

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-16391

Priority: January 12, 2012

Maximum Diversion Rate: 0.40 CFS

This is to certify, that ASIA WILLIAMS And/Or BRIAN WILLIAMS
2582 BOSTON ST
WOODBURN OR 97071

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM **Tributary:** BLANCHARD CREEK

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>
IRRIGATION	01/01 to 12/31	0.40 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM, SE1/4SE1/4, Sec. 25, Twp 54N, Rge 06W, B.M., BONNER County

UNNAMED STREAM, SE1/4SE1/4, Sec. 25, Twp 54N, Rge 06W, B.M., BONNER County

UNNAMED STREAM, SE1/4SE1/4, Sec. 25, Twp 54N, Rge 06W, B.M., BONNER County

(Beginning of Reach)

UNNAMED STREAM, SE1/4SE1/4, Sec. 25, Twp 54N, Rge 06W, B.M., BONNER County

(Ending of Reach)

PLACE OF USE: IRRIGATION, 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
54N 06W 25																20.0	20.0

Total Acres: 20

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2017**.
2. Subject to all prior water rights.
3. This right authorizes the watering of livestock directly from the stream without a diversion.
4. Stockwater use is for 5 head mixed stock.
5. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. 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.
8. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.

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 9 day of April, 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

April 10, 2012

ASIA WILLIAMS
2582 BOSTON ST
WOODBURN OR 97071

BRIAN WILLIAMS
2582 BOSTON ST
WOODBURN OR 97071

RE: Permit No.95-16391

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

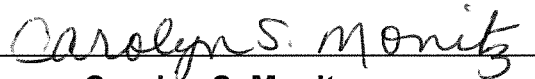
I hereby certify that on April 11, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

95-16391

**ASIA WILLIAMS
2582 BOSTON ST
WOODBURN OR 97071**

**BRIAN WILLIAMS
2582 BOSTON ST
WOODBURN OR 97071**

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.

AFFIDAVIT OF PUBLICATION

RECEIVED

APR 04 2012

State of Idaho

ss.

IDWR / NORTH

County of Bonner, Terri Juie
being first duly sworn on oath deposes and says that
he/she is Managing Editor of the
Priest River Times, a newspaper printed and published
at Priest River, Bonner County, Idaho; that the said
newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto
attached notice of publication in the case of:

95-16391 Asia & Brian Williams

96-9498 Idaho Forest Group LLC

96-9501 Thomas W Barnes

as it was published in the regular and entire issue of
the said newspaper for a period of 2
consecutive weeks, commencing on the 7th
day of March, 20 12 and ending on
the 14th day of March, 20 12
and that said notice was published in said newspaper.

On this 14th day of March in
the year of 2012, before me, a Notary Public,
personally appeared Terri Juie,
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.

Shannon H. Fodor
Notary Public for Idaho

Residing at Priest River

My commission expires: 10-9-13

NOTICE OF APPLICATION OF WATER RIGHTS

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

95-16391

ASIA WILLIAMS
BRIAN WILLIAMS
2582 BOSTON ST
WOODBURN, OR 97071
Points of Diversion (4) SESE S25 T54N R06W BONNER CO
Source UNNAMED STREAM tributary BLANCHARD CREEK
Use: IRRIGATION 01/01 to 12/31 0.4 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.4 CFS

Date Filed: 1/12/2012
Place of Use: IRRIGATION T54N R06W S25 SESE
Place of Use: STOCKWATER same as IRRIGATION
Total Acres: 20
Stockwater use is for 5 head of mixed stock.

96-9498

IDAHO FOREST GROUP LLC
4447 E CHILCO RD
ATHOL, ID 83801
Point of Diversion SESE S25 T56N R04W BONNER CO
Source PEND OREILLE RIVER tributary COLUMBIA RIVER
Point of Diversion SENW S31 T56N R03W BONNER County
Source PEND OREILLE RIVER tributary COLUMBIA RIVER
Use: FIRE PROTECTION 01/01 to 12/31 4 CFS
Use: FIRE Protection Storage 01/01 to 12/31 27.5 AF
Use: INDUSTRIAL 01/01 to 12/31 4 CFS
Use: INDUSTRIAL from Storage 01/01 to 12/31 500 AF
Use: INDUSTRIAL Storage 01/01 to 12/31 500 AF
Use: IRRIGATION 04/01 to 10/31 1.2 CFS
Use: IRRIGATION from Storage 04/01 to 10/31 180 AF
Use: IRRIGATION Storage 04/01 to 10/31 207.5 AF
Total Diversion: 4 CFS

Date Filed: 12/15/2011
Place of Use: FIRE PROTECTION STORAGE
T56N R03W S31 L3 (NWNW)
Place of Use: FIRE PROTECTION
T56N R03W S30 NESW L3 (NWSW) L4 (SWSW) SESW
T56N R03W S31 L3 (NWNW)
Place of Use: INDUSTRIAL STORAGE
T56N R03W S30 L4 (SWSW)
T56N R03W S31 L3 (NWNW)
Place of Use: INDUSTRIAL
T56N R03W S30 NESW L3 (NWSW) L4 (SWSW) SESW
T56N R03W S31 L3 (NWNW)
Place of Use: INDUSTRIAL FROM STORAGE
T56N R03W S30 NESW L3 (NWSW) L4 (SWSW) SESW
T56N R03W S31 L3 (NWNW)
Place of Use: IRRIGATION Storage
T56N R03W S31 L3 (NWNW)
Place of Use: IRRIGATION and IRRIGATION from Storage
T56N R03W S30 NESW L3 (NWSW) L4 (SWSW) SESW
T56N R03W S31 L3 (NWNW)
Total Acres: 60
Industrial use is for watering log decks, boiler make up water, and
milling equipment.

96-9501

THOMAS W BARNES
PO BOX 95
PRIEST RIVER, ID 83856
Point of Diversion L4 (SWSW) S30 T56N R04W BONNER CO
Source PEND OREILLE RIVER tributary COLUMBIA RIVER
Use: DIVERSION to STORAGE 01/01 to 12/31 0.2 CFS
Use: IRRIGATION 04/01 to 10/31 0.12 CFS
Use: IRRIGATION from Storage 04/01 to 10/31 12 AF
Use: IRRIGATION STORAGE 01/01 to 12/31 12.4 AF
Use: RECREATION 01/01 to 12/31 0.04 CFS
Use: RECREATION STORAGE 01/01 to 12/31 0.4 AF
Total Diversion: 0.2 CFS 12.4 AF

Date Filed: 2/10/2012
Place of Use: IRRIGATION T56N R04W S30 L4 (SWSW)
Place of Use: IRRIGATION Storage T56N R04W S30 L4 (SWSW)
Place of Use: IRRIGATION FROM STORAGE
T56N R04W S30 L4 (SWSW)
Place of Use: RECREATION T56N R04W S30 L4 (SWSW)
Place of Use: RECREATION Storage T56N R04W S30 L4 (SWSW)
Total Acres: 4
Recreational use is for fishing.

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 3/26/2012. The protestant must also
send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
PRT legal 2419
March 7, 14, 2012

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, February 23, 2012 12:00 PM
To: Legal Notices-Priest River Times (prtimes@priestrivertimes.com); Legal Notices-PRT Shannon Foote (sfoote@priestrivertimes.com)
Subject: Application for Permit No. 96-9498, 95-16391, 96-9501
Attachments: LegalNotice 02-23-12 PRT e-mail 95-16391,96-9498,9501.doc

Good afternoon, Shannon,

Please publish the enclosed legal notice on the dates indicated, March 7 and 14, 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. Although it only contains three new applications, it is nonetheless a fairly large legal.

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 3/26/2012. Your cooperation is greatly appreciated.

If you have any questions, please give me a call.

It's always a pleasure to work with you.

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:

95-16391

ASIA WILLIAMS
BRIAN WILLIAMS

2582 BOSTON ST
WOODBURN, OR 97071

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Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.4 CFS

Date Filed: 1/12/2012

Place of Use: IRRIGATION T54N R06W S25 SESE
Place of Use: STOCKWATER same as IRRIGATION
Total Acres: 20

Stockwater use is for 5 head of mixed stock.

96-9498

IDAHO FOREST GROUP LLC
4447 E CHILCO RD
ATHOL, ID 83801

Point of Diversion SESE S25 T56N R04W BONNER CO
Source PEND OREILLE RIVER tributary COLUMBIA RIVER
Point of Diversion SENW S31 T56N R03W BONNER County
Source PEND OREILLE RIVER tributary COLUMBIA RIVER
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T56N R03W S31 L3(NWNW)
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T56N R03W S30 NESW L3(NWSW) L4(SWSW) SESW
T56N R03W S31 L3(NWNW)
Place of Use: INDUSTRIAL STORAGE
T56N R03W S30 L4(SWSW)
T56N R03W S31 L3(NWNW)
Place of Use: INDUSTRIAL
T56N R03W S30 NESW L3(NWSW) L4(SWSW) SESW
T56N R03W S31 L3(NWNW)
Place of Use: INDUSTRIAL FROM STORAGE
T56N R03W S30 NESW L3(NWSW) L4(SWSW) SESW
T56N R03W S31 L3(NWNW)
Place of Use: IRRIGATION Storage
T56N R03W S31 L3(NWNW)
Place of Use: IRRIGATION and IRRIGATION from Storage
T56N R03W S30 NESW L3(NWSW) L4(SWSW) SESW
T56N R03W S31 L3(NWNW)

Total Acres: 60

Industrial use is for watering log decks, boiler make up water, and milling equipment.

96-9501

THOMAS W BARNES
PO BOX 95
PRIEST RIVER, ID 83856

Point of Diversion L4(SWSW) S30 T56N R04W BONNER CO
Source PEND OREILLE RIVER tributary COLUMBIA RIVER
Use: DIVERSION to STORAGE 01/01 to 12/31 0.2 CFS
Use: IRRIGATION 04/01 to 10/31 0.12 CFS
Use: IRRIGATION from Storage 04/01 to 10/31 12 AF
Use: IRRIGATION STORAGE 01/01 to 12/31 12.4 AF
Use: RECREATION 01/01 to 12/31 0.04 CFS
Use: RECREATION STORAGE 01/01 to 12/31 0.4 AF
Total Diversion: 0.2 CFS 12.4 AF

Date Filed: 2/10/2012

Place of Use: IRRIGATION T56N R04W S30 L4(SWSW)

Place of Use: IRRIGATION Storage T56N R04W S30 L4(SWSW)

Place of Use: IRRIGATION FROM STORAGE

T56N R04W S30 L4(SWSW)

Place of Use: RECREATION T56N R04W S30 L4(SWSW)

Place of Use: RECREATION Storage T56N R04W S30 L4(SWSW)

Total Acres: 4

Recreational use is for fishing.

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 3/26/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 3/7/2012 and 3/14/2012



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

February 23, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

ASIA WILLIAMS
BRIAN WILLIAMS
2582 BOSTON ST
WOODBURN, OR 97071

Application For Permit No. 95-16391

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 PRIEST RIVER TIMES on 3/7/2012 and 3/14/2012. 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
Sr. Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, February 23, 2012 10:06 AM
To: mary.terra-berns@idfg.idaho.gov
Subject: RE: Application for Permit No. 95-16391
Attachments: 95-16391_Williams.pdf

Good morning, Mary,

This did not publish as stated in the e-mail below, so I am re-submitting it at this time for written comment and/or recommendations from your agency.

It is currently being prepared to publish in the Priest River Times on March 7 and 14, 2012 with final date for protest now being March 26, 2012.

If you have any questions, please contact Eric Davis at this office.

Don 't count the days, let the days count.

Dianne

From: Ball, Dianne
Sent: Thursday, January 26, 2012 2:55 PM
To: mary.terra-berns@idfg.idaho.gov
Subject: RE: Application for Permit No. 95-16391

Dear Mary:

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

Being prepared for publication in Priest River Times on February 1 and 8, 2012 with final date for protest to be February 21, 2012.

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

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, January 26, 2012 2:55 PM
To: mary.terra-berns@idfg.idaho.gov
Subject: RE: Application for Permit No. 95-16391
Attachments: 95-16391_Williams.pdf

Dear Mary:

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

Being prepared for publication in Priest River Times on February 1 and 8, 2012 with final date for protest to be February 21, 2012.

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