

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-13555

Priority: September 29, 2010

Maximum Diversion Rate: 0.20 CFS

This is to certify, that TED BLANKINSHIP
PO BOX 714
LEWISTON ID 83501

has applied for a permit to appropriate water from:

Source: SPRING	Tributary: UNAMED STREAM
BENEWAH CREEK	CHATCOLET LAKE
UNNAMED STREAM	BENEWAH CREEK

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>
IRRIGATION	04/01 to 10/31	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NW1/4NE1/4 Sec. 3, Twp 45N, Rge 03W, B.M. BENEWAH County
UNNAMED STREAM L3 (NE1/4NW1/4) Sec. 3, Twp 45N, Rge 03W, B.M. BENEWAH County
SPRING SW1/4SW1/4SW1/4 Sec. 3, Twp 45N, Rge 03W, B.M. BENEWAH County
UNNAMED STREAM L1 (NE1/4NE1/4) Sec. 4, Twp 45N, Rge 03W, B.M. BENEWAH County
BENEWAH CREEK L2 (NW1/4NE1/4) Sec. 4, Twp 45N, Rge 03W, B.M. BENEWAH County
BENEWAH CREEK L2 (NW1/4NE1/4) Sec. 4, Twp 45N, Rge 03W, B.M. BENEWAH County
BENEWAH CREEK SW1/4NE1/4 Sec. 4, Twp 45N, Rge 03W, B.M. BENEWAH County
BENEWAH CREEK SW1/4NE1/4 Sec. 4, Twp 45N, Rge 03W, B.M. BENEWAH County
SPRING NE1/4SE1/4SE1/4 Sec. 4, Twp 45N, Rge 03W, B.M. BENEWAH County

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 95-13555

PLACE OF USE: IRRIGATION

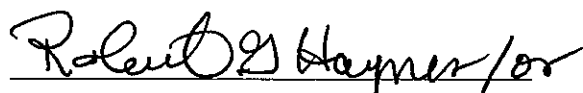
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
45N 03W 3		5.3 L 2			5.3 L 3	5.5 L 4					12.0						28.1
45N 03W 4	3.3 L 1	20.0 L 2	23.0	.2				5.4	.2					5.4		10.0	67.5
46N 03W 33															4.4		4.4

Total Acres: 100

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2015**.
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. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
5. 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 lands above.
6. 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 15th day of December, 2010.


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

December 16, 2010

TED BLANKINSHIP
PO BOX 714
LEWISTON ID 83501

RE: Permit No.95-13555

Permit Approval Notice

Dear Permit Holder:

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

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

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

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

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

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

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

Sincerely,


Keith E. Franklin
Sr. Water Resources Agent

Enclosure(s)

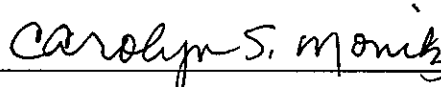
CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2010 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.

95-13555

**TED BLANKINSHIP
PO BOX 714
LEWISTON ID 83501**

A handwritten signature in cursive script, reading "Carolyn S. Monitz", is written over a horizontal line.

Carolyn S. Monitz

Technical Records Clerk

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. # 95-13555

APPLICATION ID # 76842

ENT. ED

BCA 10/28

OK to Publish

10/26/10

APPLICANT: Ted Blankenship

INITIAL REVIEW

BY: ED

DATE: 10/25/2010

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 10/20/10 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: 9/29/2010

☒

(Include Moratorium Remark)

☒

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

ADVERTISE IN:

Newspaper: SM BENEWAH County

Dates scheduled for publication 11/3 + 10/10

Affidavit of Publication received: 12/2/10

Dates actually published: 11/3 + 10/10

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 11/22

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 ()

BENEWAH creek, spring, stream

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

Approval Recommended by: E.D.

Date: 12/9/2010

Sr. Agent initial

E.D.

RECEIVED
DEC 02 2010
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 3 issues, the first publication being on the 3 day of November, 2010 and the last on the 10 day of November, 2010.

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 17 day of November, 2010

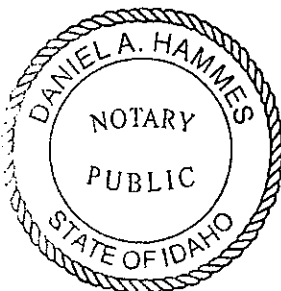
Cynthia Ann Hammes

STATE OF IDAHO)
COUNTY OF BENEWAH)

On this 17 day of November, in the year of 2010 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.

Arnold A. Hamm

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



07-13-2013

NOTICE OF APPLICATIONS

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

91-7222

JENIFER MILLER

1121 PARK DRIVE

ST. MARIES, ID 83861

Point of Diversion L12(NESE) S16 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: 9/16/2010

Place Of Use: DOMESTIC T46N R01W S16 L12(NESE)

Domestic use is for 1 home

95-13555

TED BLANKINSHIP

PO BOX 714

LEWISTON, ID 83501

Points of Diversion(2) L2(NWNE) S4 T45N R03W BENEWAH CO

Source BENEWAH CREEK Tributary CHATCOLET LAKE

Points of Diversion(2) SWNE S4 T45N R03W BENEWAH CO

Source BENEWAH CREEK Tributary CHATCOLET LAKE

Point of Diversion SWSWSW S3 T45N R03W BENEWAH CO

Source SPRING Tributary UNAMED STREAM

Point of Diversion NESESE S4 T45N R03W BENEWAH CO

Source SPRING Tributary UNAMED STREAM

Point of Diversion NWNE S3 T45N R03W BENEWAH CO

Source UNNAMED STREAM Tributary BENEWAH CREEK

Point of Diversion L3(NENW) S3 T45N R03W BENEWAH CO

Source UNNAMED STREAM Tributary BENEWAH CREEK

Point of Diversion L1(NENE) S4 T45N R03W BENEWAH CO

Source UNNAMED STREAM Tributary BENEWAH CREEK

Use: IRRIGATION 04/01 to 10/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 9/29/2010

Place Of Use: IRRIGATION

T45N R03W S3 L2(NWNE) L3(NENW) L4(NWNW) SWSW

T45N R03W S4 L1(NENE) L2(NWNE) SWNE SENE SENW

NESW NWSE SESE

T46N R03W S33 SWSE

Total Acres: 100

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 11/22/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

7838 Nov. 3-Nov. 10

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

91-7222

JENIFER MILLER

1121 PARK DRIVE

ST MARIES, ID 83861

Point of Diversion L12(NESE) S16 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: 9/16/2010

Place Of Use: DOMESTIC T46N R01W S16 L12(NESE)

Domestic use is for 1 home

95-13555

TED BLANKINSHIP

PO BOX 714

LEWISTON, ID 83501

Points of Diversion(2) L2(NWNE) S4 T45N R03W BENEWAH CO

Source BENEWAH CREEK Tributary CHATCOLET LAKE

Points of Diversion(2) SWNE S4 T45N R03W BENEWAH CO

Source BENEWAH CREEK Tributary CHATCOLET LAKE

Point of Diversion SWSWSW S3 T45N R03W BENEWAH CO

Source SPRING Tributary UNAMED STREAM

Point of Diversion NESESE S4 T45N R03W BENEWAH CO

Source SPRING Tributary UNAMED STREAM

Point of Diversion NWNE S3 T45N R03W BENEWAH CO

Source UNNAMED STREAM Tributary BENEWAH CREEK

Point of Diversion L3(NENW) S3 T45N R03W BENEWAH CO

Source UNNAMED STREAM Tributary BENEWAH CREEK

Point of Diversion L1(NENE) S4 T45N R03W BENEWAH CO

Source UNNAMED STREAM Tributary BENEWAH CREEK

Use: IRRIGATION 04/01 to 10/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 9/29/2010

Place Of Use: IRRIGATION

T45N R03W S3 L2(NWNE) L3(NENW) L4(NWNW) SWSW

T45N R03W S4 L1(NENE) L2(NWNE) SWNE SENE SENW

NESW NWSE SESE

T46N R03W S33 SWSE

Total Acres: 100

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 11/22/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 11/3/2010 and 11/10/2010

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, October 26, 2010 3:43 PM
To: Legal Notices-SMGazette Benewah Co (kaisie@smgazette.com)
Subject: Application for Permit No. 91-7222, 95-13555

Good afternoon, Kaisie,

This is one of our REGULAR legal notices ... same normal processing.

Please publish the enclosed legal notice on the dates indicated, November 3 and 10, 2010, (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 11/22/2010. Your cooperation is greatly appreciated, as always.

This one will need to bill separately from the large e-mail submitted earlier, which is scheduled to publish on November 10, 17 and 24, (once a week for three consecutive weekly issues).



LegalNotice
.0-26-10 SM e-mail..

Thanks for always being so pleasant and helpful!

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

October 26, 2010

TED BLANKINSHIP
PO BOX 714
LEWISTON ID 83501

Application For Permit No. 95-13555

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 11/3/2010 and 11/10/2010. 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 Davis
Sr. Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, October 26, 2010 3:55 PM
To: mary.terra-berns@idfg.idaho.gov
Subject: RE: Application for Permit No. 95-13555 Benewah Ck

Dear Mary :

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 the application is enclosed for your reference.



95-13555
Blankenship.pdf

Your prompt reponse 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 Eric Davis at 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