

RECEIVED

AUG 29 2016

IDWR / NORTH

79776

Amended

AMENDED

Id. No. 91-7885

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Benewah County Phone (208) 245-2234
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 701 W. College Avenue City St. Maries
 State Idaho Zip 83861 Email _____
2. Source of water supply St. Joe River which is a tributary of Coeur d'Alene Lake
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
46N	R1E	21		NW	SW		Benewah	St. Joe River	Scotts Park

4. Water will be used for the following purposes:
 Amount 0.27 for Irrigation purposes from 3/15 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) 0.27 cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).
6. Proposed diverting works:
- Describe type and size of devices used to divert water from the source. The county intends to install a 1.5 HP pump pump to draw water from the river and deliver it to a sprinkler system via a 2" pipe to irrigate the park.
 - Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
 - Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
 - Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
 - If well is already drilled, when? N/A; drilling firm N/A; well was drilled for (well owner) N/A; Drilling Permit No. _____
7. Description of proposed uses (if irrigation only, go to item 8):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; complete and attach the Municipal Water Right Application Checklist.
 - Domestic; show number of households _____
 - Other; describe fully. _____

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N	1E	21							2.5			1							3.5

Total number of acres to be irrigated: 3.5

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

Not Applicable.

10. a. Who owns the property at the point of diversion? Benewah County
- b. Who owns the land to be irrigated or place of use? Benewah County
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

Not Applicable.

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

The place of use was granted to Benewah County in 1994 to be developed into a public park (see attached Quitclaim Deed and Declaration of Protective Covenants). Since that time, the County has developed it into a park/boater's access. The County intends to irrigate the park with water pulled from the St. Joe River by a pump or pumps and irrigate the park with 12 sprinklers, using 10 gpm each (for a total of 120 gpm). Since there is not storage, this will be the instantaneous flow rate pulled from the river.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Signature of Applicant

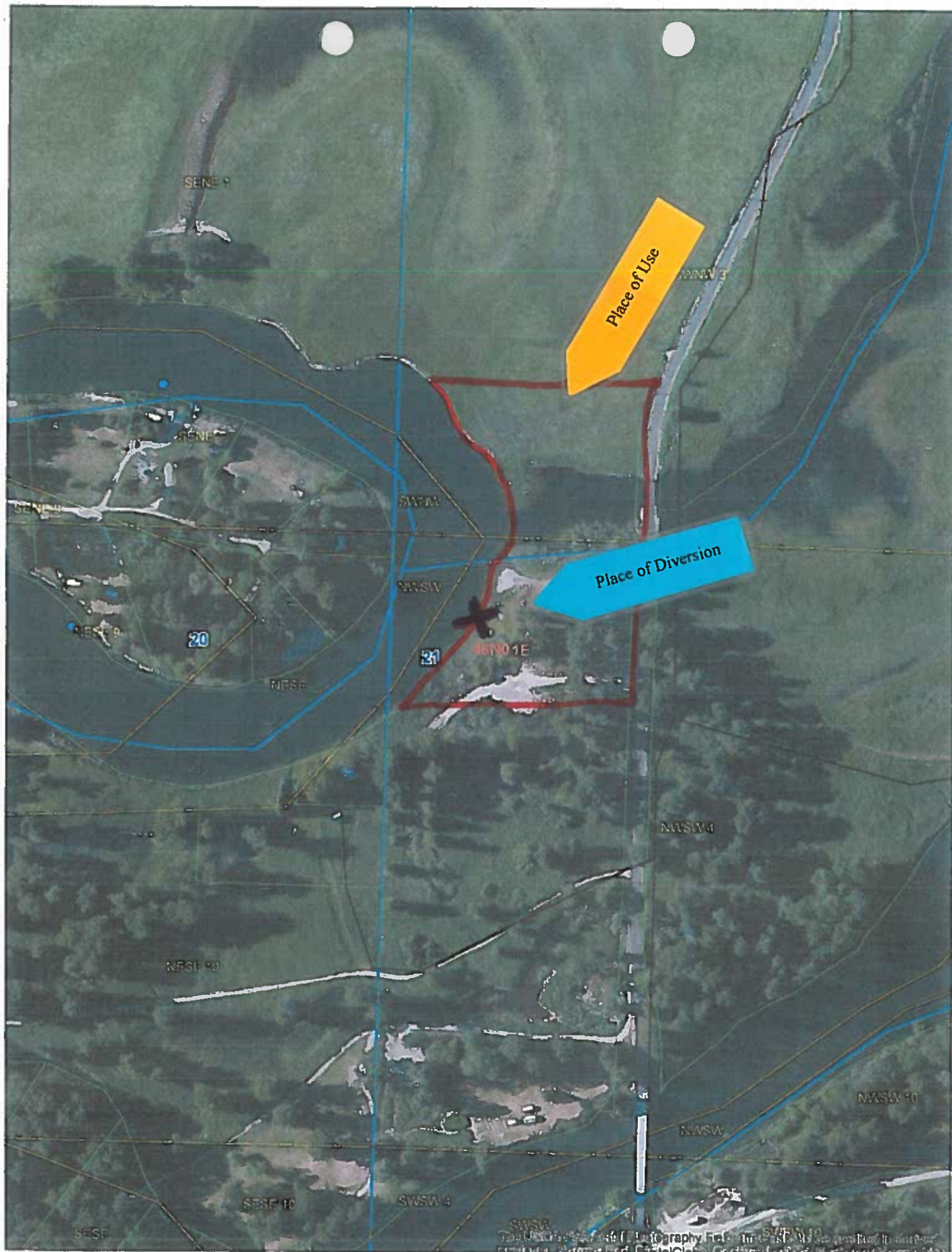
Jack A. Buell, Chair, Benewah County Commissioners

Print Name (and title, if applicable)

Print Name (and title, if applicable)

Received by [Signature] Date 1/20/15 Time Preliminary check by

Fee \$ 250.00 Received by [Signature] Receipt No. N031020 Date 1/20/15



QUITCLAIM DEED

For and in consideration of certain restrictive covenants to be recorded against this real property, and in memory of Frank E. Scott (deceased) and Frank G. Scott (deceased), BERT WERDELL and LAURA IRENE WERDELL, husband and wife, as grantors, do hereby remise, release and forever quitclaim to BENEWAH COUNTY, a political subdivision of the State of Idaho, its grantees, the following described real property in the County of Benewah, State of Idaho:

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), and Nine (9), Block Twenty-three (23), FERRELL, according to the Amended Plat thereof, Benewah County, Idaho.

Lots One (1) and Two (2), Block 24, FERRELL, according to the Amended Plat thereof, Benewah County, Idaho.

Lots 1, 2, 3, 4, and 5, Block 27, FERRELL, according to the Amended Plat thereof, Benewah County, Idaho.

Lots 1, 2 and 3, Block 28, FERRELL, according to the Amended Plat thereof, Benewah County, Idaho.

SUBJECT TO AND TOGETHER WITH all current taxes, exceptions, easements, uses, rights of way, restrictions, covenants and reservations apparent or of record.

Including any interest which grantors may hereafter acquire.
DATED this 1 day of August, 1994.

Bert WerdeLL
BERT WERDELL

Laura Irene WerdeLL
LAURA IRENE WERDELL

STATE OF Florida)
County of Alachua)

42

On this 1 day of June, 1994, before me, the undersigned, a notary public in and for Idaho, personally appeared BERT WERDELL and LAURA IRENE WERDELL, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

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



Notary Public in and for
Residing at: *San Jose, California*
Commission expires: *September 1, 1964*

APPENDIX

0197827

24 AUG 68 AG: 50

Barren & Secondary
Barren Country

DECLARATION OF
PROTECTIVE COVENANTS

THIS DECLARATION OF PROTECTIVE COVENANTS hereinafter referred to as "Declaration", is made on the date hereinafter set forth, by and between BERT WERDELL and LAURA IRENE WERDELL, husband and wife and BENEWAH COUNTY, a political subdivision of the State of Idaho, hereinafter referred to as "declarants".

RECITALS

Declarants, BERT WERDELL and LAURA IRENE WERDELL, husband and wife, deed to Benewah County the real property located in Benewah County, Idaho, as more specifically described on that certain Quitclaim Deed recorded on the 9th day of August, 1994, as instrument # 0197827.

NOW THEREFORE, DECLARANTS hereby declare that the real property described above, shall be gifted, transferred, and conveyed subject to the following protective covenants and these protective covenants will bind all grantees, heirs, successors and assigns of the owners and any future owners of the above described real property.

1. The real property has been conveyed by gift to Benewah County, a political subdivision of the State of Idaho, for the purpose of developing and establishing a public park for public use, in the memory of Frank E. Scott, now deceased, and Frank G. Scott, now deceased, who were pioneers of the St. Joe River Valley.

DECLARATION OF PROTECTIVE COVENANTS -1-

2. Benewah County shall cause a sign to be erected on the real property memorializing the gift of the real property from Bert and Laura Irene Werdell in the memory of Frank E. Scott and Frank G. Scott.

3. Within ten (10) years from the date below Benewah County shall dedicate and cause the real property to be developed into a public park and shall maintain and preserve the public park for the use and benefit of the public for a period of ninety-nine (99) years, and shall ^{not} prior to or during the ninety-nine (99) year period of use as a public park otherwise sell, transfer, convey or dispose of the real property.

4. In the event Benewah County fails to cause the real property to be developed as a public park within ten (10) years as provided above or cannot continue to use or maintain the real property for a public park, for any reason whatsoever, or in the event Benewah County attempts to sell, transfer, convey or dispose of the real property to a third party prior to creating and dedicating the park or within the ninety-nine (99) year period these protective covenants are in effect, all right, title and interest shall revert back to Bert and Laura Irene Werdell and their heirs and assigns, who may then re-enter and terminate the estate conveyed. "Third party" as used in this paragraph includes any governmental entity other than Benewah County.

IN WITNESS WHEREOF, BERT WERDELL and LAURA IRENE WERDELL, husband and wife, and BENEWAH COUNTY, a political subdivision of the State of Idaho, HAVE SIGNED THE DECLARATION OF PROTECTIVE COVENANTS -2-

personally appeared JACK A. BUELL and RAY SARTER, known or
not known and clerk, respectively of

COVENANTS ON THE DATE SET FORTH IN THE ACKNOWLEDGMENT.

Bert Werdele
BERT WERDELL

Laura Irene Werdele
LAURA IRENE WERDELL

ATTEST:

BENEWAH COUNTY COMMISSIONERS,
STATE OF IDAHO

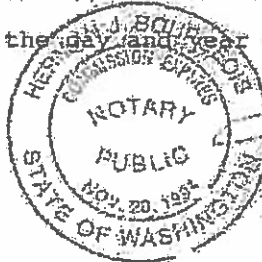
BY: Ray Sather
RAY SATHER, Clerk

BY: Jack A. Buell
JACK A. BUELL, Chairman

STATE OF Idaho)
County of Benewah) ss.

On this 1 day of Aug, 1994, before me, the undersigned, a notary public in and for ^{Washington} ~~Idaho~~, personally appeared BERT WERDELL and LAURA IRENE WERDELL, known or identified to me to be the person whose name is subscribed to the within 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 1st day of Aug in this certificate first above written.



William J. Buchanan
Notary Public in and for
Residing at: Idaho Falls
Commission expires: 11/20/1995

STATE OF IDAHO)
County of Benewah) ss.

On this 25 day of July, 1994, before me, the undersigned, a notary public in and for the State of Idaho,

DECLARATION OF PROTECTIVE COVENANTS -3-

personally appeared JACK A. BUELL and KAY SATHER, known or identified to me to be the Chairman and Clerk, respectively of BENEWAH COUNTY COMMISSIONERS, STATE OF IDAHO, the Political subdivision that executed the instrument or the person who executed the instrument on behalf of said political subdivision and acknowledged to me that such political subdivision executed the same.

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

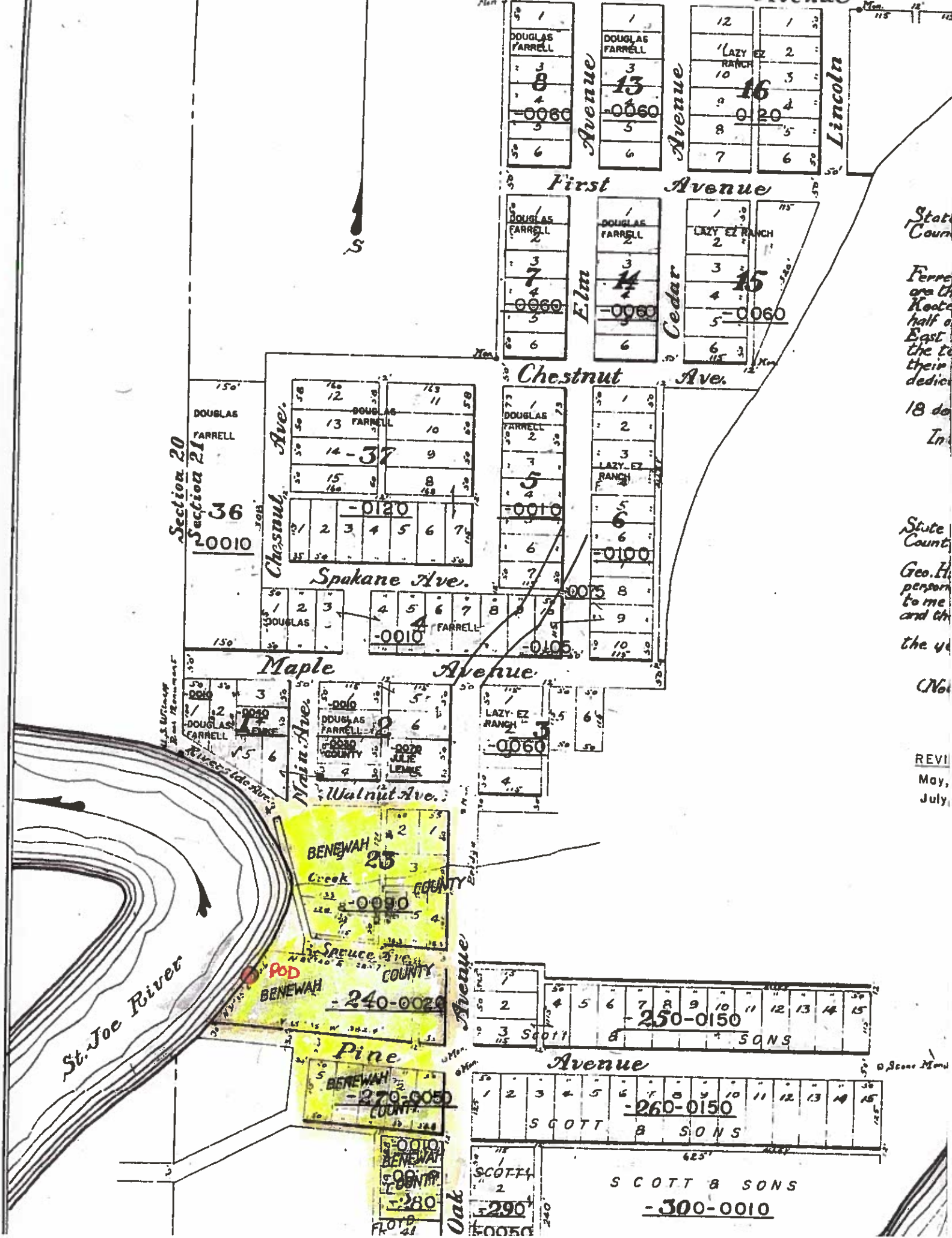


Kay Sather
Notary Public in and for Idaho
Residing at: St. Maries, Idaho
Commission expires: 11/14/99

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Kay Sather
Bernie Laboon Deputy
Beneviah County



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REVI
May,
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SCOTT & SONS
-300-0010

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, September 27, 2016 10:04 AM
To: 'bri@smgazette.com'
Cc: Frederick, Adam; Case, Morgan
Subject: Application for Permit No. 91-7885, 95-17203
Attachments: LegalNotice 09-27-16 SM e-mail 91-7885, 95-17203.doc

If v.

Good morning, Bri,

A - off

publication

Please publish the enclosed legal notice on the dates indicated, October 5 and 12, 2016, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

This should be very close to press ready – for 2-column, 8pt, Utopia font. It might even be close enough to just copy and paste, with very little modification required.

Please note the area(s) under **USE** containing dates and water amounts that are offset and lined up. Our legal should appear in this format.

Please also send a proof/preview copy for my review before this actually goes to press, allowing me to make sure I've covered all bases.

If you have any questions, please contact me as early as possible.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/24/2016. Your cooperation is always appreciated.

Bri, it's truly a pleasure to work with you. Thanks for all your super help.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

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

91-7885

BENEWAH COUNTY

701 W COLLEGE AVE.

ST. MARIES, ID 83861

Point of Diversion NWSW S21 T46N R01E BENEWAH County

Source ST JOE RIVER tributary COEUR D'ALENE LAKE

Use: IRRIGATION 03/15 to 10/31 0.27 CFS

Total Diversion: 0.27 CFS

Date Filed: 8/29/2016

Place of Use: IRRIGATION T46N R01E S21 SWNW NWSW

Total Acres: 3.5

95-17203

ALKABELLO SOURCE MATERIALS INC

448 S LOCHSA ST

POST FALLS, ID 83854

Point of Diversion NWNW S16 T46N R04W BENEWAH County

Source GROUND WATER

Point of Diversion NENW S16 T46N R04W BENEWAH County

Source GROUND WATER

Use: FIRE PROTECTION 01/01 to 12/31 0.32 CFS

Use: IRRIGATION 04/01 to 10/31 0.32 CFS

Total Diversion: 0.32 CFS

Date Filed: 9/13/2016

Place of Use: IRRIGATION T46N R04W S16 NENW NWNW

Place of Use: FIRE PROTECTION T46N R04W S16 NENW NWNW

Total Acres: 16

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800; or for a full description of the right(s), please see:

<http://www.idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>

Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 10/24/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/5/2016 and 10/12/2016



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 27, 2016

BENEWAH COUNTY
701 W COLLEGE AVE.
ST. MARIES, ID 83861

Application For Permit No. 91-7885

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the ST MARIES GAZETTE RECORD on 10/5/2016 and 10/12/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

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

Sincerely,

Adam Frederick

Adam Frederick
Water Resource Agent, Senior

Enc – Receipt No. N031020

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, September 27, 2016 9:22 AM
To: kiira.sitari@idfg.idaho.gov; Richard Furman rfurman@idl.idaho.gov
Cc: Case, Morgan; Frederick, Adam
Subject: RE: Application for Permit No. 91-7885
Attachments: 91-7885-App-and-map.pdf

Hi, Kiira and Richard:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This is being prepared for publication in the St Maries Gazette on October 5 and 12, 2016 with October 24, 2016 as final date for protests to be received in our office.

Your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

NANCY A. WOLFF

MORRIS & WOLFF, P.A.
ATTORNEYS AT LAW
722 MAIN AVENUE, ST. MARIES, IDAHO 83861
Tel: (208) 245-2523 - FAX: (208) 245-4392
E-MAIL: reception@morriswolff.net

MARIAH R. DUNHAM

August 25, 2016

RECEIVED
AUG 29 2016
IDWR / NORTH

Idaho Department of Water Resources
Attn.: Morgan Case
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815
Facsimile: (208) 762-2819
Hard Copy Will Follow

Re: Amended Application for Permit – Benewah County (Scott Park)

Dear Morgan:

Enclosed please find the Amended Application for Permit form for Benewah County Scott Park (St. Joe River) irrigation for filing with your office. Also enclosed, please find a copy to be conformed and returned to our office in the enclosed self addressed stamped envelope. If you have any questions, please do not hesitate to contact our office. Thank you for your assistance.

Sincerely,

MORRIS & WOLFF, P.A.

By: Mariah R. Dunham
MARIAH R. DUNHAM

MRD: tjh
Enclosures
cc: Benewah County Clerk

RECEIVED**JAN 20 2015**

79776

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

IDWR / NORTH

1. Name of applicant(s) Benewah County Phone (208) 245-2234
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 701 W. College Avenue City St. Maries
 State Idaho Zip 83861 Email _____
2. Source of water supply St. Joe River which is a tributary of Coeur d'Alene Lake
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
46N	R1E	21		NW	SW		Benewah	St. Joe River	Scotts Park

4. Water will be used for the following purposes:
 Amount 0.27 for Irrigation purposes from 3/15 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
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 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
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6. Proposed diverting works:
- Describe type and size of devices used to divert water from the source. The county intends to install a 1.5 HP pump pump to draw water from the river and deliver it to a sprinkler system via a 2" pipe to irrigate the park.
 - Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
 - Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
 - Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
 - If well is already drilled, when? N/A; drilling firm N/A; well was drilled for (well owner) N/A; Drilling Permit No. _____
7. Description of proposed uses (if irrigation only, go to item 8):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; complete and attach the Municipal Water Right Application Checklist.
 - Domestic; show number of households _____
 - Other; describe fully. _____

SUPERSEDED

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N	1E	21										3.5							3.5

Total number of acres to be irrigated: 3.5

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

Not Applicable.

10. a. Who owns the property at the point of diversion? Benewah County
- b. Who owns the land to be irrigated or place of use? Benewah County
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Not Applicable.

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

The place of use was granted to Benewah County in 1994 to be developed into a public park (see attached Quitclaim Deed and Declaration of Protective Covenants). Since that time, the County has developed it into a park/boater's access. The County intends to irrigate the park with water pulled from the St. Joe River by a pump or pumps and irrigate the park with 12 sprinklers, using 10 gpm each (for a total of 120 gpm). Since there is not storage, this will be the instantaneous flow rate pulled from the river.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Signature of Applicant

Jack A. Buell, Chair, Benewah County Commissioners

Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by db Date 1/20/15 Time _____ Preliminary check by _____

Fee \$ 250.00 Received by db Receipt No. N031020 Date 1/20/15

NANCY A. WOLFF

MORRIS & WOLFF, P.A.
ATTORNEYS AT LAW
722 MAIN AVENUE, ST. MARIES, IDAHO 83861
Tel: (208) 245-2523 - FAX: (208) 245-4392
E-MAIL: reception@morriswolff.net

MARIAH R. DUNHAM

January 16, 2015

Eric J. Davis
Idaho Department of Water Resources
7600 N. Mineral Drive, Ste 100
Coeur d'Alene, Idaho 83815

RECEIVED
JAN 20 2015
IDWR / NORTH

Re: Application for Permit to Appropriate the Public Waters of the State of Idaho
Benewah County, Scott Park

Dear Mr. Davis:

Our office serves as civil council for Benewah County. Please find enclosed for processing the original Application for Permit to Appropriate the Public Waters of the State of Idaho filed by Benewah County for Scott Park. Please conform the enclosed copy of the Application and return it to our office in the enclosed self-address stamped envelope. Also enclosed please find a check in the amount of \$250.00 from Benewah County for the application fee.

Should you have any questions or need anything additional, please do not hesitate to contact our office.

Sincerely,

MORRIS AND WOLFF, P.A.

By: Mariah R. Dunham
MARIAH R. DUNHAM

MRD: tjh
Enclosures
cc: Benewah County Clerk

COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN

Director

July 26, 2016

****Time Sensitive Response Required****

BENEWAH COUNTY
701 W COLLEGE AVE
ST MARIES, ID 83861

Re: Application for Permit – Additional Information Request

Dear Applicant:

On January 20, 2015 the Department received an Application for Permit in your name for diversion from the St Joe River for irrigation purposes. Department staff reviewed the application and determined that additional information was required pursuant to IDAPA 37.03.08 Rule 35.03. According to notes in the application file, the Department contacted your representative, Mariah Dunham and requested the additional information. To date, the Department has not received the requested information.

Idaho Code § 42-204(4) and IDAPA 37.03.08 Rule 35.03b.xi require that an application for permit be accompanied by a map or plat of sufficient scale that agrees with the legal description of the place of use. Item 13 on the application form requires an 8.5x11" map clearly identifying the proposed point of diversion, place of use, section #, township, and range. The map you provided contained only outdated parcels and did not include their relation to the public land survey system.

If you are still interested in pursuing this application, please submit an appropriate map with the location of the proposed point of diversion and place of use marked. Please provide your response within the next 30 days. If no response is received, your applications will be returned and the fees will be refunded pursuant to Idaho Code § 42-204.

Sincerely,

Morgan Case

Northern Regional Manager

CC: Mariah Dunham, Morris and Wolff, P.A.

Frederick, Adam

From: Deanna Bramblett [dbramblett@benewahcounty.org]
Sent: Monday, January 26, 2015 9:59 AM
To: Frederick, Adam
Subject: RE: Application Map

I discussed this with the commissioners this morning and Mariah Dunham who prepared the application will be contacting you.

Thank you,

Deanna Bramblett

*Benewah County Clerk
701 W College Ave Ste 101
St. Maries Idaho 83861
phone (208) 245-3212
fax (208) 245-9152*

From: Frederick, Adam [<mailto:Adam.Frederick@idwr.idaho.gov>]
Sent: Friday, January 23, 2015 3:22 PM
To: Deanna Bramblett
Subject: RE: Application Map

No rush on it. I just want to get an accurate idea of where water will be used and where pump will be. So whenever you get that information is good with me. Thank you.

Have a good weekend.

Adam

From: Deanna Bramblett [<mailto:dbramblett@benewahcounty.org>]
Sent: Friday, January 23, 2015 3:05 PM
To: Frederick, Adam
Subject: RE: Application Map

What is my time frame on this? I am working on preparing for the board of commissioner meeting on Monday and then of course Monday I have a meeting. So is next Tuesday or Wednesday okay? I can also have the commissioners confirm the location as well on Monday.

Thanks,
DeeDee

Deanna Bramblett

*Benewah County Clerk
701 W College Ave Ste 101
St. Maries Idaho 83861
phone (208) 245-3212
fax (208) 245-9152*

From: Frederick, Adam [<mailto:Adam.Frederick@idwr.idaho.gov>]

Sent: Friday, January 23, 2015 1:23 PM

To: dbramblett@benewahcounty.org

Subject: Application Map

Here is the map, if you could mark where the irrigation is going to occur and where the pump is going to be located. Thank you very much.

Adam

Adam Frederick
Water Resource Agent
Idaho Department of Water Resources
Northern Regional Office
Phone 208-762-2800