questions regarding treated materials.
13. All construction material must be stockpiled landward of the ordinary high water mark.
14. Regardless of dock dimensions, the dock may only extend waterward to a water depth of six feet when measured at full pool (elevation 2,128 WWP datum).
15. This permit is issued subject to the established commercial navigational servitude. The permittee places this encroachment at his own peril and specifically waives any claim against commercial log tow operators who may accidentally damage this encroachment.
16. The permittee shall maintain the structure or work authorized herein in a good and safe condition and in accordance with the plans and drawings attached hereto.
17. All construction shall be completed in accordance with descriptions and methods provided unless otherwise specified. Any changes shall be approved in writing by the department prior to construction.

ENCROACHMENT PERMIT NO. L-95-S-4339
August 15, 1997
Page three

UPON TRANSFER OF THIS REAL PROPERTY, YOU ARE REQUIRED TO NOTIFY THIS
OFFICE OF THE SUBSEQUENT NAME CHANGE (SEE ENCLOSURE).

FOR THE DIRECTOR

By: Carl Washburn
CARL WASHBURN
Navigable Waters Specialist

STATE OF IDAHO)
) ss
COUNTY OF KOOTENAI)

Subscribed and sworn to before me this 15th day of
August, 1997.



Merna Cherry
Notary Public for Idaho
Residing at Post Falls, Idaho
Commission expires: 1/24/98

**INDIANHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 91-7173

APPLICATION ID # 74859
INITIAL REVIEW

ENT 6/16 BCA 24 OK to Publish 6/25/08

APPLICANT: Steve Hawks

BY: KJ

DATE: 6/23/2008

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

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

ADDITIONAL INFORMATION

(Yes)(No)

- ☒ Shape File Created Date 6/16/08 By: KJ
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. attached(>5cfs/500af)
- ☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 6/16/2008

☒ (Include Moratorium Remark)

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

ADVERTISE IN: sm/wed

Berewah 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
- 7/14 ☒ Affidavit of publication received
- 7/14 ☒ Application published correctly. If not, record action taken: _____

6/26 Publication dates and paper recorded on application

Sr. Agent initial 5/1

☐ Protests received, Final protest date: 7/21/08

☐ Measuring device required

☐ Measuring port required

☒ Special conditions: MSF ST JOE RIVER

☐ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Emilio

Date: 8/7/2008

74859

Ident. No. 91-7173

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

RECEIVED
JUN 20 2008
IDWR/North

1. Name: STEVE HAWKS
89231 HWY 3N
ST MARIES ID 83861
(208)245-2403
2. Source: ST JOE RIVER Tributary to: COEUR D ALENE LAKE
3. Location of Point of Diversion:
#1 ST JOE RIVER L7 (NE1/4SE1/4) Sec. 7, Twp 46N, Rge 02W, B.M.
BENEWAH County
4. Water will be used for the following purposes:

Purpose	From To	RATE OF DIVERSION	ANNUAL VOLUME
DOMESTIC	01/01 to 12/31	0.04 CFS	
5. Total quantity to be appropriated is: 0.04 CFS
6. Proposed diverting works:
POINT OF DIVERSION #1
 - a. Type and size of devices used to divert water from the source: 3/4 HP PUMP AND DISCHARGE LINE
 - 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 85F being sought?
 - e. If well is already drilled, when? _____;
Drilling Firm _____;
Drilling Permit No. _____.
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

8.

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
46N 02W 7	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
													X				L7

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

SUMMER RECREATIONAL USE

11. Map of proposed point of diversion and place of use attached? [X]

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

Spurthawke

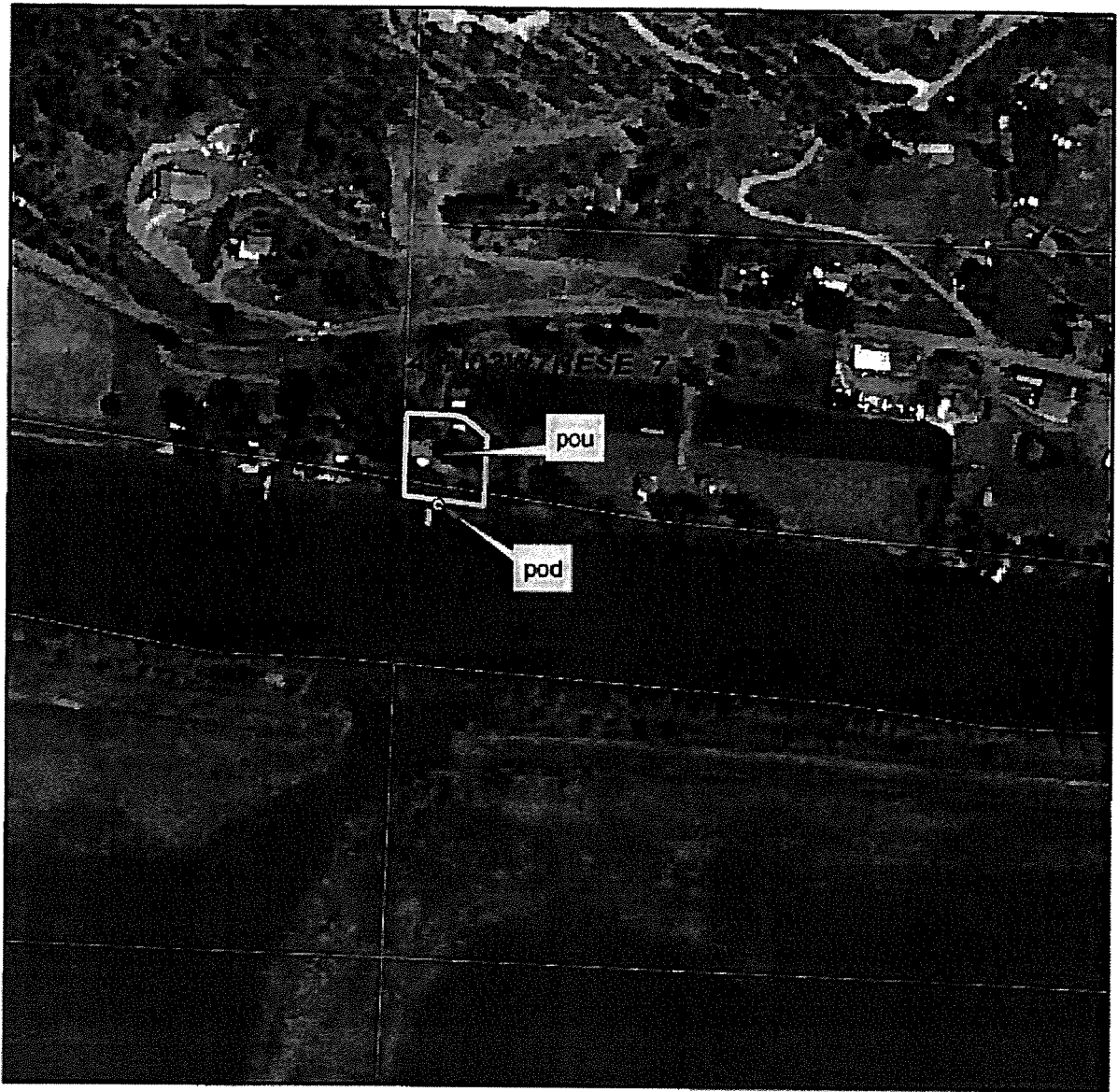
Applicant

Received by Dianne Date 6/16/08 Time 10:49 Preliminary check by 6/20/08
 Publication prepared by [Signature] Date 6/25/08 Published in St. Marias Gazette 7/24/08
 Publication approved [Signature] Date 7/14/08

Receipt No. N019318

Date: 6/16/08Received by: Dianne

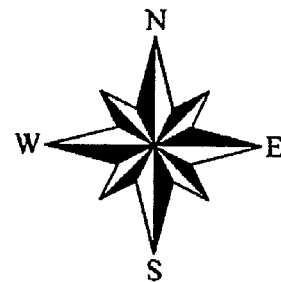
91-7173



0 115 230 460 690 920 Feet

Legend

- QQ
- ⊙ workingpod
- workingpou



CDAT OBJ-7173 0011

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 91-07173

Priority: June 16, 2008

Maximum Diversion Rate: 0.04 CFS

This is to certify, that STEVE HAWKS
89231 HWY 3N
ST. MARIES ID 83861

has applied for a permit to appropriate water from:

Source: ST JOE RIVER

Tributary: COEUR D ALENE LAKE

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>
DOMESTIC	01/01 to 12/31	0.04 CFS	

LOCATION OF POINT(S) OF DIVERSION:

ST JOE RIVER L7 (NE1/4SE1/4) Sec. 7, Twp 46N, Rge 02W, B.M.
BENEWAH County

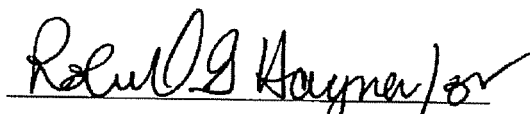
PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N 02W 7													X				L7

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2009**.
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 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 8th day of August, 2008.


DAVID R. TUTHILL, JR., Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 91-7173

Exam Date:

1. Current Owner: STEVE HAWKS
89231 HWY 3N
ST. MARIES ID 83861
208-245-2403

2. Accompanied by: Current Owner

Phone No: Same

Address: Same

Relationship to Permit Holder:

3. SOURCE

ST JOE RIVER

TRIBUTARY

COEUR D ALENE LAKE

B. OVERLAP REVIEW

1. Other water rights with the same place of use:
2. Other water rights with the same point of diversion:

C. DIVERSION AND DELIVERY SYSTEM1. LOCATION OF POINT(S) OF DIVERSION:

ST JOE RIVER

L7 NE1/4SE1/4

Sec. 7, Twp 46N, Rge 02W, B.M.

BENEWAH County

Method of Determination: Map and Aerial Photo

2.

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	
46N	02W	7														X			
																L7			

Method of Determination:

3. ☒ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
☒ Aerial Photo Attached (required for irrigation of 10+ acres).
☒ Photo of Diversion and System Attached

4.

<u>Well or Diversion</u> <u>ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge</u> <u>Size</u>
	Dayton	1/2	7K649	TEC	1P852

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

<u>Measurement</u> <u>Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>

2. Measurements:

E. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

5 gallon bucket in 20 sec = 18 gpm = 0.04 cfs

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses: Domestic use volume = 1.2AF

G. NARRATIVE/REMARKS/COMMENTS: This water right is for one home with 1/2 ac of irrigation.Have conditions of permit approval been met? ☒ Yes ☐ No**H. RECOMMENDATIONS**

1. Recommended Amounts

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	1.2 AF
<u>Totals:</u>		0.040 CFS	1.2 AF

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above ☒ None

___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATIONField Examiner's Name *[Signature]*Date 11/14/08Reviewer *[Signature]*Date 11/20/08

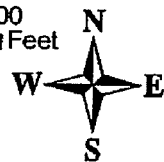
DELIVERY SYSTEM



Legend

- ⊙ Right POD
- ▨ Right POU

0 50 100 200 300 400 Feet



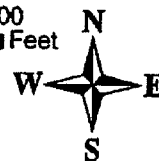
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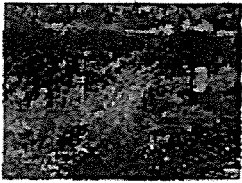


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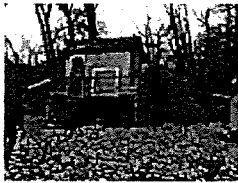
- ⊙ Right POD
- ▨ Right POU

0 50 100 200 300 400 Feet





POWER BOX.JPG



PUMP HOUSE.JPG



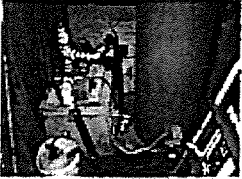
POU.JPG



POU-.JPG



IMG_1043.JPG



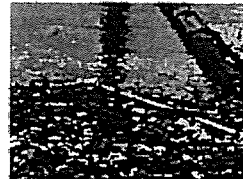
SYSTEM.JPG



PUMP.JPG



MOTOR.JPG

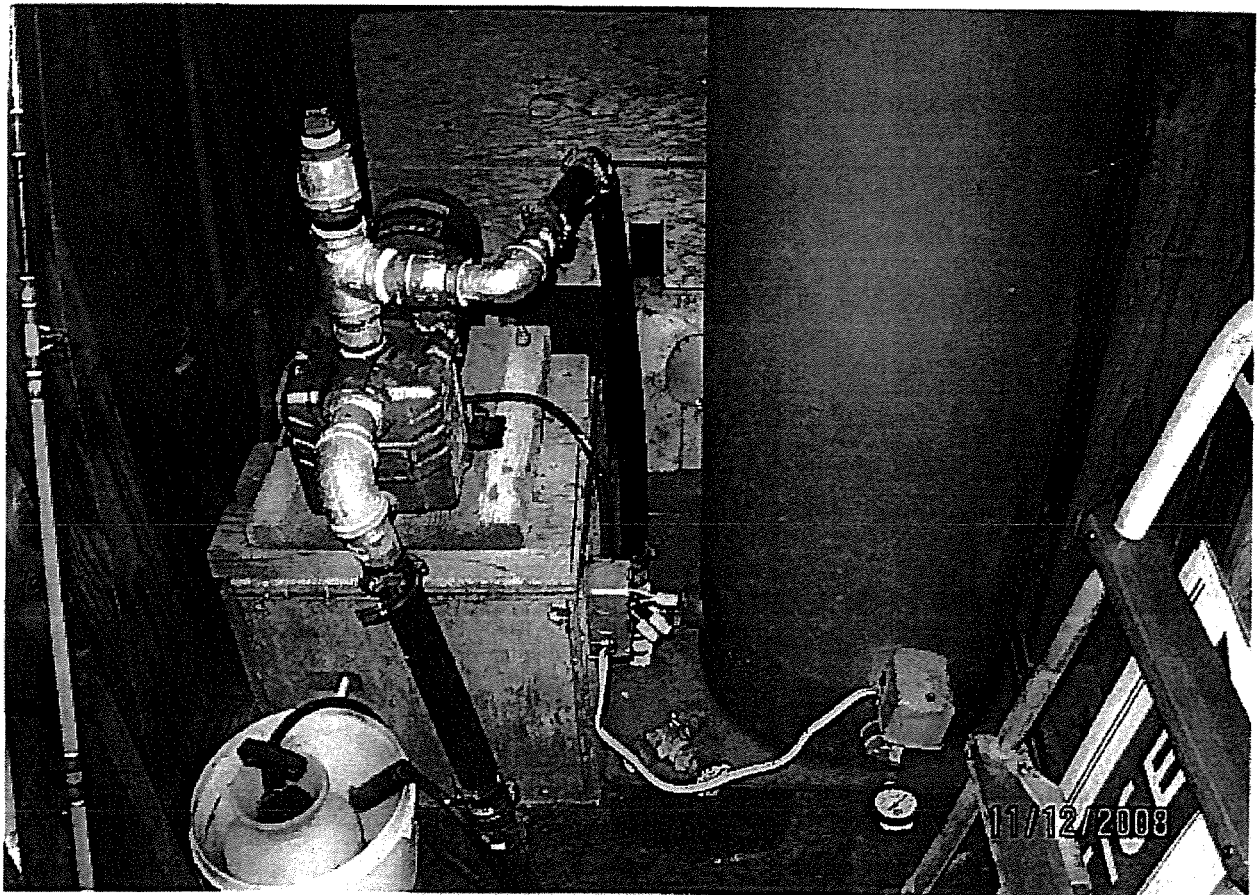


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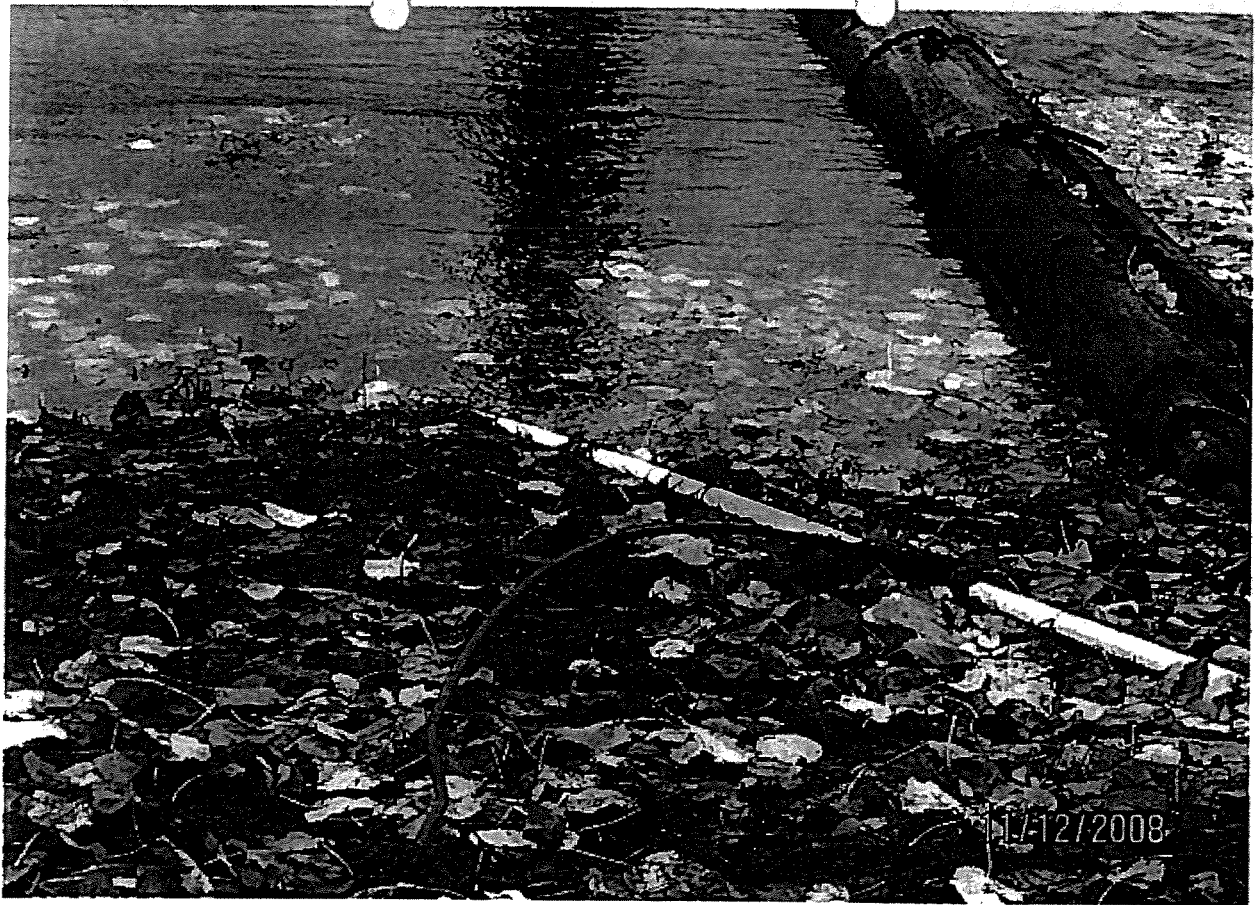
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HOPKINS, STEPHEN RP000700100008BA

PERKINS, JILL LRP005300100099AA

BARNEY, SHANER RP0053001000800A

HAWKS, STEVE RP005300100099AA

PERKINS, JILL LRP005300100099AA

THE MANNERS LIVING TRUST RP000200090DA

SCHMITT, DELVIN RP0053001000800A

STALEY, LESLIE GRP005300200074AA

PERKINS, JILL LRP005300200099AA

PERKINS, JILL LRP005300200099AA

SHEPHERD, KATHLEEN JRP00530020001BA

SHEPHERD, KATHLEEN JRP00530020001BA

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MC CALL, NORMAN RP000700100040A

HAWKS, STEVE WR005300200130A

HOPKINS, STEPHEN GRP0053003000800A

BENEFIT COUNTY RP005300200070A

CHASE, ELLA RAER RP005300300060A

SAUBERAN, CLYDE RP005300300050A

SAUBERAN, LLOYD RP005300300040A

PLASTER, GREGORY RP005300300040A

MCCARTY, WILLIAM GREG RP005300300020A

GREEN, CINDEE ARP005300300010A

STACKOW, JOHN GRP00530020001AA

0 45 90 180 270 360 Feet



LEGEND

- 1/2 IN. IRON ROD, 3/8 IN. DIA., WITH AN ALUM. CAP.
- 1/2 IN. DIA., UNCL. WITNESS CORNER - PLS 832
- 1/2 IN. DIA. STEEL
- 1/2 IN. IRON ROD, 3/8 IN. DIA., WITH A PLASTIC CAP UNCL. PLS 838
- 1/2 IN. IRON ROD, 3/8 IN. DIA., WITH A PLASTIC CAP UNCL. PLS 833
- 1/2 IN. IRON ROD, 1/2 IN. DIA., NO CAP
- SET AN IRON ROD, 3/8 IN. DIA., 3/8 IN. DIA., WITH A PLASTIC CAP UNCL. PLS 834
- SET AN IRON ROD, 3/8 IN. DIA., 3/8 IN. DIA., WITH AN ALUM. CAP, 1/2 IN. DIA., UNCL. WITNESS CORNER - PLS 836
- MEASUREMENT POINT (including 1/2)
- BOUND FENCE (1/2)
- W.C. WITNESS CORNER
- IN TAX ASSESSOR'S PARCEL NUMBER

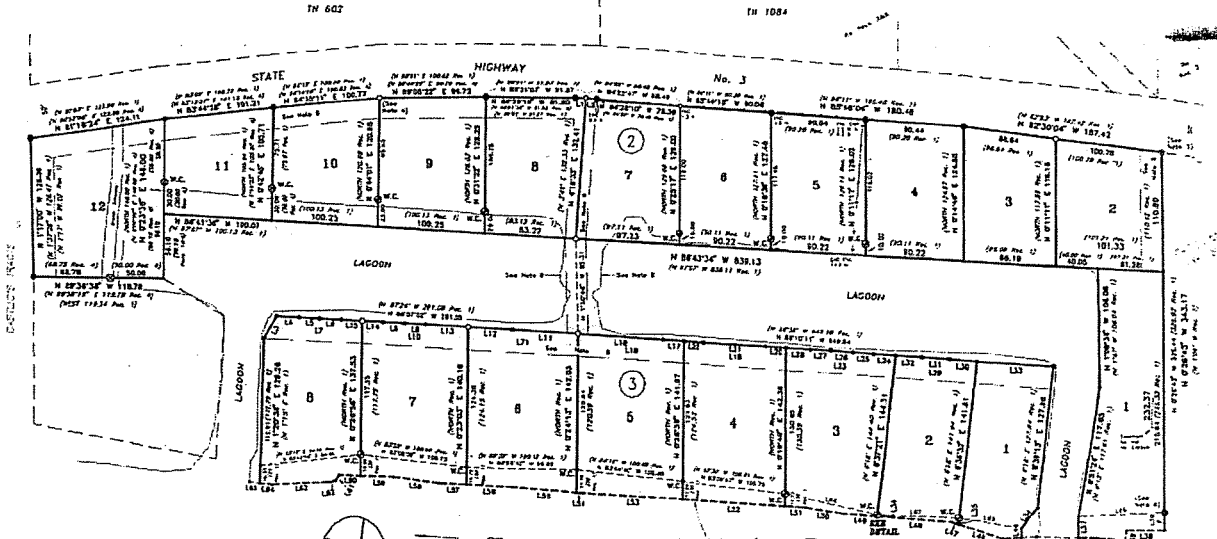
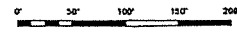
RECORD OF SURVEY

LOTS 1-12, BLOCK 2 AND LOTS 1-8, BLOCK 3, SYLVIA'S HAVEN, IN THE SE1/4, SEC. 7, T.48N., R.2W., B.M., BENEWAH COUNTY, IDAHO

BASIS OF BEARING

BASE OF BEARING - IN 1918-1919 E. ALONG THE EAST-WEST CENTERLINE OF SEC. 8, T.48N., R.2W., B.M., BETWEEN FIDUCIAL MONUMENTS AT THE 1/4 SECTION CORNER AND THE 1/4 SECTION CORNER, ACCORDING TO THE PLAN OF ADJACENT CASSIADAM HILLS SUBDIVISION, RECORDED MAY 1981, BY R. POWELL, PLS 806.

BOOK PAGE
 241106
 DATE OF SURVEY
 10/10/99
 AS THE RESULT OF
 RENALDO LAND SURVEYING, INC.
 1010 N. 10th St., Suite 101
 Boise, Idaho 83702
 BY: [Signature]
 DATE: 10/10/99

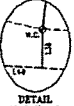


SURVEYS OF RECORD

1) D. MAHER	PLS 703	DEC. 1988	Part. No. 144848
2) D. MAHER	PLS 703	MAY 1993	BYOWNE 145064
3) D. MAHER	PLS 703	APR. 1991	Part. No. 188036
4) J. HONE	PLS 832	JULY 1988	Part. No. 218912
5) C. RONALD	PLS 8786	MAY 2000	Part. No. 219580
6) C. RONALD	PLS 8786	MAY 2000	Part. No. 229127

SURVEYOR'S NOTES

SEE SHEET 2



LINE DATA

SEE SHEET 2



SURVEYOR'S CERTIFICATE

I, CHRISTOPHER A. RONALD, PROFESSIONAL LAND SURVEYOR No. 8786, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION IN COMPLIANCE WITH IDAHO CODE FOR LAND SURVEYING AND FOR WATERBORN PLAIN HOMES, LLC, AT THE REQUEST OF BOB HOLLAND.

RECORD OF SURVEY

LOTS 1-12, BLOCK 2 AND LOTS 1-8, BLOCK 3, SYLVIA'S HAVEN, IN THE SE1/4, SEC. 7, T.48N., R.2W., B.M., BENEWAH COUNTY, IDAHO

BOOK 5 Page 62 1042

BOOK PAGE
1212.86

RECORD OF SURVEY
LOTS 1-12, BLOCK 2 AND LOTS 1-8,
BLOCK 3, SYLVIA'S HAVEN, IN THE
SE1/4, SEC. 7, T.46N., R.2W., B.M.,
BENEAH COUNTY, IDAHO

LINE DATA			
LINE	BEARING	DISTANCE	REMARKS
11	N 84°51' E	11.84	N 84°51' E
12	N 84°51' E	11.84	N 84°51' E
13	N 84°51' E	11.84	N 84°51' E
14	N 84°51' E	11.84	N 84°51' E
15	N 84°51' E	11.84	N 84°51' E
16	N 84°51' E	11.84	N 84°51' E
17	N 84°51' E	11.84	N 84°51' E
18	N 84°51' E	11.84	N 84°51' E
19	N 84°51' E	11.84	N 84°51' E
20	N 84°51' E	11.84	N 84°51' E
21	N 84°51' E	11.84	N 84°51' E
22	N 84°51' E	11.84	N 84°51' E
23	N 84°51' E	11.84	N 84°51' E
24	N 84°51' E	11.84	N 84°51' E
25	N 84°51' E	11.84	N 84°51' E
26	N 84°51' E	11.84	N 84°51' E
27	N 84°51' E	11.84	N 84°51' E
28	N 84°51' E	11.84	N 84°51' E
29	N 84°51' E	11.84	N 84°51' E
30	N 84°51' E	11.84	N 84°51' E
31	N 84°51' E	11.84	N 84°51' E
32	N 84°51' E	11.84	N 84°51' E
33	N 84°51' E	11.84	N 84°51' E
34	N 84°51' E	11.84	N 84°51' E
35	N 84°51' E	11.84	N 84°51' E
36	N 84°51' E	11.84	N 84°51' E
37	N 84°51' E	11.84	N 84°51' E
38	N 84°51' E	11.84	N 84°51' E
39	N 84°51' E	11.84	N 84°51' E
40	N 84°51' E	11.84	N 84°51' E
41	N 84°51' E	11.84	N 84°51' E
42	N 84°51' E	11.84	N 84°51' E
43	N 84°51' E	11.84	N 84°51' E
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47	N 84°51' E	11.84	N 84°51' E
48	N 84°51' E	11.84	N 84°51' E
49	N 84°51' E	11.84	N 84°51' E
50	N 84°51' E	11.84	N 84°51' E
51	N 84°51' E	11.84	N 84°51' E
52	N 84°51' E	11.84	N 84°51' E
53	N 84°51' E	11.84	N 84°51' E
54	N 84°51' E	11.84	N 84°51' E
55	N 84°51' E	11.84	N 84°51' E
56	N 84°51' E	11.84	N 84°51' E
57	N 84°51' E	11.84	N 84°51' E
58	N 84°51' E	11.84	N 84°51' E
59	N 84°51' E	11.84	N 84°51' E
60	N 84°51' E	11.84	N 84°51' E
61	N 84°51' E	11.84	N 84°51' E
62	N 84°51' E	11.84	N 84°51' E
63	N 84°51' E	11.84	N 84°51' E
64	N 84°51' E	11.84	N 84°51' E
65	N 84°51' E	11.84	N 84°51' E
66	N 84°51' E	11.84	N 84°51' E
67	N 84°51' E	11.84	N 84°51' E
68	N 84°51' E	11.84	N 84°51' E
69	N 84°51' E	11.84	N 84°51' E
70	N 84°51' E	11.84	N 84°51' E
71	N 84°51' E	11.84	N 84°51' E
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73	N 84°51' E	11.84	N 84°51' E
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75	N 84°51' E	11.84	N 84°51' E
76	N 84°51' E	11.84	N 84°51' E
77	N 84°51' E	11.84	N 84°51' E
78	N 84°51' E	11.84	N 84°51' E
79	N 84°51' E	11.84	N 84°51' E
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81	N 84°51' E	11.84	N 84°51' E
82	N 84°51' E	11.84	N 84°51' E
83	N 84°51' E	11.84	N 84°51' E
84	N 84°51' E	11.84	N 84°51' E
85	N 84°51' E	11.84	N 84°51' E
86	N 84°51' E	11.84	N 84°51' E
87	N 84°51' E	11.84	N 84°51' E
88	N 84°51' E	11.84	N 84°51' E
89	N 84°51' E	11.84	N 84°51' E
90	N 84°51' E	11.84	N 84°51' E
91	N 84°51' E	11.84	N 84°51' E
92	N 84°51' E	11.84	N 84°51' E
93	N 84°51' E	11.84	N 84°51' E
94	N 84°51' E	11.84	N 84°51' E
95	N 84°51' E	11.84	N 84°51' E
96	N 84°51' E	11.84	N 84°51' E
97	N 84°51' E	11.84	N 84°51' E
98	N 84°51' E	11.84	N 84°51' E
99	N 84°51' E	11.84	N 84°51' E
100	N 84°51' E	11.84	N 84°51' E

SURVEYOR'S NOTES

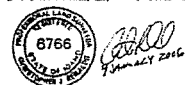
- 1) FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE COMMITTEE, NO. 87722, BUREAU (FORMAL) A. 2006, AND TITLE POLICY NO. 2754, BUREAU NUMBER 25, 2006, WERE RELIED ON FOR THE PREPARATION OF THIS SURVEY.
- 2) THE SHOWN LOCATIONS OF THE APPROXIMATE BOUNDARY OR NORMAL, PER OF THE LOT LINE BEING ARE NOT AN ATTEMPT TO SHOW THE EXACT BOUNDARY LINE OF THE LANDS OF THE UPPLAND OWNERS.
- 3) THE CORNER OF THE PUBLIC LAND SURVEY NOW LOCATED THEREFORE, THE CORNER FOUNDATION AND PLUMB RECORDS ARE REQUIRED.
- 4) FOUND A LARGE HAIL, N 84° W, 1.0 FT. DEPTH.
- 5) FOUND A BRIDGE PILE, SET BY THE LANDOWNER, N 87° W, 0.3 FT. DEPTH.
- 6) ALSO FOUND A SMALL STEEL, BY THE LANDOWNER, N 87° W, 11.0 FT. DEPTH.
- 7) THE PLAT OF SYLVIA'S HAVEN (PL. 1) SHOWS VARIOUS "PROPOSED" LINES ALONG THE LOT LINE OF BLOCK 2. NO INDICATION WAS FOUND ON THE PLAT AS TO THE PURPOSE OF THESE LINES. SEE THE OWNER'S CERTIFICATE ON SAID PLAT, FOR FURTHER DETAILS.
- 8) THIS LINE SHOWS THE APPROXIMATE LOCATION OF THE MEASUREMENTS OF THE NORMAL FROM AN ELEVATION ELEVATION LEVEL OF THE WATER WITHIN THE EXISTING LAGOON.
- 9) THE PLAT OF SYLVIA'S HAVEN (PL. 1) STATES:
"A 10 FOOT WIDE ACCESS AND EASEMENT ... AS SHOWN PLATTED WITH DOTTED LINES."
SEE THE OWNER'S CERTIFICATE ON SAID PLAT, FOR FURTHER DETAILS.
- 10) THIS RECORD OF SURVEY DOES NOT ATTEMPT TO SHOW ALL EASEMENTS OR RIGHTS-OF-WAY OR ALIENS, THE SIZE OR LOCATION OF PRESCRIPTION EASEMENTS, EASEMENTS OR PHYSICAL FEATURES OF THE PROPERTY, WITH LANDS WHICH ARE SHOWN ARE AS THEY EXISTED AT THE TIME THEY WERE RECORDED, THIS SUCH AS THE NORMAL PILE AND FENCES WHICH ARE SHOWN, ARE FOR INFORMATIONAL PURPOSES ONLY.
- 11) THE ORIGINAL DESIGN AND CONTENT OF THIS DOCUMENT IS THE PROPERTY OF RENALDO LAND SURVEYING, INC. THE UNLAWFUL USE OR REPRODUCTION OF THIS DOCUMENT MAY CONSTITUTE AN VIOLATION OF THE FEDERAL COPYRIGHT ACT. © COPYRIGHT 2004, RENALDO LAND SURVEYING, INC. ALL RIGHTS RESERVED.

SURVEYS OF RECORD

- | | | | |
|---------------|----------|-----------|--------------------|
| 1) B. WARDEN | PLS 701 | DEC. 1998 | Vol. No. 144848 |
| | | | 371,747.70 SQ. FT. |
| 2) B. WARDEN | PLS 701 | MAY 1981 | Vol. No. 139064 |
| 3) B. WARDEN | PLS 701 | APR. 1991 | Vol. No. 138036 |
| 4) J. MOORE | PLS 831 | JULY 1998 | Vol. No. 235815 |
| 5) C. RENALDO | PLS 8718 | MAR. 2000 | Vol. No. 231080 |
| 6) C. RENALDO | PLS 8718 | MAY 2000 | Vol. No. 229127 |

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER L. RENALDO, PROFESSIONAL LAND SURVEYOR NO. 8766 IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION IN COMPLIANCE WITH IDAHO CODE FOR ALL PURPOSES AND FOR RECORDING PURPOSES, IN THE PRESENCE OF TWO WITNESSES.

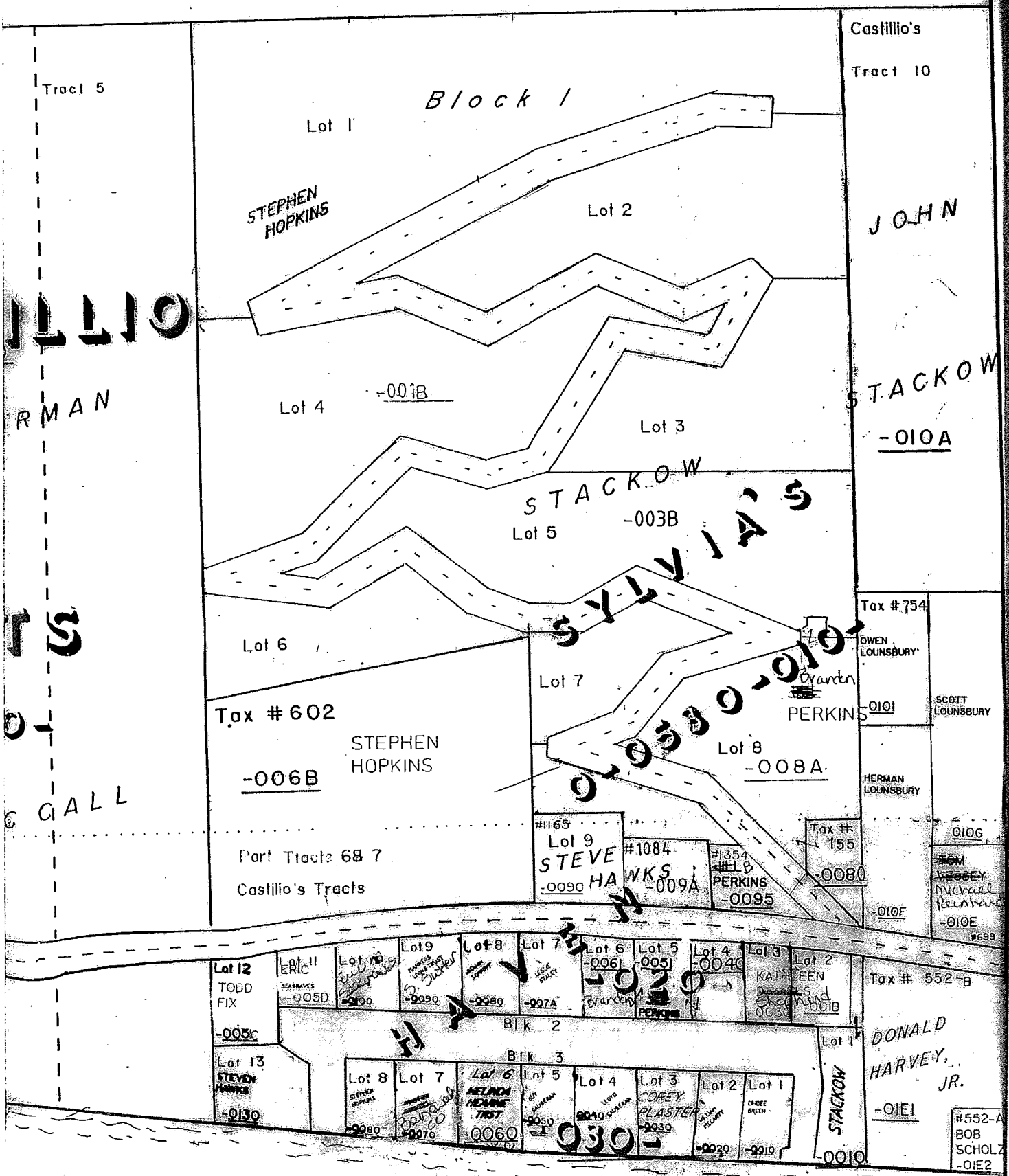


RENALDO	DATE: JAN 7, 2006
JOE MAX GUSTAFSON	DRAWN BY: JOE MOORE
JOE MAX GUSTAFSON	CHECKED: JOE

RENALDO LAND SURVEYING
SURVEYING AND PLANNING
711 CENTER AVE., ST. MARIE, IDAHO 83435-0218

RECORD OF SURVEY
LOTS 1-12, BLOCK 2 AND LOTS 1-8, BLOCK 3,
SYLVIA'S HAVEN, IN THE SE1/4, SEC. 7, T.46N., R.2W., B.M.,
BENEAH COUNTY, IDAHO

Book 5 Page 62 2062



1/19/16

PAO410 - PARCEL MASTER INQUIRY

11:17:37

PARCEL: RP 005300200130 A

F9=MS

F17=DD F19=SP

LEGAL DESCRIPTION

HAWKS, STEVEN W
HAWKS, DEANNE A

SYLVIA'S HAVEN

BLOCK 2

LOT 13

ProVal Area Number 1

89231 HWY 3 NORTH

CODE AREA 26-0000 OWNER CD

ST MARIES ID 83861

PARC TYPE LOC CODE 1

100 FRONTAGE LANE

EFFDATE 12231982 EXPDATE

83861

PREV PARCEL

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
15	2011			83250				
32	2011			6360				

TOTALS

89610

ENTER NEXT PARCEL NUMBER RP A

FKeys:

F3=Exit

F6=NM

F7=LG

F8=CT

F13=TM

F18=HS

F20=SrcH

0103977

JUL 5 P3:37
1993

CORRECTION DEED

THIS INDENTURE, made and entered into this 22nd day of July, 1993, by and between EUPHEMIA PENNEY and RAY A. SWANSON and MINA L. SWANSON, the Parties of the First Part and STEVE W. HAWKS and DEANNE A. HAWKS, the Parties of the Second Part, whose address is HC-02 Box 36, St. Maries, ID 83861.

WITNESSETH

That the Parties of the First Part, for and in consideration of the sum of One and no/100 Dollars (\$1.00) to then in hand paid by the said Parties of the Second Part, the receipt thereof is hereby acknowledged, does hereby grant, sell and convey to the Parties of the Second Part and their heirs, devisees and assigns forever the following described real property situated in the County of Benewah, State of Idaho, to-wit:

Lot Thirteen (13), Block Two (2), Sylvia's Haven Subdivision, together with an easement for purposes of moorage in and upon the riparian rights in the dockage lagoon as shown on said plat adjacent and appurtenant to the southerly forty (40) feet of the shore line of Lot Twelve (12), Block Two (2), Sylvie's Haven Subdivision, County of Benewah.

THIS INSTRUMENT is intended as a Correction Deed to correct an error in the description in that certain Correction Deed between the parties hereto recorded in the office of the Benewah County, State of Idaho, Recorded on the 30 day of November, 1990 as Instrument No. 184924.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, title, right and interest in and to the property, as well in law as in equity, of the Parties of the First Part.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises together with the appurtenances unto the Parties of the Second Part, and to their heirs, devisees and assigns forever.

And the Parties of the First Part, and their heirs, shall and will WARRANT and by these presents forever DEFEND the premises

I. CORRECTION DEED

in the quiet and peaceable possession of the Parties of the Second Part, their heirs, devisees and assigns against all and every person or persons whomsoever lawfully claiming the same.

IN WITNESS WHEREOF the Parties of the First Part have hereunto set their hands the day and year first above written.

Euphemia Penney
EUPHEMIA PENNEY

Ray A. Swanson
RAY A. SWANSON

Mina L. Swanson
MINA L. SWANSON

STATE OF IDAHO)
)SS
County of Shoshone)

On this 22nd day of July, 1993, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared, EUPHEMIA PENNEY, to me known to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same as her free and voluntary act and deed for the purposes therein specified.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

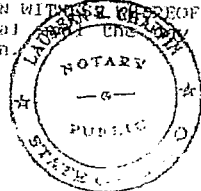


Laurel E. Chaffin
Notary Public in and for Idaho
Residing at: KINGSTON, therein
Commission expires: 07/02/99

STATE OF IDAHO)
)SS
County of Shoshone)

On this 22nd day of July, 1993, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared, RAY A. SWANSON and MINA L. SWANSON, to me known to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the purposes therein specified.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Laurel E. Chaffin
Notary Public in and for Idaho
Residing at: Kingston, therein
Commission expires: 07/02/99

2. CORRECTION DEED

1/19/16

PAO410 - PARCEL MASTER INQUIRY

11:16:53

PARCEL: RP 005300300080 A

F9=MS

F17=DD F19=SP

LEGAL DESCRIPTION

HOPKINS, STEPHEN G
HOPKINS, EDITH M

SYLVIA'S HAVEN
BLOCK 3
LOT 8

3114 EDSON TERRACE

ProVal Area Number 1

CODE AREA 26-0000 OWNER CD

BOISE ID 83705

PARC TYPE LOC CODE 1

88 LAGOON LANE 83861

EFFDATE 4132005 EXPDATE

PREV PARCEL RP005300200070T

CAT	RY	QUANTITY	UN	VALUE	HO	MRKT	HO	EXMP	CB	MRKT	OTHER
15	2011			90768							
32	2011			3900							

TOTALS

94668

ENTER NEXT PARCEL NUMBER RP A

FKeys:

F3=Exit

F6=Nm

F7=LG

F8=CT

F13=TM

F18=HS

F20=SRch

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
831 Main Avenue
St. Maries, ID 83861

242463

RECEIVED

2006 MAY 2 PM 3 52

BENEWAH COUNTY

KAY SATHER, CLERK

Grinder Schuty Deputy
T. HATCO

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **157566-SM (ps)**

Date: **April 17, 2006**

For Value Received, **Dean A. Anderson, an unmarried man**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Stephen G. Hopkins and Edith M. Hopkins, husband and wife**, hereinafter called the Grantee, whose current address is **3114 Edson Terrace, Boise, ID 83705**, the following described premises, situated in **Benewah County, Idaho**, to-wit:

Lot 8, Block 3, Sylvia's Haven, according to the plat recorded in Benewah County, Idaho.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

242463

Date: 04/17/2006

Warranty Deed
- continued

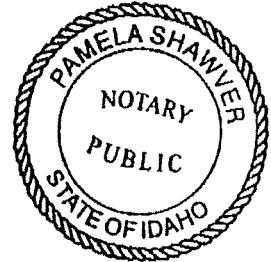
File No.: 157566-SM (ps)

Dean A. Anderson
Dean A. Anderson

STATE OF Idaho)
COUNTY OF Benewah)
SS.

On this 27th day of May, 2006, before me, a Notary Public in and for said State, personally appeared **Dean A. Anderson**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Pamela Shawver
Notary Public for the State of Idaho
Residing at: St. Maries
My Commission Expires: 1-20-10



1/20/16

PA0410 - PARCEL MASTER INQUIRY

PA 12:27:06

PARCEL: RP 004500200810 A

F9=MS

F14=HO

F17=DD F19=SP

LEGAL DESCRIPTION

RATHBUN LIVING TRUST
 RATHBUN, GORDON G-TRUSTEE
 RATHBUN, RUTH B-TRUSTEE

SHADOWY ST JOE LAGOON 1ST ADD
 LOT 81

S16 T46N R2W

ProVal Area Number 1CODE AREA 26-0000 OWNER CD PARC TYPE 8 LOC CODE 1EFFDATE 1011994 EXPDATE PREV PARCEL RP004500200810A

PO BOX 727

ST MARIES ID 83861

1710 SHEPHERD ROAD 83861

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
15	2011			110000	110000	37080		
32	2011			21990				
37	2011			155747	155747	52500		

TOTALS

287737 265747 89580

ENTER NEXT PARCEL NUMBER RP A

FKeys:

F3=Exit

F6=NM

F7=LG

F8=CT

F13=TM

F18=HS

F20=SrcH

SURVEYOR'S CERTIFICATE

I, Carroll E. McMor, a Registered Land Surveyor in and for the State of Idaho, do hereby certify that I was, during the months of July - October, 1981, survey and subdivided the described tracts and lot measurements as shown.

12/6/58

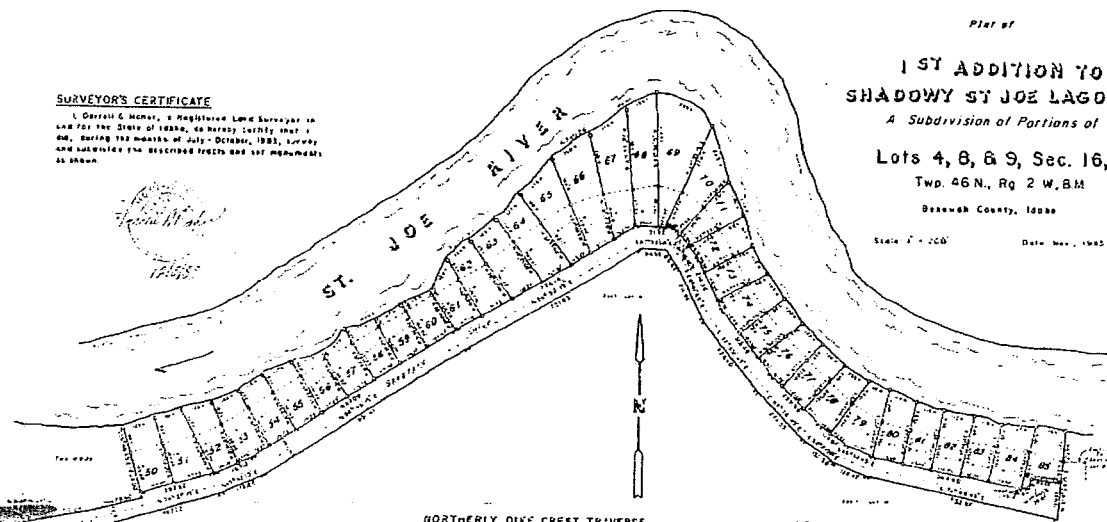
Lots 4, 8, & 9, Sec. 16,

Twp. 46 N., Rq 2 W., B.M.

Bellevue County, Idaho

$$\text{Si(CH}_3\text{)}_2 + \text{H}^+ \rightarrow \text{Si(CH}_3\text{)}_2\text{H}^+$$

Date Nov. 1983



Telephone No. Address Business

[illegible]

A portion of C

A portion of Government Lots 8, 9 and 10 of Section 16, Township 46 North, Range 2 West, DM also being a portion of the tract described in a deed recorded as Instrument Number 46272 in Book 160, Page 329. The boundaries of said portion are as follows:

beginning of the intersection of the west line of said Section 16 with the southeasterly boundary of said tract, said point being 75.00° 35' 1.74347 feet from the southwest corner of said Section 34 of same area along the southeasterly corner of said Section 34.

5 04°19'43" E in distance of 1730 feet, N 79°40'43" E a distance of 279.25 feet
 6 04°19'43" E 457.23 feet, S 62°40'15" E 175.66 feet
 7 04°19'43" E 638.41 feet, N 58°52'53" E 751.03 feet
 8 04°19'43" E 543.35 feet, S 41°10'45" E 85.44 feet
 9 04°19'43" E 211.59 feet, S 37°50'40" E 328.60 feet
 10 04°19'43" E 829.10 feet, S 04°11'00" E 130.28 feet
 11 04°19'43" E 628.42 feet, S 7°04'44" E 733.97 feet
 12 04°19'43" E 325.64 feet to a point on the main survey

water line at the top of the bank of the St. John River, Florida near Maitland are
hydrothermally active. They have been found at a depth of 4,600 feet in the
central region of Bismarck County Association, T. 123 as indicated in Bear
K.O. Page 15370. Bismarck County Plateau, above 1,574,485', being the
sum of 1,574,485' + 1,574,485' = 3,148,970'. The distance of 600
miles roundly, there is 3,148,970' miles, along the mountain ridge, a distance
of 170.0 miles, there is 3,148,970' miles + a distance of 370.3 miles, there is
3,519,270' miles + a distance of 12.5 miles to a 2,000 ft. well west end of
Section 6, hence is 3,531,770' miles + a distance of 46.00 feet in the paper
of Bismarck, resulting on a sum of 3,577,770' miles.

LOF: The above bearings are based on the 01/05/90 bearings on St. Mary's
Campment. Assuming to traverse the route near 400 to 450 feet, and
then 02-03/91' counter-clockwise.

Figure 6

OWNER'S CERTIFICATE

Be it known that we, Clarence Shephard and Marie Shephard, husband and wife, are the owners of the lots described in the above plat, and have caused same to be subdivided into lots as herein shown, to be known as (in addition to Shady St Joe Legend, Benewah County, Idaho.

It is the intent of said undersigned owners to include said lots in this plat subject to the following restrictions to themselves under their name, as follows:

1. The right of ingress and egress shall be reserved to maintain same to suit a width and elevation as may be deemed necessary during these conditions. This right is not to enter quarters nor property of said owner to do said maintenance nor use during a flood stage.
2. The right of ingress and egress shall be reserved, 4 feet in width, and 1/2 the existing water line is shown to maintain an existing same.
3. A five (5) foot wide easement along each lateral lot boundary of me, for necessary for water utilities, except such easement shall be 20 feet in width along the lateral boundary common to lots 20 and 21, to facilitate a public water line.

Clarence Shephard
Clarence Shephard

STATE OF IDAHO COUNTY OF BENEWAH

On this _____ day of _____, 1983, before me, the undersigned, a Notary Public in and for the State of Idaho, appeared Clarence Shephard and Marie Shephard known to me to be the persons whose names are subscribed to the above OWNER'S CERTIFICATE and acknowledged to me that they executed same.

IT WITNESSES THEREOF I set my hand this _____ day of _____, 1983.

Robert R. [Signature]
My commission expires _____, 1984.

TREASURER'S APPROVAL

I hereby certify that all taxes of record have been paid to this _____ day of _____, 1983.

Clarence Shephard
Clarence Shephard

ROADWAY DEDICATION

We the below signed owners do hereby dedicate to public use the roadway herein shown as "Shady St Joe Legend".

Clarence Shephard
Clarence Shephard

PLANNING COMMISSION APPROVAL

This plat approved and accepted for filing this _____ day of _____, 1983.

Robert R. [Signature]
Robert R. [Signature]

COUNTY COMMISSIONER'S APPROVAL

This plat approved and accepted by the Board of Commissioners of Benewah County, Idaho, this _____ day of _____, 1983. Maintenance of Shady St Joe Legend as shown stated on dedication of this time.

Clarence Shephard
Clarence Shephard

CITY COUNCIL APPROVAL

This plat approved and accepted by the City Council of St. Marks, Idaho this _____ day of _____, 1983.

Ernest B. [Signature]
Ernest B. [Signature]

COUNTY RECORDER - COVENANTS FILING

I hereby certify that Restrictive Covenants for "in addition to Shady St Joe Legend" were presented and filed for record this _____ day of _____, 1983, under Recorder's Instrument No. _____, Page _____, Book _____.

Barbara [Signature]
Barbara [Signature]

COUNTY RECORDER - PLOT FILING

I hereby certify that this plat was presented and filed for record of Page _____, Book _____ on this _____ day of _____, 1983. Instrument No. _____.

Barbara [Signature]
Barbara [Signature]

SANITARY RESTRICTION

This plat approved for filing this _____ day of _____, 1983, under the provisions of Section 50-1526 of the Idaho Code wherein a SANITARY RESTRICTION is stated on all lots in this subdivision pending the construction of a satisfactory waste water collection and disposal system.

Robert R. [Signature]
Robert R. [Signature]

SANITARY RESTRICTION REMOVAL

The above SANITARY RESTRICTION is hereby removed this _____ day of _____, 1983.

Robert R. [Signature]
Robert R. [Signature]

263238

AFTER RECORDING MAIL TO:

RECEIVED

Gordon Rathbun and Ruth Rathbun
1710 Shephard Rd
St. Maries, ID 83861

2012 AUG 1 AM 10 38

BENEWAH COUNTY

MICHELE MCDANIEL, CLERK

Michele McDaniel - Sept 5
TO FILE

QUITCLAIM DEED

File No.: 425883-SM (ps)

Date: July 05, 2012

For Value Received, **Gordon G. Rathbun and Ruth B. Rathbun**, do(es) hereby convey, release, remise, and forever quit claim unto **Rathbun Living Trust**, whose address is **1710 Shephard Road St. Maries ID 83861**, herein after called the Grantee, the following described premises situated in **Benewah County, Idaho**, to-wit:

Lot 81, Shadowy St. Joe Lagoon First Addition, according to the recorded plat thereof, Benewah County, Idaho.

together with its appurtenances.

Dated: 7/27/12

By: *Gordon G. Rathbun*
Gordon G. Rathbun

By: *Ruth B. Rathbun*
Ruth B. Rathbun

STATE OF Idaho)
SS.
COUNTY OF Benewah)

On this 27th day of July, 2012, before me, a Notary Public in and for said State, personally appeared **Gordon G. Rathbun and Ruth B. Rathbun**, known or identified to me to be the person(s) whose name(s) ARE subscribed to the within instrument, and acknowledged to me that THEY executed the same.

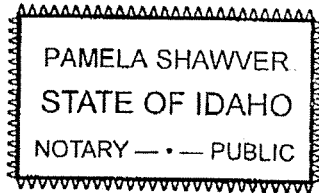
263238

APN:

Quitclaim Deed - continued

File No.: 425883-SM (ps)

Date: 07/05/2012

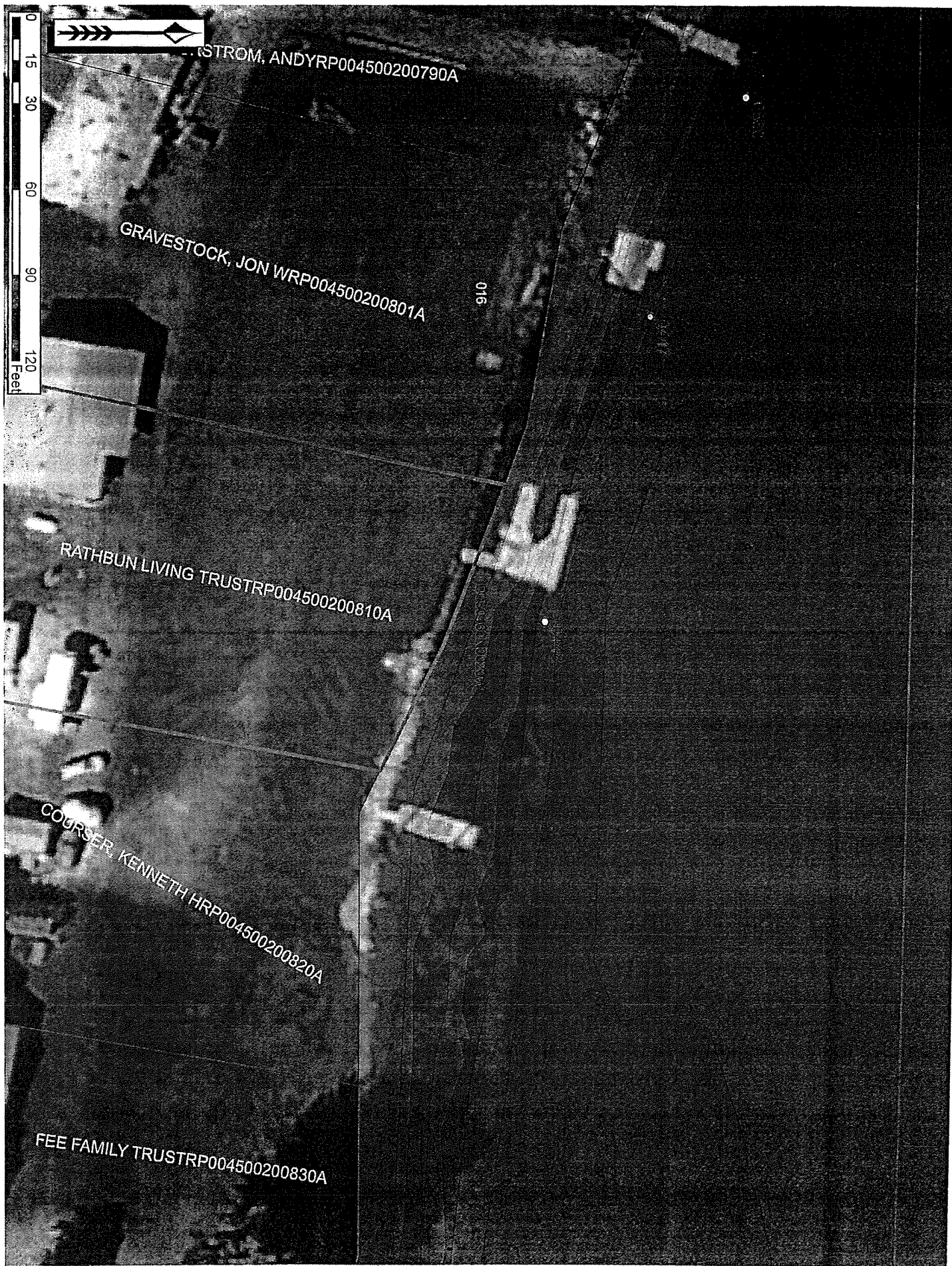


Pamela Shawver

Notary Public of Idaho

Residing at: St. Maries

Commission Expires: 1-20-2016



Chadwick St. In. (as shown) 15' Add Lot B1 S16T46NR2W



A Pioneer Company
PIONEER TITLE COMPANY
OF KOOTENAI COUNTY

100 Wallace Avenue/ Coeur d'Alene, Idaho 83814 / (208) 664-8254

L-95-S-4339

Encroachment/Dock Permit Inquiry

Department of Lands

ATTN: Carl Washburn

FAX: 769-1597

Current Owner: L. Eric Christen

Property address: _____

NWA St. Maries Id.

Lot 12 Block 2

Subdivision Sylvia's Haven

Legal Description: Same

Tax No. RP06B3W20005CA B/N: _____

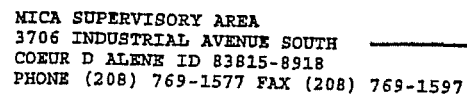
To be completed by IDL:

PERMIT NO. L-95-S-4339

No dock permit found ☐

PLEASE RETURN BY FAX TO 208-664-9479

Heidi Simon



FAX TRANSMITTAL COVER SHEET

Remarks:

NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this notice is not the intended recipient or the agent responsible for delivery of the message to the intended recipient, you are hereby notified that dissemination, distribution, or copying of this communication is strictly prohibited. If you received this communication in error, please notify us immediately by phone and return these papers to us.

CDAT OBJ-7173 0042

TRANSMISSION VERIFICATION REPORT

TIME : 10/03/2008 14:23
NAME : IDAHO DEPT OF LANDS
FAX : 2087691597
TEL : 2087691577
SER. # : 000D5J886428

DATE, TIME	10/03 14:18
FAX NO./NAME	912086649479
DURATION	00:04:29
PAGE(S)	09
RESULT	OK
MODE	STANDARD
	ECM

IDAHO DEPARTMENT OF LANDS

1910 NW Blvd., Suite 201
Coeur d'Alene, Idaho 83814-2615
Phone: (208) 769-1535 FAX (208) 769-1557

STANLEY F. HAMILTON - DIRECTOR

BOARD OF LAND
COMMISSIONERS

PHILIP E. BATT
Governor

PETE T. CENARRUSA
Secretary of State

ALAN G. LANCE
Attorney General

J.D. WILLIAMS
State Controller

ANNE C. FOX
Sup't of Public
Instruction

August 15, 1997

Steve Hawks
HCR 2 Box 86
St. Maries, ID 83861

Dear Mr. Hawks:

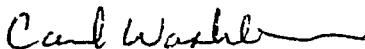
Re: Encroachment Permit L-95-S-4339

Enclosed is subject permit in accordance with the application you filed with this office. Please comply with all special terms and conditions.

You are required to record this original notarized permit with Benewah County. Encroachment permit number 4339 must be displayed upon the most waterward area of your encroachment with metal, plastic or vinyl numerals at least three inches in size.

Thank you for your cooperation.

Sincerely,



CARL WASHBURN
Navigable Waters Specialist

mc

enclosures

c: COE-CDA
Harrison Dock Builders

KEEP IDAHO GREEN
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER

CDAT OBJ-7173 0044

IDAHO DEPARTMENT OF LANDS

1910 NW Blvd., Suite 201
Coeur d'Alene, Idaho 83814-2615
Phone: (208) 769-1535 FAX (208) 769-1557

STANLEY F. HAMILTON - DIRECTOR

BOARD OF LAND
COMMISSIONERS

PHILIP E. BATT
Governor

PETE T. CENARRUSA
Secretary of State

ALAN G. LANCE
Attorney General

J.D. WILLIAMS
State Controller

ANNE C. FOX
Sup't of Public
Instruction

ENCROACHMENT PERMIT NO. L-95-S-4339

Permission is hereby granted to STEVE HAWKS
of HCR 2 Box 86 St. Maries, ID 83861 to install and maintain
2.5' x 20' ramp & 8' x 30' float dock w/ 4 piling
located: St. Joe River, Sylvia's Haven, Block 2, Lot 12, Section 7,
Township 46 North, Range 2 West, Boise Meridian, Benewah County.

1. All applicable provisions of the Rules for Regulation of Beds, Waters, and Airspace over Navigable Lakes and Streams in the State of Idaho are incorporated herein by reference and made a part hereof.
2. Construction will follow details and specifications shown on the approved drawings and data provided by the applicant. Should such information and data prove to be materially false, incomplete and/or inaccurate, this authorization may be modified, suspended, or revoked in accordance with the Administrative Procedures Act, Idaho Code title 67, chapter 52.
3. This permit does not convey the State's title to or jurisdiction or management of lands lying below the natural or ordinary high water mark.
4. Acceptance of this permit constitutes permission by the Permittee for representatives of the Department of Lands to come upon Permittee's lands at all reasonable times to inspect the encroachment authorized by this permit.
5. The Permittee assumes all liability for damages which may result from the exercise of this permit.
6. This permit does not relieve the Permittee from obtaining additional local or federal permits as required.
7. This permit is not valid until the identification number is displayed on the outermost area of the encroachment.
8. If the activity authorized herein is not completed on or before the 15th day of August, 2000 (three years from the date of issuance), this permit shall automatically expire unless it was previously revoked or otherwise extended.

KEEP IDAHO GREEN
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER

CDAT OBJ-7173 0045

ENCROACHMENT PERMIT NO. L-95-S-4339

August 15, 1997

Page two

9. White bead foam flotation shall be completely encased in a manner that will maintain the structural integrity of the foam. The encasement shall be resistant to the entry of rodents.
10. Removal of any pre-existing facilities is a condition of this permit.
11. This permit supersedes and voids any permit previously issued for this property unless otherwise noted.
12. Construction materials shall be natural or pressure treated utilizing only those preservative chemicals registered for the specific uses, such as CCA (Chromated Copper Arsenate), by the U.S. Environmental Protection Agency (EPA). All treated wood materials shall be produced in compliance with "Best Management Practices (BMPs) For the Use of Treated Wood in Aquatic Environments" issued by the Western Wood Preservers Institute (WWPI), July 1996. Treated materials not in contact with the water shall be completely dry before use near navigable waters. Contact Idaho Department of Health and Welfare, Division of Environmental Quality, at (208)769-1422 with questions regarding treated materials.
13. All construction material must be stockpiled landward of the ordinary high water mark.
14. Regardless of dock dimensions, the dock may only extend waterward to a water depth of six feet when measured at full pool (elevation 2,128 WWP datum).
15. This permit is issued subject to the established commercial navigational servitude. The permittee places this encroachment at his own peril and specifically waives any claim against commercial log tow operators who may accidentally damage this encroachment.
16. The permittee shall maintain the structure or work authorized herein in a good and safe condition and in accordance with the plans and drawings attached hereto.
17. All construction shall be completed in accordance with descriptions and methods provided unless otherwise specified. Any changes shall be approved in writing by the department prior to construction.

ENCROACHMENT PERMIT NO. L-95-S-4339
August 15, 1997
Page three

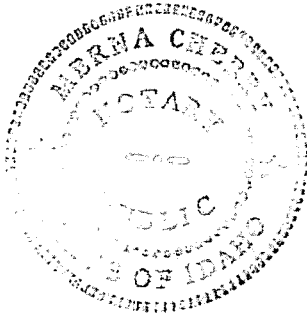
UPON TRANSFER OF THIS REAL PROPERTY, YOU ARE REQUIRED TO NOTIFY THIS
OFFICE OF THE SUBSEQUENT NAME CHANGE (SEE ENCLOSURE).

FOR THE DIRECTOR

By: Carl Washburn
CARL WASHBURN
Navigable Waters Specialist

STATE OF IDAHO)
) ss
COUNTY OF KOOTENAI)

Subscribed and sworn to before me this 15th day of
August, 1997.



Merna Cherry
Notary Public for Idaho
Residing at Post Falls, Idaho
Commission expires: 1/24/98

ID. Dept. of Lands
1910 NW Blvd. Ste. #201
Coeur D'Alene ID. 83814

JOINT APPLICATION FOR PERMIT
U.S. ARMY CORPS OF ENGINEERS
IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO DEPARTMENT OF LANDS

**SEPARATE PERMIT DECISIONS MUST BE
RECEIVED FROM BOTH THE STATE OF
IDAHO AND THE CORPS OF ENGINEERS
PRIOR TO START OF WORK**

The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. These laws require permits authorizing structures and work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et. seq, Idaho Code. This application will meet the requirements of the above agencies.

1. Corps of Engineers # _____ Date Received _____	2. State of Idaho # <u>2-75-3-4337</u> Date Received _____ S20 Rec'd By: _____ Receipt # _____
--	--

PLEASE TYPE OR PRINT

3. Applicant <u>STEVE HAWKS</u> Mailing Address <u>HCR 2 BOX 86</u> <u>ST. MARIES ID 83861</u> Work Phone (Area <u>208</u>) <u>2452403</u> Home (Area) <u>SAME</u> Fax Number _____	4. Authorized Agent ^{Planned installer of piling} <u>HARRISON DOCK BUILDERS</u> Mailing Address <u>HWY 97</u> <u>HARRISON, ID</u> Work Phone (Area <u>208</u>) <u>699 3636</u> Home (Area) _____
--	---

5. Location where proposed activity exists or will occur.

Waterway <u>ST. JOE RIVER</u> <u>ST. MARIES</u> <u>BENEAH</u> <u>ID</u> In/near city or town County State <u>83861</u> <u>COUNTY</u> Zip Code Local jurisdiction (city or county)	Tributary of: <u>RP 005300200130 A</u> Assessor's Desc. (Tax No. or Subdivision, Lot & Block No.) <u>* Lot 12, Bk 2, Sylvie's Addition *</u> (See instructions) 1/4 1/4 <u>7</u> Section <u>46 N</u> Township <u>2 W</u> Range or UTM Coordinate Grid Zone Northing Easting
---	---

6. Describe the proposed activity. Provide a general description of the proposed work including all discharges of fill material and any structures such as piers, floats, boat lifts, bulkheads, and cofferdams.

- INSTALL FOUR PILING NEXT TO EXISTING PILING 1997
- REPLACE EXISTING DOCK 1998

Describe construction methods and equipment:

- PILING = PILE DRIVER & BARGE

- DOCK = LOG FLOATS / TREATED TIMBER

List all soil series located at project site, and indicate if any are on the county's hydric soils list:

N/A

Length of project along the stream or extension into lake or reservoir: 30'

Will material be placed waterward of ordinary high water mark? NO If yes, volume: _____ (cubic yards)
(BOTH TEMPORARY AND PERMANENT)

Will material be placed in wetlands? NO If yes, total area: _____ (acres)

Type and composition of fill material: N/A (i.e. sand, etc.) Material Source: _____

Will excavation or dredging be required? NO If yes, volume: _____ (cubic yards) Composition _____

Disposal site for excavated material: N/A Method of excavation: _____

Stream gradient: N/A

Method of controlling turbidity and/or sedimentation: N/A

7. Size and flow capacity of proposed bridge or culvert and area of drainage served (sq. miles): (Idaho Department of Water Resources requirement.)

8. Preparation of drawings. One set of original or good quality reproducible drawings must be attached to this application. NOTE: DRAWINGS NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE. See the instruction pamphlet for instructions and a checklist for completing the drawings. Include photographs of the project site mounted on 8-1/2 x 11 sheets.

9. Purpose and intended use: Commercial _____ Public _____ Private X Other _____ Describe _____

Necessity and justification for project REINFORCE EXISTING PILING / DOCK NOT SAFE

10. Proposed Starting Date AUG 97 = PILING Estimated Duration 1 DAY

11. If any portion of the activity is complete, indicate month and year of completion SPRING 98 = DOCK / 2 WKS.
Indicate the existing work on the drawings. N/A

12. Names, addresses, and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway

Bud McCall Fernwood, ID 83830 208-245-2026

Cy Chase 305 Lincoln St. Meridian ID 83861 208-245-2057

Both signed
County map to
OK project

☐ Check here if the alteration is located on endowment lands administered by the Idaho Department of Lands

13. LEGAL OWNER IF

OTHER THAN APPLICANT N/A

Mailing Address _____ City, State, _____

Area _____ Zip Code _____

Phone _____ Work(_____) _____ Home(_____) _____

14. List other applications, approvals, or certifications from other Federal, interstate, state, or local agencies for any structures, constructions, discharges, deposits, or other activities described in the application.

Issuing Agency

Type of Approval

Identification No.

Date of Application

Date of Approval

15. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? Yes _____ No ✓
(If "Yes" explain) _____

16. Remarks or additional information: _____

17. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed or completed work.

28 June 97
Date

Steve Hawks
Signature of Applicant (ORIGINAL SIGNATURE REQUIRED)

19. If an authorized agent is to be designated, Item 4 and the following information should be completed.

I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

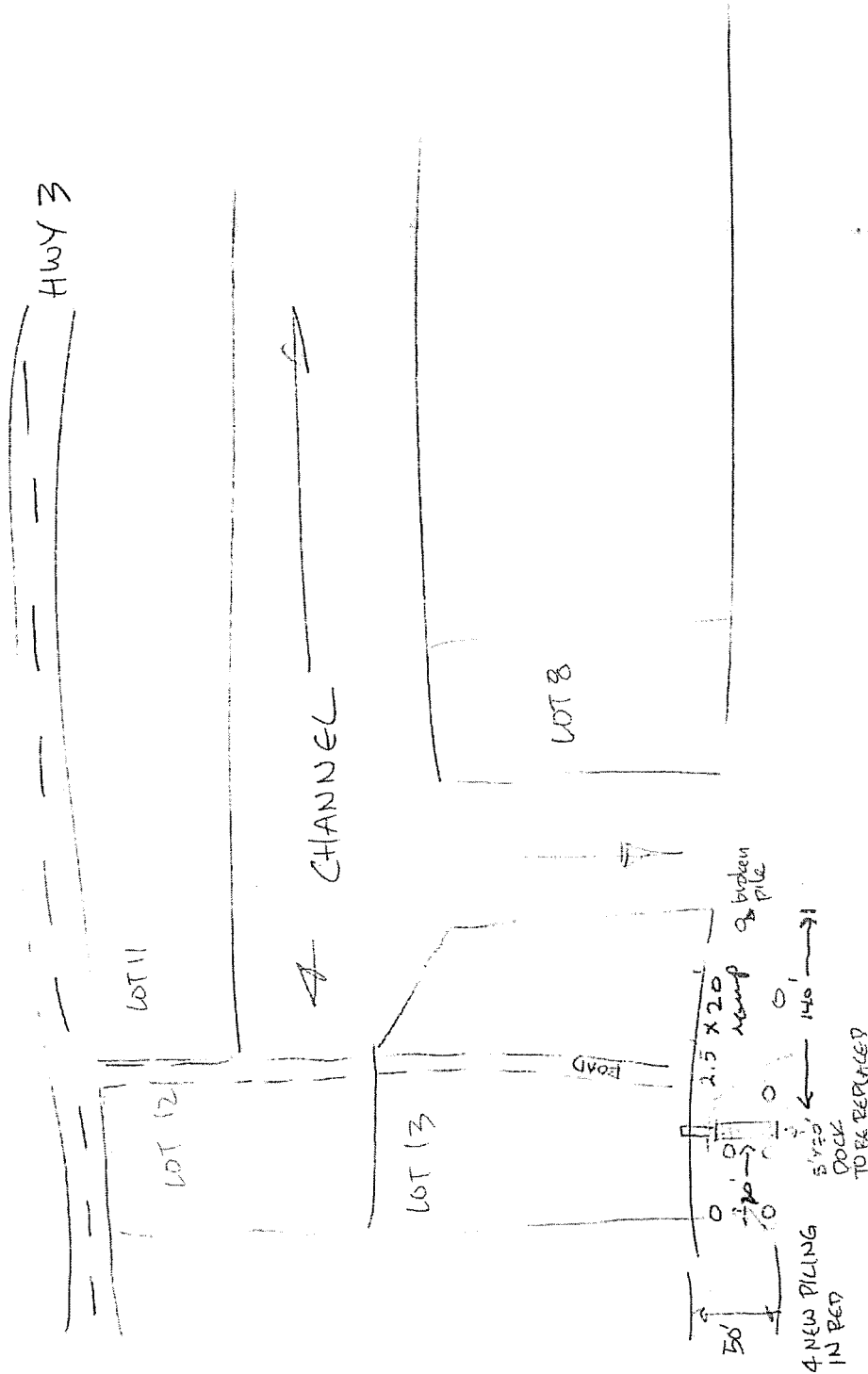
Date _____

Original Signature of Authorized Agent _____

Original Signature of Applicant _____

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both. Do not send a Federal permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.

DO NOT SEND FEDERAL PROCESSING FEE WITH APPLICATION



ST. JOE RIVER

1 C G I A L L

Lot 8 - 15.0 A.

Legal Description

County of Benewah, State of Idaho, to-wit:
Lot Thirteen (13), Block Two (2), Sylvia's
Haven Subdivision, together with an easement
for purposes of moorage in and upon the
riparian rights in the dockage lagoon as shown
on said plat adjacent and appurtenant to the
southerly forty (40) feet of the shore line of
Lot Twelve (12), Block Two (2), Sylvia's Haven
Subdivision, County of Benewah.

Section 7, Township 46 North, Range 2 West, B.M.
Benewah County, Idaho

(ev/

I hope I didn't
forget anything.

I'm usually in the
shop during the day
at 245 2403

Thanks
Steve

92-372 399
1231

STEVE HAWKS
DEANNE HAWKS
RT 2 BOX 86
ST. MARIES, ID 83861

1792

7-30 19 97

Pay To
The Order Of ID Dept. of Lands

Fifty and 00/100 \$ 50.00

Dollars

U.S. BANK OF IDAHO
ST. MARIES BRANCH
138 N. EIGHT STREET
ST. MARIES, IDAHO 83861

For Billing/dock permit

Deanne Hawks

⑆ 123103729⑆ 399 1816 327⑈ 1792

Security Features
Check for Mark

Carl
✓ me
8-1-97

STANLEY F. HAMILTON
DIRECTOR

BOARD OF LAND
COMMISSIONERS
CECIL D. ANDRUS
Governor
PETE T. CENARRUSA
Secretary of State
JIM JONES
Attorney General
JOE R. WILLIAMS
State Auditor
JERRY L. EVANS
Sup't of Public
Instruction

November 30, 1988

Steve Hawks
Route 2, Box 86
St. Maries, ID 83861

Re: 91-07102

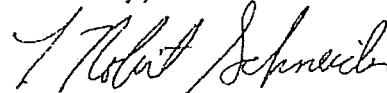
~~Dear Mr. Woodhall:~~

Recently the Department of Lands received a copy of the above-referenced diversion application which you submitted to the Department of Water Resources. Since the St. Joe River is a navigable river, a temporary permit and an encroachment permit will be required from the Department of Lands for the pump and waterline.

If the application to Water Resources is for a system installed prior to 1974, please furnish drawings and the \$10 temporary permit fee.

If the application is for a new system, please complete the enclosed application as per the instructions on the back of the form. Mail along with your payment in the amount of \$60 to this office. The temporary permit fee is \$10, runs for five years, and is renewable. There is an encroachment application fee of \$25 and an advertising deposit of \$25. Please submit a plat and property description showing location of the waterline.

Sincerely,



L. ROBERT SCHNEIDER
Navigable Waters Specialist

LRS/mc
Enclosures

COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 9 • 4055 Government Way • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 8, 1988

Dept. of Lands
Statehouse
Boise, Id. 83720

Re: 91-7102

Gentlemen:

Enclosed is a recent filing with this Department that may be of interest to
your Agency.

Sincerely,

A handwritten signature in cursive script, appearing to read 'R. Haynes'.

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/pms

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 91-07102

To appropriate the public waters of the State of Idaho

1. Name of applicant Steve Hawks Phone 245-2403
Post office address Rt. 2 Box 86 St. maries, Id. 83861
2. Source of water supply ST JOE RIVER which is a tributary of COEUR D'ALENE LAKE
3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot 1
Sec. 7 Township 46N Range 2W B.M. Beneviah County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
DOMESTIC
Amount 0.02 for garden watering purposes from 1 MAR to 1 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) 0.02 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. 1 1/4" pipe through
culvert to canal
 - b. Height of storage dam _____ 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 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

8. 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. _____
- Other; describe fully. _____

9. 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
46	2W	7													D				.35

Total number of acres to be irrigated .35

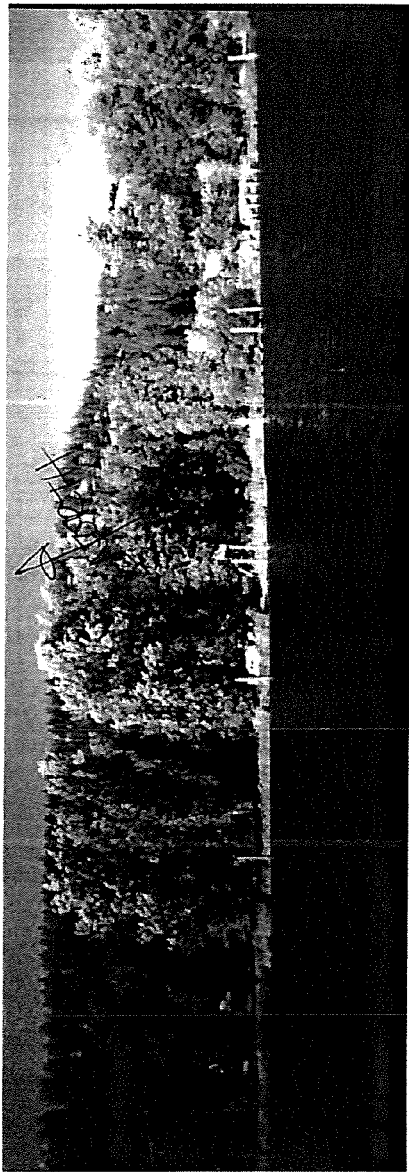
10. Describe any other water rights used for the same purposes as described above. Drinking water from well I am 1/4 partner

11. a. Who owns the property at the point of diversion? Cyril Chase

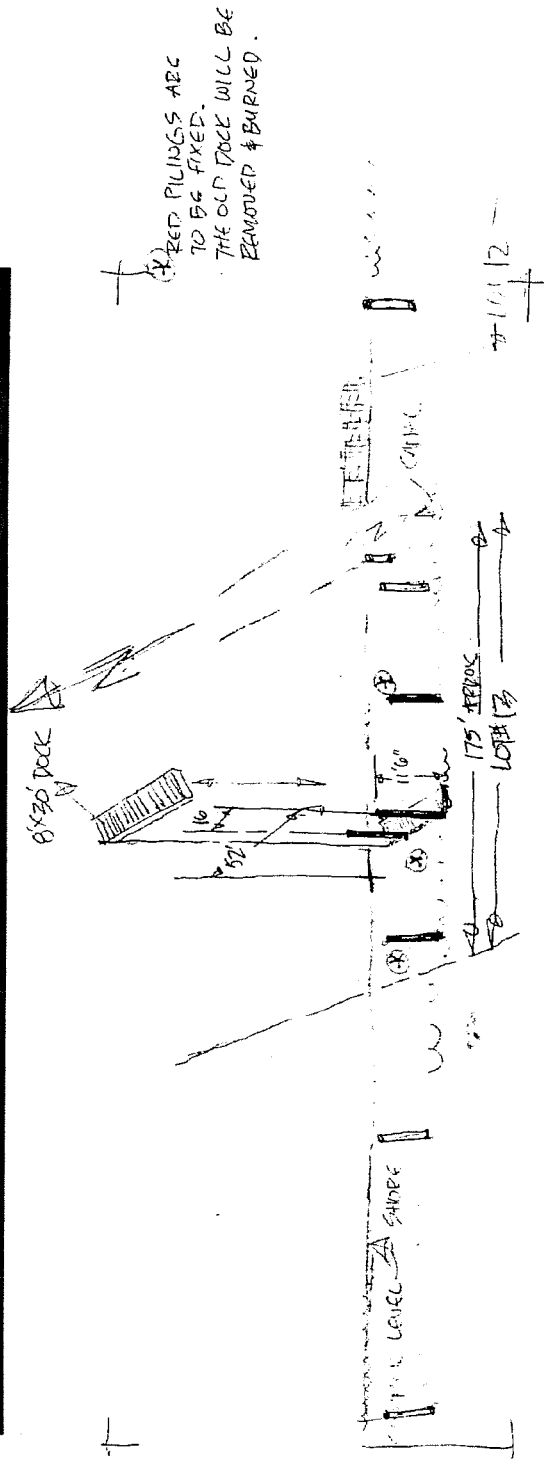
b. Who owns the land to be irrigated or place of use? Steve Hawks

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: _____



SECTION 7, TOWNSHIP 46 NORTH,
RANGE 2 WEST, BM
BENEFIT COUNTY, ID.



RECORD OF SURVEY

LOTS 1-12, BLOCK 2 AND LOTS 1-8,
BLOCK 3, SYLVIA'S HAVEN, IN THE
SE1/4, SEC. 7, T.48N., R.2W., B.M.,
BENEWAH COUNTY, IDAHO

BASIS OF BEARING

BASIS OF BEARING - A BEARING ALONG THE EAST-WEST CENTERLINE OF
SEC. 6, T.48N., R.2W., B.M., INTERSECTING MONUMENTS AT THE NORTH SECTION
CORNER AND THE E1/4 SECTION CORNER, EXTENDING TO THE PLAT OF MONUMENT
COLUMBUS HILLS SUBDIVISION, RECORDED MAY 1981, BY A. SCHWELL, PLS AND

LEGEND

- 1/4 IN. IRON ROD, 5/8 IN. DIAM., WITH AN ALUM. CAP.
- 1/4 IN. DIAM., WOOD WITNESS CORNER - PLS 823
- PLS 824 SMALL STEEL
- PLS 825 AN IRON PILE, 5/8 IN. DIAM., WITH A PLASTIC CAP AND PLS 826
- PLS 827 AN IRON PILE, 5/8 IN. DIAM., WITH A PLASTIC CAP AND PLS 828
- PLS 829 AN IRON PILE, 1/2 IN. DIAM., W/O CAP.
- PLS 830 AN IRON PILE, 3/4 IN. DIAM., W/O CAP.
- SET AN IRON PILE, 3/4 IN. DIAM., W/O CAP., WITH AN ALUM. CAP AND PLS 831
- SET AN IRON PILE, 3/4 IN. DIAM., W/O CAP., WITH AN ALUM. CAP AND PLS 832
- MEASUREMENT POINT (Surveying SMC)
- BOARD FENCE (1982)
- W.C. WITNESS CORNER
- PLS 833 ADJUNCTION'S PARCEL NUMBER

SURVEYS OF RECORD

PLS	DATE	BY	REMARKS
1	1982	DEC 1982	PLS 823
2	1982	MAY 1982	PLS 824
3	1982	APR 1981	PLS 825
4	1982	JUL 1980	PLS 826
5	1982	AUG 1980	PLS 827
6	1982	MAY 1980	PLS 828
7	1982	MAY 1980	PLS 829
8	1982	MAY 1980	PLS 830
9	1982	MAY 1980	PLS 831
10	1982	MAY 1980	PLS 832
11	1982	MAY 1980	PLS 833
12	1982	MAY 1980	PLS 834

SURVEYOR'S CERTIFICATE

I, CARMELITA J. MONTE, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE FOREGOING SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE SURVEYING ACTS OF THE STATE OF IDAHO, AND THAT THE SURVEYING WAS DONE IN ACCORDANCE WITH THE SURVEYING ACTS OF THE STATE OF IDAHO, AND THAT THE SURVEYING WAS DONE IN ACCORDANCE WITH THE SURVEYING ACTS OF THE STATE OF IDAHO.

CARMELITA J. MONTE
Professional Land Surveyor
No. 6768

RECORD OF SURVEY

LOTS 1-12, BLOCK 2 AND LOTS 1-8, BLOCK 3, SYLVIA'S HAVEN, IN THE SE1/4, SEC. 7, T.48N., R.2W., B.M., BENEWAH COUNTY, IDAHO

PAGE 1 OF 2

Book 5 Page 2 of 2

 WORK SHEET
 DATE 2-12-06

RECORD OF SURVEY LOTS 1-12, BLOCK 2 AND LOTS 1-8, BLOCK 3, SYLVIA'S HAVEN, IN THE SE1/4, SEC. 7, T.48N., R.2W., B.M., BENEWAH COUNTY, IDAHO

LINE DATA			
LINE	BEARING	DISTANCE	REMARKS
1	N 89°15'00" E	10.00	TO CORNER
2	N 89°15'00" E	10.00	TO CORNER
3	N 89°15'00" E	10.00	TO CORNER
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6	N 89°15'00" E	10.00	TO CORNER
7	N 89°15'00" E	10.00	TO CORNER
8	N 89°15'00" E	10.00	TO CORNER
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92	N 89°15'00" E	10.00	TO CORNER
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98	N 89°15'00" E	10.00	TO CORNER
99	N 89°15'00" E	10.00	TO CORNER
100	N 89°15'00" E	10.00	TO CORNER

SURVEYOR'S NOTES

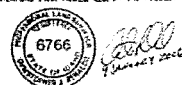
- 1) FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE COMMITMENT NO. 047283, DATED FEBRUARY 8, 2005, AND TITLE POLICY NO. 047283, DATED MARCH 28, 2005, WERE FILED ON FOR THE PREPARATION OF THIS SURVEY.
- 2) THE SHOWN MEASUREMENTS OF THE APPARENT BOUNDARY OR NORMAL POOL OF THE ST. JOE RIVER ARE NOT AN ATTEMPT TO SHOW THE OLD MEANER LINE OF THE LOTS OF THE UPLAND EMBODIMENT.
- 3) NO CORNERS OF THE PUBLIC LAND SURVEY WERE LOCATED THEREFORE, NO CORNER PERMANENT AND PLAIN RECORDS ARE REQUIRED.
- 4) FOUND A LARGE PILE, N 89°15'00" E, 1.5 FT. DISTANT.
- 5) FOUND A BRIDGE, SPAN, SET BY THE LANDOWNER, N 89°15'00" E, 1.5 FT. DISTANT.
- 6) ALSO FOUND A BRIDGE, SPAN, SET BY THE LANDOWNER, N 89°15'00" E, 1.5 FT. DISTANT.
- 7) THE PLAT OF SYLVIA'S HAVEN (PLAT 12) SHOWS VARIOUS "RECORDING" AREAS ALONG THE NORTH LINE OF BLOCK 2. NO INDICATION WAS FOUND ON THE PLAT AS TO THE PURPOSE OF THESE AREAS. SEE THE OWNER'S CERTIFICATE ON SAID PLAT FOR FURTHER DETAILS.
- 8) THIS LINE SHOWS THE APPROPRIATE LOCATION OF THE MEASUREMENTS OF THE NORMAL POOL OR BOUNDARY STORAGE LEVEL OF THE WATER WITHIN THE BOUNDARY LADDER.
- 9) THE PLAT OF SYLVIA'S HAVEN (PLAT 12) STATES: "A 30 FOOT WIDE ADJUTANT AND UTILITY EASEMENT, AS SHOWN PLATTED WITH LOTTER LINE". SEE THE OWNER'S CERTIFICATE ON SAID PLAT FOR FURTHER DETAILS.
- 10) THIS RECORD OF SURVEY DOES NOT ATTEMPT TO SHOW ALL DISSEMINATIONS OR RIGHTS-OF-WAY OF RECORD, THE SIZE OR LOCATION OF PREEXISTING EASEMENTS, FENCE LINES OR PHYSICAL FEATURES OF THE PROPERTY. THE LOCATIONS WITHIN THE SHOWN AREAS ARE THEY LOCATED IN THE PLAT, THEY WERE RECORDED. ITEMS SUCH AS THE NORMAL POOL AND FENCES WHICH ARE SHOWN ARE FOR INFORMATION PURPOSES ONLY.
- 11) THE ORIGINAL DESIGN AND EVIDENCE OF THIS DOCUMENT IS THE PROPERTY OF RENALDO LAND SURVEYING, INC. THE UNAUTHORIZED USE OR REPRODUCTION OF THIS DOCUMENT MAY CONSTITUTE AN INFRINGEMENT OF THE FEDERAL COPYRIGHT ACT. © COPYRIGHT 2006, RENALDO LAND SURVEYING, INC. ALL RIGHTS RESERVED.

SURVEYS OF RECORD

NO.	SURVEYOR	PLS. NO.	DATE	PLAT NO.
11	D. WARDER	PLS. 703	DEC. 1988	PLAT NO. 144542
12	D. WARDER	PLS. 703	MAY 1989	PLAT NO. 150084
13	D. WARDER	PLS. 703	APR. 1991	PLAT NO. 186028
14	J. HOWE	PLS. 832	JULY 1995	PLAT NO. 278815
15	C. RENALDO	PLS. 838	MAY 2000	PLAT NO. 292025
16	C. RENALDO	PLS. 8784	MAY 2006	PLAT NO. 220127

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER J. RENALDO, PROFESSIONAL LAND SURVEYOR NO. 8784 IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION IN COMPLIANCE WITH IDAHO CODE FOR ALL PERSONS AND FOR VARIOUS PLANS, MAPS, ETC. AT THE REQUEST OF THE HONORABLE



SHEET 1 OF 2

SCALE: NONE	DATE: JAN. 7, 2006
JOB NO. 04000000	DRAWN BY: J.A. WICKS
FILE NO. 04000000	CHECKED: J.A. WICKS

RENALDO LAND SURVEYING
 SURVEYING AND PLANNING
 711 CENTER AVE., ST. MARIE, IDAHO 83858-0018

RECORD OF SURVEY
 LOTS 1-12, BLOCK 2 AND LOTS 1-8, BLOCK 3,
 SYLVIA'S HAVEN, IN THE SE1/4, SEC. 7, T.48N., R.2W., B.M.,
 BENEWAH COUNTY, IDAHO

Book 5 Page 2 of 2

**IDAHO DEPARTMENT OF LANDS
NAVIGABLE WATERS/MINERAL RESOURCES
1910 NW BLVD., STE 201, COEUR D'ALENE, ID 83814**

MEMORANDUM

DATE: March 3, 1997

TO: Will Pitman, PE, Administrator
Idaho Lake Protection Act

FROM: Jim Brady, Specialist 
Navigable Waters/Mineral Resources

SUBJECT: ENCROACHMENT PERMIT L-95-S-4172, CHASE - ST. JOE RIVER

An inspection was performed on February 24, 1997, at approximately 11:00 AM. The inspection revealed that the permittee did not comply with at least five and possibly 8 stipulations of the permit issued to Cyril Chase on September 1, 1995.

The permitted application indicated a trench would be excavated outside of wetlands. The dredged materials would be stored in this trench and not be deposited in wetlands between the boat basin and State Highway 3. These wetlands were identified in a site visit that was attended by Cyril Chase; Mike Doherty, COE; Bart North, P.E.; Sam Badgett, contractor; and myself.

A visual inspection could not identify the storage trench and considerable fill was deposited in the above-mentioned wetlands. Nor was the 18-foot CMP observed that was to drain spoils and allow water transfer between the river and the wetlands.

The agent for the project, Bart North, P.E., Welch Comer & Associates, advised the Corps of Engineers and the department, the bridge would not be replaced by a 60-inch CMP, by letter dated August 11, 1995. I observed that the bridge in fact had been replaced by CMP. I did not measure the CMP, but it did not appear to be 60-inch CMP as originally called for in the application.

The application indicates that a temporary cofferdam of straw bales and native clays would be placed across the entrance to the basin. As well, silt curtains--two rows--would be placed riverward of the cofferdam. The plans called for the cofferdam to be one of the last things out before the silt curtains. I did not observe any evidence, on the site, that a cofferdam or silt curtains were utilized.

The turbidity in the basin was somewhat elevated compared to the clarity of the free flowing river, suggesting not much water exchange is taking place between the basin and the river.

Conversation with local personnel puts the dredging activity within the last 30 days.

The specific terms that this project is in noncompliance are as follows:

2. Construction will follow details and specifications shown on the approved drawings and data provided by the applicant. Should such information and data prove to be materially false, incomplete and/or inaccurate, this authorization may be modified, suspended, or revoked in accordance with the Administrative Procedures Act, Idaho Code, title 67, chapter 52.
7. This permit is not valid until the identification number is displayed on the outermost area of the encroachment.
11. No material shall be placed within a wetland area.
12. All construction will be done according to the specifications detailed in the attached design plan.
15. All construction shall be completed in accordance with descriptions and methods provided unless otherwise specified. Any changes shall be approved in writing by the department prior to construction.

And the three possible are:

16. A silt curtain, fence, or straw bales shall be installed waterward of the project site. It will remain in place and functional until the turbidity level inside the curtain or fence equals the turbidity outside the curtain or fence.
17. An adequate supply of petroleum-absorbing products shall be on site in the event of a spill.
18. State water quality standards will be maintained at all times during the life of the operation. Should a violation of water quality standards occur, operations on the site will cease immediately and corrective action will be taken, and the Department of Health and Welfare's Division of Environmental Quality be notified.

mc

attachments (photos)

c: Mike Doherty, COE-CDA

INSPECTION 2/24/97 OF
L-95-S-4172 - CHASE



WETLAND FILL.



ENTRANCE TO BASIN. WAS
DEEPEMED & DEVEGETATED.
NO EVIDENCE OF TURBIDITY
CONTAINMENT.

INSPECTION 2/24/97 OF
L-95-S-4172 - CHASE

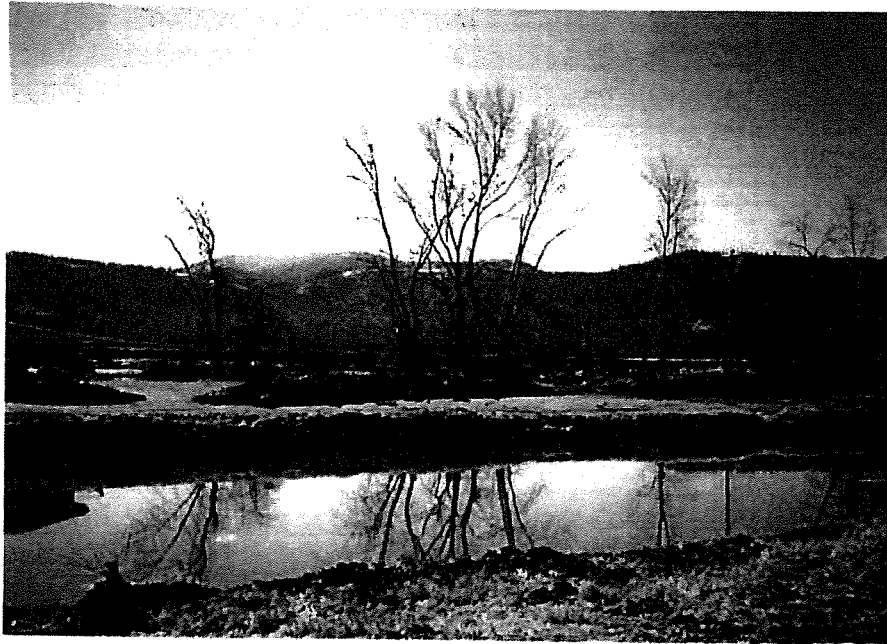


WETLANDS FILLED, NOTE STANDING
WATER.



WETLAND FILL. NO EVIDENCE OF
BERMS ADJACENT TO FILL STORAGE
TRENCHES.

INSPECTION 2/24/97 OF
L-95-S-4172 - CHASE



SPOILS ON LAWN + ADJACENT
TO ENTRANCE TO BASIN. AT
TIME OF INSPECTION SPOILS
WERE FROZEN.

IDAHO DEPARTMENT OF LANDS

1910 NW Blvd., Ste. 201
Coeur d'Alene, Idaho 83814-2615
Phone (208) 769-1535 Fax (208) 769-1536

STANLEY F. HAMILTON - DIRECTOR

BOARD OF LAND
COMMISSIONERS

PHILIP E. BATT
Governor

PETE T. CENARRUSA
Secretary of State

ALAN G. LANCE
Attorney General

J.D. WILLIAMS
State Controller

ANNE C. FOX
Sup't of Public
Instruction

September 1, 1995

Cyril C. Chase
305 Lincoln Avenue
St. Maries, ID 83861

Dear Mr. Chase:

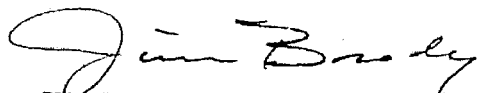
Re: Encroachment Permit L-95-S-4172

Enclosed is your permit in accordance with the application you filed with this office. Please comply with all special terms and conditions.

You are required to record this original notarized permit with Benewah County. The assigned number must be displayed upon the most waterward area of your encroachment with plastic or metal numerals at least three inches in size.

Thank you for your cooperation.

Sincerely,



JIM BRADY, Specialist
Navigable Waters/Minerals

mc

enclosures

c: US Coast Guard - Seattle, WA
US Army Corps of Engineers

COPY

KEEP IDAHO GREEN
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER

CDAT OBJ-7173 0066

IDAHO DEPARTMENT OF LANDS

1910 NW Blvd., Ste. 201
Coeur d'Alene, Idaho 83814-2615
Phone (208) 769-1535 Fax (208) 769-1536

STANLEY F. HAMILTON - DIRECTOR

BOARD OF LAND
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Secretary of State

ALAN G. LANCE
Attorney General

J.D. WILLIAMS
State Controller

ANNE C. FOX
Sup't of Public
Instruction

ENCROACHMENT PERMIT NO. L-95-S-4172

Permission is hereby granted to Cyril C. Chase
of 305 Lincoln Avenue St. Maries, ID 83861 to install and maintain
excavate and dredge approx. 4000 cubic yards material from existing
constructed side channel located: St. Joe River, Sylvia's Haven, SENE
Section 7, Township 46N, Range 2W, Boise Meridian, Benewah County.

1. All applicable provisions of the Rules for Regulation of Beds, Waters, and Airspace over Navigable Lakes and Streams in the State of Idaho are incorporated herein by reference and made a part hereof.
2. Construction will follow details and specifications shown on the approved drawings and data provided by the applicant. Should such information and data prove to be materially false, incomplete and/or inaccurate, this authorization may be modified, suspended, or revoked in accordance with the Administrative Procedures Act, Idaho Code title 67, chapter 52.
3. This permit does not convey the State's title to or jurisdiction or management of lands lying below the natural or ordinary high water mark.
4. Acceptance of this permit constitutes permission by the Permittee for representatives of the Department of Lands to come upon Permittee's lands at all reasonable times to inspect the encroachment authorized by this permit.
5. The Permittee assumes all liability for damages which may result from the exercise of this permit.
6. This permit does not relieve the Permittee from obtaining additional local or federal permits as required.
7. This permit is not valid until the identification number is displayed on the outermost area of the encroachment.
8. If the activity authorized herein is not completed on or before the 1st day of September, 1998 (three years from the date of issuance), this permit shall automatically expire unless it was previously revoked or otherwise extended.

KEEP IDAHO GREEN
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER

CDAT OBJ-7173 0067

September 1, 1995

Page two

9. Approximately 4000 cubic yards of material may be excavated below the ordinary high water mark.
10. Operation of excavation equipment will be held to a minimum below the ordinary high water mark. Equipment shall be operated only on dry ground above the 2121 WWP Datum. Construction machinery may not be operated in the water.
11. No material shall be placed within a wetland area.
12. All construction will be done according to the specifications detailed in the attached design plan.
13. The Department of Lands reserves the right to inspect the dredging operation and stop work if, in the state's opinion, unacceptable turbidity levels are produced.
14. Excavated material shall be removed to an area above the ordinary high water mark and in a position such that it will not reenter the lake.
15. All construction shall be completed in accordance with descriptions and methods provided unless otherwise specified. Any changes shall be approved in writing by the department prior to construction.
16. A silt curtain, fence, or straw bales shall be installed waterward of the project site. It will remain in place and functional until the turbidity level inside the curtain or fence equals the turbidity outside the curtain or fence.
17. An adequate supply of petroleum-absorbing products shall be on site in the event of a spill.
18. State water quality standards will be maintained at all times during the life of the operation. Should a violation of water quality standards occur, operations on the site will cease immediately and corrective action will be taken, and the Department of Health and Welfare, Division of Environmental Quality, notified.
19. Project will be conducted during the low-water time of the year.
20. Upon transfer of this real property, you are required to inform this office of the subsequent name change.

FOR THE DIRECTOR

By: Jim Brady
JIM BRADY, Specialist
Navigable Waters/Minerals

STATE OF IDAHO)
) ss
COUNTY OF KOOTENAI)

Subscribed and sworn to before me this 1st day of
September, 1995.

Merna Chang
Notary Public for Idaho
Residing at Post Falls, Idaho
Commission expires: 1/24/98

**JOINT APPLICATION FOR PERMIT
U.S. ARMY CORPS OF ENGINEERS
AND
STATE OF IDAHO, DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO, DEPARTMENT OF LANDS**

The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. These laws require permits authorizing structures and work in or affecting navigable waters of the United States and the discharge or dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et. seq., Idaho Code. This application will meet the requirements of the above agencies.

PLEASE TYPE OR PRINT

1. Corps of Engineers # Date Received	2. State of Idaho # <u>L-95-S-4172</u> Date Received <u>5/12/95</u>
--	--

3. Applicant <u>CYRIL C. CHASE</u> Mailing Address <u>305 Lincoln Avenue</u> <u>St. Maries, Idaho 83861</u> Work Ph. <u>245-2571</u> Home <u>245-2057</u> Date of Application <u>May 12, 1995</u>	4. Authorized Agent <u>Welch, Comer & Assoc.</u> Mailing Address <u>1626 Lincoln Way</u> <u>Coeur d'Alene, Id 83814</u> Work Ph. <u>664-9382</u> Home _____ Contact <u>Bart North, P.E.</u>
---	---

5. Location where proposed activity exists or will occur.

Waterway <u>St. Joe River</u> <u>St. Maries</u> In or near city or town _____ Benewah <u>Idaho</u> <u>83861</u> County <u>State</u> <u>Zip Code</u>	Tributary of: <u>Lake Coeur d'Alene</u> Assessor's Desc. (Tax No. or Subdivision, Lot & Block No.) * _____ *(See instruct.) <table style="width: 100%;"> <tr> <td style="width: 25%;">SE NE</td> <td style="width: 25%;">7</td> <td style="width: 25%;">46N</td> <td style="width: 25%;">2E</td> </tr> <tr> <td>1/4 1/4</td> <td>Section</td> <td>Township</td> <td>Range</td> </tr> </table>	SE NE	7	46N	2E	1/4 1/4	Section	Township	Range
SE NE	7	46N	2E						
1/4 1/4	Section	Township	Range						

6. Describe the proposed activity, including description of the type of structures, if any, to be erected on fills, or pole or float-supported platforms. If additional space is needed, use a separate sheet or Section 16 (Remarks).
Proposed activity consists of the removal of approximately 4,000 cubic yards of material from a pre-existing constructed side channel to the St. Joe River. Existing bridge to be abandoned with 60" CMP. Fill to be placed upland of OHWM in areas designated as non-wetland and stabilized through revegetation.

Describe construction methods and equipment: Silt fence to be installed at Point #1. Temporary cofferdam of straw bales and in-situ clay to be constructed at Pts 1 & 2 (See Sheet #). Water to be pumped prior excavation. Storage to be created by excavating trench adjacent to side channel out of wetland 18" CMP installation. Excavated material into spoil storage to completion. 60" CMP installation. Backfill water into side channel. Let turbidity return to ambient. Remove cofferdams, remove silt fences in channel. Stabilize spoils storage pile by seeding.
 List all soil series located at project site, and indicate if any are on the county's hydric soils list:

Length of project along the stream or extension into lake or reservoir:		Not Applicable
Will material be placed waterward of ordinary high water mark?	No	If yes, volume:
Will material be placed in adjacent wetlands?	No	If yes, area: _____ (acres)
Type & composition of fill material:	(i.e. sand, etc)	Material Source:
Will excavation be required	Yes	If yes, volume <u>+/- 4000 CY</u> (cubic yards)
Disposal site for excavated material:	Adj. to OHWM, out of wetland	Composition <u>Clay</u>
	Method of dredging:	<u>Excavation</u>

Stream gradient: 1-2

Method of controlling turbidity: Temporary cofferdam silt fencing, decant prior to excavation, backfill with water and decant prior to cofferdam and silt fence removal.

7. Size and flow capacity of proposed bridge or culvert and area of drainage served (sq. miles): (2 Req'd)
(Idaho Department of Water Resources requirement) 18" CMP @ 2%, 8 CFS < 0.25 Acre
60" CMP @ 1% 150 CFS Circulation

8. Preparation of drawings. One set of original or good quality reproducible drawings must be attached to this application. NOTE: DRAWINGS NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE. See the instruction pamphlet for instructions and checklist for completing the drawings.

9. Purpose and intended use:

Commercial _____ Public _____ Private X Other _____

Describe _____

Necessity and justification for project: To maintain existing use of side channel

- 10 Proposed Starting Date ASAP Estimated Duration 2 Weeks

- 11 If any portion of the activity is complete, indicate month and year of completion

Indicate the existing work on the drawings. _____

- 12 Names, addresses, and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway.

☐ Check here if the alteration is located on endowment lands administered by the Idaho Department of Lands.

- 13 LEGAL OWNER IF

OTHER THAN APPLICANT

MAILING ADDRESS _____ CITY, STATE, _____
ZIP CODE _____
AREA _____ AREA _____
PHONE WORK _____ HOME _____

- 14 List other applications, approvals, or certifications from other Federal, interstate, state, or local agencies for any structures, constructions, discharges, deposits, or other activities described in the application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval
NOT APPLICABLE				

- 15 Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? Yes _____ No X If "Yes", explain)

16 Remarks or additional information:

Conceptual approval for project as presented was gained at on-site project
review with Corps of Engineers and Department of Lands on May 4, 1995.

17 Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed or completed work.

5-15-95
Date

C. E. Chase
Signature of Applicant (REQUIRED)

The application must be signed by the applicant. If an authorized agent is to be designated, Item 4 and the following information should be completed.

I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

5-15-95
Date

Signature of Authorized Agent (if applicable)

C. E. Chase
Signature of Applicant (if applicable)

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both. Do not send a permit processing fee with this application. The appropriate fee will be assessed when a permits is issued.

DO NOT SEND PROCESSING FEE WITH APPLICATION

IDAHO DEPARTMENT OF LANDS
ATTACHMENT FOR ENCROACHMENTS

Required when applying for an Idaho
Department of Lands Lake Encroachment Permit

"Joint Applications" for encroachments must be submitted and signed by the riparian landowner or his lessee. The application must include the exact legal description of the upland property. A riparian owner is the person whose upland property extends to the ordinary high water mark of the waterway. The application must be accompanied by a vicinity map showing the precise location of the proposal, design drawings showing distances to adjacent property boundaries, names of adjacent landowners, exact encroachment dimensions, water depth and lakebed profile, all related to the ordinary high water marks. A sample of acceptable drawings is shown on page 9 of the pamphlet.

Docks should be installed at right angles to the general shoreline, should not extend beyond a depth necessary for customary navigation, cannot exceed 700 square feet in size or 10 feet in width (excepting the overall width of a dock with a slip cutout), and may not be closer than 10 feet to adjacent boundaries as extended into the water perpendicularly from the general shoreline. If the proposal is closer than 10 feet from adjacent property lines, written consent of the adjacent riparian landowner must be obtained below:

I, DON HARVEY, am the owner of riparian or littoral property adjacent to the property 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.

Date

5/11/95

Name

[Signature]

Address

Hco 2 Box 82

I, STEVE HAWKS, am the owner of riparian or littoral property adjacent to the property 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.

Date

5-12-95

Name

[Signature]

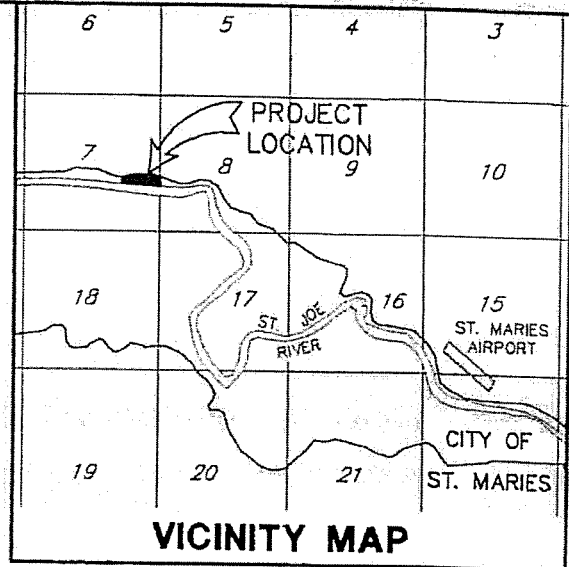
Address

Box 2 Box 86

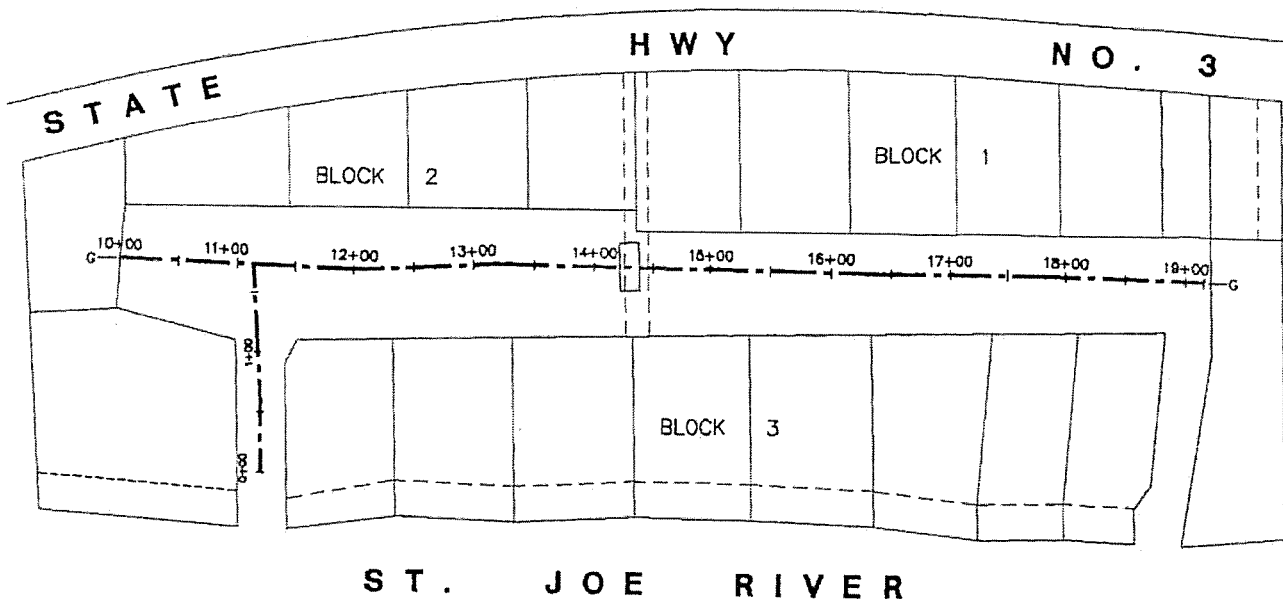
SYLVIA'S HAVEN SUB. RIVER INLET MAINTENANCE PROJECT



SCALE: 1" = 200'



SECTION 7, TOWNSHIP 46 NORTH, RANGE 2 WEST
BOISE MERIDIAN



SYLVIA'S HAVEN SUBDIVISION RIVER INLET MAINTENANCE PROJECT

IN: (ADJACENT TO) ST. JOE RIVER

IN/NEAR: ST. MARY'S

COUNTY: BENEWAH STATE: IDAHO

DATE: 05-10-95 SHEET: 1 of 12

APPLICATION BY: CYRIL C. CHASE

PREPARED BY: WELCH, COMER ENGRS, INC.

DATUM PLANE: (IF NOT NGVD 1929, SPECIFY)

A. HIGH WATER: EL 2128 O.H.W.M.

B. LOW WATER: EL 2121

DRWG: 3008PLOT.DWG VIEW: V1

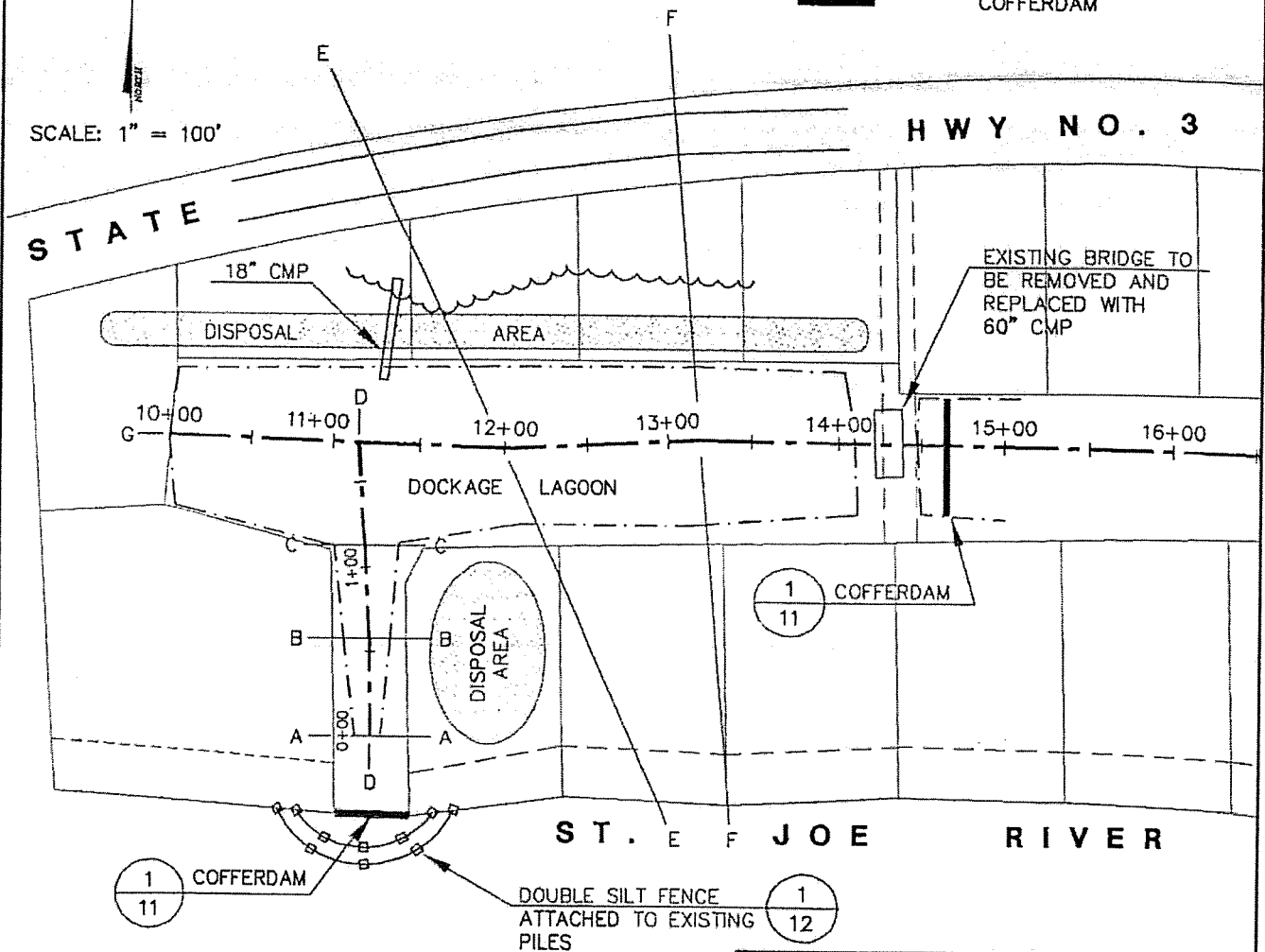
SYLVIA'S HAVEN SUB. RIVER INLET MAINTENANCE PROJECT



SCALE: 1" = 100'

LEGEND

A ——— A	XSECTION LINE
- - - - -	SHORE LINE
- - - - -	LAGOON CENTER LINE
—————	LOT LINE
—————	EDGE OF ASPHALT
~~~~~	TREE LINE
—————	COFFERDAM



## SYLVIA'S HAVEN SUBDIVISION RIVER INLET MAINTENANCE PROJECT

IN: (ADJACENT TO) ST. JOE RIVER

IN/NEAR: ST. MARIES

COUNTY: BENEWAH STATE: IDAHO

DATE: 05-10-95 SHEET: 2 of 12

APPLICATION BY: CYRIL C. CHASE

PREPARED BY: WELCH, COMER ENGRS, INC.

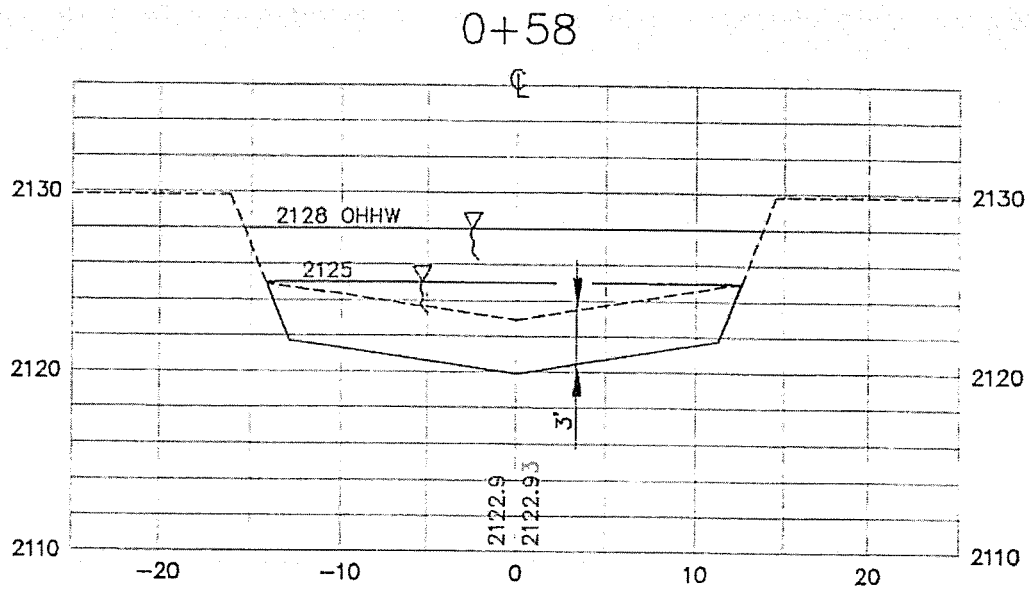
DRWG: 3008PL01.DWG VIEW: V2

SCALE: 1" = 10' HORIZ.  
1" = 10' VERT.

IN: (ADJACENT TO) ST. JOE RIVER  
IN/NEAR: ST. MARIES  
COUNTY: BENEWAH STATE: IDAHO  
DATE: 05-10-95 SHEET: 3 of 12  
APPLICATION BY: CYRIL C. CHASE  
PREPARED BY: WELCH, COMER ENGRS, INC.

DRWG: 3008PRO3.DWG VIEW: V1

# SYLVIA'S HAVEN SUB. RIVER INLET MAINTENANCE PROJECT



## SECTION B-B

SCALE: 1" = 10' HORIZ.  
1" = 10' VERT.

### SYLVIA'S HAVEN SUBDIVISION RIVER INLET MAINTENANCE PROJECT

IN: (ADJACENT TO) ST. JOE RIVER

IN/NEAR: ST. MARIES

COUNTY: BENEWAH STATE: IDAHO

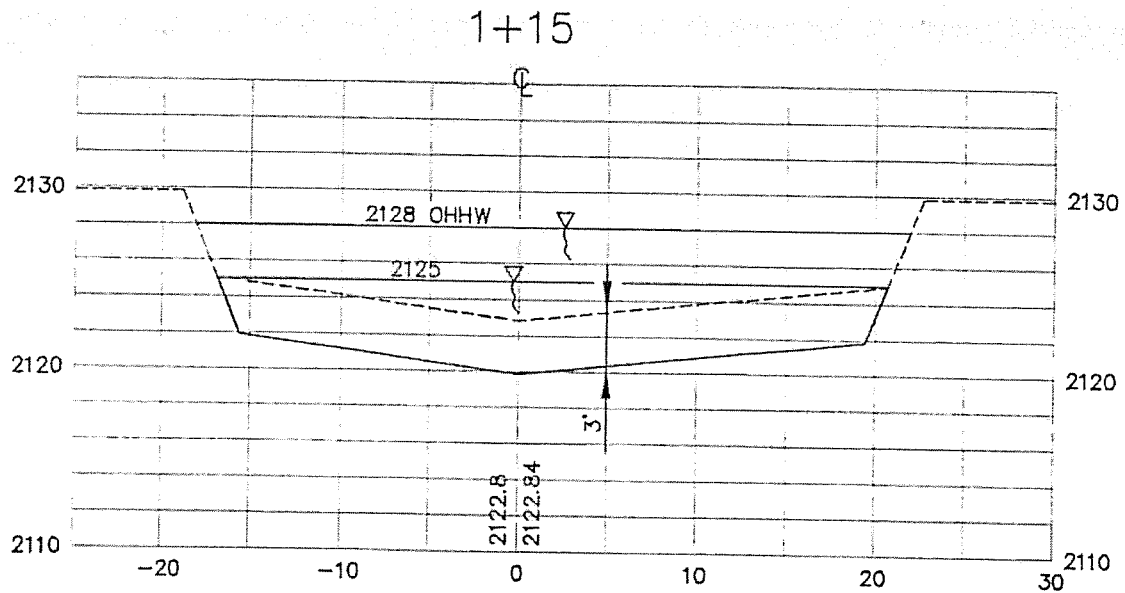
DATE: 05-10-95 SHEET: 4 of 12

APPLICATION BY: CYRIL C. CHASE

PREPARED BY: WELCH, COMER ENGRS, INC.

DRWG: J008PRO3.DWG VIEW: V2

# SYLVIA'S HAVEN SUB. RIVER INLET MAINTENANCE PROJECT



## SECTION C-C

SCALE: 1" = 10' HORIZ.  
1" = 10' VERT.

### SYLVIA'S HAVEN SUBDIVISION RIVER INLET MAINTENANCE PROJECT

IN: (ADJACENT TO) ST. JOE RIVER  
IN/NEAR: ST. MARIES  
COUNTY: BENEWAH STATE: IDAHO  
DATE: 05-10-95 SHEET: 5 of 12  
APPLICATION BY: CYRIL C. CHASE  
PREPARED BY: WELCH, COMER ENGRS, INC.

DRWG: 3008PR03.DWG VIEW: V3

ST. JOE RIVER

DOCKAGE LAGOON

2128 OHWM

2125

3'

2130  
2128  
2126  
2124  
2122  
2120  
2118  
2116

0+00 0+20 0+40 0+60 0+80 1+00

2123.0  
2123.0  
2123.0  
2123.0  
2123.0  
2122.9  
2122.9  
2122.9  
2122.9  
2122.9  
2122.9  
2122.8  
2122.7  
2122.6  
2122.5  
2122.5  
2122.4

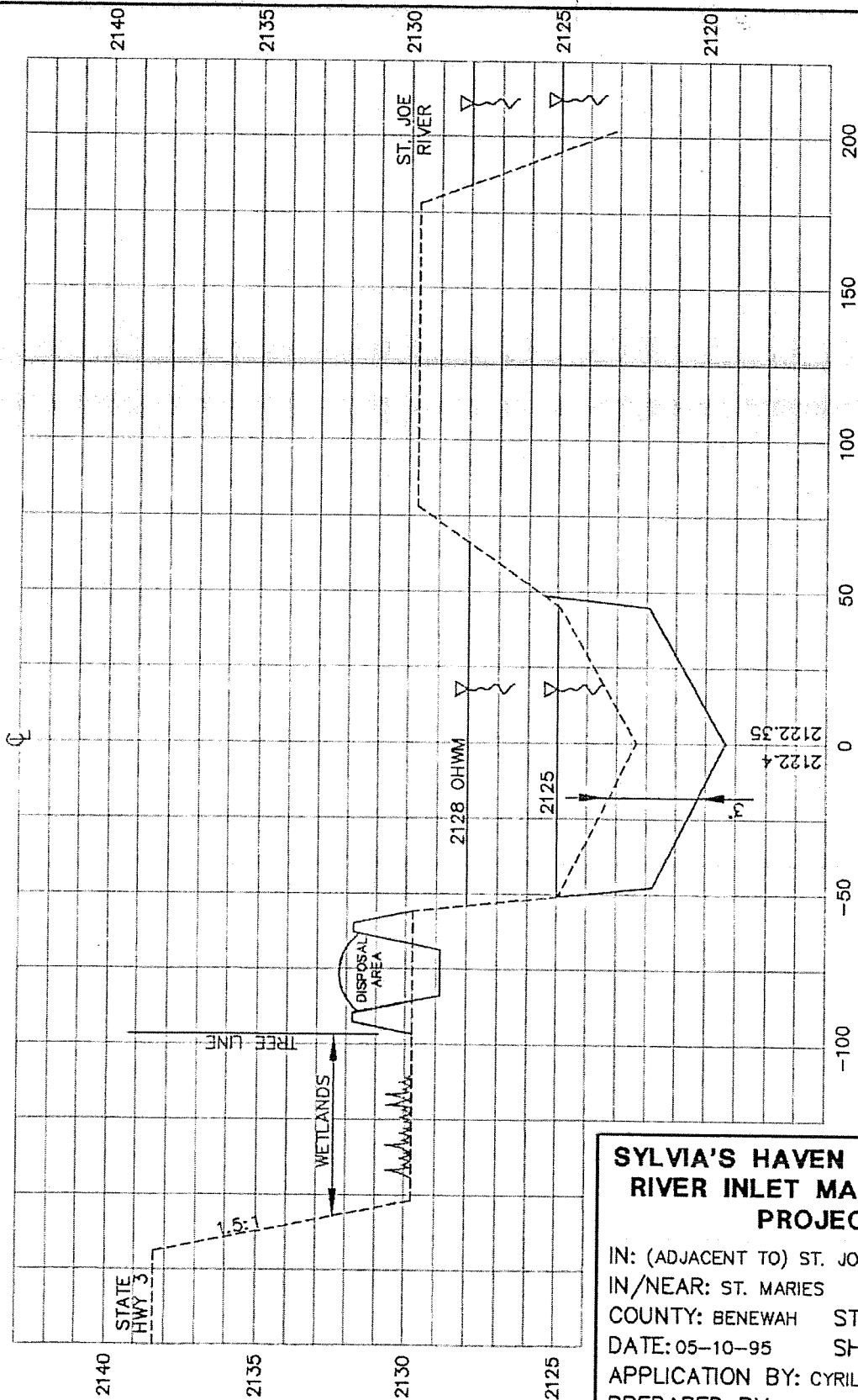
SCALE: 1" = 30' HORIZ.  
1" = 3' HORIZ.

IN: (ADJACENT TO) ST. JOE RIVER  
IN/NEAR: ST. MARIES  
COUNTY: BENEWAH STATE: IDAHO  
DATE: 05-10-95 SHEET: 6 of 12  
APPLICATION BY: CYRIL C. CHASE  
PREPARED BY: WELCH, COMER ENGRS, INC.

DRWG: 3008PR04.DWG VIEW: V1

# SYLVIA'S HAVEN SUB. RIVER INLET MAINTENANCE PROJECT

12+06



## SECTION E-E

SCALE: 1" = 50' HORIZ.  
1" = 5' VERT.

### SYLVIA'S HAVEN SUBDIVISION RIVER INLET MAINTENANCE PROJECT

IN: (ADJACENT TO) ST. JOE RIVER

IN/NEAR: ST. MARIES

COUNTY: BENEWAH STATE: IDAHO

DATE: 05-10-95 SHEET: 7 of 12

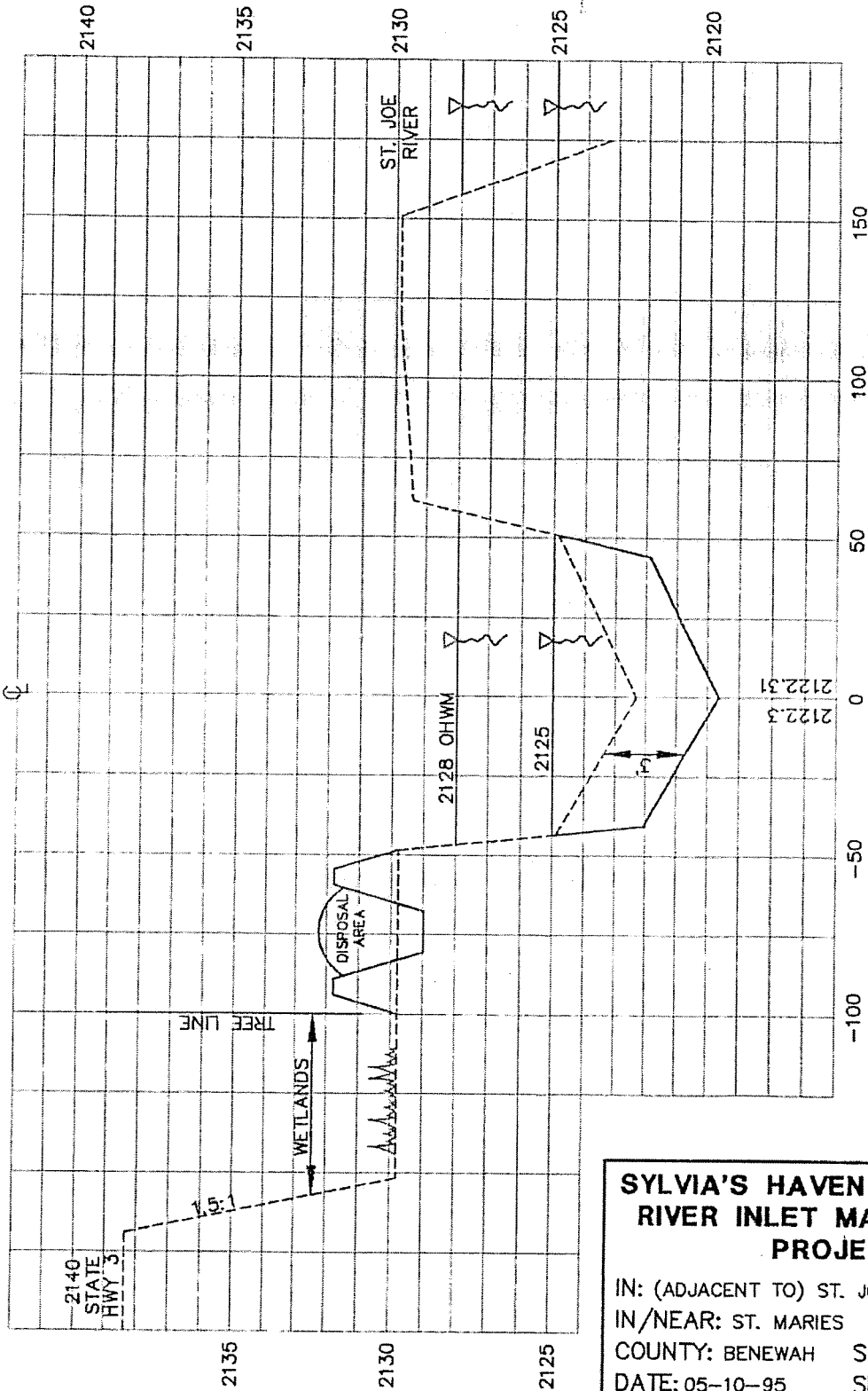
APPLICATION BY: CYRIL C. CHASE

PREPARED BY: WELCH, COMER ENGRS, INC.

DRWG: 3008PR02.DWG VIEW: V1

# SYLVIA'S HAVEN SUB. RIVER INLET MAINTENANCE PROJECT

13+89



## SECTION F-F

SCALE: 1" = 50' HORIZ.  
1" = 5' VERT.

### SYLVIA'S HAVEN SUBDIVISION RIVER INLET MAINTENANCE PROJECT

IN: (ADJACENT TO) ST. JOE RIVER

IN/NEAR: ST. MARIES

COUNTY: BENEWAH STATE: IDAHO

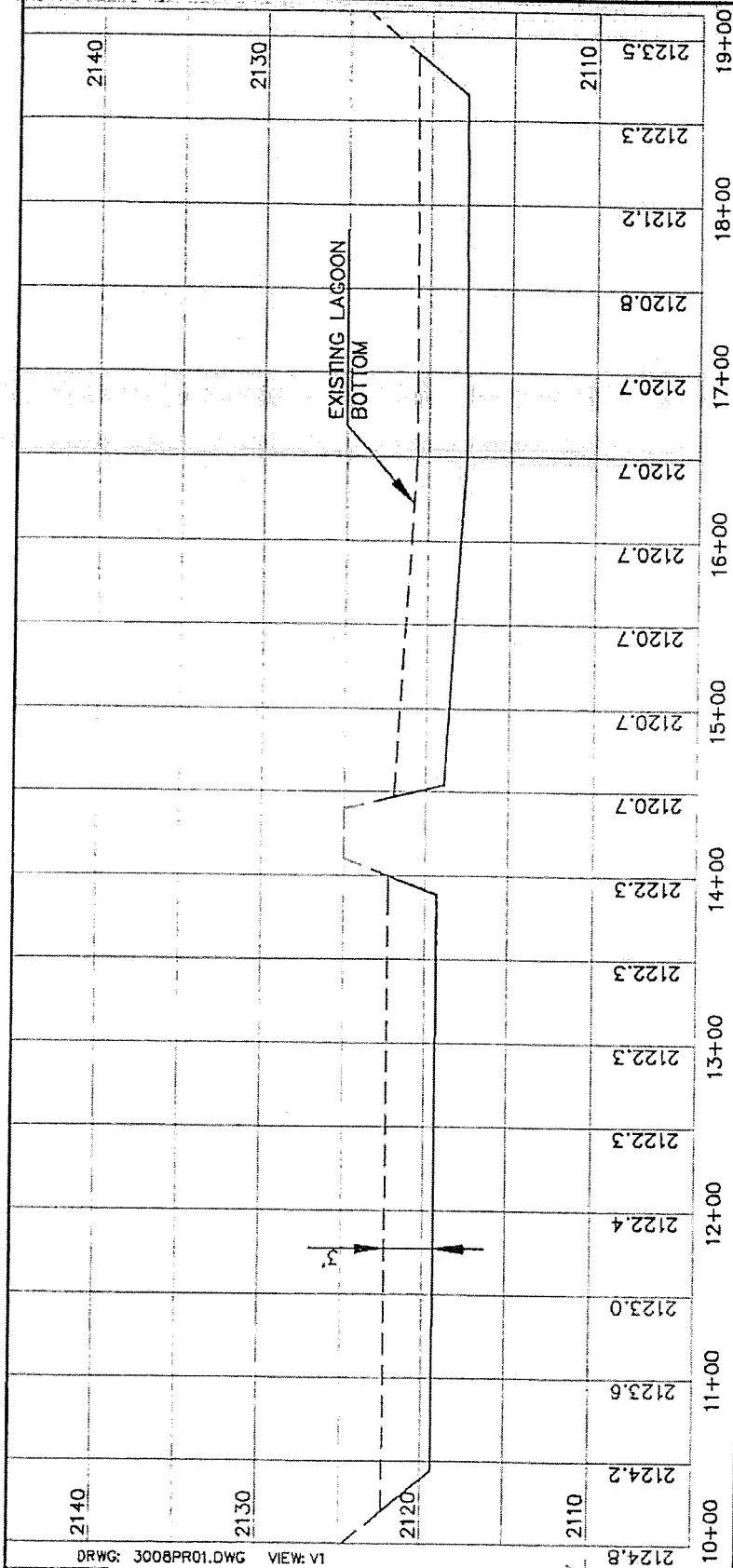
DATE: 05-10-95 SHEET: 8 of 12

APPLICATION BY: CYRIL C. CHASE

PREPARED BY: WELCH, COMER ENGRS, INC.

DRWG: 3008PR02.DWG VIEW: V2

# SYLVIA'S HAVEN SUB. RIVER INLET MAINTENANCE PROJECT



## SECTION G-G

SCALE: 1" = 100' HORIZ.  
1" = 10' VERT.

### SYLVIA'S HAVEN SUBDIVISION RIVER INLET MAINTENANCE PROJECT

IN: (ADJACENT TO) ST. JOE RIVER

IN/NEAR: ST. MARIES

COUNTY: BENEWAH STATE: IDAHO

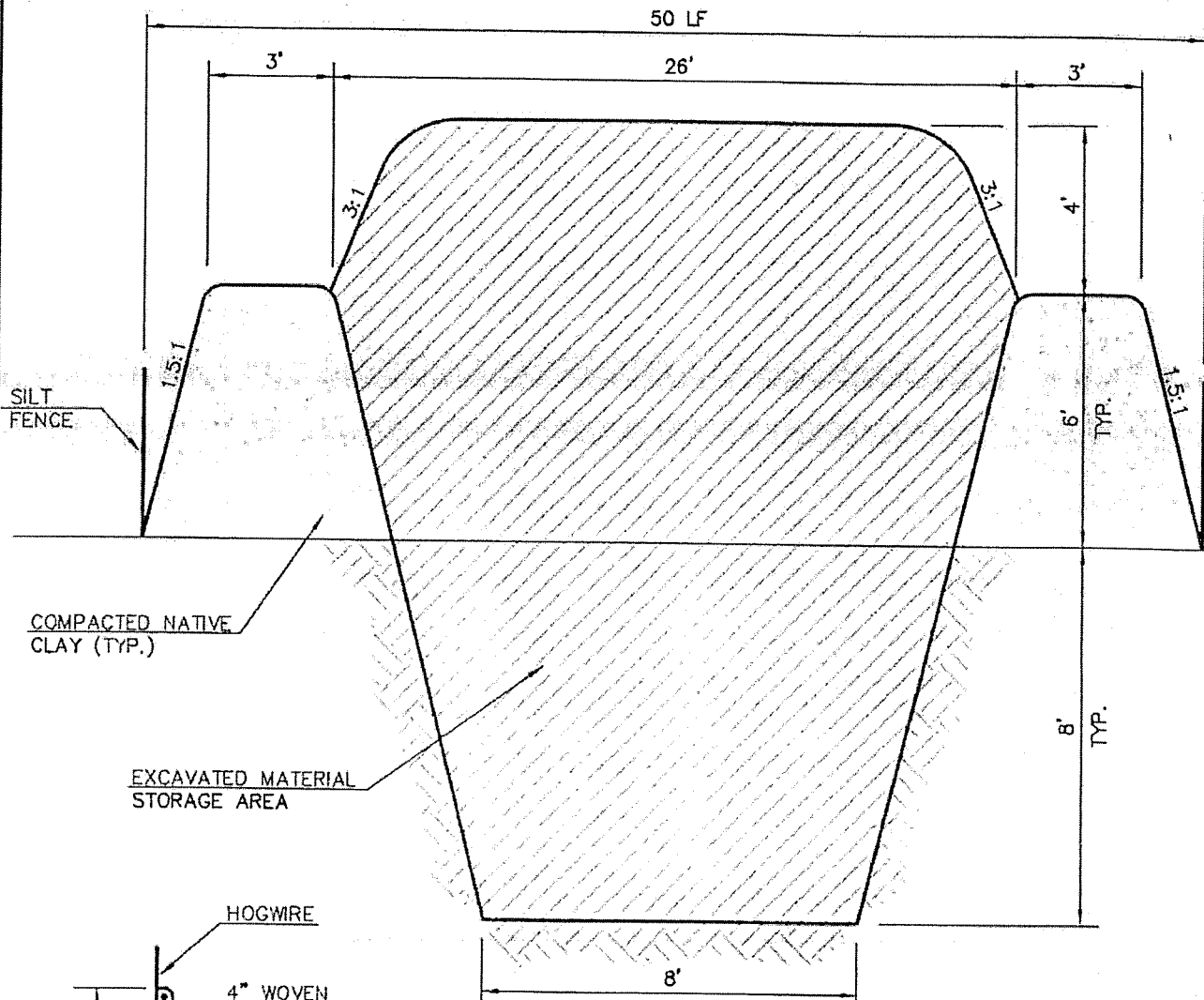
DATE: 05-10-95 SHEET: 6 of 12

APPLICATION BY: CYRIL C. CHASE

PREPARED BY: WELCH, COMER ENGRS, INC.

DRWG: 3008PR01.DWG VIEW: V1

# SYLVIA'S HAVEN SUB. RIVER INLET MAINTENANCE PROJECT



## EXCAVATED MATERIAL STORAGE TRENCH DETAIL

$\pm 10.5 \text{ CY/LF} \times 400 \text{ LF} = 4200 \text{ CY}$   
NO SCALE

## ABOVE GRADE SILT FENCE DETAIL

900 LF REQUIRED  
NO SCALE

DRWG: 3008DT01.DWG VIEW: V2

## SYLVIA'S HAVEN SUBDIVISION RIVER INLET MAINTENANCE PROJECT

IN: (ADJACENT TO) ST. JOE RIVER  
IN/NEAR: ST. MARIES

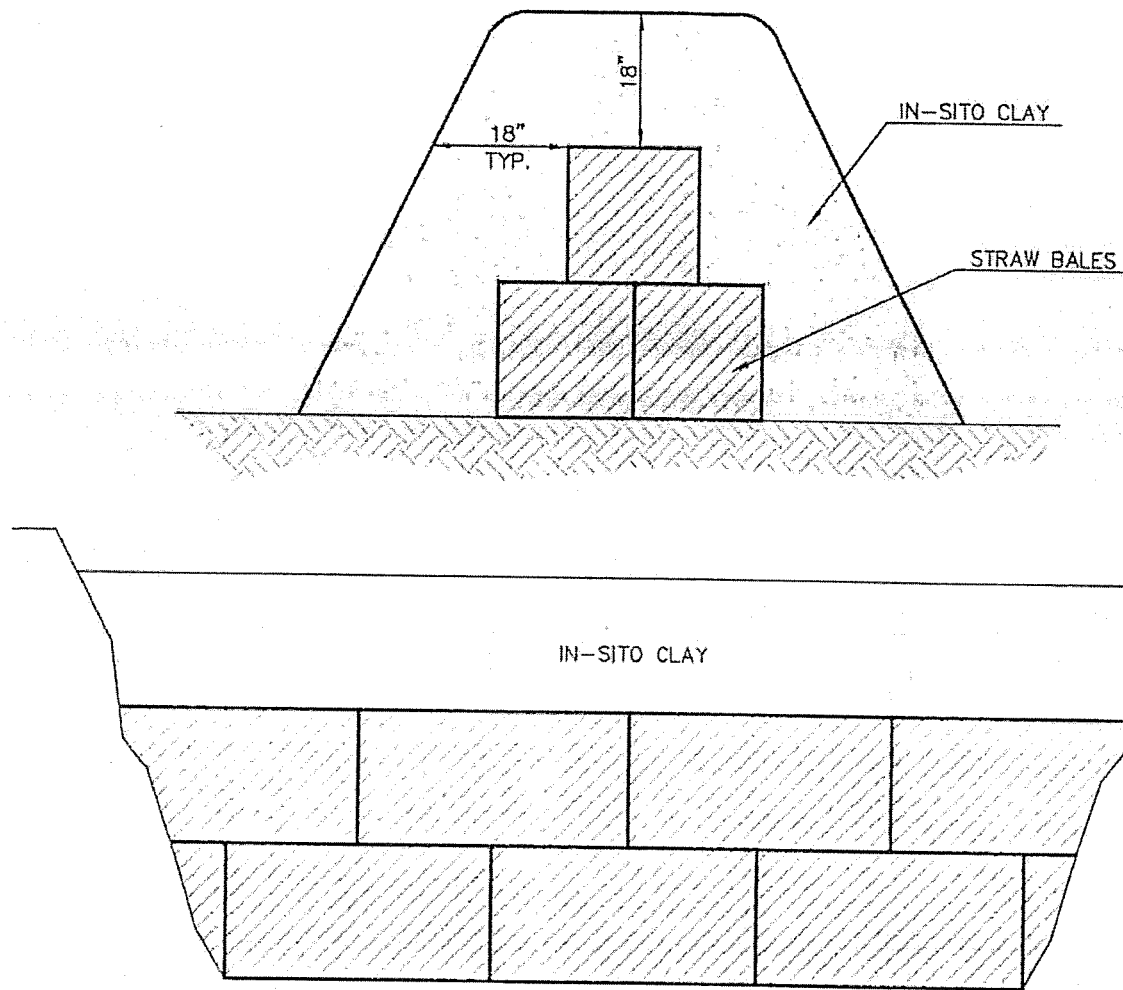
COUNTY: BENEWAH STATE: IDAHO

DATE: 05-15-95 SHEET: 10 of 12

APPLICATION BY: CYRIL C. CHASE

PREPARED BY: WELCH, COMER ENGRS, INC.

# SYLVIA'S HAVEN SUB. RIVER INLET MAINTENANCE PROJECT



## COFFERDAM DETAIL

NO SCALE

### SYLVIA'S HAVEN SUBDIVISION RIVER INLET MAINTENANCE PROJECT

IN: (ADJACENT TO) ST. JOE RIVER  
IN/NEAR: ST. MARIES

COUNTY: BENEWAH STATE: IDAHO

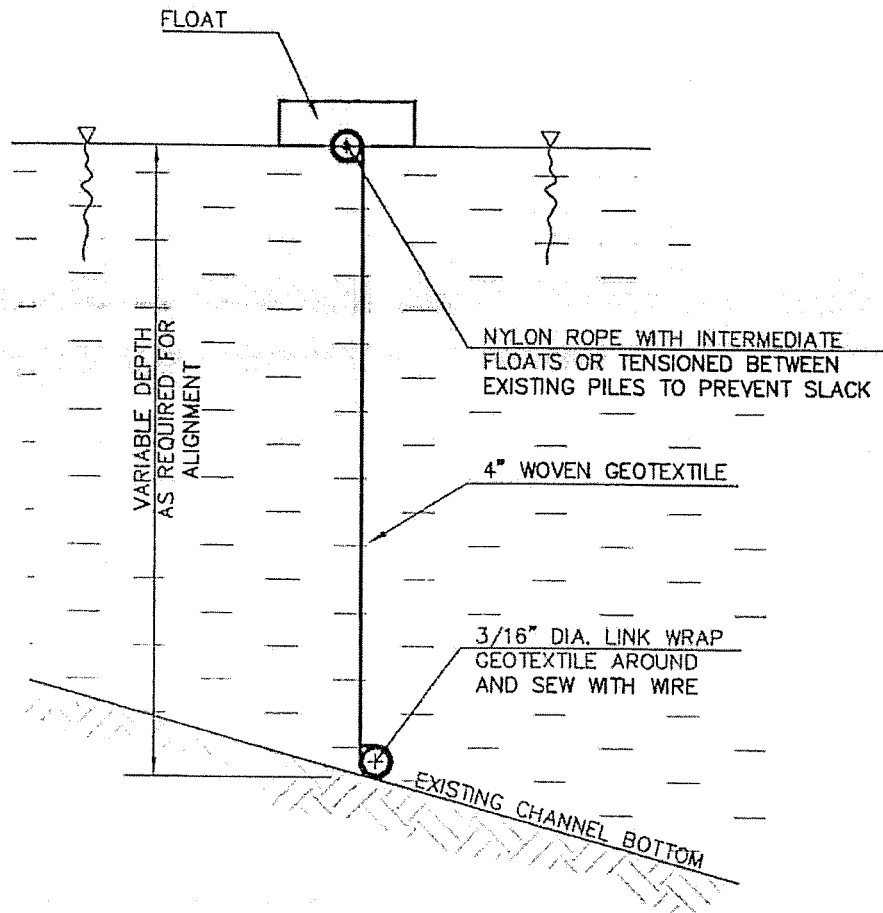
DATE: 05-12-95 SHEET: 11 of 12

APPLICATION BY: CYRIL C. CHASE

PREPARED BY: WELCH, COMER ENGRS, INC.

DRWG: 3008DT01.DWG VIEW: V1

# SYLVIA'S HAVEN SUB. RIVER INLET MAINTENANCE PROJECT



## FLOATING SILT FENCE DETAIL

2 RUNS x 160 LF REQUIRED  
NO SCALE

### SYLVIA'S HAVEN SUBDIVISION RIVER INLET MAINTENANCE PROJECT

IN: (ADJACENT TO) ST. JOE RIVER

IN/NEAR: ST. MARIES

COUNTY: BENEWAH STATE: IDAHO

DATE: 05-15-95 SHEET: 12 of 12

APPLICATION BY: CYRIL C. CHASE

PREPARED BY: WELCH, COMER ENGRS, INC.

DRWG: 3008DT01.DWG VIEW: V3

IDAHO DEPARTMENT OF LANDS  
ATTACHMENT FOR ENCROACHMENTS

Required when applying for an Idaho  
Department of Lands Lake Encroachment Permit

"Joint Applications" for encroachments must be submitted and signed by the riparian landowner or his lessee. The application must include the exact legal description of the upland property. A riparian owner is the person whose upland property extends to the ordinary high water mark of the waterway. The application must be accompanied by a vicinity map showing the precise location of the proposal, design drawings showing distances to adjacent property boundaries, names of adjacent landowners, exact encroachment dimensions, water depth and lakebed profile, all related to the ordinary high water marks. A sample of acceptable drawings is shown on page 9 of the pamphlet.

Docks should be installed at right angles to the general shoreline, should not extend beyond a depth necessary for customary navigation, cannot exceed 700 square feet in size or 10 feet in width (excepting the overall width of a dock with a slip cutout), and may not be closer than 10 feet to adjacent boundaries as extended into the water perpendicularly from the general shoreline. If the proposal is closer than 10 feet from adjacent property lines, written consent of the adjacent riparian landowner must be obtained below:

I, DON HARVEY, am the owner of  
riparian or littoral property adjacent to the property  
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.

5/14/95  
Date

[Signature]  
Name

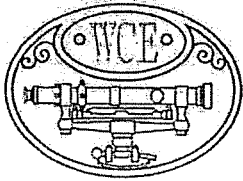
402 Box 82  
Address

I, STEVE HAWKS, am the owner of  
riparian or littoral property adjacent to the property  
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.

5-12-95  
Date

[Signature]  
Name

RT 2 BOX 86  
Address



**WELCH COMER**  
& ASSOCIATES, INC.  
ENGINEERS SURVEYORS

August 11, 1995

Mr. Mike Doherty  
Corps of Engineers  
1201 Ironwood Drive  
Coeur d'Alene, Idaho 83814

Re: Permit #95 1100 630 - Cy Chase  
Channel Restoration Project

Dear Mike:

As a follow up to our discussion on July 14, 1995, I have discussed the above referenced project with the owner and sponsor, Cy Chase, and would like to provide the following clarification/revision:

1. There will be no culvert installation at this time at the bridge crossing.
2. No material will be removed east of the existing bridge between 14+50 and 19+00 (reference Sheet 1 of 12 of permit application)
3. The Owner does not wish to modify or revise the plan for placement of material excavated as part of the project.

Please contact me if you have any questions or require more information.

Sincerely,  
Welch, Comer & Associates, Inc.

Bart D. North, P.E.

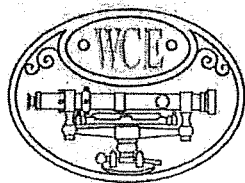
BDN:spm

cc: Cy Chase  
Mike Brady  
Jim

1626 Lincoln Way, Coeur d'Alene, Idaho 83814 208-664-9382 FAX 208-664-5946

F:\B3-95\MD0811.DOC - spm

CDAT OBJ-7173 0086



**WELCH COMER**  
& ASSOCIATES, INC.  
ENGINEERS & SURVEYORS

**FAXED**  
7-14

July 14, 1995

Mr. Jim Brady  
Idaho Department of Lands  
1910 Northwest Boulevard, #210  
Coeur d'Alene, ID 83814

Re: Joint Permit Application Submittal

Dear Jim:

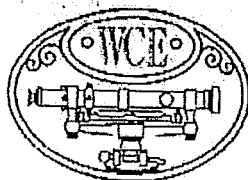
Per our conversation today with Mike Doherty, our office will submit clarification and revisions to IDOL Permit #L-95-5-4172, (Corps Permit #95 1100 630). With this letter, we request an extension to the permit revisions approval period to allow us to prepare the submittal.

Should you have questions or this is not possible, please feel free to contact me.

Sincerely,  
Welch, Comer & Associates, Inc.

Bart D. North, P.E.

BDN:cld  
cc: Cy Chase  
Mike Doherty



**WELCH COMER**  
& ASSOCIATES, INC.  
ENGINEERS & SURVEYORS

July 14, 1995

Mr. Jim Brady  
Idaho Department of Lands  
1910 Northwest Boulevard, #210  
Coeur d'Alene, ID 83814

Re: Joint Permit Application Submittal

Dear Jim:

Per our conversation today with Mike Doherty, our office will submit clarification and revisions to IDOL Permit #L-95-5-4172, (Corps Permit #95 1100 630). With this letter, we request an extension to the permit revisions approval period to allow us to prepare the submittal.

Should you have questions or this is not possible, please feel free to contact me.

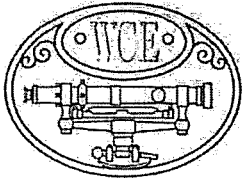
Sincerely,  
Welch, Comer & Associates, Inc.

Bart D. North, P.E.

BDN:eld

cc: Cy Chase  
Mike Doherty

Post-It™ Fax Note	7671.	Date	7/14	# of pages	1
To	J. Brady	From	B. North		
Cv./Dept.		Co.			
Phone #		Phone #			
Fax #	769-1536	Fax #			



**WELCH COMER**  
& ASSOCIATES, INC.  
ENGINEERS & SURVEYORS

June 16, 1995

Mr. Mike Dougherty  
Corp. of Engineers  
12101 Ironwood Drive  
Coeur d'Alene, ID 83814

Re: Cy Chase Corp. Permit - Benewah County, Idaho

Dear Mike:

As a follow up to our phone conversation of June 9, 1995, I would like to provide the following comments:

1. The quantity of clay fill in the temporary coffer dams will be less than 10 cubic yards at each location.
2. The invert of the five foot diameter culvert proposed to replace the existing bridge will be 2123.5 thus providing six inches of air space at normal summer pool. The length of the culvert will be determined in the field to provide a ten foot wide driving surface with an angle of repose of 1.5:1.
3. The extent of material removal will end at the existing bridge crossing at approximate Station 14+00. There will be no sediment removal from Station 14+50 to Station 19+00 as indicated on Section GG.

If you have any further questions or need additional information, please feel free to contact our office.

Sincerely,  
Welch, Comer & Associates, Inc.

*Bart D. North*  
Bart D. North, P.E. *ce*

BDN:cld

cc: Jim Brady, Idaho Department of Lands  
Cy Chase

1626 Lincoln Way, Coeur d'Alene, Idaho 83814 208-664-9382 FAX 208-664-5946

F:\B3-95\3008\MD0616.DOC

CDAT OBJ-7173 0089



IDAHO DEPARTMENT OF LANDS

1215 W. State St., 2nd Flr., PO Box 83720  
Boise, Idaho 83720-0050  
Phone (208) 334-0200 Fax (208) 334-2339

STANLEY F. HAMILTON - DIRECTOR

BOARD OF LAND  
COMMISSIONERS

PHILIP E. BATT  
Governor

PETE T. CENARRUSA  
Secretary of State

ALAN G. LANCE  
Attorney General

J.D. WILLIAMS  
State Controller

ANNE C. FOX  
Sup't of Public  
Instruction

June 16, 1995

Cy Chase  
305 Lincoln Avenue  
St. Maries, ID 83861

Dear Mr. Chase:

I met with Mr. Will Pitman, Lake Protection Act Administrator, on June 5, 1995, concerning your application for dredging permit. Your permit is being processed through the two-week agency review by Mr. Jim Brady, Navigable Waters Specialist, under Will Pitman's direction.

Review of the application with Will and Jim shows that the application is presented in excellent form with no deficiencies. In fact, more information and detail is presented than required or expected. The department concludes this is a very approvable project. The Department of Fish and Game has already voiced its concurrence via telephone. The due date for comment was June 6.

The question of the 18-inch culvert was discussed. Jim pointed out that the culvert is located above the ordinary high water mark and therefore is beyond the scope of the department's authority. Jim recalls that the location of the culvert was included in the design because of a concurrence in recommendations by the Corps of Engineers and Welch Comer Engineering.

I did enjoy the opportunity to visit with you on this project. Site visits help keep me in touch with work being done by the department. If there is any assistance I, or the department, can provide, do not hesitate to call.

Sincerely,



STANLEY F. HAMILTON  
Director

SFH/WRP/mc

c: Lake Protection Act Administrator ✓  
J.D. Williams  
Pete Cenarrusa

KEEP IDAHO GREEN  
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER

CDAT OBJ-7173 0090

*Draft  
comment?*

June 6, 1995

Cy Chase

St. Maries, ID 83861

Dear Mr. Chase:

I met with Mr. Will Pitman, Lake Protection Act Administrator, at the Idaho Department of Lands office in Coeur d'Alene on June 5, 1995, concerning your application for dredging permit. The permit is being processed through the two-week agency review by Mr. Jim Brady, Navigable Waters Specialist, who works directly under Will Pitman.

Review of the application with Will and Jim shows that the application is presented in excellent form with no deficiencies. In fact, more information and detail is presented than required or expected. The department concludes this is a very approvable project. The Department of Fish and Game has already voiced its concurrence via telephone. The due date for comment is June 6.

The question of the 18-inch culvert was discussed. Jim pointed out that the culvert is located above the ordinary high water mark and therefore is beyond the scope of the department's authority. Jim best recalls this was a concurrence of recommendations by the Corps of Engineers and Welch Comer Engineering.

I do enjoy field visits, they bring reality to the work being done by the department. If there is any assistance I or the department can provide, do not hesitate to call.

Sincerely,

STANLEY F. HAMILTON  
Director

SFH/WRP/mc

c: Lake Protection Act Administrator



**IDAHO FISH & GAME**

PANHANDLE REGION  
2750 Kathleen Avenue  
Coeur d'Alene, Idaho  
83814

Phone (208) 769-1414 • Fax (208) 769-1418

**Philip E. Batt** / Governor  
**Jerry M. Conley** / Director

June 6, 1995

Mr. Jim Brady  
Idaho Department of Lands  
1910 Northwest Boulevard, Suite 201  
Coeur d'Alene, ID 83814

Dear Jim:

RE: L-95-S-4172 CHASE/ ST. JOE RIVER

We have reviewed the application by Mr. Chase to deepen an existing boat basin adjacent to the St. Joe River. It is our understanding this basin has been in place for a considerable amount of time, and that the proposed dredging will not result in fill being placed in wetlands. Measures, including silt fences, will be taken to prevent turbidity from becoming a problem in the St. Joe River. A culvert will replace the failing bridge, allowing improved water circulation.

We recommend the work be postponed until fall when water levels drop, allowing work to be done in the dry. Otherwise, silt curtains should be carefully maintained in place until water clarity in the basin meets or exceeds that in the river.

We appreciate the opportunity to comment.

Sincerely,

David W. Ortmann  
Regional Supervisor

C: Cal Groen, IDFG, Boise  
Corps of Engineers, Cd'A





IDAHO DEPARTMENT  
OF HEALTH AND WELFARE  
DIVISION OF  
ENVIRONMENTAL QUALITY

2110 Ironwood Parkway, Coeur d'Alene, ID 83814-2648, (208) 769-1422

Philip E. Batt, Governor

June 6, 1995

Mr. Jim Brady  
Idaho Department of Lands  
1910 Northwest Boulevard, Suite 201  
Coeur d'Alene, ID 83814-2615

Re: Lake Encroachment Permit  
CY CHASE, L-95-S-4172

Dear Mr. Brady:

We have reviewed the subject application to deepen an existing side channel to the St. Joe River near St. Maries. Our comments are:

1. Construction activities should occur during periods of low water levels to increase the effectiveness of the coffer dam and decrease the potential for large volumes of decant water.
2. The use of in-situ clay and straw bales as coffer dam construction materials may become a substantial sediment source in and of itself. In-situ clay is probably inadequate for the proposed purpose and could become a difficult sediment source to control. We suggest an alternative coffer dam design. As mentioned above, construction during low water should reduce the height of a proposed coffer dam as well as hydrostatic pressures on the face of the structure. Alternatives for coffer dam design such as water structures or sheet piling should create an adequate impermeability barrier as well as minimize sediment sources.
3. The Idaho water quality standards IDAPA 16 Title 01 Chapter 02 designate the following beneficial uses in the St. Joe River under Section 16.01.2110,01.ii: "domestic water supply; agricultural water supply; cold water biota; salmonid spawning; primary contact recreation; secondary contact recreation; and special resource water." The proposed project poses a potential to exceed turbidity criteria applicable to this reach of the river (50 NTU instantaneously, 25 NTU for 10 days or more, IDAPA 16.01.02.250.c.iv). Any increase in ambient turbidity levels in the St. Joe River beyond those mentioned above could represent a violation of applicable water quality standards. We suggest the applicant monitor in-stream turbidity levels to determine the effectiveness of the containment structure(s) and augment controls if necessary. Turbidity levels inside the silt

Post-It® Fax Note 7671		Date 6/9/95	# of pages 2
To MIKE D.	From JIM B.		
Co./Dept. COE	Co. IDL		
Phone #	Phone #		
Fax #	Fax #		

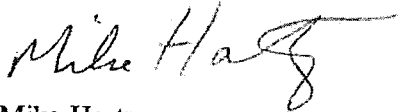
Mr. Jim Brady  
June 6, 1995  
Page Two

curtain should be within five percent of those outside the curtain before removal occurs.

4. Pump-out water containing suspended sediment in excess of applicable turbidity criteria should not be discharged to the River. Alternatives, such as level spreading, should be used.
5. Disposal areas should be adequately stabilized so that prolonged erosion of those areas is prevented. Given the highly erosive nature of the dredge spoils, we suggest the use of erosion control blanket materials to promote stabilization. Maintenance of silt fences should occur until spoils are adequately stabilized.

Thank you for the opportunity to comment on this proposed action.

Sincerely,



Mike Hartz  
Water Quality Science Officer

MH/as



IDAHO DEPARTMENT OF LANDS

1910 NW Blvd., Ste. 201  
Coeur d'Alene, Idaho 83814-2615  
Phone (208) 769-1535 Fax (208) 769-1536

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ANNE C. FOX  
Sup't of Public  
Instruction

MEMORANDUM

DATE: May 23, 1995

TO: Idaho Department of Fish and Game  
Idaho Department of Health and Welfare, DEQ  
Idaho Department of Water Resources  
US Army Corps of Engineers, CDA  
Panhandle Health District 1  
Clean Lake Coordinating Council  
Benewah County Commissioners (Planning/Building)

FROM: Jim Brady, Specialist   
Navigable Waters/Mineral Resources

RE: NOTICE OF APPLICATION - L-95-S-4172 - CY CHASE

Enclosed is an application and plats requesting permission to deepen existing basin on St. Joe River.

Please submit your recommendations to me by June 6, 1995, regarding the likely effect of the proposed encroachment upon adjacent property, lake, and streambed value factors of navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, or water quality. If you have concerns or are opposed to the project as proposed, please list your specific reasons for concern or opposition and any facts or documentation to support your position.

You should recommend alternate plans if they are economically feasible to accomplish the purpose of the proposed encroachment. You should also recommend any mitigation measures or special restrictions/provisions you would like included as part of the permit if one is issued.

If you do not submit a comment, I will assume you have no objections to the application. If you have questions concerning the application, I suggest you contact the applicant. If the applicant cannot answer your questions, please call us.

mc

enclosures

c: Real Estate Specialist, Boise  
St. Joe Area - FYI

KEEP IDAHO GREEN  
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER

CDAT OBJ-7173 0095

WELCH, COMER & ASSOCIATES, INC.

CONSULTING ENGINEERS  
220 HARBOR PLAZA  
610 W. HUBBARD 208-664-9382  
COEUR D'ALENE, ID 83814

IDAHO INDEPENDENT BANK

92-373  
1231

011879

Pay: Fifty dollars and no cents*****

DATE

May 22, 1995

CHECK NO.

11879

AMOUNT

\$\$\$50.00***

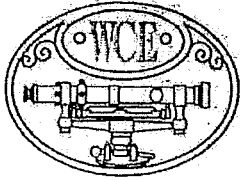
PAY  
TO THE  
ORDER  
OF

DEPARTMENT OF LANDS

*[Signature]*

⑈0⑈1⑈879⑈ ⑆1231037321010000237⑈

L-95-S-4172



**WELCH COMER**  
& ASSOCIATES, INC.  
ENGINEERS & SURVEYORS

May 16, 1995

Mr. Jim Brady  
Idaho Department of Lands  
1910 Northwest Blvd, Suite 201  
Coeur d'Alene, Idaho 83814

Re: Joint Agency Permit Application -  
Benewah County, Idaho

Dear Jim:

Attached hereto please find the Corps of Engineers Permit Application for your review and approval, as reviewed on-site on May 4, 1995.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,  
Welch, Comer & Associates, Inc.

Bart D. North, P.E.

BDN:spm

Enclosure

cc: Mike Doherty, COE  
Sam Badgett  
Cy Chase

L-95-S-4172

1626 Lincoln Way, Coeur d'Alene, Idaho 83814 208-664-9382 FAX 208-664-5946

F:\B3-95\747JB0516.DOC - spm

CDAT OBJ-7173 0097



A Pioneer Company  
PIONEER TITLE COMPANY  
OF KOOTENAI COUNTY

100 Wallace Avenue/ Coeur d'Alene, Idaho 83814 / (208) 664-8254

L-95-5-4339

## Encroachment/Dock Permit Inquiry

Department of Lands

ATTN: Carl Washburn

FAX: 769-1597

Current Owner: L. Eric Christen

Property address: NWA St. Maries Id.

Lot 12 Block 2

Subdivision Sylvia's Haven

Legal Description: Same

Tax No. RP06B30020005CA B/N: _____

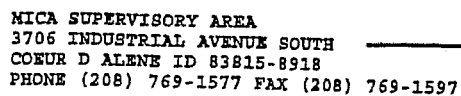
To be completed by IDL:

PERMIT NO. L-95-5-4339

No dock permit found ☐

PLEASE RETURN BY FAX TO 208-664-9479

Heidi Simon



# FAX TRANSMITTAL COVER SHEET

[illegible]

KEEP IDAHO GREEN  
PREVENT WILDFIRE

TRANSMISSION VERIFICATION REPORT

TIME : 10/03/2008 14:23  
NAME : IDAHO DEPT OF LANDS  
FAX : 2087691597  
TEL : 2087691577  
SER.# : 000D5J886428

DATE, TIME	10/03 14:18
FAX NO./NAME	912086649479
DURATION	00:04:29
PAGE(S)	09
RESULT	OK
MODE	STANDARD
	ECM



IDAHO DEPARTMENT OF LANDS

1910 NW Blvd., Suite 201  
Coeur d'Alene, Idaho 83814-2615  
Phone: (208) 769-1535 FAX (208) 769-1557

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ANNE C. FOX  
Sup't of Public  
Instruction

August 15, 1997

Steve Hawks  
HCR 2 Box 86  
St. Maries, ID 83861

Dear Mr. Hawks:

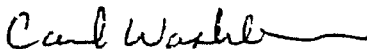
Re: Encroachment Permit L-95-S-4339

Enclosed is subject permit in accordance with the application you filed with this office. Please comply with all special terms and conditions.

You are required to record this original notarized permit with Benewah County. Encroachment permit number 4339 must be displayed upon the most waterward area of your encroachment with metal, plastic or vinyl numerals at least three inches in size.

Thank you for your cooperation.

Sincerely,



CARL WASHBURN  
Navigable Waters Specialist

mc

enclosures

c: COE-CDA  
Harrison Dock Builders

COPY

KEEP IDAHO GREEN  
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER

CDAT OBJ-7173 0101

ENCROACHMENT PERMIT NO. L-95-S-4339

Permission is hereby granted to STEVE HAWKS  
of HCR 2 Box 86 St. Maries, ID 83861 to install and maintain  
2.5' x 20' ramp & 8' x 30' float dock w/ 4 piling  
located: St. Joe River, Sylvia's Haven, Block 2, Lot 12, Section 7,  
Township 46 North, Range 2 West, Boise Meridian, Benewah County.

1. All applicable provisions of the Rules for Regulation of Beds, Waters, and Airspace over Navigable Lakes and Streams in the State of Idaho are incorporated herein by reference and made a part hereof.
2. Construction will follow details and specifications shown on the approved drawings and data provided by the applicant. Should such information and data prove to be materially false, incomplete and/or inaccurate, this authorization may be modified, suspended, or revoked in accordance with the Administrative Procedures Act, Idaho Code title 67, chapter 52.
3. This permit does not convey the State's title to or jurisdiction or management of lands lying below the natural or ordinary high water mark.
4. Acceptance of this permit constitutes permission by the Permittee for representatives of the Department of Lands to come upon Permittee's lands at all reasonable times to inspect the encroachment authorized by this permit.
5. The Permittee assumes all liability for damages which may result from the exercise of this permit.
6. This permit does not relieve the Permittee from obtaining additional local or federal permits as required.
7. This permit is not valid until the identification number is displayed on the outermost area of the encroachment.
8. If the activity authorized herein is not completed on or before the 15th day of August, 2000 (three years from the date of issuance), this permit shall automatically expire unless it was previously revoked or otherwise extended.

August 15, 1997

Page two

9. White bead foam flotation shall be completely encased in a manner that will maintain the structural integrity of the foam. The encasement shall be resistant to the entry of rodents.
10. Removal of any pre-existing facilities is a condition of this permit.
11. This permit supersedes and voids any permit previously issued for this property unless otherwise noted.
12. Construction materials shall be natural or pressure treated utilizing only those preservative chemicals registered for the specific uses, such as CCA (Chromated Copper Arsenate), by the U.S. Environmental Protection Agency (EPA). All treated wood materials shall be produced in compliance with "Best Management Practices (BMPs) For the Use of Treated Wood in Aquatic Environments" issued by the Western Wood Preservers Institute (WWPI), July 1996. Treated materials not in contact with the water shall be completely dry before use near navigable waters. Contact Idaho Department of Health and Welfare, Division of Environmental Quality, at (208)769-1422 with questions regarding treated materials.
13. All construction material must be stockpiled landward of the ordinary high water mark.
14. Regardless of dock dimensions, the dock may only extend waterward to a water depth of six feet when measured at full pool (elevation 2,128 WWP datum).
15. This permit is issued subject to the established commercial navigational servitude. The permittee places this encroachment at his own peril and specifically waives any claim against commercial log tow operators who may accidentally damage this encroachment.
16. The permittee shall maintain the structure or work authorized herein in a good and safe condition and in accordance with the plans and drawings attached hereto.
17. All construction shall be completed in accordance with descriptions and methods provided unless otherwise specified. Any changes shall be approved in writing by the department prior to construction.

ENCROACHMENT PERMIT NO. L-95-S-4339

August 15, 1997

Page three

ENCROACHMENT PERMIT NO. L-95-S-4339

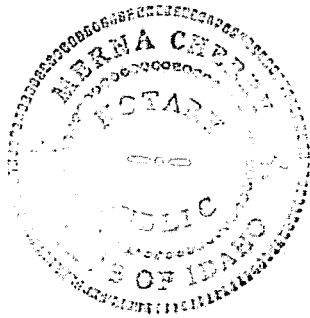
UPON TRANSFER OF THIS REAL PROPERTY, YOU ARE REQUIRED TO NOTIFY THIS  
OFFICE OF THE SUBSEQUENT NAME CHANGE (SEE ENCLOSURE).

FOR THE DIRECTOR

By: Carl Washburn  
CARL WASHBURN  
Navigable Waters Specialist

STATE OF IDAHO            )  
                                  ) ss  
COUNTY OF KOOTENAI    )

Subscribed and sworn to before me this 15th day of  
August, 1997.



Merna Cherry  
Notary Public for Idaho  
Residing at Post Falls, Idaho  
Commission expires: 1/24/98

ID. Dept. of Lands  
1910 NW Blvd. Ste. #201  
Coeur D'Alene ID. 83814

JOINT APPLICATION FOR PERMIT  
U.S. ARMY CORPS OF ENGINEERS  
IDAHO DEPARTMENT OF WATER RESOURCES  
IDAHO DEPARTMENT OF LANDS

SEPARATE PERMIT DECISIONS MUST BE  
RECEIVED FROM BOTH THE STATE OF  
IDAHO AND THE CORPS OF ENGINEERS  
PRIOR TO START OF WORK

The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. These laws require permits authorizing structures and work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho. Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et. seq, Idaho Code. This application will meet the requirements of the above agencies.

1. Corps of Engineers # _____ Date Received _____	2. State of Idaho # <u>2-75-3-4339</u> Date Received _____ \$20 Rec'd By: _____ Receipt # _____
------------------------------------------------------	-------------------------------------------------------------------------------------------------------

PLEASE TYPE OR PRINT

3. Applicant <u>STEVE HAWKS</u> Mailing Address <u>HCR 2 BOX 86</u> <u>ST. MARIES ID 83861</u> Work Phone (Area <u>208</u> ) <u>2452403</u> Home (Area) <u>SAME</u> Fax Number _____	4. Authorized Agent ^{Planned installer of piling} <u>HARRISON DOCK BUILDERS</u> Mailing Address <u>HWY 97</u> <u>HARRISON, ID</u> Work Phone (Area <u>208</u> ) <u>689 3036</u> Home (Area) _____
5. Location where proposed activity exists or will occur. Waterway <u>ST. JOE RIVER</u> <u>ST. MARIES</u> <u>BENEWAH</u> <u>ID</u> In/near city or town County State <u>83861</u> <u>COUNTY</u> Zip Code Local jurisdiction (city or county)	Tributary of: <u>RP 005300200130 A</u> Assessor's Desc. (Tax No. or Subdivision, Lot & Block No.) <u>* Lot 12, Bk 2, Sylvia's Haven *</u> (See instructions) 1/4 1/4 Section Township Range or <u>7</u> <u>46N</u> <u>2W</u> UTM Coordinate Grid Zone Northing Easting

6. Describe the proposed activity. Provide a general description of the proposed work including all discharges of fill material and any structures such as piers, floats, boat lifts, bulkheads, and cofferdams.

- INSTALL FOUR PILING NEXT TO EXISTING PILING 1997  
- REPLACE EXISTING DOCK 1998

Describe construction methods and equipment:

- PILING = PILE DRIVER & BARGE  
- DOCK = LOG FLOATS / TREATED TIMBER

List all soil series located at project site, and indicate if any are on the county's hydric soils list:

N/A

Length of project along the stream or extension into lake or reservoir: 30'

Will material be placed waterward of ordinary high water mark? NO If yes, volume: _____ (cubic yards)  
(BOTH TEMPORARY AND PERMANENT)

Will material be placed in wetlands? NO If yes, total area: _____ (acres)

Type and composition of fill material: N/A (i.e. sand, etc.) Material Source: _____

Will excavation or dredging be required? NO If yes, volume: _____ (cubic yards) Composition: _____

Disposal site for excavated material: N/A Method of excavation: _____

Stream gradient: N/A

Method of controlling turbidity and/or sedimentation: N/A

7. Size and flow capacity of proposed bridge or culvert and area of drainage served (sq. miles): (Idaho Department of Water Resources requirement.)

8. Preparation of drawings. One set of original or good quality reproducible drawings must be attached to this application. NOTE: DRAWINGS NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE. See the instruction pamphlet for instructions and a checklist for completing the drawings. Include photographs of the project site mounted on 8-1/2 x 11 sheets.

9. Purpose and intended use: Commercial _____ Public _____ Private X Other _____ Describe _____

Necessity and justification for project REINFORCE EXISTING PILING / Dock Not Safe

10. Proposed Starting Date AUG 97 = PILING Estimated Duration 1 DAY

SPRING 98 = DOCK / 2 WKS.

11. If any portion of the activity is complete, indicate month and year of completion N/A  
Indicate the existing work on the drawings.

12. Names, addresses, and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway

Bud McCall Fernwood, ID 83830 208-245-2026 Both Signed  
Cy Chase 305 Lincoln St. Maries ID 83861 208-245-2057 County Map to  
OK project

☐ Check here if the alteration is located on endowment lands administered by the Idaho Department of Lands

13. LEGAL OWNER IF OTHER THAN APPLICANT N/A

Mailing Address _____ City, State, _____  
_____ Zip Code _____

Area _____ Area _____  
Phone Work(_____) Home(_____) _____

14. List other applications, approvals, or certifications from other Federal, interstate, state, or local agencies for any structures, constructions, discharges, deposits, or other activities described in the application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

15. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? Yes _____ No ✓  
(If "Yes" explain)

16. Remarks or additional information: _____  
_____  
_____  
_____

17. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed or completed work.

28 JUL 97  
Date

Steve Hawks  
Signature of Applicant (ORIGINAL SIGNATURE REQUIRED)

19. If an authorized agent is to be designated, Item 4 and the following information should be completed.

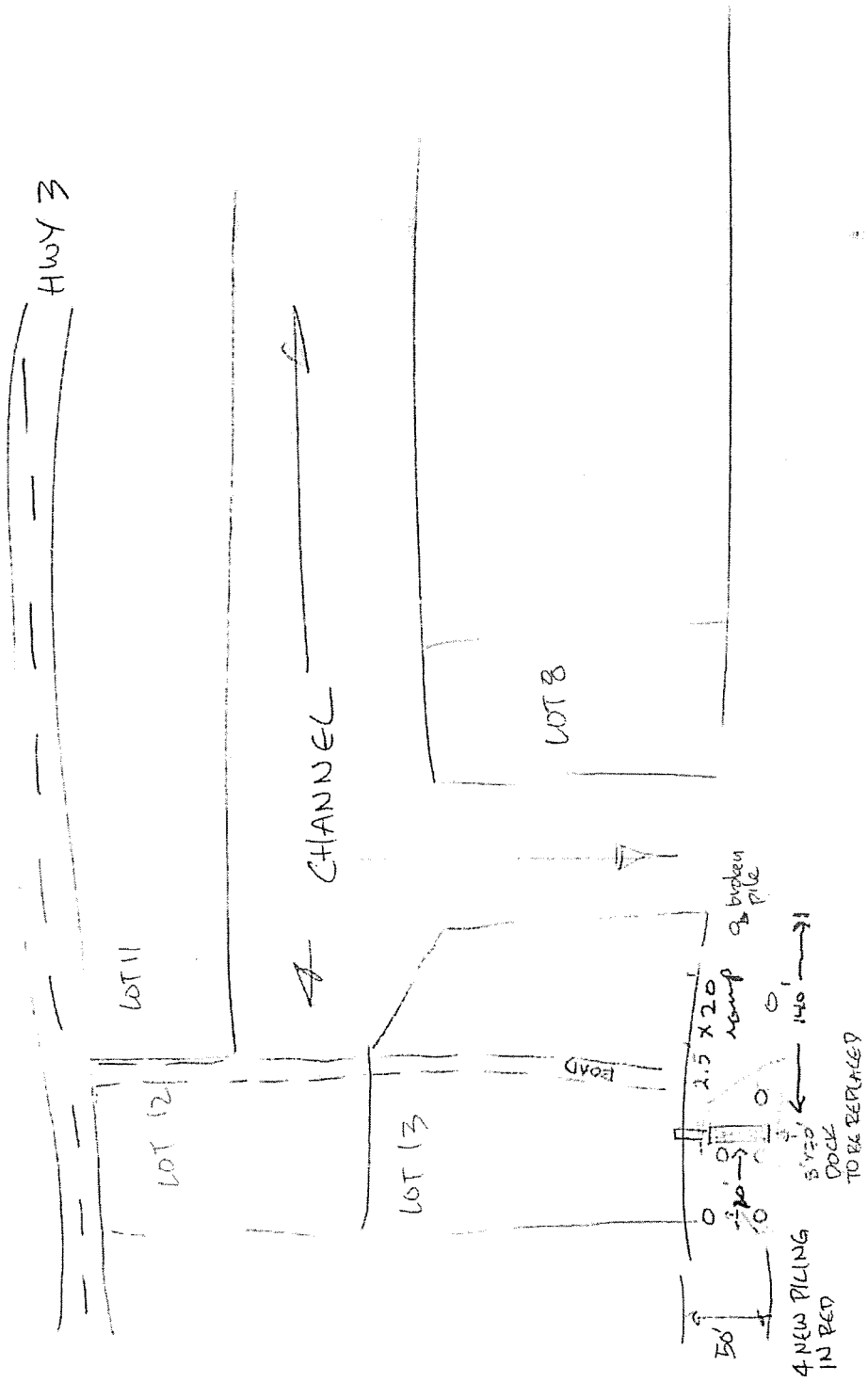
I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

Date _____ Original Signature of Authorized Agent _____ Original Signature of Applicant _____

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both. Do not send a Federal permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.

DO NOT SEND FEDERAL PROCESSING FEE WITH APPLICATION

1. Check National Flood Insurance Program



ST. JOE RIVER



## Legal Description

County of Benewah, State of Idaho, to-wit:  
Lot Thirteen (13), Block Two (2), Sylvia's  
Haven Subdivision, together with an easement  
for purposes of moorage in and upon the  
riparian rights in the dockage lagoon as shown  
on said plat adjacent and appurtenant to the  
southerly forty (40) feet of the shore line of  
Lot Twelve (12), Block Two (2), Sylvia's Haven  
Subdivision, County of Benewah.

Section 7, Township 46 North, Range 2 West, B.M.  
Benewah County, Idaho

(av/

I hope I didn't  
forget anything.

I'm usually in the  
shop during the day  
at 245 2403

Thanks  
Cwe

92-372 399  
1231

STEVE HAWKS  
DEANNE HAWKS  
RT 2 BOX 86  
ST MARIES, ID 83861

1792

7-30 19 97

Pay To  
The Order Of ID Dept. of Lands

Fifty and 00/100 Dollars

\$50.00

U.S. BANK OF IDAHO  
ST. MARIES BRANCH  
138 N. EIGHT STREET  
ST. MARIES, IDAHO 83861

For Dilings/dock permit

Deanne Hawks

⑆123103729⑆ 399 1816 327⑈ 1792

Carl  
✓ me  
8-1-97

STANLEY F. HAMILTON  
DIRECTOR

November 30, 1988

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Secretary of State

JIM JONES  
Attorney General

JOE R. WILLIAMS  
State Auditor

JERRY L. EVANS  
Sup't of Public  
Instruction

Steve Hawks  
Route 2, Box 86  
St. Maries, ID 83861

Re: 91-07102

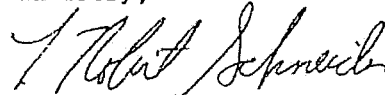
~~Dear Mr. Woodhull:~~

Recently the Department of Lands received a copy of the above-referenced diversion application which you submitted to the Department of Water Resources. Since the St. Joe River is a navigable river, a temporary permit and an encroachment permit will be required from the Department of Lands for the pump and waterline.

If the application to Water Resources is for a system installed prior to 1974, please furnish drawings and the \$10 temporary permit fee.

If the application is for a new system, please complete the enclosed application as per the instructions on the back of the form. Mail along with your payment in the amount of \$60 to this office. The temporary permit fee is \$10, runs for five years, and is renewable. There is an encroachment application fee of \$25 and an advertising deposit of \$25. Please submit a plat and property description showing location of the waterline.

Sincerely,



L. ROBERT SCHNEIDER  
Navigable Waters Specialist

LRS/mc  
Enclosures

COPY



State of Idaho

# DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 9 • 4055 Government Way • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

September 8, 1988

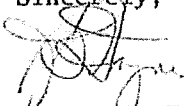
Dept. of Lands  
Statehouse  
Boise, Id. 83720

Re: 91-7102

Gentlemen:

Enclosed is a recent filing with this Department that may be of interest to your Agency.

Sincerely,

  
ROBERT G. HAYNES, P.E.  
Regional Manager

RGH/pms

Enclosure



DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Steve Hawks Phone 245-2403  
Post office address Rt. 2 Box 86 St. maries, Id. 83861
2. Source of water supply ST JOE RIVER which is a tributary of COQUILLE LAKE
3. Location of point of diversion is NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , Govt. Lot 1  
Sec. 7 Township 46N Range 2W B.M. Benewah County; additional  
points of diversion if any: _____
4. Water will be used for the following purposes:  
Amount 0.02 for DOMESTIC garden watering purposes from 1 MAR to 1 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) 0.02 and/or (b) _____  
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. 1 1/4" pipe through  
culvert to canal
- b. Height of storage dam _____ 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 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the 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. _____

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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
46	2W	7													D				.35

Total number of acres to be irrigated .35

10. Describe any other water rights used for the same purposes as described above. Drinking water from well I am 1/4 partner

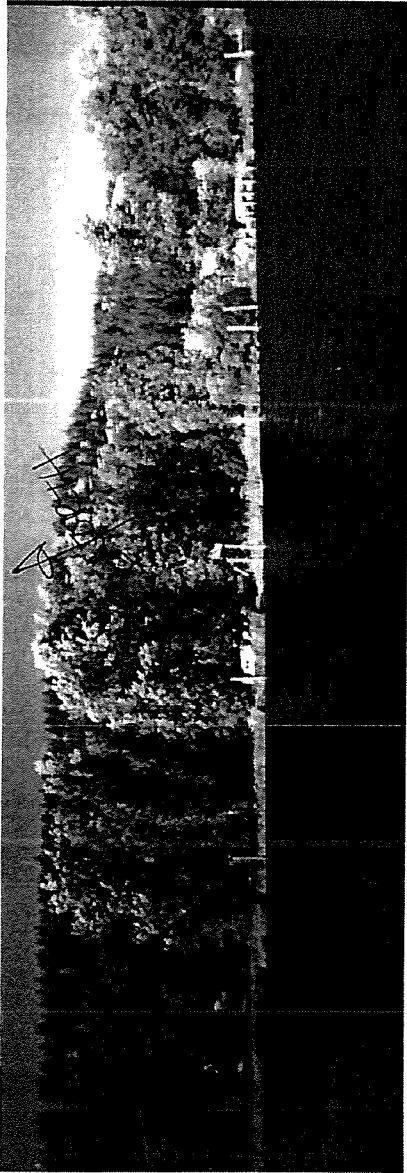
11. a. Who owns the property at the point of diversion? Cyril Chase
- b. Who owns the land to be irrigated or place of use? Steve Hawks
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

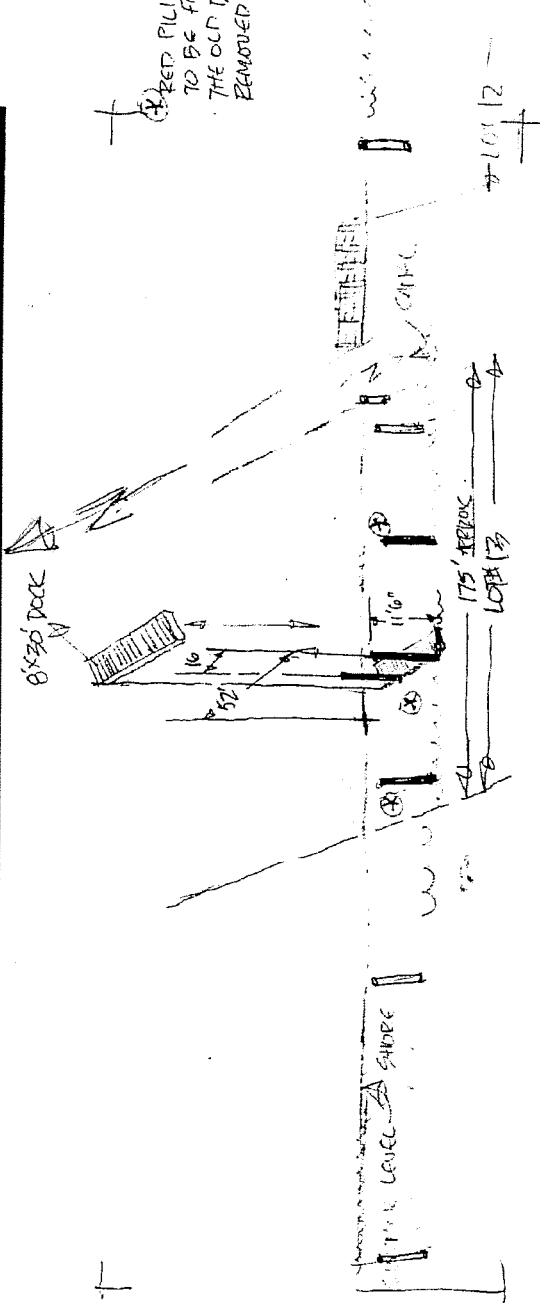
_____

_____

_____



SECTION 7, TOWNSHIP 46 NORTH,  
RANGE 2 WEST, BM  
BENEFATH COUNTY, ID.



# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, A CERTIFICATE OF THE REGISTER OF THE LAND OFFICE AT COEUR D'ALENE, IDAHO, HAS BEEN DEPOSITED IN THE GENERAL LAND OFFICE, WHEREBY IT APPEARS THAT FULL PAYMENT HAS BEEN MADE BY THE CLAIMANT UNCAS M. CASTLIO, ACCORDING TO THE PROVISIONS OF THE ACT OF CONGRESS OF APRIL 24, 1820, ENTITLED, "AN ACT MAKING FURTHER PROVISION FOR THE SALE OF THE PUBLIC LANDS," AND THE ACTS SUPPLEMENTAL THERETO, FOR THE LOTS ONE AND TWO OF SECTION EIGHT AND THE LOTS ONE AND SEVEN AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION SEVEN IN TOWNSHIP FORTY-SIX NORTH OF RANGE TWO WEST OF THE BOISE MERIDIAN, IDAHO, CONTAINING ONE HUNDRED FORTY-SEVEN AND THIRTY-HUNDREDTHS ACRES, ACCORDING TO THE OFFICIAL PLAT OF THE SURVEY OF THE SAID LAND, RETURNED TO THE GENERAL LAND OFFICE BY THE SURVEYOR-GENERAL;

NOW KNOW YE, THAT THE UNITED STATES OF AMERICA, IN CONSIDERATION OF THE PREMISES, AND IN CONFORMITY WITH THE SEVERAL ACTS OF CONGRESS IN SUCH CASE MADE AND PROVIDED, HAS GIVEN AND GRANTED, AND BY THESE PRESENTS DOES GIVE AND GRANT, UNTO THE SAID CLAIMANT AND TO THE HEIRS OF THE SAID CLAIMANT THE TRACT ABOVE DESCRIBED; TO HAVE AND TO HOLD THE SAME, TOGETHER WITH ALL THE RIGHTS, PRIVILEGES, IMMUNITIES, AND APPURTENANCES, OF WHATSOEVER NATURE, THEREUNTO BELONGING, UNTO THE SAID CLAIMANT AND TO THE HEIRS AND ASSIGNS OF THE SAID CLAIMANT FOREVER; SUBJECT TO ANY VESTED AND ACCRUED WATER RIGHTS FOR MINING, AGRICULTURAL, MANUFACTURING, OR OTHER PURPOSES, AND RIGHTS TO DITCHES AND RESERVOIRS USED IN CONNECTION WITH SUCH WATER RIGHTS, AS MAY BE RECOGNIZED AND ACKNOWLEDGED BY THE LOCAL CUSTOMS, LAWS, AND DECISIONS OF COURTS; AND THERE IS RESERVED FROM THE LANDS HEREBY GRANTED, A RIGHT OF WAY THEREON FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AND ALL THE COAL OR OIL THEREIN OR THEREUNDER.

IN TESTIMONY WHEREOF, I, WILLIAM H. TAFT, PRESIDENT OF THE UNITED STATES OF AMERICA, HAVE CAUSED THESE LETTERS TO BE MADE PATENT, AND THE SEAL OF THE GENERAL LAND OFFICE TO BE HEREUNTO AFFIXED, GIVEN UNDER MY HAND, AT THE CITY OF WASHINGTON, THE NINETEENTH DAY OF NOVEMBER IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND TWELVE AND OF THE INDEPENDENCE OF THE UNITED STATES THE ONE HUNDRED AND THIRTY-SEVENTH.

-SEAL-

RECORD OF PATENTS.  
PATENT NUMBER. 301011

BY THE PRESIDENT; WM H. TAFT

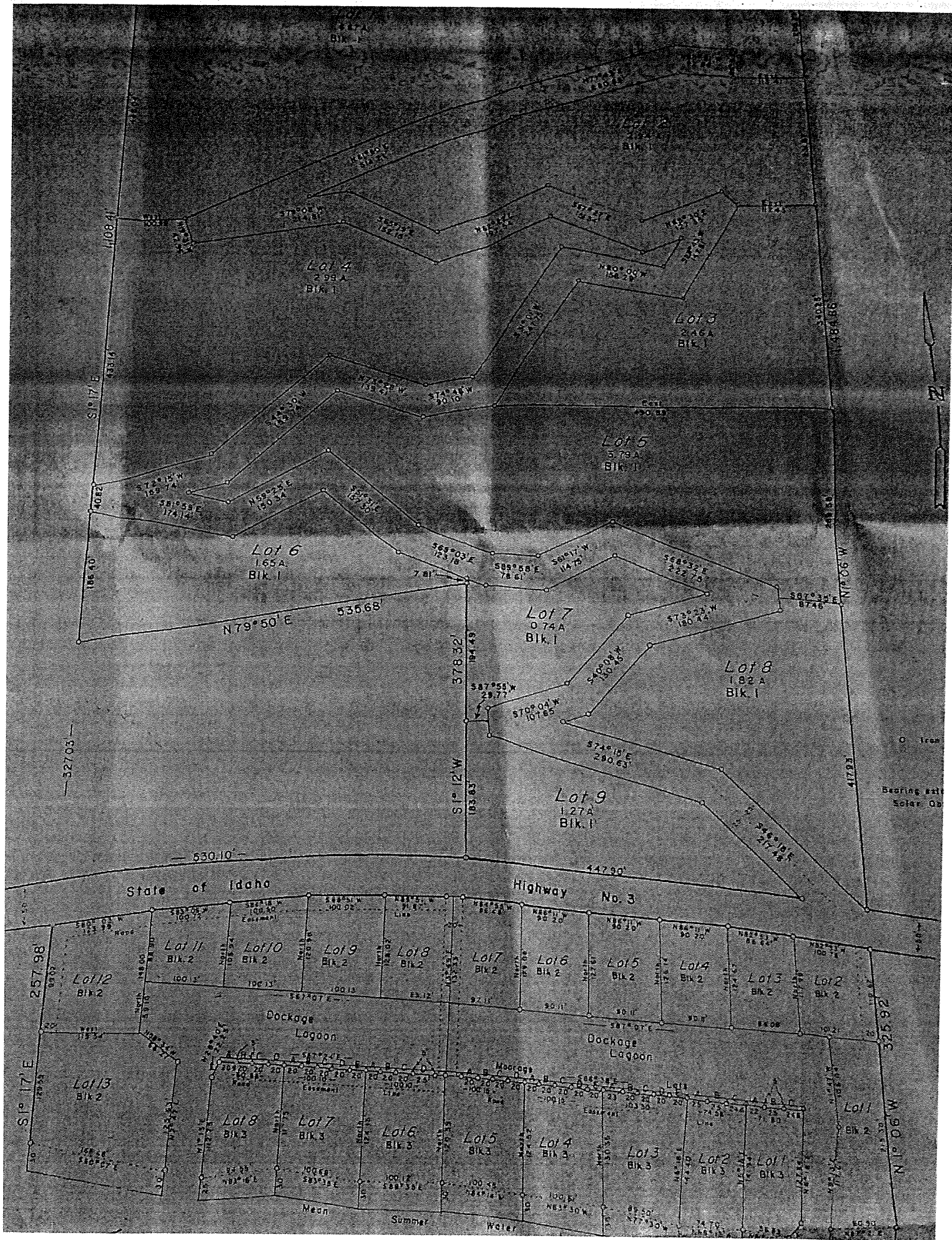
BY M. P. LE ROY: SECRETARY,  
H. W. SANFORD

RECORDER OF THE GENERAL LAND OFFICE.

THE LANDS ABOVE DESCRIBED ARE SUBJECT TO ALL RIGHTS UNDER AN APPLICATION BY THE WASHINGTON WATER POWER COMPANY, APPROVED FEBRUARY 2, 1909, UNDER THE ACT OF FEBRUARY 15, 1901 --31 STAT., 790--, BEING AN APPLICATION FOR A PERMIT FOR THE CONSTRUCTION OF A RESERVOIR FOR WATER POWER PURPOSES.

RECORD OF PATENTS- Patent Number _____

6-3188



## A Subdivision of

Benewah County, Idaho

DESCRIPTION

[illegible]

# OWNER'S CERTIFICATE

**OWNER'S CERTIFICATE**  
 Be it known that on April 6, 1934, and March 4, 1935, Nelsons and wife of the county of Lane were witnesses of the above described and have caused the same to be registered with said county records in book 12, page 10, and in book 13, page 10, of said county records.

- [illegible]

Cyril C. Chase  
Owner

Headie J. Rose  
Sweet

STATE OF IDAHO SS  
COUNTY OF BENEWAH

On the 9th day of December, 1968, before me appeared Cyril C Chase and his wife, Yvonne J Chase, known to me to be the persons who executed the above Owner's Certificate and acknowledged to me that they signed the same.

Ernest Bank  
Notary Public in and for the State of Idaho

Residing in St. Maria, Idaho

My Commission expires 5-25-69

COUNTY RECORDER FILE #

County of San Diego State of California  
I, John A. Smith, County Clerk of said County, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of said County.

COUNTY COMMISSIONER'S APPROVAL

This plant was grown and harvested by the State of California, at Long Beach, California, in 1962, and is identified as *Stemodia* 1962.

COUNTY RECORDER

I hereby certify that Registration Certificate for James V. Nease was filed for record on the 14th day of December 1962. James V. Nease Secretary for State of Michigan  
State of Michigan No. 112517

COUNTY TREASURER

I hereby certify that all taxes of record have been paid to the 3rd of January 1988 Signed this 7th day of December 1987

SURVEYOR'S CERTIFICATE

I, Darrell G. Mohr, a Registered Land Surveyor in and for the State of Idaho, do hereby certify that I did during the month of June, 1968, survey the above described Tract and set iron pins as shown on the above plat.

Signed Harrell & Maher

STATE OF IDAHO S.S.  
COUNTY OF BENEWAH

On the 12th day of DECEMBER, 1968, before me personally appeared  
Derrill G. Maher known to me to be the person who executed the above certificate  
and acknowledge to me that he signed the same.

Elmer A. Mueller, Jr.  
Notary Public in and for the State of Idaho

Residing in St. Marys, Ohio

14546

My commission expires FEBRUARY 12 1977

DATE OF BIRTH

Printed by permission of the U.S. Government.

At the 9 day of Dec 1962 at 4:15  
 I release P. M. 1234567890  
 on Plato in page  
Miss Hargard  
 County Recorder  
 By _____ Deputy  
 P. M. 1234567890

02/24/2015

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 91-7173

NAME AND ADDRESS: STEVE HAWKS  
89231 HWY 3 N  
ST MARIES ID 83861

SOURCE: ST JOE RIVER

TRIBUTARY: COEUR D ALENE LAKE

QUANTITY: 0.040 CFS  
1.20 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/16/2008

POINT OF

DIVERSION: T46N R02W S7 NESE Lot 7 Within BENEWAH County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

1.20 AFY

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC in BENEWAH County

T46N R02W S07 Lot 7 NESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Property is also known as SYLVIA'S HAVEN BLOCK 2 LOT 13

Parcel No. RP005300200130A

# CSRBA

## DIRECTORS REPORT 91-07173

[Return to CSRBA Home Page](#)

[Return to CSRBA IWATRS Reports](#)

IWT072

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 91-07173

Name and Address: STEVE HAWKS  
89231 HWY 3 N  
ST MARIES, ID 83861

Source: ST JOE RIVER Tributary: COEUR D ALENE LAKE

Quantity: .04 CFS  
1.20 AFY

The quantity of water under this right shall not exceed 13,000  
gallons per day.

Priority Date: 06-16-2008

Diversion Point: T46N R02W S07 LOT 7 (NESE ) Within Benewah County

Purpose and

Period of Use:	Purpose of Use	Period of Use	Quantity
	Domestic	01-01 TO 12-31	.04 CFS
			1.20 AFY

Domestic use is for 1 home.

Place of Use: Domestic Within Benewah County  
T46N R02W S07 LOT 7 (NESE)

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License

Property is also known as SYLVIA'S HAVEN BLOCK 2 LOT 13  
Parcel No. RP005300200130A

[Return to CSRBA IWATRS Reports](#)

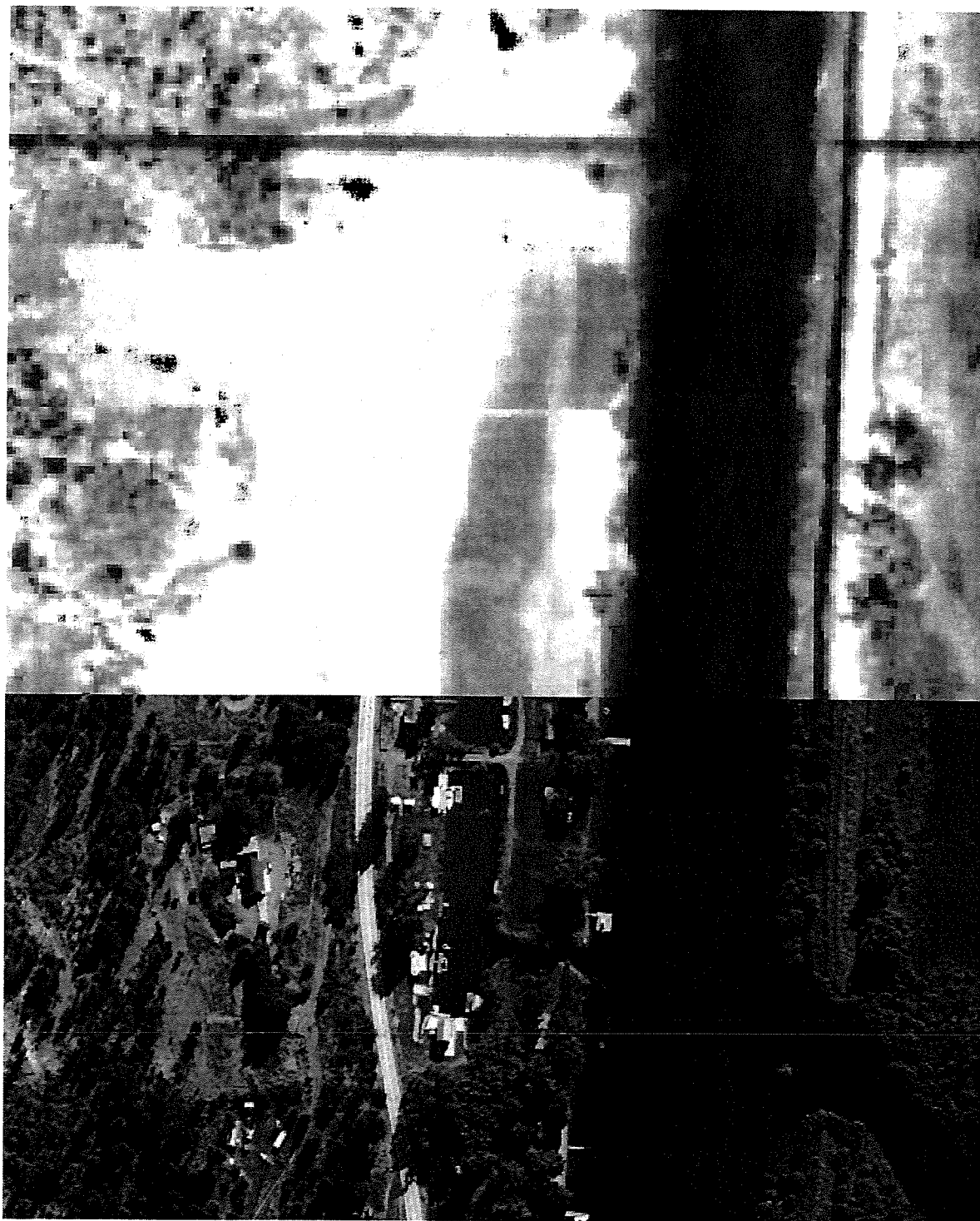
[Return to CSRBA Home Page](#)



CDAT OBJ-7173 0121



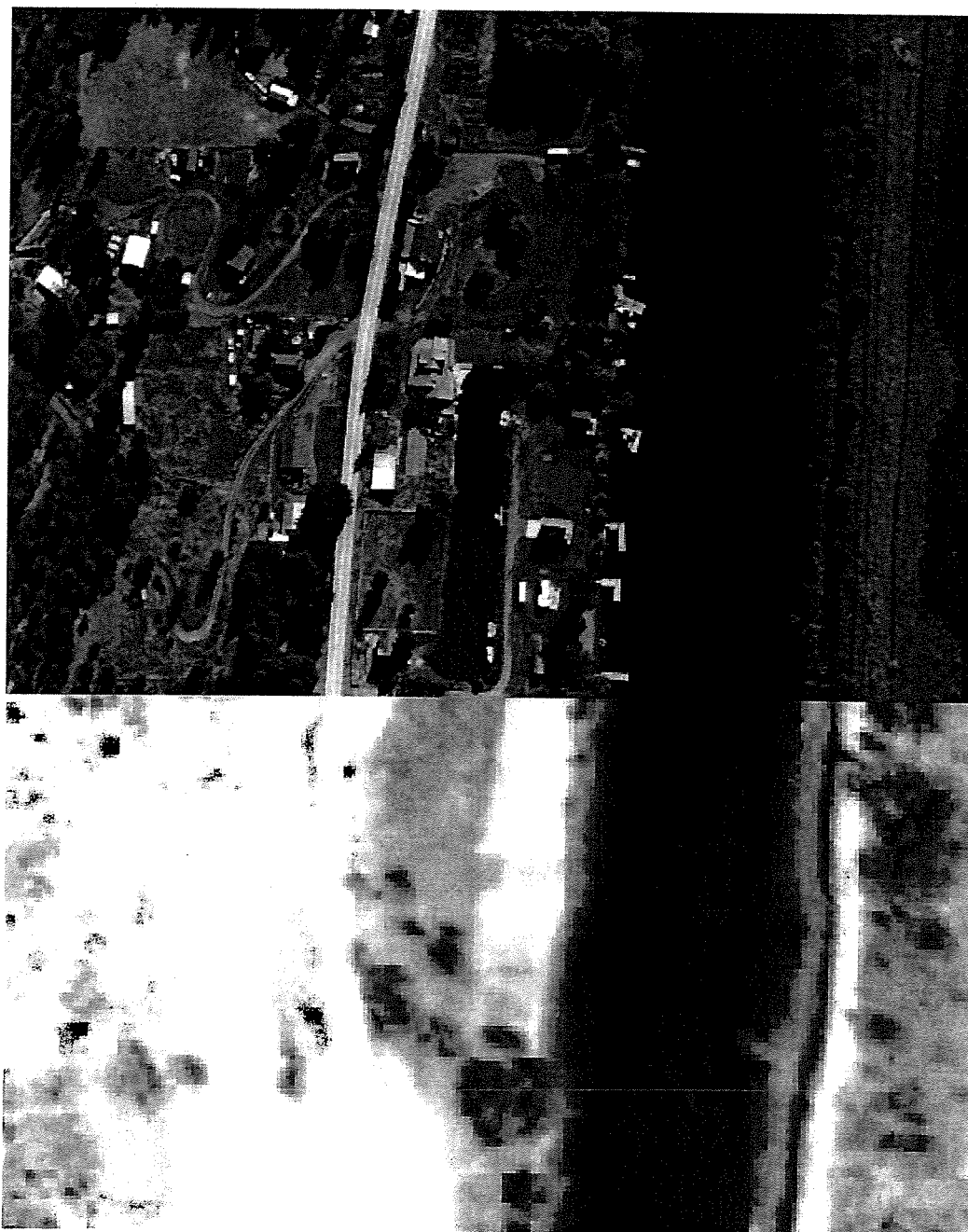
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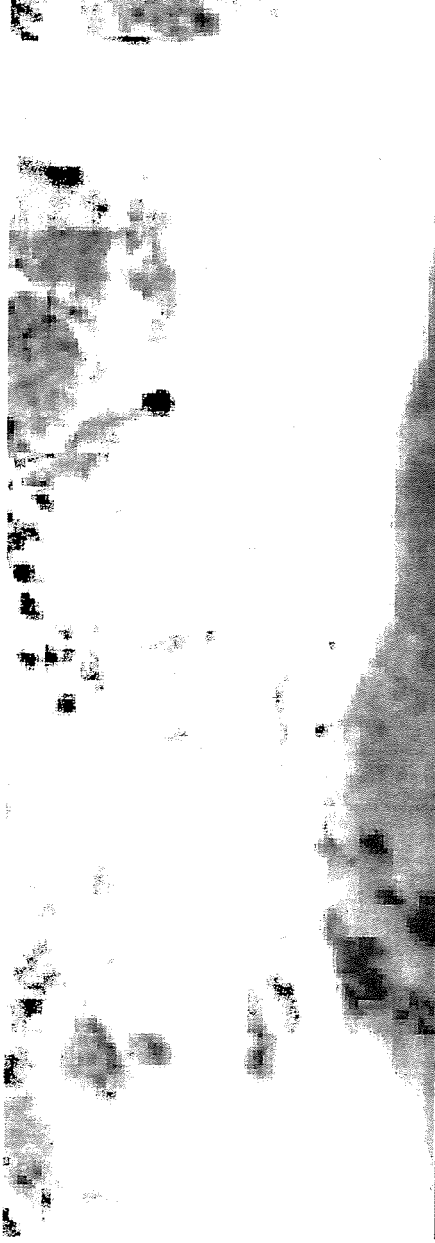
CDAT OBJ-7173 0123



CDAT OBJ-7173 0124



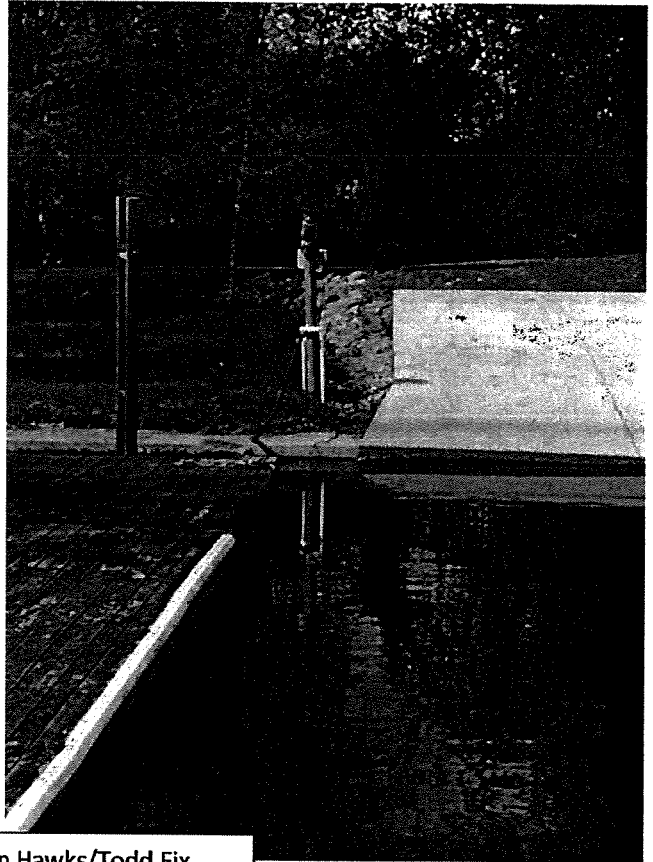
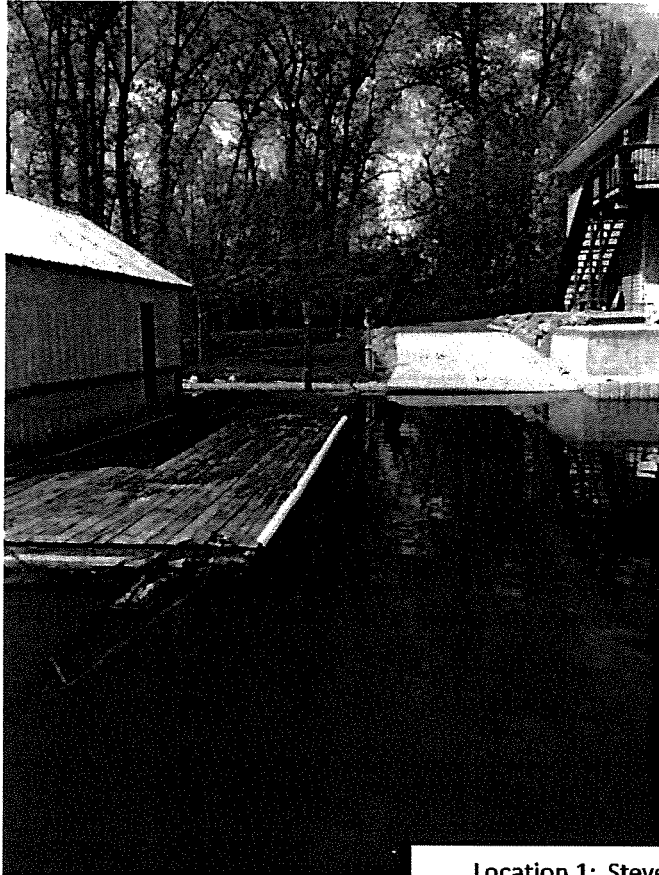
CDAT OBJ-7173 0125



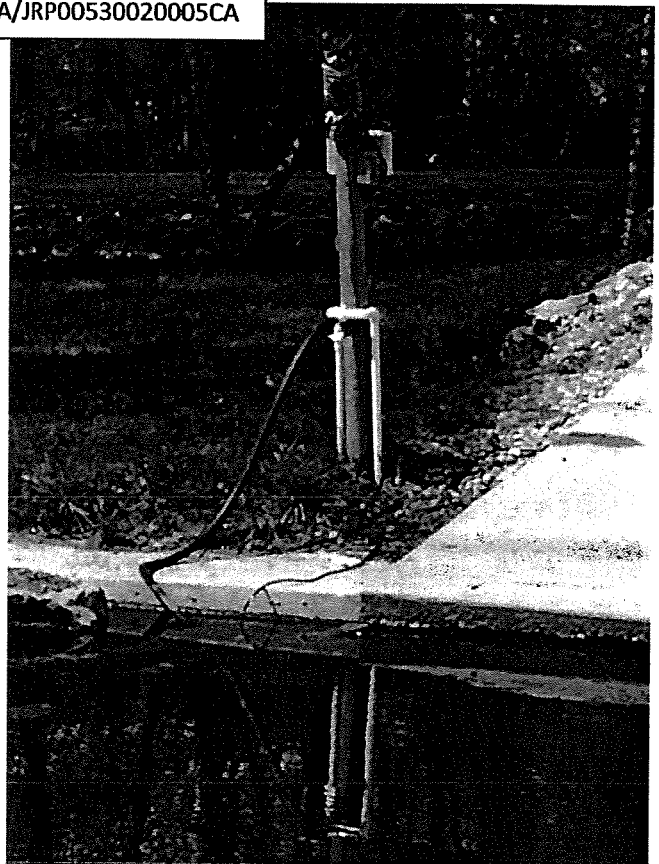
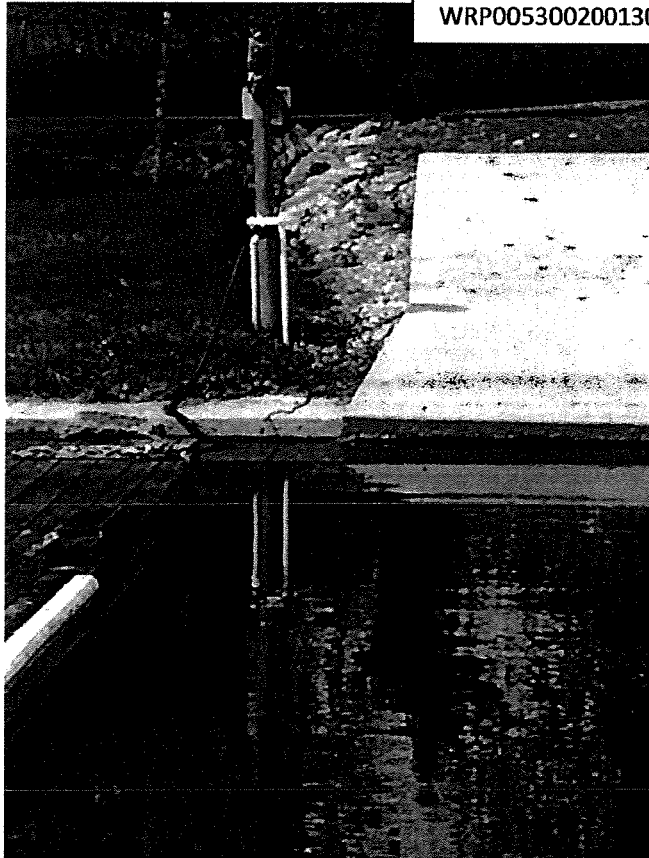
CDAT OBJ-7173 0126

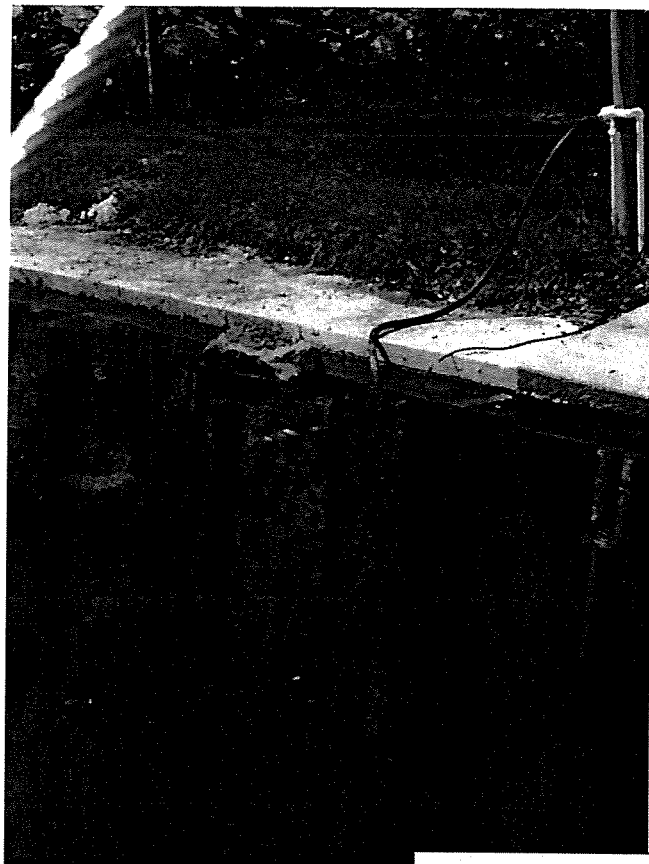
St. Joe River Side Channel/Lagoon  
 4/21/16  
 Lake Level: 2126.65' @ 1:15 pm  
 (NOAA/NWS)



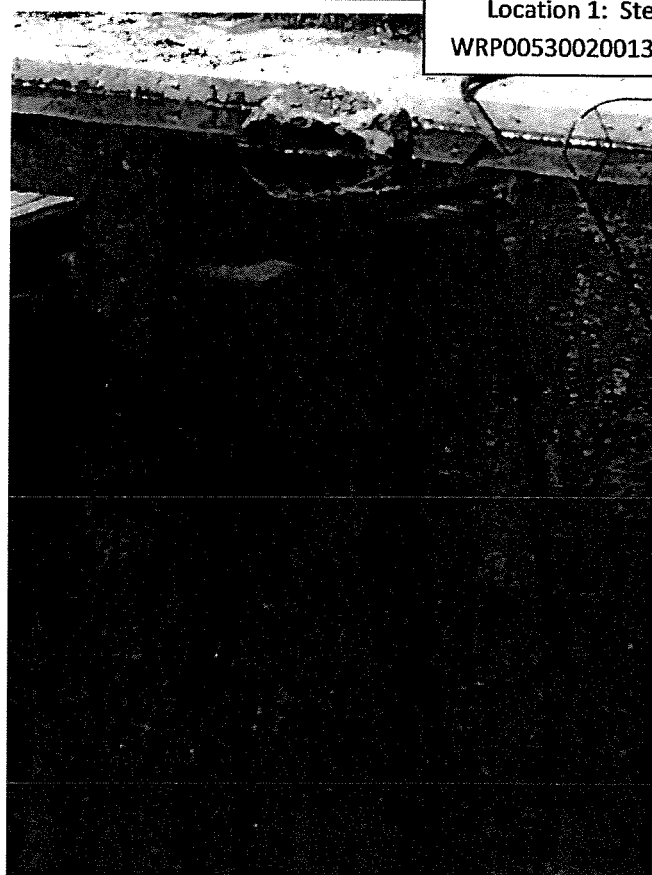


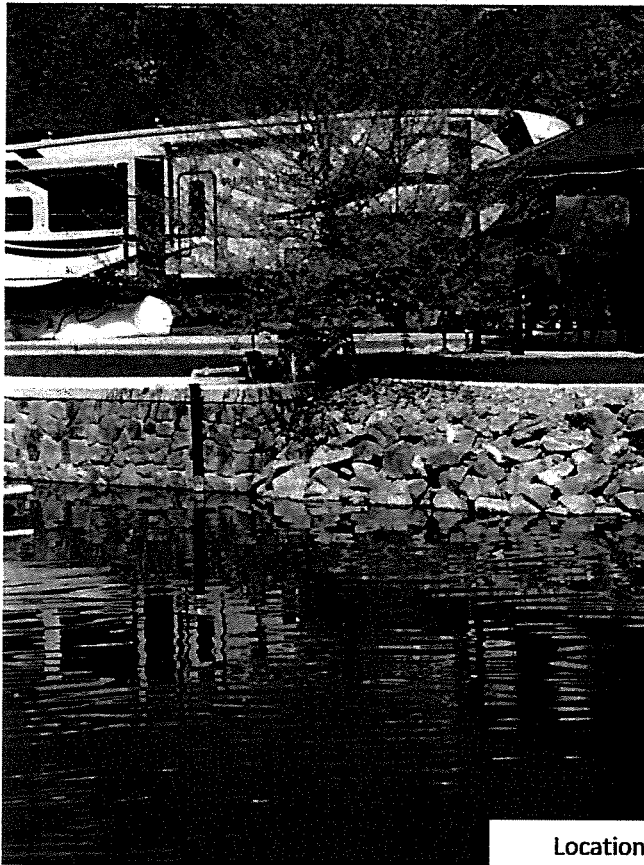
Location 1: Steven Hawks/Todd Fix  
WRP005300200130A/JRP00530020005CA



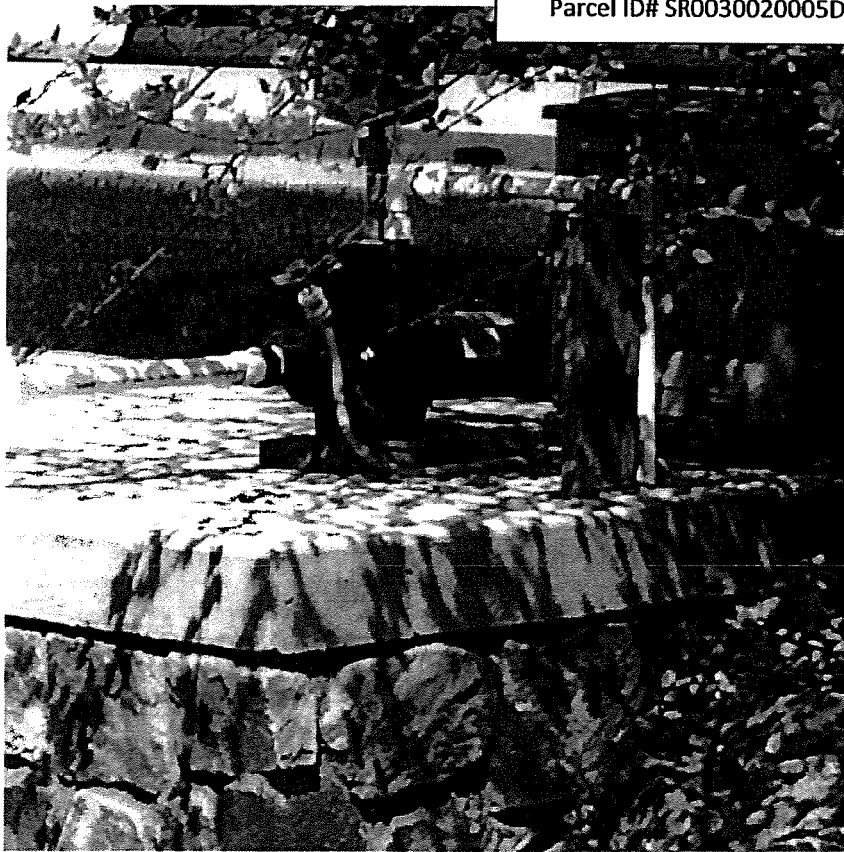


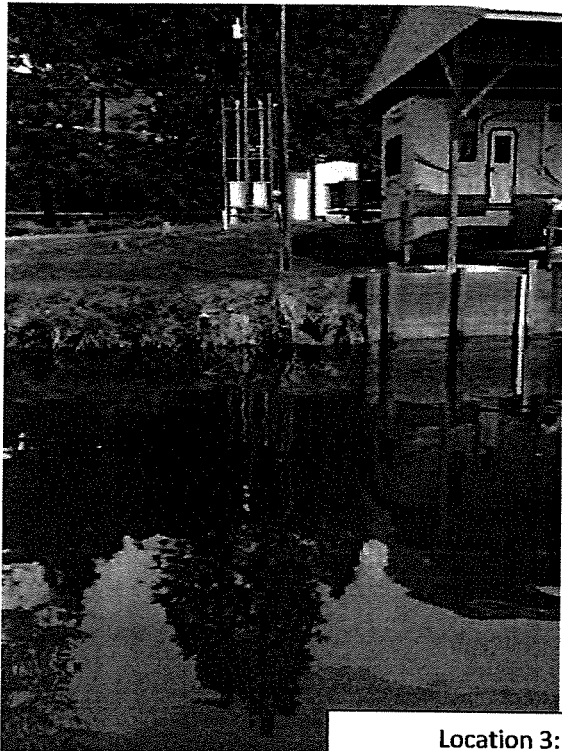
Location 1: Steven Hawks/Todd Fix  
WRP005300200130A/JRP00530020005CA



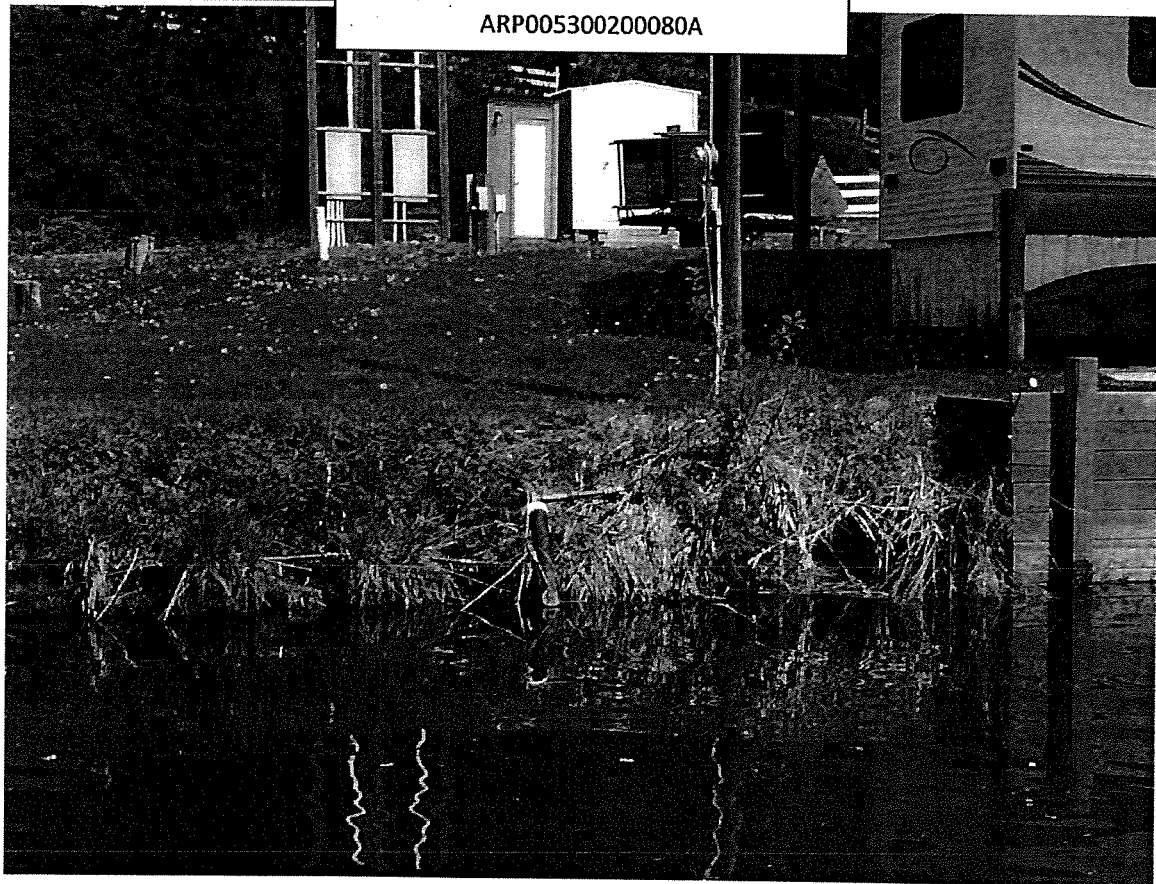


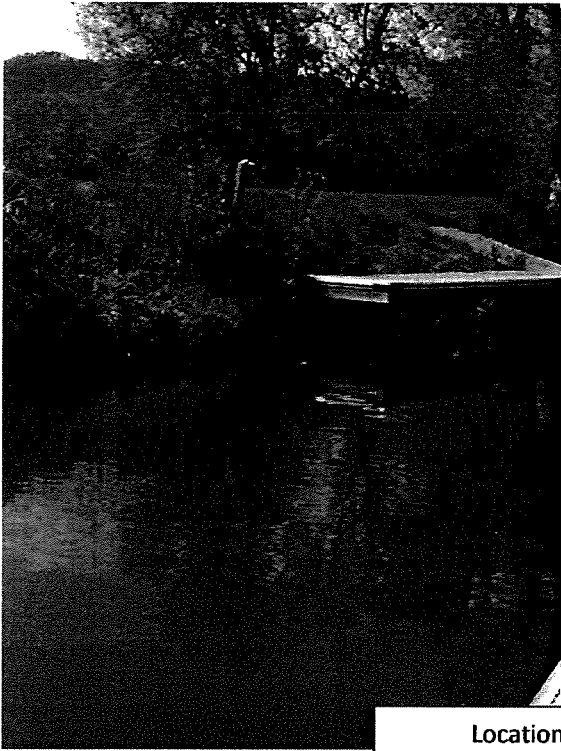
Location 2: Eric Seagraves  
Parcel ID# SR0030020005DA



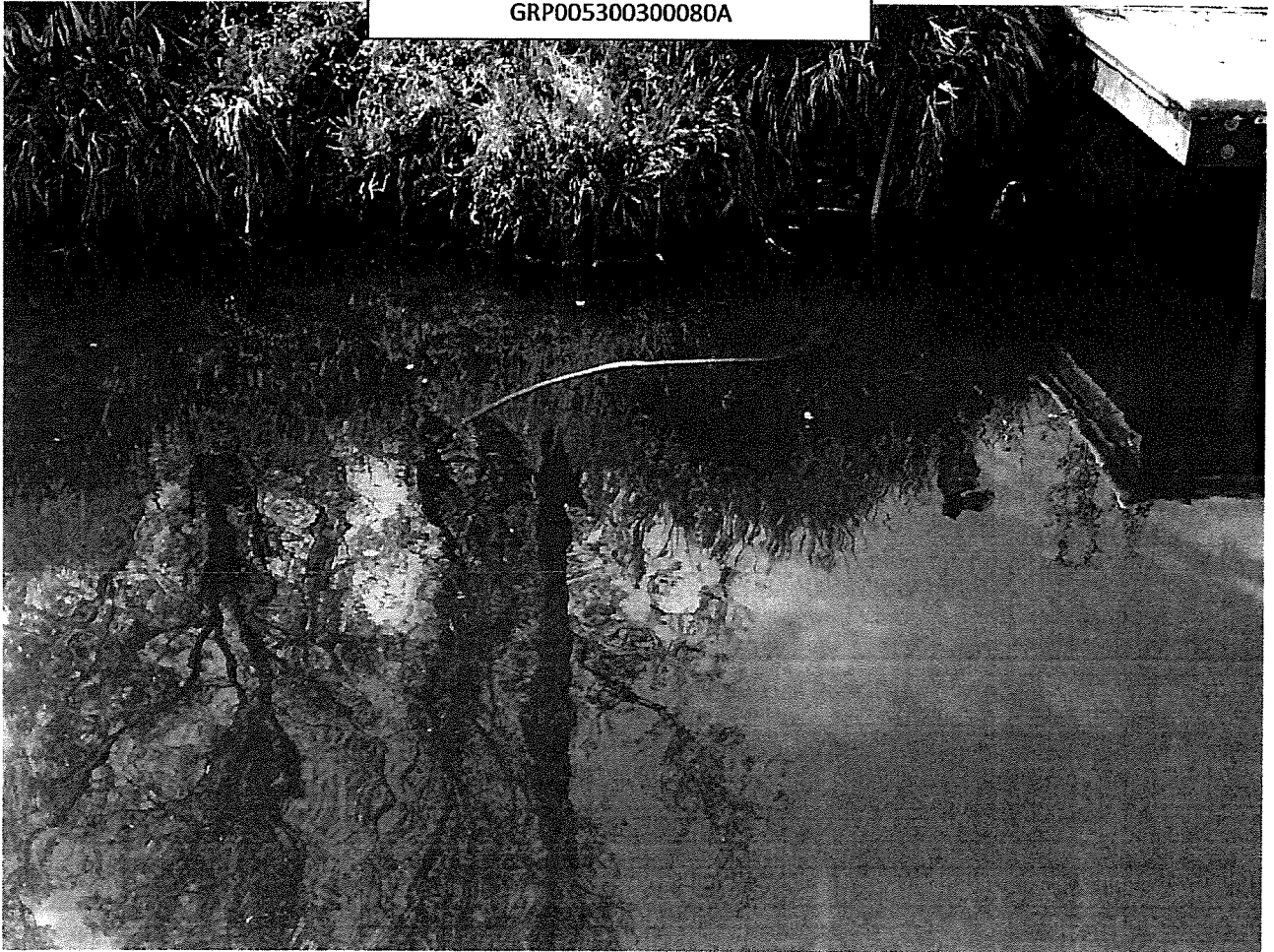


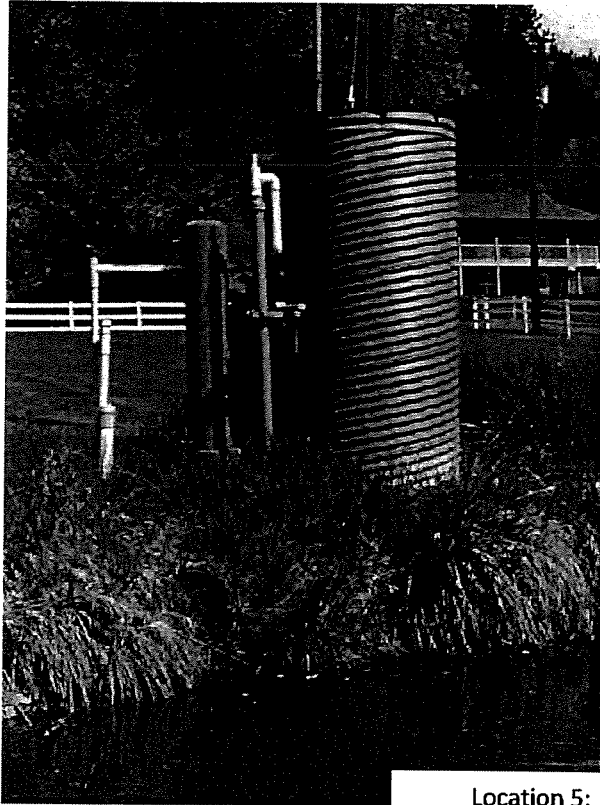
Location 3: Delvin Schmitt  
ARP005300200080A



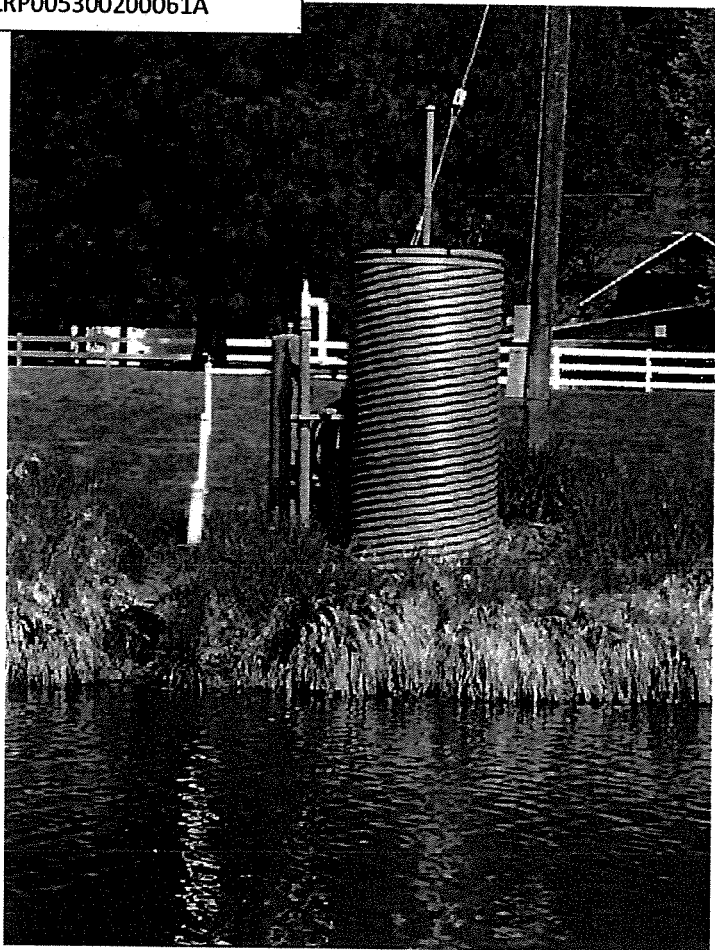


Location 4: Stephen Hopkins  
GRP005300300080A





Location 5: Jill Perkins  
LRP005300200061A



RECORD OF SURVEY

of a portion of  
 Lot 9 of Sylva's Haven  
 Sec. 7, Twp. 46 N., Rg. 2 W., B.M.  
 Benewah County, Idaho

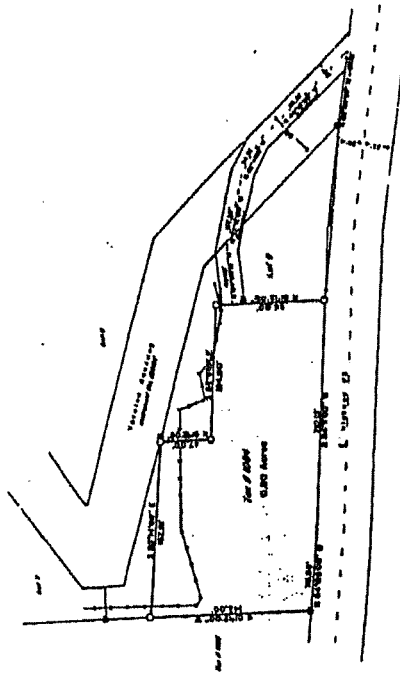
Date April, 1941

Scale 1" = 40'

LEGEND

Lot Corners and Other Survey  
 (Dotted Lines)  
 Property Corners and This Survey  
 (Dashed Lines)

Existing Fence



SURVEY CERTIFICATE

I, David A. Nelson, a Professional Land Surveyor, do hereby certify that the above described land is the same as shown on the map of Lot 9 of Sylva's Haven, a Platted Subdivision in Benewah County, Idaho, and that the same is the same as shown on the map of Lot 9 of Sylva's Haven, a Platted Subdivision in Benewah County, Idaho, and that the same is the same as shown on the map of Lot 9 of Sylva's Haven, a Platted Subdivision in Benewah County, Idaho.



David Nelson  
 4/29/41

RECORDING CERTIFICATE

Instrument Number 166036  
 Date 4/29/41 This 166036  
 Records of Benewah County, Idaho

WAS OF RECORD  
 Under Observation

*[Signature]*  
*[Signature]*

WATER AGREEMENT AND EASEMENT

THIS AGREEMENT made and entered into this 29th day of April, 1982, by and between DANIEL L. DAVENPORT and

PATRICIA A. DAVENPORT, husband and wife, of P.O. Box 190, City of St. Maries, County of Benewah, State of Idaho, hereinafter referred to as Grantors, and DONALD J. HARVEY, JR. and SONJA G. HARVEY, husband and wife, of Route 2, Box 82, City of St. Maries, County of Benewah, State of Idaho, and C.C. CHASE and VERDIE CHASE, husband and wife, of 305 Lincoln Avenue, City of St. Maries, County of Benewah,

State of Idaho, hereinafter referred to as Grantees.

WHEREAS, Grantors are the owners, or beneficial owners

under escrow sale agreement, of a tract of land situated in

Benewah County, State of Idaho, described as follows, to-

wit:

A portion of Lot Eight (8), Block One (1), Sylvia's Haven, a record subdivision in Benewah County, Idaho; the boundary of said portion is described as follows:

Beginning at the Southeast corner of said Lot Eight (8), said corner also being the intersect of the north-south right-of-way boundary of Highway 95A, the northwesterly edge of a dedicated roadway and the east boundary of Lot Eight (8), running thence North 1.06' West, along said east boundary of Lot Eight (8), a distance of 187.29 feet; thence West a distance of 90.95 feet; thence South 1.06' East and parallel to said east boundary, a distance of 98.76 feet; thence South 46.18' East along the northwesterly edge of said dedicated roadway, a distance of 128.12 feet to the point of beginning, enclosing an area of 0.30 acres;

WHEREAS, Grantees are the owners of the following

tracts of land situated in Benewah County, State of Idaho,

described as follows, to-wit:

-2-

HARVEYS' TRACT:  
 Lots One (1), Two (2), Three (3) and Four (4),  
 Block Two (2), Sylvia's Haven, a record  
 subdivision of Benewah County, Idaho.

CHASES' TRACT:  
 Lots Five (5), Six (6), Seven (7), Eight (8),  
 Nine (9), Ten (10), Eleven (11) and Twelve  
 (12), Block Two (2), and Lots One (1), Two  
 (2), Three (3), Four (4), Five (5), Six (6),  
 Seven (7) and Eight (8), Block Three (3),  
 Sylvia's Haven, a record subdivision of  
 Benewah County, Idaho;

WHEREAS, there is on the above-described tract of  
 Grantors a water well, together with a pump, casing, water  
 lines and fittings, which were installed at the expense of  
 Grantors and Grantees; and

WHEREAS, Grantors, their heirs and assigns, and Grantees,  
 their heirs and assigns desire to use water from such well  
 for domestic purposes on the said tract of Grantors and the  
 above-described tracts of Grantees;

NOW, THEREFORE, in consideration of Ten and no/100  
 Dollars (\$10.00) and the mutual covenants herein contained,  
 Grantors do hereby grant, bargain, sell and convey unto  
 Grantees and their heirs and assigns forever, the right to  
 use water from said well as Grantees shall reasonably require  
 for domestic purposes for those residences, houses, mobile  
 homes, cabins and outbuildings in existence on the said  
 tracts of Grantees as of the date hereof, or replacements  
 thereof; SUBJECT, HOWEVER, to the right of Grantors, their  
 heirs and assigns to use so much water from such well as  
 Grantors shall reasonably require for domestic purposes for  
 those residences, houses, mobile homes, cabins and outbuildings  
 in existence on the said tract of Grantors as of the date  
 hereof, or replacements thereof. Neither Grantors nor

-3-

grantees, as between Grantors and Grantees or as between themselves, shall have any prior or superior right to use the water from such well.

For the same consideration, Grantors do hereby grant, bargain, sell and convey unto Grantees and their heirs and assigns forever, a perpetual, non-exclusive easement for the purpose of conveyance of water, pump, casing, water lines and replacement of the said well, in, over and across the above-described tract of Grantors, said easement being ten (10) feet in width, the centerline of which is described as: Beginning at a point on the East line of said tract, from which point the Northeast corner bears N 01°06' W a distance of 10.00 feet; running thence N 84°35' W a distance of 57.15 feet to the center of said well. Said easement shall also include, to the extent not already included above, a radius of five (5) feet measured from the center of said well and running around the same.

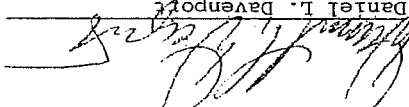
Grantors hereby agree to pay for the cost of the electricity to operate the pump for said well; however, Grantees, Harveys and Chases, shall reimburse Grantors in the sum of Twenty-four and no/100 Dollars (\$24.00) and Twelve and no/100 Dollars (\$12.00) respectively each year therefor.

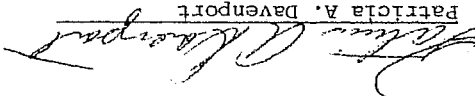
Each party shall be responsible for maintenance, repair and replacement of their own lines running from said well, and each party agrees to perform such maintenance, repair and replacement of their lines as shall be reasonably necessary and in a good and workmanlike manner, with minimum interference with the water rights of the other party and minimum disturbance of the said tract of Grantors, returning the same as closely as reasonably possible to its condition immediately prior to such disturbance. The parties shall bear all other costs and expenses of maintenance, repair and replacement of said

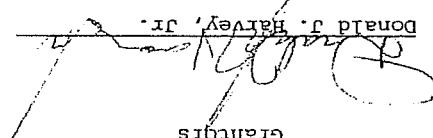
well, pump, water lines and fittings pro rata according to the amount of water used by each up to the time of such maintenance, repair and replacement. Meters shall be utilized by each party for such purpose, which meters shall also be maintained, repaired and replaced as reasonably necessary with costs and expenses of such maintenance, repair and replacement to be borne by the parties pro rata according to their water usage.

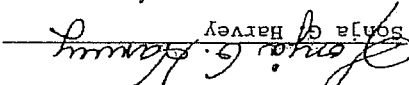
This agreement and the rights granted and conveyed hereunder shall run with and serve the Grantees' said tracts and shall bind and inure to the benefit of Grantors and Grantees and their respective heirs, personal representatives and assigns, forever.

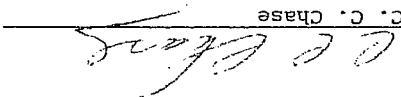
IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date first above written.

  
Daniel L. Davenport

  
Patricia A. Davenport

  
Donald J. Harvey, Jr.  
 Grantors

  
Sonja G. Harvey

  
C. C. Chase

edged

-5-

*Karen Johnson*  
Notary Public, State of Idaho  
Residing at: *Harmon, Idaho*  
Commission expires: *1987*



On this 26th day of April, 1982, before me,  
the undersigned, a Notary Public in and for the said State,  
personally appeared DANIEL L. DAVENPORT and PATRICIA A.  
DAVENPORT, husband and wife, known to me to be the persons  
whose names are subscribed to the above and foregoing instrument  
and acknowledged to me that they executed the same.  
IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed my official seal the date last above written.

STATE OF IDAHO )  
County of Benewah )  
ss. )

Grantees

*Verdie Chase*  
*Leahie (Lida)*

156175  
 Notary Public, State of Idaho  
 Residing at: 4400 N. 1st St. Boise, Idaho 83702  
 Commission expires: 12/31/82  
 12/31/82 AIO: 07  
 156175  
 Notary Public, State of Idaho  
 Residing at: 4400 N. 1st St. Boise, Idaho 83702  
 Commission expires: 12/31/82

affixed my official seal the date last above written.  
 IN WITNESS WHEREOF, I have hereunto set my hand and

to me that they executed the same.  
 subscribed to the above and foregoing instrument, and acknowledged  
 and wife, known to me to be the persons whose names are  
 personally appeared C. C. CHASE and VERDIE CHASE, husband  
 the undersigned, a Notary Public in and for the said State,  
 On this 29th day of April, 1982, before me,

STATE OF IDAHO )  
 County of Benewah )  
 ss. )

Notary Public, State of Idaho  
 Residing at: 4400 N. 1st St. Boise, Idaho 83702  
 Commission expires: 12/31/82

affixed my official seal the date last above written.  
 IN WITNESS WHEREOF, I have hereunto set my hand and

and acknowledged to me that they executed the same.  
 whose names are subscribed to the above and foregoing instrument,  
 HARVEY, husband and wife, known to me to be the persons  
 personally appeared DONALD J. HARVEY, JR. and SONJA G.  
 the undersigned, a Notary Public in and for the said State,  
 On this 26th day of April, 1982, before me,

STATE OF IDAHO )  
 County of Benewah )  
 ss. )

CORRECTION DEED

THIS INDENTURE, Made and entered into this 22nd day of November, 1990, by and between EUPHEMIA PENNEY, a widow, and RAY A. SWANSON and MINA L. SWANSON, husband and wife, Parties of the First Part and STEVE W. HAWKS and DEANNE A. HAWKS, husband and wife, whose address is HC-02, Box 86, St. Maries, ID 83861, the Parties of the Second Part.

## W I T N E S S E T H:

That the Parties of the First Part, for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00) to them in hand paid by the said Parties of the Second Part, the receipt thereof is hereby acknowledged, does hereby grant, sell and convey to the Parties of the Second Part and their heirs, devisees and assigns forever the following described real property situated in the County of Benewah, State of Idaho to-wit:

An undivided one-half interest in and to Lot Thirteen (13), Block Two (2), Sylvia's Haven Subdivision, together with an easement for purposes of moorage in and upon the riparian rights in the dockage lagoon as shown on said plat adjacent and appurtenant to the southerly forty (40) feet of the shore line of Lot Twelve (12), Block Two (2), Sylvia's Haven Subdivision, County of Benewah.

THIS INSTRUMENT is intended as a Correction Warranty Deed to correct an error in the description in that certain Warranty Deed between the parties hereto recorded in the office of the Benewah County Recorder on the 3rd day of August, 1990 as Instrument No. 184009.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, title, right and interest in and to the property, as well in law as in equity, of the Parties of the First Part.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises together with the appurtenances unto the Parties of the Second Part, and to their heirs, devisees and assigns forever.

And the Parties of the First Part, and their heirs, shall

## 1. CORRECTION DEED

and will WARRANT and by these presents forever DEFEND the premises in the quiet and peaceable possession of the Parties of the Second Part, their heirs, devisees and assigns against all and every person or persons whomsoever lawfully claiming the same.

IN WITNESS WHEREOF, the Parties of the First Part have hereunto set their hands the day and year first above written.

Euphemia Penney  
EUPHEMIA PENNEY

Ray A. Swanson  
RAY A. SWANSON

Mina L. Swanson  
MINA L. SWANSON  
Parties of the First Part

*****

STATE OF IDAHO )  
County of Shoshone ) SS.

On this 28th day of November, 1990, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared EUPHEMIA PENNEY, a widow, to me known to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that she executed the same as her free and voluntary act and deed for the purposes therein specified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Marilyn J. Perrotto  
Notary Public, State of Idaho  
Residing at Idaho  
My commission expires: 1-1-93

2. CORRECTION DEED

STATE OF IDAHO )  
 County of Shoshone ) ss.

On this 28th day of November, 1990, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared RAY A. SWANSON and MINA L. SWANSON, husband and wife, to me known to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the purposes therein specified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Marilyn D. Ruess  
 Notary Public, State of Idaho  
 Residing at Chubb  
 My commission expires: 1-1-93

184924

1990 03 P4:06  
*Connie Anderson deputy*

3. CORRECTION DEED

*Dianna Hawks*  
 HCO2 Box 86  
 Starvo, 9483861 \$7.00

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 91-07173

Priority: June 16, 2008

Maximum Diversion Rate: 0.04 CFS  
Maximum Diversion Volume: 1.2 AF

It is hereby certified that STEVE HAWKS  
89231 HWY 3N  
ST. MARIES ID 83861 has complied with the terms and  
conditions of the permit, issued pursuant to Application for Permit dated June 16, 2008; and has  
submitted Proof of Beneficial Use on August 21, 2008. An examination indicates that the works have a  
diversion capacity of 0.04 cfs of water from:

**SOURCE**

ST JOE RIVER

Tributary: COEUR D ALENE LAKE

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

**LOCATION OF POINT(S) OF DIVERSION:**

ST JOE RIVER L7 (NE¼SE¼) Sec. 7, Twp 46N, Rge 02W, B.M. BENEWAH County

**PLACE OF USE:** DOMESTIC

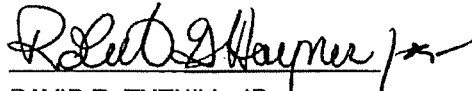
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N 02W 7													X				L7

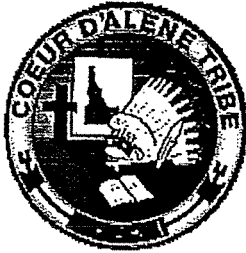
**CONDITIONS OF APPROVAL**

- Domestic use is for 1 home.
- This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 25th day of November, 2008.

  
DAVID R. TUTHILL, JR.  
Director



## COEUR D'ALENE TRIBE

850 A STREET  
P.O. BOX 408  
PLUMMER, IDAHO 83851  
(208) 686-1800 • Fax (208) 686-1182

REFERENCE:

COEUR DA

### Compliance Order

Issue Date: December 9, 2004

Issued to: Steven Hawks  
89231 HWY 3 North  
St. Maries, ID 83861

Issued By: Coeur d'Alene Tribe Lake Management Department pursuant to Tribal Code Chapter 44 (complete copy enclosed), sections 44-23.01(A)-5 and 44-23.01(B).

**Description of Violation:** Failure to obtain a permit for an encroachment (dock) on Tribal lands/waters and failure to pay annual encroachment fees in 2003 and 2004 as required by Tribal Code sections 44-8.01(D), 44-9.01(A)-1, and 44-23.01(A)-1,(A)-5.

**Conditions of Compliance Order:** Under Tribal law, the above named owner of this encroachment must **contact the Lake Management Department within TEN (10) DAYS** after receipt of this notice and take one of the following actions:

1. **Apply for an encroachment permit and pay all application and past due lease fees for use of Tribal submerged lands; OR**
2. **File a written appeal in accordance with these procedures:** The appeal must be in writing, include a written explanation of the appeal requested, and the type of relief requested. Appeals must be sent to: Coeur d'Alene Tribe, Lake Management Department, 850 A Street, P.O. Box 408, Plummer ID 83851. If your request for an appeal is timely, you will be promptly notified of a hearing date before the Lake Management Board. Tribal law also permits any aggrieved party to appeal the decision of the Board to the Tribal Court. See Tribal Code section 44-23.01(D). **Failure to act on the appeal process within 10 days will forfeit any appeal** and shall render this order **final** for all purposes.

**Failure to satisfy one of the conditions above may require the Tribe to pursue a Tribal court order for removal of your encroachment and for other remedies authorized under Tribal law. See Tribal Code sections 44-23.01(C), (E),(F),\$(G).**

If you have questions regarding this notice contact Ed Hale at the above address or phone at (208) 686-1118.

  
Edgar Hale, Navigable Water Specialist,  
Lake Management Department  
On behalf of the Coeur d'Alene Tribe

12/10/04  
Date

RECEIVED

COEUR D'ALENE TRIBE

20 DEC 04

COEUR D'ALENE TRIBE  
850 A STREET  
PO BOX 408  
RUMMER, ID 83851

I PROTEST HAVING TO PAY ANY  
FEES BEYOND THE PERMITS I PAID  
THROUGH THE STATE OF IDAHO.

Star Hawks  
89231 HUYEN  
ST. MARIES, ID 83861

RECEIVED

TEL: 208-338-1111

Coeur d'Alene Tribe

20 DEC 04

COEUR D'ALENE TRIBE  
850 A STREET  
PO BOX 408  
PLUMMER, ID 83851

I PROTEST HAVING TO PAY ANY  
FEES BEYOND THE PERMITS I PAID  
THROUGH THE STATE OF IDAHO.

Steve Hawks  
89231 HWY 3 N.  
ST. MARIES, ID 83861



## COEUR D'ALENE TRIBE

850 A STREET  
P.O. BOX 408  
PLUMMER, IDAHO 83851  
(208) 686-1800 • Fax (208) 686-1182

REFERENCE:

COEUR D'ALENE

January 10, 2005

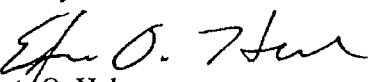
Steve Hawks  
89231 Hwy 3 N  
St. Maries, Id 83861

Dear Mr. Hawks:

I have received your letter of December 20, 2004 stating that you do not wish to pay fees for your dock. The Compliance Order you received provided two options for your consideration. You can comply with the rules for permitting and pay your fees, or you can request an appeal to the Lake Management Board. If you wish to appeal to the Lake Management Board, you must do so in writing and provide an explanation of the appeal requested, the applicable sections of the Tribal Code, and the relief requested.

Please contact me within 10 days of receipt of this letter to clarify your intent. If you decide you would like to contribute to managing Tribal Waters by paying your fees, I will be happy to provide an application. If your intent was to appeal the Compliance Order, I will request that the Board schedule a time for your appeal at its next meeting.

Sincerely

  
Edgar O. Hale  
Navigable Waters Specialist

Cc: Eric VanOrden  
Brian Cleary  
Robert Matt



**COEUR D'ALENE TRIBE**

850 A STREET  
P.O. BOX 408  
PLUMMER, IDAHO 83851  
(208) 686-1800 • Fax (208) 686-1182

**REFERENCE:**

CDAT 2017 71

November 15, 2005

COPY

**VIA CERTIFIED MAIL**

Mr. Steve Hawks  
89231 Hwy 3 N  
St. Maries, ID 83861

Dear Mr. Hawks

By Tribal Compliance Order dated December 9, 2004, the Coeur d'Alene Tribe notified you that maintenance of your encroachment (dock) on Tribal lands and waters without a Tribal permit and without paying annual encroachment fees in 2003 and 2004 was in violation of Tribal Code Chapter 44 (Encroachments), and that you had the right to file a written appeal of that Order within 10 days of receiving it.

Your written response, dated December 20, 2004, stated that "I protest having to pay any fees beyond the permits I paid through the state of Idaho," but it was unclear to us whether you intended this response to serve as a formal appeal of the Order. By letter dated January 10, 2005, we tried to clarify the matter, and provided you with an additional 10 days to respond. The Tribe has no record that you responded to this inquiry.

The Tribe wants to ensure that you have had an adequate opportunity to clarify the intent of your letter dated December 20, 2004. We are therefore providing you the opportunity to do so within 10 days after receiving this letter. If you respond, please indicate whether your letter dated December 10, 2004, was intended to appeal the Compliance Order, and please express any additional grounds you may have in support of your appeal.

If the Tribe does not receive a response from you within the allotted time, we will nevertheless assume that your letter of December 10, 2004, was intended to appeal the Compliance Order, and that the basis for your appeal is limited to the grounds set forth in that letter. We will then refer the matter to the Tribal Lake/River Board to schedule a hearing date and to issue a Notice of Hearing to you regarding the Compliance Order.

For your reference, we are enclosing a copy of Tribal Code Chapter 44 (Encroachments), which sets forth the specific provisions governing appeals from Compliance Orders, and a copy of the Tribal Lake/River Board Rules and Procedures, which govern appeals brought before the Board.

Please contact me at the above listed telephone number if you have any questions regarding this matter.

Sincerely

A handwritten signature in black ink, appearing to read "J P Brown".

Jason P. Brown  
Navigable Waters Specialist

cc: Eric Van Orden  
Phillip Cernera

Encl. (2) (Ch. 44, & Bd Rules & Proc.)



## COEUR D'ALENE TRIBE

850 A STREET  
P.O. BOX 408  
PLUMMER, IDAHO 83851  
(208) 686-1800 • Fax (208) 686-1182

### Compliance Order

**Issued to:** Steven Hawks (Encr. #0506)  
89231 Hwy 3 N  
St. Maries, ID 83861

**Issue Date:** August 10, 2006

2nd NOTICE 2003 & 2004  
1st NOTICE 2005 & 2006

**Issued By:** Coeur d'Alene Tribe Lake Management Department pursuant to Tribal Code Chapter 44 (complete copy enclosed), sections 44-24.01(A)-5 and 44-24.01(B).

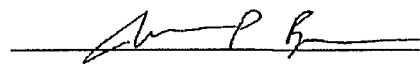
**Description of Violation:** Failure to obtain a permit for an encroachment (dock) on Tribal lands/waters and failure to pay annual encroachment fees in 2003, 2004, 2005, and 2006 as required by Tribal Code sections 44-8.01(D), 44-9.01(A)-1, and 44-24.01(A)-1,(A)-5.

**Conditions of Compliance Order:** Under Tribal law, the above named owner of this encroachment must **contact the Lake Management Department within TEN (10) DAYS** after receipt of this notice and take one of the following actions:

1. **Apply for an encroachment permit and pay all application and past due lease fees for use of Tribal submerged lands; OR**
2. **File a written appeal in accordance with these procedures:** The appeal must be in writing, include a written explanation of the appeal requested, and the type of relief requested. Appeals must be sent to: Coeur d'Alene Tribe, Lake Management Department, 850 A Street, P.O. Box 408, Plummer ID 83851. If your request for an appeal is timely, you will be promptly notified of a hearing date before the Coeur d'Alene Tribe Lake/River Board. Tribal law also permits any aggrieved party to appeal the decision of the Board to the Tribal Court. See Tribal Code section 44-24.01(D). **Failure to act on the appeal process within 10 days will forfeit any appeal** and shall render this order **final** for all purposes.

**Failure to satisfy one of the conditions above may require the Tribe to pursue a Tribal court order for removal of your encroachment and for other remedies authorized under Tribal law. See Tribal Code sections 44-24.01(C), (E), (F), and (G).**

If you have questions regarding this notice contact Jason Brown at the above address or phone at (208) 686-1118.

  
_____  
Jason P. Brown, Navigable Waters Specialist,  
Lake Management Department  
On behalf of the Coeur d'Alene Tribe

8/10/06  
_____  
Date



## COEUR D'ALENE TRIBE

850 A STREET  
P.O. BOX 408  
PLUMMER, IDAHO 83851  
(208) 686-1800 • Fax (208) 686-1182

### REFERENCE:

February 7, 2007

Steven W. Hawks  
89231 Highway 3 North  
St. Maries, ID 83861

RE: Encroachment #0506

Dear Steven W. Hawks,

You have been identified as maintaining an encroachment in, on or above submerged lands and waters of the St. Joe River within the Coeur d'Alene Indian Reservation. The regulation of use of the submerged lands and waters are an essential governmental function of the Tribe. The Tribal and public health, safety and welfare requires that any allowed use of these waters and submerged lands be regulated to protect water quality and quantity, navigation, fish and wildlife habitat, aquatic life, aesthetic beauty and Tribal cultural values.

To this point the Tribe has not yet received an application for your encroachment, failure to provide such application by June 2, 2003 has resulted in your encroachment designated as an 'unregistered dock' within Tribal Waters. In addition to the absence of the requisite application and filing fee for a Tribal encroachment permit and lease, it appears there has also been a failure to obtain a permit for your encroachment (dock) on Tribal lands/waters and failure to pay annual encroachment lease fees in calendar years 2003 through 2007 as required by Tribal Code sections 44-8.01(D), 44-9.01(A)-1, and 44-24.01(A)-1,(A)-5.

Up to this point the Lake Management Department had been pursuing compliance actions against encroachment owners failing to obtain the required permit and lease necessary to maintain an encroachment within Tribal waters. Certain owners, previously maintaining encroachments on Tribal waters, have unsuccessfully pursued an appeal before the Tribal Lake/River Board as allowed by Tribal Code section 44-24-01. It has also been brought to our attention that private individual docks previously in violation, maintained by owners involved in compliance actions, have been removed from Tribal waters.

The regulation of these uses has not been motivated by monetary benefit and the Tribe is prepared to forego any penalties, monetary or otherwise, for those individuals removing their encroachment currently in violation. ***As per Tribal Code section 44-8-01(D)1., All encroachments on Tribal submerged lands and waters are specifically prohibited and considered an unlawful trespass unless there is a solid permit and lease currently in effect for the encroachment.*** This would provide that any related appurtenances (i.e.

February 7, 2007

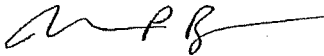
pilings, log booms, etc.), also considered by definition an encroachment on Tribal waters, must also be removed and disposed of appropriately at the owner's expense.

For those owners that may desire to now bring their encroachment into compliance, they would be required to submit the requisite application and pay current and past due lease fees from 2003 through 2007. It has and will be the Tribe's desire for encroachment owners to comply with Tribal laws regulating the use of submerged lands and waters and share in the enjoyment of those waters with the Tribe.

The Tribe is now preparing to move forward with further compliance actions for those remaining owners currently maintaining encroachments in violation of Tribal law. Owners failing to comply may be issued a Tribal Compliance order pursuant to Tribal Law and Order Code Chapter 44.24.01(B) and enter subsequent compliance proceedings.

We would encourage you to contact our office at the earliest stage possible. The Coeur d'Alene Tribe Encroachment Application and Fee Schedules can be downloaded from the Lake Management Department website at the following link [http://www.cdatribe-nsn.gov/lake/e_info.shtml](http://www.cdatribe-nsn.gov/lake/e_info.shtml) or by contacting our office and requesting a copy. Please do not hesitate to call me at (208) 686-1118 if you have any questions regarding this matter.

Sincerely,



Jason P. Brown  
Recreation Management Program Manager