

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 98-07909

Priority: January 25, 2011

Maximum Diversion Rate: 5.00 CFS
Maximum Diversion Volume: 1,552.0 AF

This is to certify, that IDAHO DEPARTMENT OF FISH AND GAME
2885 W KATHLEEN AVE
COEUR D'ALENE ID 83815

has applied for a permit to appropriate water from:

Source: BOUNDARY CREEK **Tributary:** KOOTENAI 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>
WILDLIFE STORAGE	01/01 to 12/31		1,552.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	5.00 CFS	
WILDLIFE	01/01 to 12/31	5.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BOUNDARY CREEK L4 (NW1/4SW1/4) Sec. 11, Twp 65N, Rge 02W, B.M. BOUNDARY County

PLACE OF USE: WILDLIFE STORAGE And WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
65N 02W 23	X			X									X			X	
65N 02W 24					X	X	X	X	X	X	X						
					L 3			L 4									

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2012**.
2. Subject to all prior water rights.
3. 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device to determine the amount of water diverted and shall annually report the information to the Department.
5. Rights 98-7848 and 98-7909 authorize the diversion of an annual total of 1782.4 acre-feet to be used for the initial filling of the pond or reservoir and for the replacement of losses caused by seepage and evaporation.
6. Wildlife and Wildlife storage uses are for a wetland basin.
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 19 day of June, 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

June 14, 2011

IDAHO DEPARTMENT OF FISH AND GAME
2885 W KATHLEEN AVE
COEUR D ALENE ID 83815

RE: Permit No.98-7909

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Keith F. Franklin". The signature is stylized with a large, prominent "K" and "F".

Keith F. Franklin

Sr. Water Resource Agent

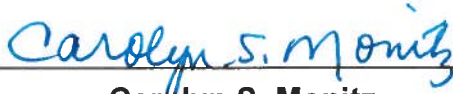
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 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. 98-7909

**IDAHO DEPARTMENT OF FISH AND GAME
2885 W KATHLEEN AVE
COEUR D ALENE ID 83815**



**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**

W.R. # 98-7909

APPLICATION ID # 77085

ENT. E.D BCA 4/13 OK to Publish 4/13/11

INITIAL REVIEW

APPLICANT: IDaho Dept of Fish and Game BY: E.D DATE: 3/8/2011

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: 01/25/2011

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

ADVERTISE IN: Pond size is 576 AF
Boundary creek County

Newspaper: BFH

Dates scheduled for publication 4/21 & 28/11

Affidavit of Publication received: 5/4/11

Dates actually published: 4/21 & 28/11

Application published correctly. Yes ✓ No

If not, action taken:

Final Date for Protest: 5/9

Protests Received: Yes No ✓

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

ADDITIONAL INFORMATION

(Yes)(No)

☒ Shape File Created Date 3-2-11 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?
<u> </u>	<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y () N ()
<u> </u>	<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y () N ()
<u> </u>	<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y () N ()

- Groundwater management area Boundary creek
- 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: Date: / / Sr. Agent initial

RECEIVED
MAY 04 2011
IDWR / NORTH

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

98-7909

IDAHO DEPARTMENT OF FISH AND GAME

2885 W KATHLEEN AVE

COERU D ALENE, ID 83815

Point of Diversion L4(NWSW) S11 T65N R02W BOUNDARY CO

Source BOUNDARY CREEK tributary KOOTENAI RIVER

Use: WILDLIFE 01/01 to 12/31 5 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 1552 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 5 CFS

Total Diversion: 5 CFS

Date Filed: 1/25/2011

Place Of Use: WILDLIFE STORAGE

T65N R02W S23 NENE SENE NESE SESE

T65N R02W S24 L3(NENW) NWNW SWNW L4(SENW)

NESW NWSW SWSW

Place Of Use: WILDLIFE same as WILDLIFE STORAGE

98-7911

RIPLEY COMEGYS

PO BOX 1508

BONNERS FERRY, ID 83805

Point of Diversion NENE S12 T61N R01W BOUNDARY CO

Source DEEP CREEK tributary KOOTENAI RIVER

Point of Diversion SENE S12 T61N R01W BOUNDARY CO

Source DEEP CREEK tributary KOOTENAI RIVER

Point of Diversion SENE S12 T61N R01W BOUNDARY CO

Source UNNAMED STREAM tributary DEEP CREEK

Use: IRRIGATION 01/01 to 12/31 0.52 CFS

Use: IRRIGATION STORAGE 01/01 to 12/31 88.4 AF

Use: IRRIGATION from STORAGE 04/01 to 10/31 78.0 AF

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

Use: STOCKWATER STORAGE 01/01 to 12/31 12.4 AF

Use: STOCKWATER from STORAGE 01/01 to 12/31 2.0 AF

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

Use: RECREATION STORAGE 01/01 to 12/31 10.4 AF

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 10.4 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.52 CFS

Total Diversion: 0.52 CFS

Date Filed: 3/15/2011

Place Of Use: IRRIGATION and STOCKWATER

T61N R01W S12 NENE SENE

Place Of Use: IRRIGATION from STORAGE and STOCKWATER

from STORAGE T61N R01W S12 NENE SENE

Place Of Use: ALL STORAGE T61N R01W S12 SENE

Place Of Use: RECREATION T61N R01W S12 SENE

Total Acres: 26

Recreation is for fishing, swimming & hunting.

Stockwater us is for 15 head of mixed stock

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 5/9/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

BFH Legal 8252

April 21, 28, 2011

AFFIDAVIT OF PUBLICATION

State of Idaho

ss

County of Boundary, Brida Johnson
being first duly sworn on oath deposes and says that
he/she is Bookkeeper of the
Bonners Ferry Herald, a newspaper printed and
published at Bonners Ferry, Boundary County, Idaho;
that the said newspaper has been continuously and
uninterruptedly published in said Boundary County
during a period of 12 months prior to the first publication
of the hereto attached notice of publication in the case
of:

Application to appropriate
public waters as it
was published in the regular and entire issue of the said
paper for a period of 2 consecutive weeks,
commencing on 21st day of April, 2011 and
ending on the 28th day of April, 2011 and
that said notice was published in said newspaper.

Brida Johnson

SUBSCRIBED AND SWORN TO before me, this

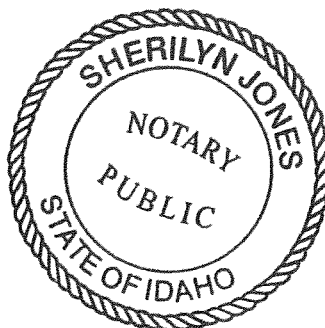
28th day of April, 2011.

Sherilyn Jones

Notary Public-State of Idaho

Residing at: Sandpoint

My Commission Expires: 2/24/17



RECEIVED
MAY 04 2011
IDWR / NORTH

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

98-7909

IDAHO DEPARTMENT OF FISH AND GAME

2885 W KATHLEEN AVE

COERU D ALENE, ID 83815

Point of Diversion L4(NWSW) S11 T65N R02W BOUNDARY CO

Source BOUNDARY CREEK tributary KOOTENAI RIVER

Use: WILDLIFE 01/01 to 12/31 5 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 1552 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 5 CFS

Total Diversion: 5 CFS

Date Filed: 1/25/2011

Place Of Use: WILDLIFE STORAGE

T65N R02W S23 NENE SENE NESE SESE

T65N R02W S24 L3(NENW) NWNW SWNW L4(SENW)

NESW NWSW SWSW

Place Of Use: WILDLIFE same as WILDLIFE STORAGE

98-7911

RIPLEY COMEGYS

PO BOX 1508

BONNERS FERRY, ID 83805

Point of Diversion NENE S12 T61N R01W BOUNDARY CO

Source DEEP CREEK tributary KOOTENAI RIVER

Point of Diversion SENE S12 T61N R01W BOUNDARY CO

Source DEEP CREEK tributary KOOTENAI RIVER

Point of Diversion SENE S12 T61N R01W BOUNDARY CO

Source UNNAMED STREAM tributary DEEP CREEK

Use: IRRIGATION 01/01 to 12/31 0.52 CFS

Use: IRRIGATION STORAGE 01/01 to 12/31 88.4 AF

Use: IRRIGATION from STORAGE 04/01 to 10/31 78.0 AF

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

Use: STOCKWATER STORAGE 01/01 to 12/31 12.4 AF

Use: STOCKWATER from STORAGE 01/01 to 12/31 2.0 AF

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

Use: RECREATION STORAGE 01/01 to 12/31 10.4 AF

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 10.4 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.52 CFS

Total Diversion: 0.52 CFS

Date Filed: 3/15/2011

Place Of Use: IRRIGATION and STOCKWATER

T61N R01W S12 NENE SENE

Place Of Use: IRRIGATION from STORAGE and STOCKWATER from STORAGE T61N R01W S12 NENE SENE

Place Of Use: ALL STORAGE T61N R01W S12 SENE

Place Of Use: RECREATION T61N R01W S12 SENE

Total Acres: 26

Recreation is for fishing, swimming & hunting.

Stockwater us is for 15 head of mixed stock

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 5/9/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 4/21/2011 and 4/28/2011

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, April 13, 2011 11:45 AM
To: Legal Notices-Bonner Co Daily Bee-Sheri Jones
Subject: Application for Permit No. 98-7909, 98-7911

Good day to you, Sheri,

You mentioned that until further notice from you, I should send BFH legal notice requests to you.

Please publish the enclosed legal notice on the dates indicated, April 21 and 28, 2011, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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 5/9/2011. Your cooperation is appreciated.

If you have any questions, please call me or reply to this e-mail.



LegalNotice
4-13-11 BFH e-mai.

Thanks for all your wonderful help.

Have a great 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 13, 2011

COLLEEN TRESE
REGIONAL HABITAT BIOLOGIST
IDAHO DEPARTMENT OF FISH AND GAME
2885 W KATHLEEN AVE
COERU D ALENE, ID 83815

Application For Permit No. 98-7909

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 BONNERS FERRY HERALD on 4/21/2011 and 4/28/2011. 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

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, April 13, 2011 10:29 AM
To: IDFG - BONNERS FERRY - Colleen Trese (colleen.trese@idfg.idaho.gov)
Cc: mary.terra-berns@idfg.idaho.gov; Davis, Eric
Subject: Publication Dates ~ Applications for Permit No. 98-7909 IDFG application from Boundary Creek

Colleen, I got the dates wrong for the publication in this matter. It will actually publish on April 21 and 28, 2011 in the Bonners Ferry Herald.

I apologize for the error. Everything else remains the same.

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

Dianne

From: Ball, Dianne
Sent: Tuesday, April 12, 2011 3:18 PM
To: 'ctrese@idfg.idaho.gov'
Cc: mary.terra-berns@idfg.idaho.gov; Davis, Eric
Subject: Application for Permit No. 98-7909 IDFG application from Boundary Creek

Dear Colleen:

I was asked to notify you when this was being scheduled for publication. I trust that I have a correct e-mail address for you.

This is being prepared for publication in the Bonners Ferry Herald on April 20 and 27 with May 9, 2011 the final date for protests to be received in our office.



98-7909_IDFG.pdf

Please contact Eric Davis or me at this office if you have any questions regarding the proposed publication regarding this 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, April 12, 2011 3:18 PM
To: 'ctrese@idfg.idaho.gov'
Cc: mary.terra-berns@idfg.idaho.gov; Davis, Eric
Subject: Application for Permit No. 98-7909 IDFG application from Boundary Creek

Dear Colleen:

I was asked to notify you when this was being scheduled for publication. I trust that I have a correct e-mail address for you.

This is being prepared for publication in the Bonners Ferry Herald on April 20 and 27 with May 9, 2011 the final date for protests to be received in our office.



98-7909_IDFG.pdf

Please contact Eric Davis or me at this office if you have any questions regarding the proposed publication regarding this 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, April 12, 2011 4:10 PM
To: LHunsaker@idl.idaho.gov
Cc: eric.besaw@idl.idaho.gov
Subject: RE: Application for Permit No. 98-7909 from Boundary River, and Permit No. 98-7911 from Deep Creek

Dear Loretta:

The Department of Water Resources is sending this e-mail to you for your information regarding the above referenced water right applications. A copy of each of the applications is attached for your reference. I'm not sure Deep Creek is navigable but since it's tributary to Kootenai River I thought you might at least one to see it.

These are being scheduled for publication in the Bonners Ferry Herald on April 21 and 28, 2011 with final date of May 9, 2011 for protests to be received in our office.



98-7909_IDFG.pdf



98-7911_Comegys.
pdf

If your agency desires to formally protest the approval of either of these applications, 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 Eric Davis at this office if you have any questions regarding the IDFG application, and Keith Franklin regarding the Comegys 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

Davis, Eric

From: Ball, Dianne
Sent: Wednesday, March 02, 2011 10:07 AM
To: Davis, Eric
Subject: FW: Interagency Bill F&G

Eric, this is for your information – the funds from F&G arrived – and our receipt (“bill number”) is BILL0533. To enter it into the computer, it would be *BLL0533* (without the “I” in BILL – just BLL).

Is this the one from “Boundary Creek” that we are concerned about? – the one I have to notify someone specific when I start processing? If so, please remind me with a sticky note on the file when you bring it to me for processing.

Thanks.

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

Dianne

From: Marston, Sascha
Sent: Wednesday, March 02, 2011 8:58 AM
To: Ball, Dianne
Subject: RE: Interagency Bill F&G

We received this money.

From: Ball, Dianne
Sent: Tuesday, February 01, 2011 1:14 PM
To: Marston, Sascha
Subject: RE: Interagency Bill F&G

Here's a copy of the application – unsigned – the lady from F&G is coming in on Friday to sign the application. Hope this will suffice. Any questions concerning this, please contact Eric Davis. Thanks.

<< File: IDFG for Sascha.pdf >>

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

Dianne

From: Marston, Sascha
Sent: Tuesday, February 01, 2011 10:44 AM
To: Ball, Dianne
Subject: RE: Interagency Bill F&G

Dianne,

Can I get a copy of the application to put with the invoice please?

Thanks,
Sascha

From: Ball, Dianne
Sent: Monday, January 31, 2011 4:23 PM
To: Marston, Sascha
Cc: Davis, Eric; ctrese@idfg.idaho.gov
Subject: Interagency Bill F&G

Good afternoon, Sascha,

Idaho Department of Fish and Game has made application to appropriate water in the amount of 575.8 AF (pond size) – requiring a fee in the amount of \$450.00.

I am attaching a letter from Colleen Trese, Regional Habitat Biologist at Fish and Game, who is handling this matter. Her letter, I believe, is self explanatory, giving the PCA code etc. She is apparently based out of the Coeur d'Alene office, but additionally requests a invoice be mailed to her at the PO Box 51, Colburn, ID 83865 address.

If you have any questions, you may contact her direct, and/or Eric Davis in our office.

Our PCA Code would be 65103 for water right permits.

<< File: Interagency bill F-G WRAApp.pdf >>

Will you please send me a notice of the billing number as soon as you have that, and let me know, also, when the funds come in.

Thank you for your 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

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, April 12, 2011 3:18 PM
To: 'ctrese@idfg.idaho.gov'
Cc: mary.terra-berns@idfg.idaho.gov; Davis, Eric
Subject: Application for Permit No. 98-7909 IDFG application from Boundary Creek

Dear Colleen:

I was asked to notify you when this was being scheduled for publication. I trust that I have a correct e-mail address for you.

This is being prepared for publication in the Bonners Ferry Herald on April 20 and 27 with May 9, 2011 the final date for protests to be received in our office.



98-7909_IDFG.pdf

Please contact Eric Davis or me at this office if you have any questions regarding the proposed publication regarding this 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



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION
2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

C.L. "Butch" Otter / Governor
Cal Groen / Director

RECEIVED
JAN 27 2011
IDWR / NORTH

January 25, 2011

Dianne Ball
Administrative Assistant
Idaho Dept. of Water Resources
Northern Regional Office
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Dear Dianne:

Enclosed is an Application for Permit for the appropriation of a water right to the Idaho Department of Fish and Game. Please direct bill the application fee to IDFG, PCA = 45152 C499 W1BOUN00, with reference to approval from myself, Colleen Trese, Northern Panhandle Habitat Biologist.

In addition, please mail an invoice of the application fee to me at the address below:

Attn: Colleen Trese
Idaho Department of Fish and Game
PO Box 51
Colburn, ID 83865

Feel free to contact me with any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Colleen Trese".

Colleen Trese
Regional Habitat Biologist
Idaho Department of Fish and Game
2885 Kathleen Ave.
Coeur d'Alene, ID 83815
(208) 267-5157

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

98-7909

IDAHO DEPARTMENT OF FISH AND GAME

2885 W KATHLEEN AVE

COERU D ALENE, ID 83815

Point of Diversion L4(NWSW) S11 T65N R02W BOUNDARY CO

Source BOUNDARY CREEK tributary KOOTENAI RIVER

Use: WILDLIFE 01/01 to 12/31 5 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 1552 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 5 CFS

Total Diversion: 5 CFS

Date Filed: 1/25/2011

Place Of Use: WILDLIFE STORAGE

T65N R02W S23 NENE SENE NESE SESE

T65N R02W S24 L3(NENW) NWNW SWNW L4(SENW)

NESW NWSW SWSW

Place Of Use: WILDLIFE same as WILDLIFE STORAGE

98-7911

RIPLEY COMEGYS

PO BOX 1508

BONNERS FERRY, ID 83805

Point of Diversion NENE S12 T61N R01W BOUNDARY CO

Source DEEP CREEK tributary KOOTENAI RIVER

Point of Diversion SENE S12 T61N R01W BOUNDARY CO

Source DEEP CREEK tributary KOOTENAI RIVER

Point of Diversion SENE S12 T61N R01W BOUNDARY CO

Source UNNAMED STREAM tributary DEEP CREEK

Use: IRRIGATION 01/01 to 12/31 0.52 CFS

Use: IRRIGATION STORAGE 01/01 to 12/31 88.4 AF

Use: IRRIGATION from STORAGE 04/01 to 10/31 78.0 AF

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

Use: STOCKWATER STORAGE 01/01 to 12/31 12.4 AF

Use: STOCKWATER from STORAGE 01/01 to 12/31 2.0 AF

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

Use: RECREATION STORAGE 01/01 to 12/31 10.4 AF

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 10.4 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.52 CFS

Total Diversion: 0.52 CFS

Date Filed: 3/15/2011

Place Of Use: IRRIGATION and STOCKWATER

T61N R01W S12 NENE SENE

Place Of Use: IRRIGATION from STORAGE and STOCKWATER

from STORAGE T61N R01W S12 NENE SENE

Place Of Use: ALL STORAGE T61N R01W S12 SENE

Place Of Use: RECREATION T61N R01W S12 SENE

Total Acres: 26

Recreation is for fishing, swimming & hunting.

Stockwater us is for 15 head of mixed stock

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 5/9/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

BFH Legal 8252

April 21, 28, 2011

Handwritten signature and initials
BFH
AK