

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 92-10233

Priority: May 05, 2011

Maximum Diversion Rate: 0.12 CFS

This is to certify, that KOLAR KLUB LLC
467 BOSWELL RD
PLUMMER ID 83851

has applied for a permit to appropriate water from:

Source: ST MARIES RIVER**Tributary:** ST JOE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.06 CFS	
IRRIGATION	04/01 to 10/31	0.12 CFS	
FIRE PROTECTION STORAGE	01/01 to 12/31		1.3 AF

LOCATION OF POINT(S) OF DIVERSION:

ST MARIES RIVER NW1/4NW1/4 Sec. 8, Twp 44N, Rge 01W, B.M. BENEWAH County

ST MARIES RIVER NW1/4NW1/4 Sec. 8, Twp 44N, Rge 01W, B.M. BENEWAH County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
44N	01W	8						X											

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
44N	01W	8						6.0											6.0

Total Acres: 6

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 92-10233

PLACE OF USE: FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
44N 01W 8						X											

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2012**.
2. Subject to all prior water rights.
3. Water shall not be diverted under this right when flows in the St. Maries River are below minimum flow amounts as defined by Right 92-7200.
4. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
5. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
6. 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.
7. Domestic use is for 4 RV Sites. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
8. 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 29 day of August, 2011.

Gary Spackman
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

August 30, 2011

KOLAR KLUB LLC
467 BOSWELL RD
PLUMMER ID 83851

RE: Permit No.92-10233

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 dark ink, appearing to read "Keith E. Franklin". The signature is fluid and cursive, with the first name "Keith" being more prominent.

Keith E. Franklin

Sr. Water Resource Agent

Enclosure(s)

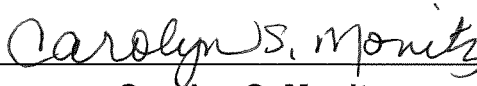
CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2011 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.

92-10233

**KOLAR KLUB LLC
467 BOSWELL RD
PLUMMER ID 83851**

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 8/11/11

W.R. # 92 - 10233

APPLICATION ID # 77227

ENT. ED BCA 6/7/11

OK to Publish 6/6/11

APPLICANT: Kolar Klub LLC

INITIAL REVIEW

BY: ED

DATE: 5/9/2011

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: 5/5/2011

☒

(Include Moratorium Remark)

☒

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

ADVERTISE IN:

Newspaper: Sm Beneviah County

Dates scheduled for publication 8/3 + 10/11

Affidavit of Publication received: 8/12/11

Dates actually published: 8/3 + 10/11

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 8/22/11

Protests Received: Yes ☐ No ☒

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

ADDITIONAL INFORMATION

(Yes)(No)

☒ Shape File Created Date 5-9-11 By: ED

☐ Field check: by _____

☐ Field report attached

☐ Analysis Supp. Attached (>5cfs/500af)

☐ Water delivered by water master? Water District # _____

LETTERS SENT REQUESTING:

☐ Dam Information ☐ Fish Information

☐ Power Information ☐ Other: _____

INFORMATION RECEIVED:

☐ Dam Information ☐ Fish Information

☐ Power Information ☐ Other: _____

GROUNDWATER SECTION

WD Permit No.'s:

Tag #

Type:

Fees

Receipt No.

Upgrade Needed?

_____ Dom. _____ Non-Dom. _____ Paid \$ _____

_____ Dom. _____ Non-Dom. _____ Paid \$ _____

_____ Dom. _____ Non-Dom. _____ Paid \$ _____

Y () N ()

Y () N ()

Y () N ()

☐ Groundwater management area

☐ Critical ground water area

☐ Well Drilling Permit required

☐ Well Drilling Application and Fees received

☐ Well Drilling Application approved?

ST MARIES RIVER

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: MSP & screen at point of diversion

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

Approval Recommended by: Eric [Signature]

Date: 8/22/2011 Sr. Agent initial ED

RECEIVED

AUG 12 2011

IDWA // NORTH

NOTICE OF APPLICATION

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

92-10233

KOLAR KLUB LLC

467 BOSWELL RD

PLUMMER, ID 83851

Points of Diversion(2) NWNW S8 T44N R01W

BENEWAH County

Source ST MARIES RIVER tributary ST JOE RIVER

Use: DOMESTIC 01/01 to 12/31 0.060 CFS

Use: IRRIGATION 04/01 to 10/31 0.120 CFS

Use: FIRE Protection Storage 01/01 to 12/31 1.30 AF

Total Diversion: 0.120 CFS

Date Filed: 5/5/2011

Place of Use: DOMESTIC T44N R01W S08 NWNW

Place of Use: IRRIGATION T44N R01W S08 NWNW

Place of Use: FIRE PROTECTION STORAGE

T44N R01W S08 NWNW

Total Acres: 6

Domestic use is for 4 RV sites.

92-10235

MIKE MONTEITH

CATHERINE MONTEITH

373 S RIVER HIDEAWAY

ST MARIES, ID 83861

Point of Diversion SWNE S8 T44N R01W BENEWAH CO

Source ST MARIES RIVER tributary ST JOE RIVER

Use: IRRIGATION 04/01 to 10/31 0.150 CFS

Use: STOCKWATER 01/01 to 12/31 0.020 CFS

Use: FIRE PROTECTION 01/01 to 12/31 0.200 CFS

Total Diversion: 0.200 CFS

Date Filed: 5/6/2011

Place of Use: IRRIGATION T44N R01W S08 SWNE

Place of Use: STOCKWATER T44N R01W S08 SWNE

Place of Use: FIRE PROTECTION T44N R01W S08 SWNE

Total Acres: 5

Stockwater use is for 10 head of mixed stock.

92-10258

RUBY RUDE

7128 RUDE ST

DALTON GARDENS, ID 83815

Point of Diversion L9 (NWSW) S16 T46N R02W

BENEWAH County

Source ST JOE RIVER tributary COEUR D'ALENE LAKE

Use: DOMESTIC 01/01 to 12/31 0.040 CFS

Total Diversion: 0.040 CFS

Date Filed: 6/16/2011

Place of Use: DOMESTIC T46N R02W S16 Lot 9(NWSW)

Domestic use is for 1 home.

92-10320

TERRY FULLER

CANDY FULLER

330 BLACKWELL RAILROAD LN

ST MARIES, ID 83861

Point of Diversion NENE S33 T44N R02W BENEWAH CO

Source CHARLIE CREEK tributary SANTA CREEK

Use: DOMESTIC 01/01 to 12/31 0.040 CFS

Total Diversion: 0.040 CFS

Date Filed: 5/23/2011

Place of Use: DOMESTIC T44N R02W S33 NENE

Domestic use is for 1 home.

92-10333

CHARLES GROSHONG

1002 CHERRY CREEK RD

ST. MARIES, ID 83861

Point of Diversion NENE S30 T46N R02W BENEWAH CO

Source UNNAMED STREAM tributary CHERRY CREEK

Use: IRRIGATION 03/15 to 10/31 0.030 CFS

Total Diversion: 0.030 CFS

Date Filed: 5/20/2011

Place of Use: IRRIGATION T46N R02W S30 NENE

Total Acres: 1

92-10338

ERIC HAMANN

JULIE HAMANN

217 NORTH FORK SANTA CRK RD

ST MARIES, ID 83861

Point of Diversion L1 (SESE) S26 T44N R03W

BENEWAH County

Source UNNAMED STREAM tributary SANTA CREEK

Use: IRRIGATION 4/1 to 10/31 0.030 CFS

Total Diversion:

0.030 CFS

Date Filed: 5/24/2011

Place of Use: IRRIGATION T44N R03W S26 Lot 1(SESE)

Total Acres: 1

92-10345

JAMES D. THORNES

791 PETTIS PEAK RD

ST MARIES, ID 83861

Point of Diversion SWSESE S16 T45N R01W BENEWAH CO

Source SPRING tributary THORN CREEK

Use: WILDLIFE Storage 01/01 to 12/31 3.50 AF

Use: FIRE PROTECTION Storage 01/01 to 12/31 3.50 AF

Total Diversion: 3.50 AF

Date Filed: 5/24/2011

Place of Use: FIRE PROTECTION STORAGE

T45N R01W S16 SESE

Place of Use: WILDLIFE STORAGE T45N R01W S16 SESE

92-10372

GOLDA M SCHRADER

1615 LINCOLN AVE

ST MARIES, ID 83861

Point of Diversion L6 (SESW) S25 T46N R02W

BENEWAH County

Source ST MARIES RIVER tributary ST JOE RIVER

Use: DOMESTIC 01/01 to 12/31 0.040 CFS

Total Diversion: 0.040 CFS

Date Filed: 6/1/2011

Place of Use: DOMESTIC T46N R02W S25 Lot 6(SESW)

Domestic use is for 1 home.

Permits will be subject to all prior water rights. 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 8/22/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

8057 Aug. 3-Aug. 10

RECEIVED

AUG 12 2011

IDWR / NORTH

Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of two issues, the first publication being on the 3 day of August, 2011 and the last on the 10 day of August, 2011.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Dated this 10 day of August, 2011.

Cynthia Ann Hammes

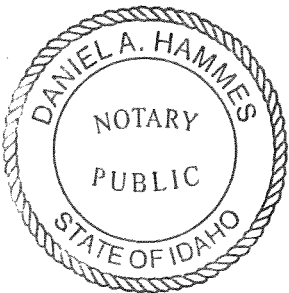
STATE OF IDAHO)
COUNTY OF BENEWAH)

On this 10 day of August, in the year of 2011
before me, a Notary Public, personally appeared Cynthia Ann Hammes, known or identified to me to be the person whose name subscribed to within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Daniel A. Hammes

Notary Public for Idaho
Residing at St. Maries, Idaho
My commission expires:

07-13-2013



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

92-10233

KOLAR KLUB LLC

467 BOSWELL RD

PLUMMER, ID 83851

Points of Diversion(2) NWNW S8 T44N R01W

BENEWAH County

Source ST MARIES RIVER tributary ST JOE RIVER

Use: DOMESTIC 01/01 to 12/31 0.060 CFS

Use: IRRIGATION 04/01 to 10/31 0.120 CFS

Use: FIRE Protection Storage 01/01 to 12/31 1.30 AF

Total Diversion: 0.120 CFS

Date Filed: 5/5/2011

Place of Use: DOMESTIC T44N R01W S08 NWNW

Place of Use: IRRIGATION T44N R01W S08 NWNW

Place of Use: FIRE PROTECTION STORAGE

T44N R01W S08 NWNW

Total Acres: 6

Domestic use is for 4 RV sites.

92-10235

MIKE MONTEITH

CATHERINE MONTEITH

373 S RIVER HIDEAWAY

ST MARIES, ID 83861

Point of Diversion SWNE S8 T44N R01W BENEWAH CO

Source ST MARIES RIVER tributary ST JOE RIVER

Use: IRRIGATION 04/01 to 10/31 0.150 CFS

Use: STOCKWATER 01/01 to 12/31 0.020 CFS

Use: FIRE PROTECTION 01/01 to 12/31 0.200 CFS

Total Diversion: 0.200 CFS

Date Filed: 5/6/2011

Place of Use: IRRIGATION T44N R01W S08 SWNE

Place of Use: STOCKWATER T44N R01W S08 SWNE

Place of Use: FIRE PROTECTION T44N R01W S08 SWNE

Total Acres: 5

Stockwater use is for 10 head of mixed stock.

92-10258

RUBY RUDE

7128 RUDE ST

DALTON GARDENS, ID 83815

Point of Diversion L9 (NWSW) S16 T46N R02W

BENEWAH County

Source ST JOE RIVER tributary COEUR D ALENE LAKE

Use: DOMESTIC 01/01 to 12/31 0.040 CFS

Total Diversion: 0.040 CFS

Date Filed: 6/16/2011

Place of Use: DOMESTIC T46N R02W S16 Lot 9(NWSW)

Domestic use is for 1 home.

92-10320

TERRY FULLER

CANDY FULLER

330 BLACKWELL RAILROAD LN

ST MARIES, ID 83861

Point of Diversion NENE S33 T44N R02W BENEWAH CO

Source CHARLIE CREEK tributary SANTA CREEK

Use: DOMESTIC 01/01 to 12/31 0.040 CFS

Total Diversion: 0.040 CFS

Date Filed: 5/23/2011

Place of Use: DOMESTIC T44N R02W S33 NENE

Domestic use is for 1 home.

92-10333

CHARLES GROSHONG

1002 CHERRY CREEK RD

ST. MARIES, ID 83861

Point of Diversion NENE S30 T46N R02W BENEWAH CO

Source UNNAMED STREAM tributary CHERRY CREEK

Use: IRRIGATION 03/15 to 10/31 0.030 CFS

Total Diversion: 0.030 CFS

Date Filed: 5/20/2011

Place of Use: IRRIGATION T46N R02W S30 NENE

Total Acres: 1

92-10338
ERIC HAMANN
JULIE HAMANN
217 NORTH FORK SANTA CRK RD
ST MARIES, ID 83861
Point of Diversion L1 (SESE) S26 T44N R03W
BENEWAH County
Source UNNAMED STREAM tributary SANTA CREEK
Use: IRRIGATION 4/1 to 10/31 0.030 CFS
Total Diversion: 0.030 CFS

Date Filed: 5/24/2011
Place of Use: IRRIGATION T44N R03W S26 Lot 1(SESE)
Total Acres: 1

92-10345
JAMES D. THORNES
791 PETTIS PEAK RD
ST MARIES, ID 83861
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Source SPRING tributary THORN CREEK
Use: WILDLIFE Storage 01/01 to 12/31 3.50 AF
Use: FIRE PROTECTION Storage 01/01 to 12/31 3.50 AF
Total Diversion: 3.50 AF

Date Filed: 5/24/2011
Place of Use: FIRE PROTECTION STORAGE
T45N R01W S16 SESE
Place of Use: WILDLIFE STORAGE T45N R01W S16 SESE

92-10372
GOLDA M SCHRADER
1615 LINCOLN AVE
ST MARIES, ID 83861
Point of Diversion L6 (SESW) S25 T46N R02W
BENEWAH County
Source ST MARIES RIVER tributary ST JOE RIVER
Use: DOMESTIC 01/01 to 12/31 0.040 CFS
Total Diversion: 0.040 CFS

Date Filed: 6/1/2011
Place of Use: DOMESTIC T46N R02W S25 Lot 6(SESW)
Domestic use is for 1 home.
Permits will be subject to all prior water rights. 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 8/22/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Legal #
Published on 8/3/2011 and 8/10/2011

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, July 27, 2011 4:49 PM
To: Legal Notices-SMGazette Benewah Co (kaisie@smgazette.com)
Subject: Application for Permit No. 92-10233, 92-10235, 92-10258, 92-10320, 92-10333, 92-10338, 92-10345, 92-10372

Good afternoon, Kaisie

This is yet another legal notice and we are requesting that this also publish on the dates indicated, August 3 and 10, 2011, (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 on this one, also, along with the publication bill. (The publication bill can be combined for all of these, but we need separate affidavits for each publication group.)

Please send the affidavits and the bill to this office before 8/22/2011. Your cooperation is truly appreciated.

Thanks for all your wonderful help.



LegalNotice
07-27-11 SM e-mail..

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

July 27, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

KOLAR KLUB LLC
467 BOSWELL RD
PLUMMER, ID 83851

Water Right No.92-10233

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the ST MARIES GAZETTE RECORD on 8/3/2011 and 8/10/2011. 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 J. Davis
Sr. Water Resource Agent



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION

2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

July 13, 2011

C.L. "Butch" Otter/Governor
Virgil Moore/Director

Mr. Keith Franklin
Idaho Department of Water Resources
Northern Region
7600 Mineral Drive, Ste 100
Coeur d'Alene, ID 83815

RECEIVED

JUL 15 2011

Dear Keith:

IDWR / NORTH

REFERENCE:

→ KOLAR KLUB: 92-10233 (irrigation 0.12 cfs, domestic 0.06, fire protection 1.3 AF)
MONTEITH: 92-10235 (irrigation 0.15 cfs, stock water 0.02, fire protection 0.20 cfs)

We have reviewed the above-named applications to divert water from the St. Maries River for domestic use, irrigation, stock water, and fire protection.

The St. Maries River contains populations of resident, river run (fluvial) and lake run (adfluvial) cutthroat trout. IDFG utilizes a slot limit for westslope cutthroat trout, above the slack water, which allows the population to increase while providing limited harvest opportunity. Bull trout are managed under "conservation" status, to conserve and restore bull trout numbers.

Although the amounts requested are small, we are concerned that the cumulative effects of property owners applying for diversions may be harmful to this economically and ecologically important fishery. There is a minimum stream flow on the St. Maries River (WR 92-7200) of 141.0 cfs from December 1 to July 31, and 65.0 cfs from August 1 through November 30. The applicants should be made aware that their diversion cannot negatively impact the established minimum flow in the St. Maries River. Because water right diversions allow water users to manipulate streams, we recommend this permit be conditioned to require no disturbance to the stream channel. If pumps are used, they should be adequately screened to prevent entrainment and /or impingement of juvenile trout (we recommend ≤ 0.25 " mesh, with approach velocity of ≤ 0.5 feet per second).

Thank you for your attention to this matter.

Sincerely,


Charles E. "Chip" Corsi
Regional Supervisor

CEC:MTB

C: Sharon Kiefer, IDFG Boise

File: IDWR Combined 92-10233;10235

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-769-1414 • Fax: 208-769-1418 • Idaho Relay (TDD) Service: 1-800-377-3529 • <http://fishandgame.idaho.gov>

Ball, Dianne

From: Jim Bennett [JBennett@idl.idaho.gov]
Sent: Monday, June 13, 2011 10:35 AM
To: Ball, Dianne
Subject: RE: RE: Application for Permit No. 92-10233, 92-10235, 92-10258, 92-10372

Dear Dianne,

Thank you for subject notification. Applications 92-10233 (Kolar) and 92-10258 (Monteith) are located on the St. Maries River upstream of the navigable waters designation. Application 92-010258 (Rude) is located on the St. Joe River upstream from IDL jurisdiction. Application 92-10372 (Schrader) is located on the St. Maries River within IDL jurisdiction and we will pursue an encroachment permit for a water line. The IDL, St. Joe Area does not have any comment regarding these applications. Please contact me if you have questions or comments.

Jim

From: Ball, Dianne [<mailto:Dianne.Ball@idwr.idaho.gov>]
Sent: Friday, June 10, 2011 3:03 PM
To: mary.terra-berns@idfg.idaho.gov; Jim Bennett
Subject: FW: RE: Application for Permit No. 92-10233, 92-10235, 92-10258, 92-10372

This is to notify you that due to network problems with our legal notice portion of our workflow process, these applications sent earlier stating scheduled for publication June 15 and 22, 2011 will now be publishing the first 2 weeks in July with final date for protest being July 25, 2011,

If you have any questions, please contact me.

Thanks,

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

Dianne

From: Ball, Dianne
Sent: Tuesday, June 07, 2011 3:33 PM
To: mary.terra-berns@idfg.idaho.gov; jbennett@idl.idaho.gov
Subject: RE: Application for Permit No. 92-10233, 92-10235, 92-10258, 92-10372

Dear Mary and Jim:

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 each of the applications is enclosed for your reference.

<<92-10233_Kolar_Klub.pdf>> <<92-10235_Monteith.pdf>> <<92-10258_Rude.pdf>> <<92-10372_Schrader.pdf>>

Ball, Dianne

From: Ball, Dianne
Sent: Friday, June 10, 2011 3:03 PM
To: 'mary.terra-berns@idfg.idaho.gov'; 'jbennett@idl.idaho.gov'
Subject: FW: RE: Application for Permit No. 92-10233, 92-10235, 92-10258, 92-10372

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92-10235_Monteith.pdf



92-10258_Rude.pdf



92-10372_Schrader.pdf

Being prepared for publication on June 15 and 22 in St Maries Gazette with July 5, 2011 as final date for protests to be received in our office.

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

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

Sincerely,

Dianne Ball

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

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92-10233_Kolar_Klu92-10235_Monteith.pdf



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