

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 91-07283

Priority: February 22, 2011

Maximum Diversion Rate: 0.04 CFS

This is to certify, that STEPHEN V BAILEY And
LINDA J BAILEY
22 BAILEY ST
ST MARIES ID 83861
(208) 245-3956

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:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

ST JOE RIVER, L9 (NE1/4SE1/4), Sec. 20, Twp 46N, Rge 01E, 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	01E	20														X			
																L 9			

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. This right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for 1 recreational site.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
7. 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.

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 14 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

STEPHEN V BAILEY
22 BAILEY ST
ST MARIES ID 83861

LINDA J BAILEY
22 BAILEY ST
ST MARIES ID 83861

RE: Permit No.91-7283

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

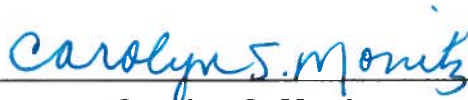
I hereby certify that on June 16, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

91-7283

**LINDA J BAILEY
22 BAILEY ST
ST MARIES ID 83861**

**STEPHEN V BAILEY
22 BAILEY ST
ST MARIES ID 83861**



**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 2/9/11

W.R. # 91-7283 APPLICATION ID # 77079 ENT. 2/23 BCA 3/3/11 OK to Publish 3/3/11
 APPLICANT: Stephen & Linda Bailey INITIAL REVIEW BY: KJ DATE: 2/23/2011

- ITEM REQUIRED INFORMATION**
1. ☒ Name and Address
 2. ☒ Source
 3. ☒ Point of Diversion & County
 4. ☒ Quantity
☒ Nature of Proposed Use
☒ Period of Use
 5. ☒ Total Quantity
 6. ☒ Description of diverting works
 7. ☒ Time required for b/u
 8. ☒ Proposed use
 9. ☒ Place of use or acres irrigated
 10. ☒ Other water Rights
 11. ☒ Ownership
 12. ☒ Map
☒ Signature
☒ Fee (Amt, receipt, acknowledgement)

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

ADDITIONAL INFORMATION

(Yes)(No)
☒ Shape File Created Date 2/23 By: KJ
☐ Field check: by _____
☐ Field report attached
☐ Analysis Supp. attached(>5cfs/500af)
☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 2/22/2011
 (Include Moratorium Remark)
 Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).
 ADVERTISE IN: Benedict County
 Newspaper: SM
 Dates scheduled for publication 3/16 & 23/11
 Affidavit of Publication received: 3/25
 Dates actually published: 3/16 & 23/11
 Application published correctly. Yes ☒ No _____
 If not, action taken: _____

Final Date for Protest: 4/4/11
 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. Final order response date: _____/_____/_____
☐ Further information required from applicant _____

- ☒ Measuring device required
☒ Measuring port required
☒ Special conditions: Min. Stream Flow St. Joe River
☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Bertie J. [Signature] Date: 4/13/2011 Sr. Agent initial KJ

RECEIVED
MAR 25 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 2 issues, the first publication being on the 16 day of March, 2011... and the last on the 23 day of March, 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 23 day of March, 2011

Cynthia Ann Hammes

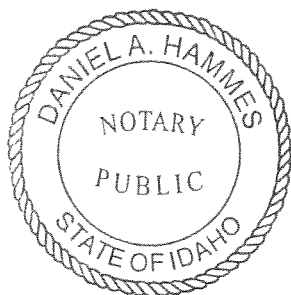
STATE OF IDAHO)

COUNTY OF BENEWAH)

On this 23 day of March, 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

WATER RIGHT APPLICATION

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

91-7280

BETTY A ELLIS

174 S COEUR D ALENE ST BLDG H #204

SPOKANE, WA 99201

Point of Diversion L6(SWSE) S14 T46N R01W BENEWAH CO

Source ST JOE RIVER Tributary COEUR D ALENE LAKE

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 2/16/2011

Place of Use: DOMESTIC T46N R01W S14 L6(SWSE) L8(SESE)

Domestic use is for 1 home.

91-7283

STEPHEN V BAILEY

LINDA J BAILEY

22 BAILEY ST

ST MARIES, ID 83861

Point of Diversion L9(NESE) S20 T46N R01E BENEWAH CO

Source ST JOE RIVER Tributary COEUR D ALENE LAKE

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 2/22/2011

Place of Use: DOMESTIC T46N R01E S20 L9(NESE)

Domestic use is for 1 recreation site.

92-10120

ANDREW D. ANDERSON

CHRISTIN C. ANDERSON

14 PINECREST RD

SANDPOINT, ID 83864

Point of Diversion NWNWSE S26 T45N R03W BENEWAH CO

Source SPRING Tributary UNAMED STREAM

Use: STOCKWATER STORAGE 01/01 to 12/31 1 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 1 AF

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 1 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.01 CFS

Total Diversion: 0.01 CFS

Date Filed: 2/10/2011

Place Of Use: FIRE PROTECTION STORAGE

T45N R03W S26 NWSE

Place Of Use: DIVERSION TO STORAGE

T45N R03W S26 NWSE

Place Of Use: WILDLIFE STORAGE & STOCKWATER STORAGE

T45N R03W S26 NWSE

Stockwater storage is for 3 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 4/4/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

7923 March 16 - March 23

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

91-7280

BETTY A ELLIS

174 S COEUR D ALENE ST BLDG H #204

SPOKANE, WA 99201

Point of Diversion L6(SWSE) S14 T46N R01W BENEWAH CO

Source ST JOE RIVER Tributary COEUR D ALENE LAKE

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

Total Diversion: 0.04 CFS

Date Filed: 2/16/2011

Place of Use: DOMESTIC T46N R01W S14 L6(SWSE) L8(SESE)

Domestic use is for 1 home.

91-7283

STEPHEN V BAILEY

LINDA J BAILEY

22 BAILEY ST

ST MARIES, ID 83861

Point of Diversion L9(NESE) S20 T46N R01E BENEWAH CO

Source ST JOE RIVER Tributary COEUR D ALENE LAKE

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

Total Diversion: 0.04 CFS

Date Filed: 2/22/2011

Place of Use: DOMESTIC T46N R01E S20 L9(NESE)

Domestic use is for 1 recreation site.

92-10120

ANDREW D. ANDERSON

CHRISTIN C. ANDERSON

14 PINECREST RD

SANDPOINT, ID 83864

Point of Diversion NWNWSE S26 T45N R03W BENEWAH CO

Source SPRING Tributary UNAMED STREAM

Use: STOCKWATER STORAGE 01/01 to 12/31 1 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 1 AF

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 1 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.01 CFS

Total Diversion: 0.01 CFS

Date Filed: 2/10/2011

Place Of Use: FIRE PROTECTION STORAGE

T45N R03W S26 NWSE

Place Of Use: DIVERSION TO STORAGE

T45N R03W S26 NWSE

Place Of Use: WILDLIFE STORAGE & STOCKWATER STORAGE

T45N R03W S26 NWSE

Stockwater storage is for 3 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 4/4/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 3/16/2011 and 3/23/2011

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, March 09, 2011 12:54 PM
To: Legal Notices-SMGazette Benewah Co (kaisie@smsgazette.com)
Subject: Application for Permit No. 91-7280, 91-7283, 92-10120,

Hi, Kaisie,

Another legal notice for the St Maries Gazette:

Please publish the enclosed legal notice on the dates indicated, March 16 and 23, 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 along with the publication bill. Please send the affidavit and bill to this office before 4/4/2011. Your cooperation is always appreciated.



LegalNotice
13-09-11 SM e-mail..

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

Thanks for all your great 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

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 9, 2011

STEPHEN V BAILEY
LINDA J BAILEY
22 BAILEY ST
ST MARIES, ID 83861

Application For Permit No. 91-7283

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 3/16/2011 and 3/23/2011. 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,

Keith Franklin
Sr. Water Resource Agent

Enc. Receipt No. N026625

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, March 03, 2011 4:22 PM
To: mary.terra-berns@idfg.idaho.gov; jbenett@idl.idaho.gov
Subject: RE: Applications for Permit Nos. 91-7280 St Joe River; 91-7283 St Joe River

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.

These are being prepared for publication on March 16 and 23, 2011 in St Maries Gaette, with final date for protest on April 4, 2011.



91-7280 Ellis.pdf 91-7283 Bailey.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 Keith Franklin in this office if you have any questions regarding these applications.

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

Plat of

WHITETAIL FLATS

1ST ADDITION

a Subdivision of Portions of

**Government Lots 8 and 9 of
Section 20, Twp. 46 N., Rg. 1 E., B.M.**

Benewah County, Idaho

Scale: 1" = 200'

Date: March, 1983

Drawn by N. Maher

DESCRIPTION

A portion of Government Lots 8 and 9 of Section 20, Township 46 North, Range 1 East, B.M. The boundary of said portion is described as:

Beginning at the intersection of the left bank of the St. Joe River with the northerly right-of-way boundary of the St. Maries River Railroad. Said point being opposite Engineer's Centerline Station 76+68.8 of said railroad survey, and also being $N 04^{\circ} 42' 45'' E$ - 1,376.93 feet from the south $\frac{1}{4}$ Corner of said Section 20. Running thence along said left river bank, around a peninsula formed by said river, a distance of 7,895.0 feet to another intersection of said left bank with said railroad right-of-way. This intersection point is opposite Station 183+53.7 of said railroad and also being $N 74^{\circ} 31' 10'' E$ - 2,354.15 feet from said south $\frac{1}{4}$ Corner of Section 20. Thence along said railroad right-of-way along an 880.37 foot radius curve right, an arc distance of 434.82 feet; thence through a spiral curve the chord of which bears $N 54^{\circ} 34' 15'' W$ a distance of 173.41 feet; thence $N 52^{\circ} 56' 00'' W$ a distance of 101.50 feet; thence through a spiral curve the chord of which bears $N 54^{\circ} 08' 30'' W$ a distance of 244.67 feet; thence along a 1,943.57 foot radius curve left an arc distance of 104.03 feet; thence through a spiral curve the chord of which bears $N 59^{\circ} 36' 00'' W$ a distance of 150.50 feet; thence along a 1,507.70 foot radius curve left a distance of 891.62 feet; thence $S 86^{\circ} 31' 00'' W$

