

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 94-08950

Priority: December 13, 2011

Maximum Diversion Rate: 0.20 CFS

This is to certify, that MICHAEL K BRANSTETTER And
NANCY A BRANSTETTER
PO BOX 571
OSBURN ID 83849
(208) 752-1154

has applied for a permit to appropriate water from:

Source: GROUNDWATER

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>
DOMESTIC	01/01 to 12/31	0.06 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
IRRIGATION	03/15 to 10/31	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUNDWATER, SE1/4SW1/4, Sec. 12, Twp 48N, Rge 04E, B.M., SHOSHONE County

PLACE OF USE: IRRIGATION, DOMESTIC, STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
48N 04E 12											3.0	3.0					6.0

Total Acres: 6

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 1, 2013**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for 2 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
6. Stockwater use is for 3 horses.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The point of diversion does not include federal public lands.
9. The place of use does not include federal public lands.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 21 day of June, 2012.


GARY SPACKMAN, Interim Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 25, 2012

MICHAEL K BRANSTETTER
PO BOX 571
OSBURN ID 83849

NANCY A BRANSTETTER
PO BOX 571
OSBURN ID 83849

RE: Permit No.94-8950

Permit Approval Notice

Dear Permit Holder:

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

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

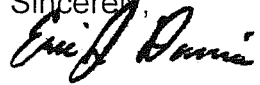
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

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

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

If you have any questions, please contact me at 208-762-2800.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Davis", written in a cursive style.

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

CERTIFICATE OF SERVICE

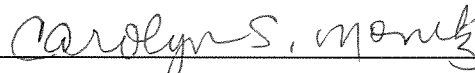
I hereby certify that on June 25, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

94-8950

**MICHAEL K BRANSTETTER
PO BOX 571
OSBURN ID 83849**

**NANCY A BRANSTETTER
PO BOX 571
OSBURN ID 83849**

A handwritten signature in cursive script, reading "Carolyn S. Monitz", is written over a horizontal line.

**Carolyn S. Monitz
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: June 21, 2012
To: Water Right File 94-8950
From: kfranklin
Re: Protest

This water right was protested by the US Bureau of Land Management. A settlement was reached and the protestant withdrew the protest on April 17, 2012.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 21, 2012

MICHAEL K BRANSTETTER
NANCY A BRANSTETTER
PO BOX 571
OSBURN, ID 83849

COPY

RE: Withdrawal of Protest against Application for Permit No(s). 94-8950

Dear Applicant(s):

The Department of Water Resources has received withdrawal of protest against the above referenced application from the BUREAU OF LAND MANAGEMENT.

There are no other protests to be resolved. We will proceed with permitting.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

Keith Franklin
Program Manager

cc: Fred Price
US Bureau of Land Management
Idaho State Office
1398 S Vinnell Way
Boise ID 83709-1657



State of Idaho

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 21, 2012

COPY

FRED PRICE
US BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

RE: Withdrawal of Protest against Application for Permit No(s). 94-8950 – BRANSTETTER

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application. There are no other protests involved.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink that reads "Keith Franklin". The signature is written in a cursive, flowing style.

Keith Franklin
Program Manager

Cc: Michael & Nancy Branstetter



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709
<http://www.id.blm.gov>



RECEIVED
APR 20 2012
IDWR / NORTH

In Reply Refer To:
7250 (933b)

April 17, 2012

Keith Franklin, Program Manager
Idaho Department of Water Resources (IDWR)
Northern Regional Office
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763

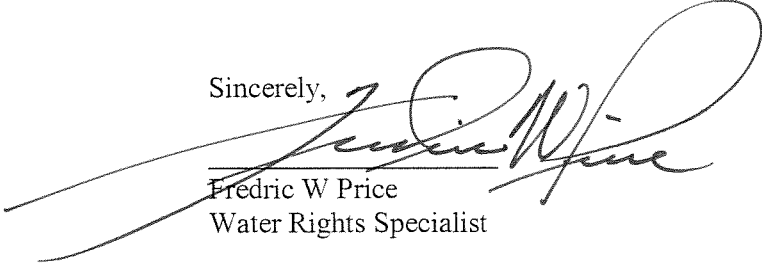
Dear Mr. Franklin:

RE: Withdrawal of Protest:
Application for Permit No. 94-08950 (Michael Branstetter)

By this letter, I state that I have the authority to act on behalf of the United States Department of Interior, Bureau of Land Management (BLM), with myself as its agent, to the matters discussed herein. BLM protested Application for Permit No. 94-08950 because the place of use description includes two legal land description which contain both private and public land (SESW, SWSW, S12, T48N, R04E). BLM's protest sought clarification of the point of diversion and place of use elements such that it is clear the use of water under this application was limited to private land and did not include federal public land. BLM's protest has been resolved by the "Draft Permit" dated April 13, 2012 by including remarks 8 and 9: The point of diversion does not include federal public lands; The place of use does not include federal public lands. I hereby withdraw BLM's protest based on the draft permit so that IDWR can issue an approved permit.

If there are questions regarding any statements above, please do not hesitate to contact me at (208) 373-3831 or at the address provided above.

Sincerely,


Fredric W Price
Water Rights Specialist

cc Michael Branstetter
P.O. Box 571
Osburn, ID 83849

MICHAEL K. BRANSTETTER

HULL & BRANSTETTER
CHARTERED
ATTORNEYS AT LAW
416 RIVER STREET
P.O. BOX 709
WALLACE, ID 83873-0709

H.J. HULL (1888-1975)
ALDEN HULL (1919-1984)
PIATT HULL (1914-1992)
TELEPHONE: (208) 752-1154
FAX: (208) 752-0951

April 17, 2012

Keith E. Franklin
Interim Program Manager
Idaho Department of Water Rights
Northern Region
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

RECEIVED
APR 18 2012
IDWR/NORTHERN

Re: Settlement of Protested Water Right Application No. 94-8950
Michael and Nancy Branstetter

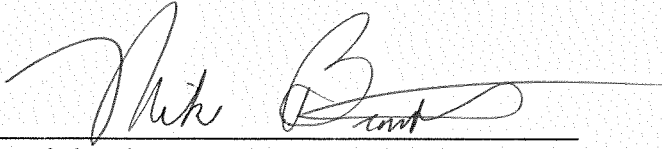
Dear Mr. Franklin:

The draft permit (copy attached) you sent us on April 13, 2012 is acceptable to us.

Thank you.

Very truly yours,

HULL & BRANSTETTER CHARTERED

By: 
Michael K. Branstetter

MKB/pwk
Enclosure



State of Idaho

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 13, 2012

Fred Price
US Bureau of Land Management
Idaho State Office
1387 S Vinnell Way
Boise, ID 83709-1657

Re: Settlement of Protested Water Right Application No. 94-8950
Michael & Nancy Branstetter

Dear Mr. Price:

The Idaho Department of Water Resources is in receipt of the settlement agreement between the US Bureau of Land Management and the Michael & Nancy Branstetter for protested water right application No. 94-8950.

Enclosed for your review and comment is a draft permit which contains the condition specified in the settlement agreement that should resolve the protest. Pay special attention to the last two conditions on the permit.

If this satisfies the US Bureau of Land Management's protest, please let me know in writing or you can e-mail me at "keith.franklin@idwr.idaho.gov" so the permit can be finalized. If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E Franklin
Program Manager

Enclosure

COPY



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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 13, 2012

Michael K Branstetter
Nancy A Branstetter
PO Box 571
Osburn, ID 83849

Re: Settlement of Protested Water Right Application No. 94-8950
Michael & Nancy Branstetter

Dear Mr. & Mrs. Branstetter:

The Idaho Department of Water Resources is in receipt of the settlement agreement between the US Bureau of Land Management and the Michael & Nancy Branstetter for protested water right application No. 94-8950.

Enclosed for your review and comment is a draft permit which contains the condition specified in the settlement agreement that should resolve the protest. Pay special attention to the last two conditions on the permit.

If this meets with your understanding of what will resolve protest, please let me know in writing or you can e-mail me at "keith.franklin@idwr.idaho.gov" so the permit can be finalized.

Additionally, you will notice the diversion rate for the irrigation use was reduced from 0.18 cfs (81 gpm) to 0.12 (54 gpm). For acreages above 5 acres the diversion rate per acre cannot exceed 0.02 cfs/ac. ($0.02 \text{ cfs/ac} \times 6 \text{ acres} = 0.12 \text{ cfs}$) The overall maximum diversion of 0.2 cfs remains the same.

If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E Franklin
Interim Program Manager

COPY

Enclosure

PROTEST INFORMATION SHEET

Application No. 94-8950

SPECIAL NOTE: _____

Protestant(s) NAME(S)	ADDRESS	PHONE
1 <u>BLM (USDI)</u>	<u>1387 S Vinnell Way</u>	
2 _____	<u>Boise ID 83709-1657</u>	
3 _____		
4 _____		
5 _____		
6 _____		
7 _____		
8 _____		
9 _____		
10 _____		

Protestant(s) ATTORNEY	ADDRESS	PHONE
<u>Fredric W Price</u>	<u>Same as above</u>	<u>208-373-3831</u>

DATE FILED: 12/13/11 PROTEST DUE DATE: 2/21/12

ISSUES: make app POB/POV descriptions more specific - make certain
only private land is intended

Applicant(s)

ATTORNEY	ADDRESS	PHONE
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	DATE
Protest Date Entered on Computer	<u>2/22/12</u> <u>dp</u>
Acknowledgment Letters Sent	<u>2/22/12</u> <u>dp</u>
Conference/Hearing Date	_____

(Other Dates)

Other Information _____

Protest information submitted to computer following hearing: _____

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Shoshone } ss.

Angela Abbott being first duly sworn
upon oath deposes and says:

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

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

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 2nd day of February, 20 12, and such publication was made as often during said period as said Daily newspaper was regularly issued.

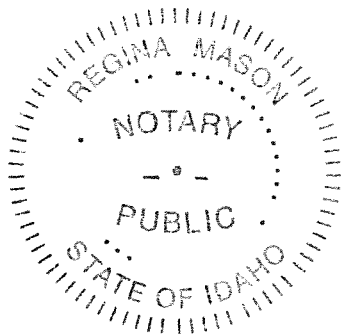
4. That said newspaper has been continuously and uninterruptedly published in said Shoshone County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Angela Abbott.

On this 9th day of February in the year of 2012 before me, a Notary Public, personally appeared Angela Abbott, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Regina Mason

Notary Public for the State of Idaho
residing in Coeur d'Alene, Idaho

MY COMMISSION EXPIRES 6/18/15



RECEIVED
FEB 10 2012
IDWR / NORTH

RECEIVED
FEB 10 2012
IDWR / NORTH

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

94-8911

KDM ID LLC

PO BOX 898

KAILUA-KONA, HI 96745

Point of Diversion NWNE S30 T49N R02E SHOSHONE CO

Source GROUND WATER

Use: COMMERCIAL 01/01 to 12/31 0.2 CFS

Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS

Use: IRRIGATION 03/15 to 10/31 0.16 CFS

Total Diversion: 0.2 CFS

Date Filed: 12/14/2011

Place of Use: ALL USES: T49N R02E S30 NWNE NENW

Total Acres: 8

Commercial use is for 60 RV hook-ups.

94-8942

WILLIAM J KELLER

PO BOX 393

SMELTERVILLE, ID 83868

Point of Diversion NENE S4 T48N R02E SHOSHONE County

Source SILVER CREEK tributary SINKS

Use: IRRIGATION 03/15 to 10/31 0.03 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.04 CFS

Date Filed: 12/14/2011

Place of Use: STOCKWATER T48N R02E S4 NENE

Place of Use: IRRIGATION same as STOCKWATER

Total Acres: 1

Stockwater use is for 4 head of mixed stock.

94-8948

TWO FORKS LLC

700 W MALLON

SPOKANE, WA 99201

Point of Diversion NENW S31 T49N R02E SHOSHONE CO.

Source GROUNDWATER

Use: DOMESTIC 01/01 to 12/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 12/13/2011

Place of Use: DOMESTIC T49N R02E S31 NENW

Domestic use is for 4 RV units.

94-8950

MICHAEL K BRANSTETTER

NANCY A BRANSTETTER

PO BOX 571

OSBURN, ID 83849

Point of Diversion SESW S12 T48N R04E SHOSHONE CO.

Source GROUNDWATER

Use: DOMESTIC 01/01 to 12/31 0.06 CFS

Use: IRRIGATION 03/15 to 10/31 0.18 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.2 CFS

Date Filed: 12/13/2011

Place of Use: ALL USES: T48N R04E S12 SWSW SESW

Total Acres: 6

Domestic use is for 2 homes

Stockwater use is for 3 horses.

94-8958

PATRICK ELFSTEN

CINDY ELFSTEN

86 ELIZABETH PARK RD

KELLOGG, ID 83837

Point of Diversion SWSW S4 T48N R03E SHOSHONE CO.

Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.07 CFS

Total Diversion: 0.07 CFS

Date Filed: 12/16/2011

Place Of Use: IRRIGATION

T48N R03E S4 SWSW and T48N R03E S5 SESE

Total Acres: 2

94-8975

ROBERT CASE JR

BETTE JO CASE

63029 BENTHAMS RD

WALLACE, ID 83873

Point of Diversion NESESW S25 T48N R04E SHOSHONE CO.

Source SPRING tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 12/19/2011

Place of Use: DOMESTIC T48N R04E S25 SESW

Domestic use is for 1 home.

94-8994

EDWARD ANDERSON BROKER LLC

PO BOX 327

KINGSTON, ID 83839

Point of Diversion SESWNE S28 T49N R02E SHOSHONE CO.

Source SPRING tributary BEAR CREEK

Points of Diversion (2) SWSWNE S28 T49N R02E

SHOSHONE CO.

Source SPRINGS tributary BEAR CREEK

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 25.6 AF

Use: RECREATION STORAGE 01/01 to 12/31 25.6 AF

Use: STOCKWATER STORAGE 01/01 to 12/31 26.3 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 25.6 AF

Total Diversion: 26.3 AF

Date Filed: 12/20/2011

Place of Use: ALL STORAGE USES:

T49N R02E S28 SWNE NWSE

Recreation storage is for fishing, swimming and boating

Stockwater storage is for 50 head of mixed stock.

94-9031

SHOSHONE COUNTY

700 BANK ST

WALLACE, ID 83873

Point of Diversion NENE S14 T48N R03E SHOSHONE CO.

Source GROUNDWATER

Use: IRRIGATION 03/15 to 10/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 12/15/2011

Place of Use: IRRIGATION T48N R03E S14 NENE

Total Acres: 15.4

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800. 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 2/21/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

SHO Legal 698

February 2, 9, 2012

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, January 24, 2012 11:36 AM
To: Legal Notices-Shoshone NP Angie Abbott@cdapress.com; Legal Notices Shoshone NP-CdA Charlene Harwood billing-collections
Subject: Application for Permit No. , 94-8911, 94-8942, 94-8948, 94-8950, 94-8958, 94-8975, 94-8994, 94-9031
Attachments: LegalNotice 01-24-12 NP e-mail 94-8911,8942,48,50,58,75,94,9031.doc

Good day to you, Angela,

Please publish the enclosed legal notice on the dates indicated. February 2 and 9, 2012, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof/preview copy for my review before this goes to press.

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 2/21/2012. Your cooperation is always appreciated.

Thanks for all your wonderful help, and have a great rest of the day.

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:

94-8911

KDM ID LLC

PO BOX 898

KAILUA-KONA, HI 96745

Point of Diversion NWNE S30 T49N R02E SHOSHONE CO

Source GROUND WATER

Use: COMMERCIAL	01/01 to 12/31	0.2 CFS
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Use: FIRE PROTECTION	01/01 to 12/31	0.2 CFS
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Use: IRRIGATION	03/15 to 10/31	0.16 CFS
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Total Diversion:	0.2 CFS
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Date Filed: 12/14/2011

Place of Use: ALL USES: T49N R02E S30 NWNE NENW

Total Acres: 8

Commercial use is for 60 RV hook-ups.

94-8942

WILLIAM J KELLER

PO BOX 393

SMELTERVILLE, ID 83868

Point of Diversion NENE S4 T48N R02E SHOSHONE County

Source SILVER CREEK tributary SINKS

Use: IRRIGATION	03/15 to 10/31	0.03 CFS
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Use: STOCKWATER	01/01 to 12/31	0.02 CFS
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Total Diversion:	0.04 CFS
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Date Filed: 12/14/2011

Place of Use: STOCKWATER T48N R02E S4 NENE

Place of Use: IRRIGATION same as STOCKWATER

Total Acres: 1

Stockwater use is for 4 head of mixed stock.

94-8948

TWO FORKS LLC

700 W MALLON

SPOKANE, WA 99201

Point of Diversion NENW S31 T49N R02E SHOSHONE CO.

Source GROUNDWATER

Use: DOMESTIC	01/01 to 12/31	0.08 CFS
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Total Diversion:	0.08 CFS
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Date Filed: 12/13/2011

Place of Use: DOMESTIC T49N R02E S31 NENW

Domestic use is for 4 RV units.

94-8950

MICHAEL K BRANSTETTER

NANCY A BRANSTETTER

PO BOX 571

OSBURN, ID 83849

Point of Diversion SESW S12 T48N R04E SHOSHONE CO.

Source GROUNDWATER

Use: DOMESTIC	01/01 to 12/31	0.06 CFS
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Use: IRRIGATION	03/15 to 10/31	0.18 CFS
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Use: STOCKWATER	01/01 to 12/31	0.02 CFS
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Total Diversion:	0.2 CFS
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Date Filed: 12/13/2011

Place of Use: ALL USES: T48N R04E S12 SWSW SESW

Total Acres: 6

Domestic use is for 2 homes

Stockwater use is for 3 horses.

94-8958

PATRICK ELFSTEN

CINDY ELFSTEN

86 ELIZABETH PARK RD

KELLOGG, ID 83837

Point of Diversion SWSW S4 T48N R03E SHOSHONE CO.

Source GROUND WATER

Use: IRRIGATION	04/01 to 10/31	0.07 CFS
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Total Diversion:	0.07 CFS
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Date Filed: 12/16/2011

Place Of Use: IRRIGATION

T48N R03E S4 SWSW and T48N R03E S5 SESE

Total Acres: 2

94-8975

ROBERT CASE JR

BETTE JO CASE

63029 BENTHAMS RD

WALLACE, ID 83873

Point of Diversion NESESW S25 T48N R04E SHOSHONE CO.

Source SPRING tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 12/19/2011

Place of Use: DOMESTIC T48N R04E S25 SESW

Domestic use is for 1 home.

94-8994

EDWARD ANDERSON BROKER LLC

PO BOX 327

KINGSTON, ID 83839

Point of Diversion SESWNE S28 T49N R02E SHOSHONE CO.

Source SPRING tributary BEAR CREEK

Points of Diversion(2) SWSWNE S28 T49N R02E

SHOSHONE CO.

Source SPRINGS tributary BEAR CREEK

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 25.6 AF

Use: RECREATION STORAGE 01/01 to 12/31 25.6 AF

Use: STOCKWATER STORAGE 01/01 to 12/31 26.3 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 25.6 AF

Total Diversion: 26.3 AF

Date Filed: 12/20/2011

Place of Use: ALL STORAGE USES:

T49N R02E S28 SWNE NWSE

Recreation storage is for fishing, swimming and boating

Stockwater storage is for 50 head of mixed stock.

94-9031

SHOSHONE COUNTY

700 BANK ST

WALLACE, ID 83873

Point of Diversion NENE S14 T48N R03E SHOSHONE CO.

Source GROUNDWATER

Use: IRRIGATION 03/15 to 10/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 12/15/2011

Place of Use: IRRIGATION T48N R03E S14 NENE

Total Acres: 15.4

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800. 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 2/21/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 2/2/2012 and 2/9/2012



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 24, 2012

MICHAEL K BRANSTETTER
NANCY A BRANSTETTER
PO BOX 571
OSBURN, ID 83849

Application For Permit No. 94-8950

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 SHOSHONE NEWS PRESS on 2/2/2012 and 2/9/2012. 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,

Eric Davis
Senior Water Resource Agent

Enc – Receipts No. N028824 and N028942

MICHAEL K. BRANSTETTER

HULL & BRANSTETTER
CHARTERED
ATTORNEYS AT LAW
416 RIVER STREET
P.O. BOX 709
WALLACE, ID 83873-0709

H.J. HULL (1888-1975)
ALDEN HULL (1919-1984)
PIATT HULL (1914-1992)

TELEPHONE: (208) 752-1154
FAX: (208) 752-0951

December 19, 2011

RECEIVED
DEC 20 2011
IDWR / NORTH

Eric Davis
Idaho Department of Water Resources
Northern Regional Office
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Re: Application for Permit
Identification Number: 94-8950

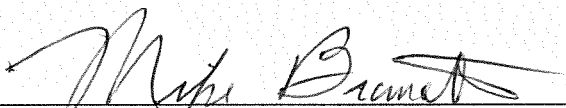
Dear Eric:

Thank you for your phone call to Patti of my office on December 16, 2011 regarding the errors on the Well Driller's Permit and Permit Fee. Your help is greatly appreciated.

Enclosed please find Hull & Branstetter Chartered's check number 53716 in the amount of \$125.00 for the balance of the Permit fee and the original signed Application for Permit.

Very truly yours,

HULL & BRANSTETTER CHARTERED

By: 
Michael K. Branstetter

MKB/pwk
Enclosures

Select Metal Tag

Metal Tag Number From D0055540

To D0055540

[Show Details](#)**OR**

Region Name **Western** Eastern Northern Southern All Driller #

Issue Date
(mm/dd/yyyy)

TO

[Search for Outstanding Tags](#)

Metal Tag Number	Region Name	Permit ID	Well ID	Company ID	Status	Receipt Number	Comment
D0055540	Northern	852967	422716	510	Active	N019435	MetalTag 7/24/2008 12:30:14 PM FIVE (5) WD TAGS D0055537 - D0055541 SOLD AT \$75.00 EACH TO ALL-WAYS DRILLING. (CHECK NUMBER 29795)

Form 235-2, 9/2004

Idaho Dept. of Water Resources

Write Tag Number Here

Start Card/Permit - Single Family Domestic Well Only

Doo 55540

(Cold Water less than 85 degrees F.)

1. Owner's Name (please print): Michael K. Boanettter
 2. Owner's Mailing Address: P.O. Box 571 Osburn
 City: Osburn State: Id Zip Code: 83849 Telephone (208) 752-1154 (office)
 3. Proposed Well Location: Twp. 48N Rge. 4E Sec. 12 1/4 S/W 1/4 S/E 1/4
 Gov't Lot No. _____ County Shoshone Lat. _____ Long. _____
 Street Address of Well Site West Fork of Nine Mile Creek City Liberty, Id.

Must give at least name of road + Distance to Road or Landmark

Lot _____ Block _____ and Subdivision attached in legal
 4. Are all adjacent septic tanks and drain fields accurately located? By Property Owner: Yes ☒ No ☐ By Health District: Yes ☒ No ☐
 5. Well Construction Information:
 A. New well ☒ Replace ☐ Deepen ☐ Modify Previous well #: _____ B. Proposed Casing Dia. 6" C. Proposed Maximum Depth 300'
 NONE PRESENT

6. Construction Start Date: 8/26/08 7. Well Driller: W. J. Hays Drilling Co. Driller's Lic. No. 570

8. The Driller hereby accepts the terms and conditions of the Start Card/Permit.
 Driller's Signature: W. J. Hays Date: 8/26/08

9. The Well Owner affirms to have read this Start Card/Permit, validates its accuracy and accepts the conditions.
 Owner's Signature: Michael K. Boanettter Date: 8/18/08

CONDITIONS FOR USE OF START CARD:

1. This permit authorizes the construction or modification of one domestic well for a single-family residence. No additional residences, businesses, or dwellings may be connected to this well without a valid water right. Limited to irrigation of 1/2 acre lawn/garden and 13,000 gpd.
2. This form must be complete, including the prepaid tag number and signature of the driller. The owner should sign the start card after reviewing these conditions. Mailing must take place no less than 72 hours prior to construction (Dept. address below), hand delivered or faxed to the Dept. prior to commencing construction. The start construction date shall be no more than 10 days after the Department receives the permit. An incomplete form will not be considered a valid permit to drill.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare. All wells must be drilled a minimum distance of 100' from a drain field. Domestic wells must be drilled a minimum of 50' from a septic tank.
4. Only Well Drillers licensed in Idaho may use a Start Card for construction of a well. The driller shall maintain a copy of the Start Card and the well I.D. tag at the drilling site during construction.
5. This drilling permit does not authorize trespass on the land of another party.
6. This drilling permit does not constitute other local, county, state or federal approvals, which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° F. or greater is encountered, well construction shall cease and the well driller shall contact the Department immediately.
9. Idaho Code, § 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (Digline is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Digline" Number for your area is 1-800-342-1585.
10. The stainless steel I. D. tag must be welded to the well casing upon completing the well and must remain permanently attached above ground level for the life of the well. Other tags may be added following a repair or modification of the well. The well driller is responsible for permanently attaching the I.D. tag to the casing upon completing the well. The well tag shall be attached by welding at least 3 sides or using Four (4) stainless steel, closed-end pop rivets.
11. A start card is not valid for drilling in Areas of Drilling Concern, Critical Groundwater Areas, Groundwater Management Areas or Areas Identified by the Department as Contaminated.
12. The possession of a well tag does not authorize construction of a well.
13. Any well being replaced by a new well, shall be properly abandoned by the well driller prior to removing the drilling equipment, unless otherwise authorized by the department.

Revised Feb. 1, 2004

Your Start Card/Application and Tag purchase may be submitted to one of the following offices:

Western Region
 Idaho Department of Water Resources
 2735 Airport Way Ste. 10 Boise, ID 83706-5082
 Phone: (208) 334-2400 Fax: (208) 334-2348

Northern Region
 Idaho Department of Water Resources
 1610 Northwest Blvd. STE 210 Coeur d'Alene, ID 83814-2616
 Phone: (208) 768-1400 Fax: (208) 768-1454

Eastern Region
 Idaho Department of Water Resources
 800 North Skyline Drive STE A Idaho Falls, ID 83402-1748
 Phone: (208) 626-7161 Fax: (208) 626-7177

Southern Region
 Idaho Department of Water Resources
 1341 Fillmore Street, STE 200 Twin Falls, ID 83301-3380
 Phone: (208) 736-3033 Fax: (208) 736-3037