

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 92-10523

Priority: June 09, 2011

Maximum Diversion Rate: 0.04 CFS

This is to certify, that JERRY NELSON And/Or CATHY NELSON
486 SHEPHERD RD
ST MARIES ID 83861

has applied for a permit to appropriate water from:

Source: ST JOE RIVER

Tributary: COEUR D ALENE LAKE

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

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

ST JOE RIVER NW1/4NE1/4 Sec. 20, Twp 46N, Rge 02W, B.M. BENEWAH County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N	02W	20		X															
				L 1															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2012**.
2. Subject to all prior water rights.
3. Water shall not be diverted under this right when flows in the St Joe River are below minimum flow amounts as defined by Right 91-7122.
4. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
7. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
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 16 day of September, 2011.


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

September 19, 2011

JERRY NELSON
486 SHEPHERD RD
ST MARIES ID 83861

CATHY NELSON
486 SHEPHERD RD
ST MARIES ID 83861

RE: Permit No.92-10523

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, reading "Keith E. Franklin". The signature is written in a cursive style with a large, stylized "K" and "F".

Keith E. Franklin

Sr. Water Resource Agent

Enclosure(s)

CERTIFICATE OF SERVICE

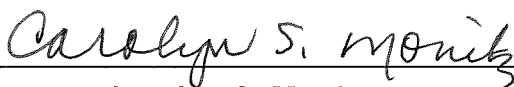
I hereby certify that on September 20, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

92-10523

**CATHY NELSON
486 SHEPHERD RD
ST MARIES ID 83861**

**JERRY NELSON
486 SHEPHERD RD
ST MARIES ID 83861**

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.

**ID O DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 92 - 10523

APPLICATION ID # 77335

ENT. ED

BCA 7/20

OK to Publish 7/20/11

APPLICANT: NELSON

INITIAL REVIEW

BY: ED

DATE: 6/29/2011

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)

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

ADDITIONAL INFORMATION

(Yes)(No)

- ☒ **Shape File Created** Date _____ By: ED
- _____ Field check: by _____
- _____ Field report attached
- _____ Analysis Supp. Attached (>5cfs/500af)
- _____ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 6/9/2011

☒

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

ADVERTISE IN:

Newspaper: BENEWAH County
SM
Dates scheduled for publication 8/17 + 24/11
Affidavit of Publication received: 8/25/11
Dates actually published: 8/17 + 24/11
Application published correctly. Yes ☒ No _____
If not, action taken: _____

Final Date for Protest: 9/10/11

Protests Received: Yes _____ No ☒

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 \$ _____	_____	Y () N ()
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()

ST. JOE RIVER

- _____ Groundwater management area
- _____ 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.
- _____ ☒ Further information required from applicant _____
- Final order response date: _____/_____/_____

- _____ ☒ Measuring device required
- _____ ☒ Measuring port required

_____ ☒ Special conditions: MSF ST. JOE RIVER, 1/4 SCREEN AT POINT OF DIVERSION

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

Approval Recommended by: E.D.

Date: 9/16/2011 Sr. Agent initial E.D.

APPLICATION NOTICE

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

92-10440

JIM MC CARTER

1504 SHEPHERD RD

ST MARIES, ID 83861

Point of Diversion L4(NWSE) S16 T46N R02W

BENEWAH CO

Source ST JOE RIVER tributary COEUR D ALENE LAKE

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

Total Diversion: 0.03 CFS

Date Filed: 6/1/2011

Place of Use: IRRIGATION

T46N R02W S16 L4(NESW) L4(NWSE)

Total Acres: 0.6

92-10448

LEIF WAYNE JOHNSON

18036 SR 20

WINTHROP, WA 98862

Point of Diversion NWNW S9 T45N R02W BENEWAH CO

Source UNNAMED STREAM tributary ST MARIES RIVER

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

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

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

Use: Stockwater from Storage 01/01 to 12/31 0.2 AF

Use: STOCKWATER Storage 01/01 to 12/31 0.2 AF

Total Diversion: 0.2 CFS

Date Filed: 6/3/2011

Place Of Use: IRRIGATION T45N R02W S9 NWNW

Place Of Use: ALL OTHER USES same as IRRIGATION

Total Acres: 20

Stockwater use is for 8 head of mixed stock

92-10523

JERRY NELSON

CATHY NELSON

486 SHEPHERD RD

ST MARIES, ID 83861

Point of Diversion NWNE S20 T46N R02W BENEWAH CO

Source ST JOE RIVER tributary COEUR D ALENE LAKE

Use: DOMESTIC 1/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 6/9/2011

Place Of Use: DOMESTIC T46N R02W S20 L1(NWNE)

Domestic use is for 1 home

92-10526

KEITH NANCE

1722 MAIN AVE

ST. MARIES, ID 83861

Point of Diversion L8(SWSE) S16 T46N R02W

BENEWAH CO

Source ST JOE RIVER tributary COEUR D ALENE LAKE

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

Total Diversion: 0.03 CFS

Date Filed: 6/2/2011

Place Of Use: IRRIGATION T46N R02W S16 L8(SWSE)

Total Acres: 0.25

92-10530

DIANE ECKARD

PO BOX 128

SANTA, ID 83866

Point of Diversion NENE S14 T44N R01W BENEWAH CO

Source DAVIS CREEK tributary RENFRO CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 6/9/2011

Place Of Use: DOMESTIC

T44N R01W S14 NENE NWNE

Domestic use is for 1 home

92-10659

WILLIAM C. SQUIRES JR

2140 TAMARCK LANE

COLUMBIA FALLS, MT 59912

Point of Diversion SWNWNE S14 T43N R01W

BENEWAH CO

Source SPRING tributary LITTLE CARPENTER 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: 6/29/2011

Place Of Use: DOMESTIC T43N R01W S14 NWNE

Place Of Use: STOCKWATER same as DOMESTIC

Domestic use is for 1 home.

Stockwater use is for 2 head mixed stock

92-10680

DAVID BRAKEBILL

LAURA BRAKEBILL

PO BOX 224

SANTA, ID 83866

Point of Diversion NESWNW S13 T44N R01W

BENEWAH CO

Source SPRING tributary RENFRO CREEK

Point of Diversion NWSNW S13 T44N R01W

BENEWAH CO

Source SPRING tributary RENFRO CREEK

Point of Diversion NWSNW S13 T44N R01W

BENEWAH CO

Source SPRING Tributary RENFRO CREEK

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

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

Total Diversion: 0.2 CFS

Date Filed: 6/8/2011

Place Of Use: DOMESTIC T44N R01W S13

NENW NWNW SWNW SENW

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 10

Domestic use is for 1 home and 1 shop

92-10685

FRED C JOHNSON

4889 ALDER CREEK RD

ST MARIES, ID 83861

Point of Diversion NWSE

S27 T45N R03W

BENEWAH County

Source UNNAMED STREAM tributary ALDER CREEK

Use: Fire Protection Storage 01/01 to 12/31 0.7 AF

Use: Recreation Storage 01/01 to 12/31 0.7 AF

Use: Stockwater from Storage 01/01 to 12/31 0.2 AF

Use: Stockwater Storage 01/01 to 12/31 0.9 AF

Use: Wildlife Storage 01/01 to 12/31 0.7 AF

Total Diversion 0.9 AF

Date Filed: 7/18/2011

Place Of Use: STOCKWATER STORAGE

T45N R03W S27 NWSE

Place Of Use: ALL OTHER USES

same as STOCKWATER STORAGE

Stockwater use is for 10 head of mixed stock

Recreation use is for fishing swimming and boating.

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 9/6/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

8081 Aug. 17-Aug. 24

RECEIVED
AUG 25 2011
IDWR / NORTH

Affidavit of Publication

RECEIVED
AUG 25 2011
IDWR / NORTH

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 17 day of August, 2011 and the last on the 24 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.

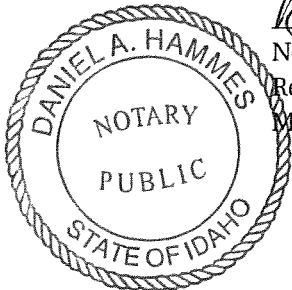
Dated this 24 day of August, 2011.

Cynthia Ann Hammes

STATE OF IDAHO

COUNTY OF BENEWAH

On this 24 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:

0213-2013

Ball, Dianne

From: Jim Bennett [JBennett@idl.idaho.gov]
Sent: Monday, August 22, 2011 9:39 AM
To: Ball, Dianne
Subject: RE: Application for Permit No. 92-10440, 92-10523, 92-10526,

Dear Diane,

Thank you for the opportunity to comment. Subject applications are located on the Coeur d'Alene Tribe Reservation and are outside the IDL navigable waters jurisdiction; therefore we have no comment.

Jim

From: Ball, Dianne [<mailto:Dianne.Ball@idwr.idaho.gov>]
Sent: Monday, August 15, 2011 2:45 PM
To: mary.terra-berns@idfg.idaho.gov; Jim Bennett
Subject: RE: Application for Permit No. 92-10440, 92-10523, 92-10526,

Dear Mary & Jim:

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.

These are prepared for publication in St Maries Gazette on August 17 and 24, 2011, with September 6, 2011 as final day for protests to be received in our office.

<<92-10440_McCarter.pdf>> <<92-10523_Nelson.pdf>> <<92-10526_Nance.pdf>>

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: Tuesday, June 14, 2011 12:24 PM
To: Marston, Sascha
Cc: Davis, Eric
Subject: Receipt No. N027223 \$25.00 NIA Claim

Hi, Sascha,

This receipt (N027223) needs to be modified to show that the \$25.00 is now a partial payment for WR Permit App Fee.

A regular water right application replaces the original NIA filing.

Balance has been paid by Receipt No. N027594 on 6/9/2011.

Thanks for your 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:

92-10440

JIM MC CARTER
1504 SHEPHERD RD
ST MARIES, ID 83861
Point of Diversion L4(NWSE) S16 T46N R02W
BENEWAH CO
Source ST JOE RIVER tributary COEUR D ALENE LAKE
Use: IRRIGATION 03/15 to 10/31 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 6/1/2011
Place of Use: IRRIGATION
T46N R02W S16 L4(NESW) L4(NWSE)
Total Acres: 0.6

92-10448

LEIF WAYNE JOHNSON
18036 SR 20
WINTHROP, WA 98862
Point of Diversion NWNW S9 T45N R02W BENEWAH CO
Source UNNAMED STREAM tributary ST MARIES RIVER
Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS
Use: IRRIGATION 03/15 to 10/31 0.2 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Use: Stockwater from Storage 01/01 to 12/31 0.2 AF
Use: STOCKWATER Storage 01/01 to 12/31 0.2 AF
Total Diversion: 0.2 CFS
Date Filed: 6/3/2011
Place Of Use: IRRIGATION T45N R02W S9 NWNW
Place Of Use: ALL OTHER USES same as IRRIGATION
Total Acres: 20
Stockwater use is for 8 head of mixed stock

92-10523

JERRY NELSON
CATHY NELSON
486 SHEPHERD RD
ST MARIES, ID 83861
Point of Diversion NWNE S20 T46N R02W BENEWAH CO
Source ST JOE RIVER tributary COEUR D ALENE LAKE
Use: DOMESTIC 1/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 6/9/2011
Place Of Use: DOMESTIC T46N R02W S20 L1(NWNE)
Domestic use is for 1 home

92-10526

KEITH NANCE
1722 MAIN AVE
ST. MARIES, ID 83861
Point of Diversion L8(SWSE) S16 T46N R02W
BENEWAH CO
Source ST JOE RIVER tributary COEUR D ALENE LAKE
Use: IRRIGATION 03/15 to 10/31 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 6/2/2011
Place Of Use: IRRIGATION T46N R02W S16 L8(SWSE)
Total Acres: 0.25

92-10530

DIANE ECKARD
PO BOX 128
SANTA, ID 83866
Point of Diversion NENE S14 T44N R01W BENEWAH CO
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Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 6/9/2011
Place Of Use: DOMESTIC
T44N R01W S14 NENE NWNE
Domestic use is for 1 home

92-10659

WILLIAM C SQUIRES JR
2140 TAMARCK LANE
COLUMBIA FALLS, MT 59912
Point of Diversion SWNWNE S14 T43N R01W

BENEWAH CO

Source SPRING tributary LITTLE CARPENTER 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: 6/29/2011

Place Of Use: DOMESTIC T43N R01W S14 NWNE

Place Of Use: STOCKWATER same as DOMESTIC

Domestic use is for 1 home.

Stockwater use is for 2 head mixed stock

92-10680

DAVID BRAKEBILL

LAURA BRAKEBILL

PO BOX 224

SANTA, ID 83866

Point of Diversion NESWNW S13 T44N R01W

BENEWAH CO

Source SPRING tributary RENFRO CREEK

Point of Diversion NWSNW S13 T44N R01W

BENEWAH CO

Source SPRING tributary RENFRO CREEK

Point of Diversion NWSNW S13 T44N R01W

BENEWAH CO

Source SPRING Tributary RENFRO CREEK

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

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

Total Diversion: 0.2 CFS

Date Filed: 6/8/2011

Place Of Use: DOMESTIC T44N R01W S13

NENW NWNW SWNW SENW

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 10

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92-10685

FRED C JOHNSON

4889 ALDER CREEK RD

ST MARIES, ID 83861

Point of Diversion NWSE

S27 T45N R03W

BENEWAH County

Source UNNAMED STREAM tributary ALDER CREEK

Use: Fire Protection Storage 01/01 to 12/31 0.7 AF

Use: Recreation Storage 01/01 to 12/31 0.7 AF

Use: Stockwater from Storage 01/01 to 12/31 0.2 AF

Use: Stockwater Storage 01/01 to 12/31 0.9 AF

Use: Wildlife Storage 01/01 to 12/31 0.7 AF

Total Diversion 0.9 AF

Date Filed: 7/18/2011

Place Of Use: STOCKWATER STORAGE

T45N R03W S27 NWSE

Place Of Use: ALL OTHER USES

same as STOCKWATER STORAGE

Stockwater use is for 10 head of mixed stock

Recreation use is for fishing swimming and boating.

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 9/6/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 8/17/2011 and 8/24/2011

Ball, Dianne

From: Ball, Dianne
Sent: Monday, August 15, 2011 11:40 AM
To: Legal Notices-SMGazette Benewah Co (kaisie@smgazette.com)
Subject: Application for Permit No. 92-10440, 92-10448, 92-10523, 92-10526, 92-10530, 92-10659, 92-10680, 92-10685,
Attachments: LegalNotice 08-12-11 SM-1 e-mail 92-10440,448,523,526,630,659,680,685.doc

Hi, Kaisie,

Please publish the enclosed legal notice on the dates indicated, August 17 and 24, 2011, if possible, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately so I can re-work this for a later date publication.

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. If you are able to publish starting this Wednesday, 8/17, then please send the affidavit and bill to this office before 9/6/2011. Your cooperation is always greatly appreciated.

Thanks for all your wonderful help.

Dianne Ball

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



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 12, 2011

JERRY NELSON
CATHY NELSON
486 SHEPHERD RD
ST MARIES, ID 83861

Application For Permit No. 92-10523

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 8/17/2011 and 8/24/2011. 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,

A handwritten signature in black ink, appearing to read 'Eric J. Davis', is written over the word 'Sincerely,'.

Eric J. Davis
Sr. Water Resource Agent

Ball, Dianne

From: Jim Bennett [JBennett@idl.idaho.gov]
Sent: Monday, August 22, 2011 9:39 AM
To: Ball, Dianne
Subject: RE: Application for Permit No. 92-10440, 92-10523, 92-10526,

Dear Diane,

Thank you for the opportunity to comment. Subject applications are located on the Coeur d'Alene Tribe Reservation and are outside the IDL navigable waters jurisdiction; therefore we have no comment.

Jim

From: Ball, Dianne [<mailto:Dianne.Ball@idwr.idaho.gov>]
Sent: Monday, August 15, 2011 2:45 PM
To: mary.terra-berns@idfg.idaho.gov; Jim Bennett
Subject: RE: Application for Permit No. 92-10440, 92-10523, 92-10526,

Dear Mary & Jim:

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.

These are prepared for publication in St Maries Gazette on August 17 and 24, 2011, with September 6, 2011 as final day for protests to be received in our office.

<<92-10440_McCarter.pdf>> <<92-10523_Nelson.pdf>> <<92-10526_Nance.pdf>>

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