

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 94-08839

Priority: December 08, 2011

Maximum Diversion Rate: 0.04 CFS

This is to certify, that WAYNE NYBORG Or KATHY NYBORG
PO BOX 838
PINEHURST ID 83850

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

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	0.02 CFS
IRRIGATION	04/01 to 10/31	0.04 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING NE1/4SE1/4NW1/4 Sec. 7, Twp 48N, Rge 02E, B.M. SHOSHONE County
SPRING NE1/4SE1/4NW1/4 Sec. 7, Twp 48N, Rge 02E, B.M. SHOSHONE County

PLACE OF USE: DOMESTIC And STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
48N	02E	7									X								

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
48N	02E	7								3.0							3.0		
Total Acres: 3																			

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2017**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
4. Stockwater use is for 20 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. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
7. This right does not grant any right-of-way or easement across the land of another.

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 15 day of February, 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

February 15, 2012

WAYNE NYBORG
PO BOX 838
PINEHURST ID 83850

KATHY NYBORG
PO BOX
838 ID 83850

RE: Permit No.94-8839

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.

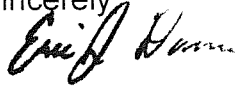
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

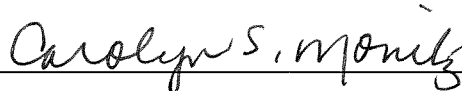
I hereby certify that on February 16, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

94-8839

**KATHY NYBORG
PO BOX
838 ID 83850**

**WAYNE NYBORG
PO BOX 838
PINEHURST ID 83850**

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.

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

P-12/29/11

W.R. # 94-8839

APPLICATION ID # 77652

ENT. ED

BCA 12/2/11

OK to Publish 12/2/11

INITIAL REVIEW

APPLICANT: Ny Dong

BY: ED

DATE: 12/09/2011

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)

PROCESSING

(Yes)(No)

PRIORITY DATE: 12/08/2011

☒ ☒

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

ADVERTISE IN:

Shoshone County

Newspaper: NP

Dates scheduled for publication 1/5 & 12/12/11 & 26/12

Affidavit of Publication received: 1/27/12

Dates actually published: 1/19 & 26/12

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 1/23/12

Protests Received: Yes ☐ No ☒

LETTERS SENT REQUESTING:

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

INFORMATION RECEIVED:

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

ADDITIONAL INFORMATION

(Yes)(No)

- ☒ Shape File Created Date 12-09-11 By: ED
____ Field check: by _____
____ Field report attached
____ Analysis Supp. Attached (>5cfs/500af)

____ Water delivered by water master? Water District # _____

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 (2) Springs
____ 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

- ____ ☒ Measuring device required
____ ☒ Measuring port required
____ ☒ Special conditions: _____
____ ☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Emilia Date: 2/14/2012 Sr. Agent initial ED

RECEIVED
JAN 27 2012
IDWR / NORTH

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

91-7638

RICHARD L UHLMANN
16499 N MOUNTAIN VIEW RD
RATHDRUM, ID 83858

Point of Diversion L11 (SESW) S5 T45N R03E SHOSHONE CO
Source ST JOE RIVER tributary COEUR D ALENE LAKE

Use: DOMESTIC	01/01 to 12/31	0.04 CFS
Use: STOCKWATER	01/01 to 12/31	0.02 CFS
Total Diversion:		0.06 CFS

Date Filed: 11/25/2011

Place of Use: DOMESTIC & STOCKWATER
T45N R03E S5 L11 (SESW)

Domestic use is for 6 RVs

Stockwater use for maximum 24 horses.

91-7644

BARBARA R BROTHERS
PO BOX 392

CALDER, ID 83808-0392

Point of Diversion L7 (NWSE) S3 T45N R02E SHOSHONE CO
Source UNNAMED STREAM tributary BEAR CREEK

Use: DOMESTIC	01/01 to 12/31	0.04 CFS
Use: STOCKWATER	01/01 to 12/31	0.02 CFS
Total Diversion:		0.06 CFS

Date Filed: 10/7/2011

Place of Use: DOMESTIC & STOCKWATER
T45N R02E S3 L7 (NWSE)

Domestic use is for 1 home.

Stockwater use is for 5 head mixed stock.

94-8570

WARREN G MOOS

PAULA A MOOS

3288 WEDGEWOOD LP

COEUR D ALENE, ID 83815

Point of Diversion L2 (NWNE) S25 T50N R02E SHOSHONE CO

Source UNNAMED STREAM tributary SINKS

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

Date Filed: 11/4/2011

Place of Use: DOMESTIC T50N R02E S25 L2 (NWNE)

Domestic use is for 1 home, lawn and garden.

94-8699

SCOTT JOHNSON

DEANNE JOHNSON

792 B WILLOW CREEK RD

MULLAN, ID 83846

Point of Diversion SWSE S36 T48N R05E SHOSHONE CO

Source UNNAMED STREAM

Tributary SOUTH FORK COEUR D ALENE RIVER

Use: DOMESTIC	01/01 to 12/31	0.04 CFS
Use: STOCKWATER	01/01 to 12/31	0.02 CFS
Total Diversion:		0.06 CFS

Date Filed: 11/17/2011

Place of Use: DOMESTIC & STOCKWATER

T48N R05E S36 SWNE

Domestic use is for 2 homes.

Stockwater use is for 5 head mixed stock.

94-8736

CARL R. NORDSTROM

SALLY J NORDSTROM

404 KLETTE RD

KINGSTON, ID 83839

Point of Diversion NWSW S9 T49N R02E SHOSHONE CO

Source UNNAMED STREAM tributary SINKS

Use: Diversion to Storage	01/01 to 12/31	0.06 CFS
Use: Fire Protection Storage	01/01 to 12/31	2.8 AF
Use: RECREATION	01/01 to 12/31	0.06 CFS
Use: Recreation Storage	01/01 to 12/31	2.8 AF
Use: WILDLIFE STORAGE	01/01 to 12/31	2.8 AF
Total Diversion:		0.06 CFS

Date Filed: 11/29/2011

Place Of Use: RECREATION T49N R02E S8 SENE

Place of Use: ALL STORAGE T49N R02E S8 SENE

Recreation use is for fishing, swimming and boating.

94-8832

PAULA L OLSON

PO BOX 575

OSBURN, ID 83849

Point of Diversion NWSW S10 T49N R04E SHOSHONE CO

Source TRAIL CREEK tributary BEAVER CREEK

Use: MINING	01/01 to 12/31	0.33 CFS
Total Diversion:		0.33 CFS

Date Filed: 12/7/2011

Place of Use: MINING T49N R04E S10 NWSW

94-8839

WAYNE NYBORG

KATHY NYBORG

PO BOX 838

PINEHURST, ID 83850

Points of Diversion (2) NESENW S7 T48N R02E SHOSHONE CO

Source SPRING tributary SINKS

Use: DOMESTIC	01/01 to 12/31	0.02 CFS
Use: IRRIGATION	04/01 to 10/31	0.04 CFS
Use: STOCKWATER	01/01 to 12/31	0.02 CFS
Total Diversion:		0.04 CFS

Date Filed: 12/8/2011

Place Of Use: DOMESTIC, IRRIGATION & STOCKWATER

T48N R02E S7 SENW

Total Acres: 3

Domestic use is for 1 home

Stockwater use for 20 head mixed stock.

94-8849

NICK MATYE

GLORIA MATYE

705 S OSPREY DR

POST FALLS, ID 83854

Point of Diversion L4 (SESW) S24 T50N R02E SHOSHONE CO

Source N FORK COEUR D ALENE RIVER

Tributary COEUR D ALENE RIVER

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

Date Filed: 12/7/2011

Place of Use: DOMESTIC T50N R02E S24 L4 (SESW)

Domestic use is for 1 camper/RV site.

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 2/6/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

SHO Legal 675

January 19, 26, 2012

AFFIDAVIT OF PUBLICATION

RECEIVED
JAN 27 2012
IDWR / NORTH

STATE OF IDAHO, } ss.
County of Shoshone

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.

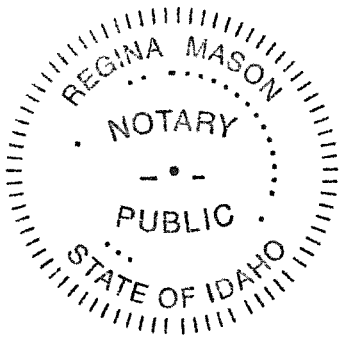
3. The Legal Notice

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 19th day of January, 2012, 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 26th day of January 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



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

91-7638

RICHARD L UHLMANN

16499 N MOUNTAIN VIEW RD

RATHDRUM, ID 83858

Point of Diversion L11(SESW) S5 T45N R03E SHOSHONE CO

Source ST JOE RIVER tributary COEUR D ALENE LAKE

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

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

Total Diversion: 0.06 CFS

Date Filed: 11/25/2011

Place of Use: DOMESTIC & STOCKWATER

T45N R03E S5 L11(SESW)

Domestic use is for 6 RVs

Stockwater use for maximum 24 horses.

91-7644

BARBARA R BROTHERS

PO BOX 392

CALDER, ID 83808-0392

Point of Diversion L7(NWSE) S3 T45N R02E SHOSHONE CO

Source UNNAMED STREAM tributary BEAR CREEK

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

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

Total Diversion: 0.06 CFS

Date Filed: 10/7/2011

Place of Use: DOMESTIC & STOCKWATER

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Domestic use is for 1 home.

Stockwater use is for 5 head mixed stock.

94-8570

WARREN G MOOS

PAULA A MOOS

3288 WEDGEWOOD LP

COEUR D ALENE, ID 83815

Point of Diversion L2(NWNE) S25 T50N R02E SHOSHONE CO

Source UNNAMED STREAM tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 11/4/2011

Place of Use: DOMESTIC T50N R02E S25 L2(NWNE)

Domestic use is for 1 home, lawn and garden.

94-8699

SCOTT JOHNSON

DEANNE JOHNSON

792 B WILLOW CREEK RD

MULLAN, ID 83846

Point of Diversion SWSE S36 T48N R05E SHOSHONE CO

Source UNNAMED STREAM

Tributary SOUTH FORK COEUR D ALENE RIVER

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

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

Total Diversion: 0.06 CFS

Date Filed: 11/17/2011

Place of Use: DOMESTIC & STOCKWATER

T48N R05E S36 SWNE

Domestic use is for 2 homes.

Stockwater use is for 5 head mixed stock.

94-8736

CARL R. NORDSTROM

SALLY J NORDSTROM

404 KLETTE RD

KINGSTON, ID 83839

Point of Diversion NWSW S9 T49N R02E SHOSHONE CO

Source UNNAMED STREAM tributary SINKS

Use: Diversion to Storage 01/01 to 12/31 0.06 CFS

Use: Fire Protection Storage 01/01 to 12/31 2.8 AF

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

Use: Recreation Storage 01/01 to 12/31 2.8 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 2.8 AF

Total Diversion: 0.06 CFS

Date Filed: 11/29/2011

Place Of Use: RECREATION T49N R02E S8 SENE
Place of Use: ALL STORAGE T49N R02E S8 SENE
Recreation use is for fishing, swimming and boating.

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PO BOX 575

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Place of Use: MINING T49N R04E S10 NWSW

94-8839

WAYNE NYBORG

KATHY NYBORG

PO BOX 838

PINEHURST, ID 83850

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

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94-8849

NICK MATYE

GLORIA MATYE

705 S OSPREY DR

POST FALLS, ID 83854

Point of Diversion L4(SESW) S24 T50N R02E SHOSHONE CO

Source N FORK COEUR D ALENE RIVER

Tributary COEUR D ALENE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 12/7/2011

Place of Use: DOMESTIC T50N R02E S24 L4(SESW)

Domestic use is for 1 camper/RV site.

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 2/6/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 1/19/2012 and 1/26/2012

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, January 05, 2012 11:32 AM
To: Legal Notices-Shoshone NP Angie Abbott@cdapress.com; Legal Notices Shoshone NP-CdA Charlene Harwood billing-collections
Cc: Legal Notices, CdAPress - Kattie George
Subject: Application for Permit No. 94-8570, 94-8736, 94-8699, 91-7638, 91-7644, 94-8832, 94-8839, 94-8849
Attachments: LegalNotice 1-5-12 NP e-mail 91-7638,7644,94-8570,8699,8736,8832,8839,8849.doc

A very good day to you, Angela,

I trust you had a wonderful holiday season – a Merry and blessed Christmas and a great start to the New Year.

I understand after talking with Kattie, that this legal notice didn't publish as originally scheduled for January 5 and 12, 2012, so I'm re-submitting it with request that the enclosed legal notice will now publish on the dates indicated, January 19 and 26, 2012, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

I'm assuming that since it did not publish as originally requested, that it will have a new Legal # assigned to it, also. Please submit a new proof/preview copy for my review before this actually 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 2/6/2012. Your cooperation is greatly appreciated.

It's always a pleasure working with you, and also with Kattie. Thanks to both of you for your help with this one.

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



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

December 21, 2011

WAYNE NYBORG
KATHY NYBORG
PO BOX 838
PINEHURST, ID 83850

Application For Permit No. 94-8839

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.

The legal notice prepared and scheduled for publication in the SHOSHONE NEWS PRESS on 1/5/2012 and 1/12/2012 did not actually get into the Press as scheduled, due to mix-up at the Press. Therefore it is being re-scheduled for publication on January 19 and 26, 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,

Dianne Ball
Administrative Assistant

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

91-7638

RICHARD L UHLMANN

16499 N MOUNTAIN VIEW RD

RATHDRUM, ID 83858

Point of Diversion L11(SESW) S5 T45N R03E SHOSHONE CO

Source ST JOE RIVER tributary COEUR D ALENE LAKE

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

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

Total Diversion: 0.06 CFS

Date Filed: 11/25/2011

Place of Use: DOMESTIC & STOCKWATER

T45N R03E S5 L11(SESW)

Domestic use is for 6 RVs

Stockwater use for maximum 24 horses.

91-7644

BARBARA R BROTHERS

PO BOX 392

CALDER, ID 83808-0392

Point of Diversion L7(NWSE) S3 T45N R02E SHOSHONE CO

Source UNNAMED STREAM tributary BEAR CREEK

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

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

Total Diversion: 0.06 CFS

Date Filed: 10/7/2011

Place of Use: DOMESTIC & STOCKWATER

T45N R02E S3 L7(NWSE)

Domestic use is for 1 home.

Stockwater use is for 5 head mixed stock.

94-8570

WARREN G MOOS

PAULA A MOOS

3288 WEDGEWOOD LP

COEUR D ALENE, ID 83815

Point of Diversion L2(NWNE) S25 T50N R02E SHOSHONE CO

Source UNNAMED STREAM tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 11/4/2011

Place of Use: DOMESTIC T50N R02E S25 L2(NWNE)

Domestic use is for 1 home, lawn and garden.

94-8699

SCOTT JOHNSON

DEANNE JOHNSON

792 B WILLOW CREEK RD

MULLAN, ID 83846

Point of Diversion SWSE S36 T48N R05E SHOSHONE CO

Source UNNAMED STREAM

Tributary SOUTH FORK COEUR D ALENE RIVER

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

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

Total Diversion: 0.06 CFS

Date Filed: 11/17/2011

Place of Use: DOMESTIC & STOCKWATER

T48N R05E S36 SWNE

Domestic use is for 2 homes.

Stockwater use is for 5 head mixed stock.

94-8736

CARL R. NORDSTROM

SALLY J NORDSTROM

404 KLETTE RD

KINGSTON, ID 83839

Point of Diversion NWSW S9 T49N R02E SHOSHONE CO

Source UNNAMED STREAM tributary SINKS

Use: Diversion to Storage 01/01 to 12/31 0.06 CFS

Use: Fire Protection Storage 01/01 to 12/31 2.8 AF

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

Use: Recreation Storage 01/01 to 12/31 2.8 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 2.8 AF

Total Diversion: 0.06 CFS

Date Filed: 11/29/2011

*didn't get into paper
paper error
redo for
publication
1/19 & 26/12*

Place Of Use: RECREATION T49N R02E S8 SENE
Place of Use: ALL STORAGE T49N R02E S8 SENE
Recreation use is for fishing, swimming and boating.

94-8832

PAULA L OLSON

PO BOX 575

OSBURN, ID 83849

Point of Diversion NWSW S10 T49N R04E SHOSHONE CO

Source TRAIL CREEK tributary BEAVER CREEK

Use: MINING 01/01 to 12/31 0.33 CFS

Total Diversion: 0.33 CFS

Date Filed: 12/7/2011

Place of Use: MINING T49N R04E S10 NWSW

94-8839

WAYNE NYBORG

KATHY NYBORG

PO BOX 838

PINEHURST, ID 83850

Points of Diversion (2) NESENW S7 T48N R02E SHOSHONE CO

Source SPRING tributary SINKS

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

Use: IRRIGATION 04/01 to 10/31 0.04 CFS

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

Total Diversion: 0.04 CFS

Date Filed: 12/8/2011

Place Of Use: DOMESTIC, IRRIGATION & STOCKWATER

T48N R02E S7 SENW

Total Acres: 3

Domestic use is for 1 home

Stockwater use for 20 head mixed stock.

94-8849

NICK MATYE

GLORIA MATYE

705 S OSPREY DR

POST FALLS, ID 83854

Point of Diversion L4 (SESW) S24 T50N R02E SHOSHONE CO

Source N FORK COEUR D ALENE RIVER

Tributary COEUR D ALENE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 12/7/2011

Place of Use: DOMESTIC T50N R02E S24 L4 (SESW)

Domestic use is for 1 camper/RV site.

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 1/23/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 1/5/2012 and 1/12/2012

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, December 21, 2011 2:17 PM
To: Legal Notices-Shoshone NP Angie Abbott@cdapress.com; Legal Notices Shoshone NP-CdA Charlene Harwood billing-collections
Subject: Application for Permit No. 94-8570, 94-8736, 94-8699, 91-7638, 91-7644, 94-8832, 94-8839, 94-8849
Attachments: LegalNotice 12-21-11 NP e-mail 91-7638,7644,94-8570,8699,8736,8832,8839,8849.doc

Hi, Angela,

Please publish the enclosed legal notice on the dates indicated, January 5 and 12, 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 1/23/2012. Your cooperation is ALWAYS appreciated.

It's great working with you and I wish for you a very Merry Christmas, and a prosperous New Year.

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



State of Idaho

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Sincerely,

Eric Davis
Sr. Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, December 21, 2011 11:20 AM
To: mary.terra-berns@idfg.idaho.gov
Subject: RE: Application for Permit No. 91-7644 unnamed stream; 94-8570 unnamed stream; 94-8699 unnamed stream; 94-8736 unnamed stream; 94-8832 Trail Ck; 04-8839 springs (2);
Attachments: 91-7644_Brothers.pdf; 94-8570_Moos.pdf; 94-8699_Johnson.pdf; 94-8736_Nordstrom.pdf; 94-8832_Olson.pdf; 94-8839_Nyborg.pdf

Dear Mary:

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

Being prepared for publication in Shoshone News Press on January 5 and 12, 2012 with final date for protests to be January 23, 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