

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 94-07687

Priority: June 25, 2010

Maximum Diversion Rate: 0.09 CFS

This is to certify, that PERCY R ANDERSON TRUST
26884 S HWY 3
CATALDO ID 83810
(208) 689-3276

has applied for a permit to appropriate water from:

Source: ROBINSON CREEK

Tributary: MEDICINE 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>
IRRIGATION	03/15 to 10/31	0.09 CFS

LOCATION OF POINT(S) OF DIVERSION:

ROBINSON CREEK, SE1/4SE1/4, Sec. 22, Twp 48N, Rge 02W, B.M., KOOTENAI County

PLACE OF USE: IRRIGATION

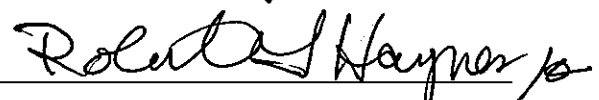
Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
48N 02W 22													.5			2.5	3.0

Total Acres: 3

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 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. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
6. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
7. Water shall not be diverted under this right when flows in the Coeur d'Alene River are below minimum flow amounts as defined by Right 94-7341. The right holder shall be responsible for monitoring the daily flow of the Coeur d'Alene River using real-time data and shall cease diverting water when flows in the Coeur d'Alene River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey Harrison gauging station, No. 12413860, may be used for purposes of determining the daily flow amounts.

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 2nd day of February, 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

February 2, 2011

PERCY R ANDERSON TRUST
26884 S HWY 3
CATALDO ID 83810

RE: Permit No.94-7687

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)

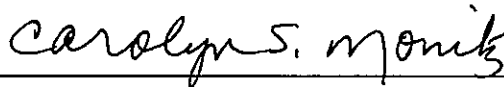
CERTIFICATE OF SERVICE

I hereby certify that on February 3, 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.

94-7687

**PERCY R ANDERSON TRUST
26884 S HWY 3
CATALDO ID 83810**

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

**Carolyn S. Monitz
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 94-7687

APPLICATION ID # 76760

ENT. 0/25 BCA 9/9/10 OK to Publish 9/1/10

APPLICANT: Percy R Anderson Trust

BY: KD DATE: 8/25/2010

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 8/25 By: KD
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. attached(>5cfs/500af)
- ☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 6/25/2010

☐ (Include Moratorium Remark)

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

ADVERTISE IN: Kootenai County

Newspaper: COA

Dates scheduled for publication 9/16 & 23/10

Affidavit of Publication received: 9/24/10

Dates actually published: 9/16 & 23/10

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 10/4/10

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 \$ <u>Check</u>	_____	Y() N()

- ☐ 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 Cda. River
- ☒ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: Heather J. Jundt Date: 1/28/2011 Sr. Agent initial KD

RECEIVED

SEP 24 2010

IDWR / NORTH

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

94-7686

STACEY L SMITH PRESNELL

JASON PRESNELL

21951 E DOYLE RD

CATALDO, ID 83810

Point of Diversion NESWSE S29 T49N R01W KOOTENAI CO

Source SPRING Tributary ROSE CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 8/24/2010

Place Of Use: DOMESTIC T49N R01W S29 SWSE

Domestic use is for 1 home.

94-7687

PERCY R ANDERSON TRUST

26884 S HWY 3

CATALDO, ID 83810

Point of Diversion SESE S22 T48N R02W KOOTENAI CO

Source ROBINSON CREEK Tributary MEDICINE LAKE

Use: IRRIGATION 03/15 to 10/31 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 6/25/2010

Place Of Use: IRRIGATION T48N R02W S22 NESE SESE

Total Acres: 3

95-13092

HELEN PARK IRRIGATION ASSN

302 W CONKLING PARK DR

WORLEY, ID 83876

Point of Diversion L5(NWSW) S20 T47N R03W KOOTENAI CO

Source COEUR D ALENE LAKE Tributary SPOKANE RIVER

Use: IRRIGATION 03/15 to 10/31 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 7/20/2010

Place Of Use: IRRIGATION T47N R03W S19 L2(SENE) NESE

Total Acres: 4

95-13100

VERA CHENG

DANIEL HICKEY

2803 W GRACE AVE

SPOKANE, WA 99205

Point of Diversion L3(SWNE) S7 T49N R03W KOOTENAI CO

Source COEUR D ALENE LAKE Tributary SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 7/12/2010

Place Of Use: DOMESTIC T49N R03W S7 L3(SWNE)

Domestic use is for 1 home.

95-13120

JEREMIAH J STEENBLOCK

7370 S PANORAMA

HARRISON, ID 83833

Point of Diversion L3(SWNE) S7 T49N R03W KOOTENAI County

Source COEUR D ALENE LAKE Tributary SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 7/26/2010

Place Of Use: DOMESTIC T49N R03W S7 L3(SWNE)

Domestic use is for 1 home.

95-13137

RIGGS LIVING TRUST

PO BOX 143068

SPOKANE VALLEY, WA 99214

Point of Diversion L2(SWNE) S28 T48N R04W KOOTENAI CO

Source COEUR D ALENE LAKE Tributary SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 8/2/2010

Place Of Use: DOMESTIC T48N R04W S28 L2(SWNE)

Domestic use is for 1 home.

95-13272

WILLIAM K LANGFORD

CAREN D LANGFORD

329 N BLAINE

MOSCOW, ID 83843

Point of Diversion L4(SWSE) S6 T49N R03W KOOTENAI CO

Source COEUR D ALENE LAKE Tributary SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 8/17/2010

Place Of Use: DOMESTIC T49N R03W S6 L4(SWSE)

Domestic use is for 1 home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 10/4/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal 0840

September 16, 23, 2010

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

SS.

Kyrene Farmer being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 02 consecutive weeks commencing on the 16 day of September, 2010, and ending on the 03 day of September, 2010, and such publication was made as often during said period as said Daily newspaper was regularly issued.

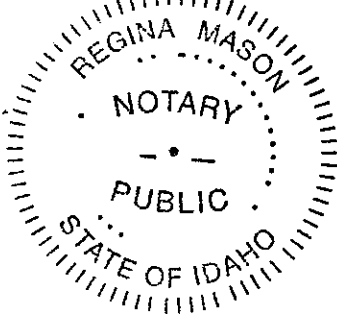
4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

On this 03 day of September, in the year of 2010, before me, a Notary Public, personally appeared Kyrene Farmer, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Regina Mason
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/15

RECEIVED
SEP 24 2010
IDWR / NORTH



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

94-7686

STACEY L SMITH PRESNELL

JASON PRESNELL

21951 E DOYLE RD

CATALDO, ID 83810

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Source SPRING Tributary ROSE CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 8/24/2010

Place Of Use: DOMESTIC T49N R01W S29 SWSE

Domestic use is for 1 home.

94-7687

PERCY RANDERSON TRUST

26884 S HWY 3

CATALDO, ID 83810

Point of Diversion SESE S22 T48N R02W KOOTENAI CO

Source ROBINSON CREEK Tributary MEDICINE LAKE

Use: IRRIGATION 03/15 to 10/31 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 6/25/2010

Place Of Use: IRRIGATION T48N R02W S22 NESE SESE

Total Acres: 3

95-13092

HELEN PARK IRRIGATION ASSN

302 W CONKLING PARK DR

WORLEY, ID 83876

Point of Diversion L5(NWSW) S20 T47N R03W KOOTENAI CO

Source COEUR D ALENE LAKE Tributary SPOKANE RIVER

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Total Diversion: 0.12 CFS

Date Filed: 7/20/2010

Place Of Use: IRRIGATION T47N R03W S19 L2(SENE) NESE

Total Acres: 4

95-13100

VERA CHENG

DANIEL HICKEY

2803 W GRACE AVE

SPOKANE, WA 99205

Point of Diversion L3(SWNE) S7 T49N R03W KOOTENAI CO

Source COEUR D ALENE LAKE Tributary SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 7/12/2010

Place Of Use: DOMESTIC T49N R03W S7 L3(SWNE)

Domestic use is for 1 home.

95-13120

JEREMIAH J STEENBLOCK

7370 S PANORAMA

HARRISON, ID 83833

Point of Diversion L3(SWNE) S7 T49N R03W KOOTENAI County

Source COEUR D ALENE LAKE Tributary SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 7/26/2010

Place Of Use: DOMESTIC T49N R03W S7 L3(SWNE)

Domestic use is for 1 home.

95-13137

RIGGS LIVING TRUST

PO BOX 143068

SPOKANE VALLEY, WA 99214

Point of Diversion L2(SWNE) S28 T48N R04W KOOTENAI CO

Source COEUR D ALENE LAKE Tributary SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 8/2/2010

Place Of Use: DOMESTIC T48N R04W S28 L2(SWNE)

Domestic use is for 1 home.

95-13272

WILLIAM K LANGFORD

CAREN D LANGFORD

329 N BLAINE

MOSCOW, ID 83843

Point of Diversion L4(SWSE) S6 T49N R03W KOOTENAI CO

Source COEUR D ALENE LAKE Tributary SPOKANE RIVER

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

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Domestic use is for 1 home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 10/4/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 9/16/2010 and 9/23/2010

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, September 09, 2010 2:40 PM
To: Legal Notices-CdA Press; Legal Notices-CdAPress - Jaylene Farmer
Subject: Application for Permit No. 95-13092, 95-13100, 95-13120, 95-13137, 95-13272, 94-7686, 94-7687

A happy day to you, Jaylene,

Please publish the attached legal notice on the dates indicated, September 16 and 23, 2010, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.



LegalNotice
9-09-10 CDA e-mai.

Please send a proof/preview copy for my review before this goes to press.

Also – as a reminder, sometimes a blind/hidden tab shows up before Gary Spackman's name moving it to the right hand margin. If that happens, please remove that and shift it back to the left hand margin.

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 10/4/2010. Your cooperation is always greatly appreciated.

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

Thanks for all you super help. It's a pleasure to work with YOU!

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

September 9, 2010

PERCY R ANDERSON TRUST
26884 S HWY 3
CATALDO, ID 83810

Application For Permit No. 94-7687

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 COEUR D ALENE PRESS on 9/16/2010 and 9/23/2010. 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,

Keith Franklin
Sr. Water Resource Agent



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

94-7687

July 29, 2010

Carl W Anderson
Percy R Anderson Trust
26884 S Hwy 3
Cataldo, ID 83810

RECEIVED
AUG 24 2010
IDWR/NORTHERN

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho

Dear Mr. Anderson:

In reviewing your application, it appears from Kootenai County tax records that your point of diversion on Robinson Creek is located within property owned by a Michael R Schlepp. Do you have an easement or written documentation allowing you to access the creek across the Schlepp property? The department will need a document showing your authorized access to the creek before processing can begin. Please supply the required information within the next 30 days so as not to delay processing.

If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure

Aug 23, 2010

Dear Keith Franklin,

Here is the easement or written document allowing
me to access the Schlepp property.

Sincerely,

Carl W. Anderson

94-1087

RECEIVED

AUG 24 2010

IDWR/NORTHERN

EASEMENT AGREEMENT

Michael and Brenda Schlepp, referred to as OWNER, and Carl and Naomi Anderson, referred to as GRANTEE, agree:

OWNER is the owner in fee simple of the following described real estate:

Portions of Section 22 known as the Schlepp Seed Ranch L.L.C. owned by Michael and Brenda Schlepp.

In consideration of \$ 0 (0 dollars) paid by GRANTEE, the OWNER grants to GRANTEE an easement over the following portion of the above-described premises:

that portion of Section 22 between State Highway 3 and Robinson Creek directly below the property of Carl and Naomi Anderson that has an existing irrigation pump, electrical panel, lines, and pipe.

The GRANTEE shall have the right to ingress and egress for the purpose of maintaining, repair, or replacing said irrigation pump, pipe, electrical panel and lines.

GRANTEE shall indemnify and hold OWNER harmless as to all claims related to or arising from the use of the easement and shall further promptly pay OWNER for any damages suffered by OWNER due to their activities.

The grant of easement herein shall bind the heirs and assigns of the OWNER and GRANTEE. The rights herein shall be specifically enforceable.

Dated: 8/23/2010



Michael Schlepp, OWNER

Brenda Schlepp 8/23/2010

Brenda Schlepp, OWNER

Carl W. Anderson Aug. 19, 10

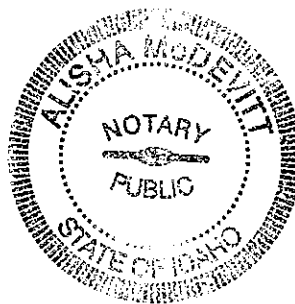
Carl Anderson, GRANTEE

Naomi F. Anderson Aug 19-2010

Naomi Anderson, GRANTEE

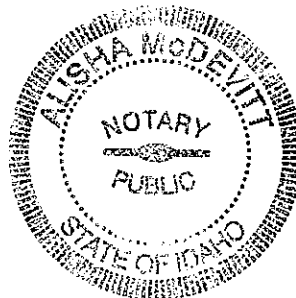
Witnesses as to OWNER:

Alisha McDevitt
Residing in Medimont
Expires 03/21/2013



Witnesses as to GRANTEE:

Alisha McDevitt
Residing in Medimont
Expires 03/21/2013



Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, September 01, 2010 1:41 PM
To: mary.terra-berns@idfg.idaho.gov
Subject: RE: Applications for Permit Nos. 94-7686 Presnell - Spring, 94-7687 Anderson Trust - Robinson Creek, and 95-13148 Husband - unnamed stream

Dear Mary,

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 being scheduled for publication in the CDA Press on September 16 and 23, 2010 with final date for protest being September 27, 2010.



94-7686
Presnell.pdf



94-7687 Anderson
Trust.pdf



95-13148
Husband.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 of this office if you have any questions regarding the Pesnell or the Anderson Trust files application.

Please contact Eric Davis of this office if you have any questions regarding the Husband file.

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



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

July 29, 2010

Carl W Anderson
Percy R Anderson Trust
26884 S Hwy 3
Cataldo, ID 83810

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho

Dear Mr. Anderson:

In reviewing your application, it appears from Kootenai County tax records that your point of diversion on Robinson Creek is located within property owned by a Michael R Schlepp. Do you have an easement or written documentation allowing you to access the creek across the Schlepp property? The department will need a document showing your authorized access to the creek before processing can begin. Please supply the required information within the next 30 days so as not to delay processing.

If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure

COPY