

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 94-07559

Priority: April 23, 2010

Maximum Diversion Rate: 0.20 CFS

This is to certify, that CAROL LAPAN And TONY LAPAN
2109 CANDY LN
COEUR D ALENE ID 83814

has applied for a permit to appropriate water from:

Source: BEAVER CREEK**Tributary:** NORTH FORK COEUR D ALENE
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>
FIRE PROTECTION	01/01 to 12/31	0.20 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

BEAVER CREEK SE1/4SW1/4 Sec. 4, Twp 49N, Rge 04E, B.M. SHOSHONE County

BEAVER CREEK SW1/4SW1/4 Sec. 4, Twp 49N, Rge 04E, B.M. SHOSHONE County

PLACE OF USE: FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
49N 04E 4											X	X					

PLACE OF USE: DOMESTIC

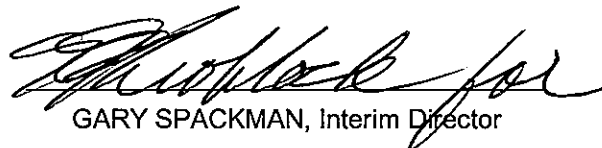
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
49N 04E 4									X		X	X					L 6

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 94-07559

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2011**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
5. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
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 29th day of July, 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

July 30, 2010

CAROL LAPAN
2109 CANDY LN
COEUR D ALENE ID 83814

TONY LAPAN
2109 CANDY LN
COEUR D ALENE ID 83814

RE: Permit No.94-7559

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 E. Franklin". The signature is fluid and cursive, with the first name "Keith" being more prominent.

Keith E. Franklin
Sr. Water Resources Agent

Enclosure(s)

CERTIFICATE OF SERVICE

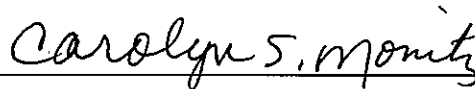
I hereby certify that on July 30, 2010 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

94-7559

**CAROL LAPAN
2109 CANDY LN
COEUR D ALENE ID 83814**

**TONY LAPAN
2109 CANDY LN
COEUR D ALENE ID 83814**

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.

Knoblock, Ken

From: Haynes, Bob
Sent: Wednesday, July 28, 2010 2:39 PM
To: Spackman, Gary; Peppersack, Jeff; Galloway, Chuck; Northern Region
Subject: Delegation

I'll be out of the office from July 28 thru August 2. Ken Knoblock is authorized to act in my place.

Bob



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 21, 2010

CAROL LAPAN
TONY LAPAN
2109 CANDY LN
COEUR D ALENE, ID 83814

RE: Withdrawal of Protest against application 94-7559

Dear Applicant(s):

The Department of Water Resources has received withdrawal(s) of protest against the above referenced application. Withdrawals have been received from the following protestants:

- 1) IDAHO FISH AND GAME

The application does not have any remaining protests; therefore, the department will take the steps necessary to bring the application to a final resolution.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

Robert G. Haynes, PE
Regional Manager

CC IDFG



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 21, 2010

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

RE: Withdrawal of Protest against 94-7559 LAPAN

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application.

The application does not have any remaining protests; therefore, the department will take the steps necessary to bring the application to a final resolution.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Haynes". The signature is written in a cursive, flowing style.

Robert G. Haynes, PE
Regional Manager

CC: CAROL & TONY LAPAN



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

June 15, 2010

RECEIVED
JUN 17 2010
IDWR / NORTH

Mr. Bob Haynes
Idaho Department of Water Resources
Northern Region
7600 Mineral Drive, Ste 100
Coeur d'Alene, ID 83815

Dear Bob:

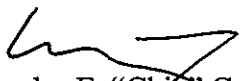
REFERENCE: LaPan - 94-7559

On June 15, 2010, Mary Terra-Berns, of my staff, talked with Carol LaPan and discussed our concerns for the requested diversion of 0.20 cfs from Beaver Creek for fire protection and domestic.

After an extended discussion, we have a more thorough understanding of the applicant's concerns and request for this diversion. IDFG agrees to withdraw our protest of this application.

Thank you for your attention to this matter.

Sincerely,


Charles E. "Chip" Corsi
Regional Supervisor

CEC:MTB

C: Sharon Kiefer, IDFG, Boise
Walt Poole, IDFG, Boise
David Stanish, AG, Boise
Carol and Tony LaPan, 2109 Candy Lane, CdA, ID 83814

File: IDWR LaPan PROTEST follow up 94-7559

Ball, Dianne

From: Marston, Sascha
Sent: Monday, June 21, 2010 11:22 AM
To: Ball, Dianne
Subject: RE: 94-7559 LAPAN PROTEST and also billing for protests for 94-7560 and 7561

The BILL numbers are:

94-7559 – BILL0014
94-7560 - BILL0037
94-7561 - BILL0016

From: Ball, Dianne
Sent: Monday, June 21, 2010 12:19 PM
To: Marston, Sascha
Subject: 94-7559 LAPAN PROTEST and also billing for protests for 94-7560 and 7561

Good day to you, Sascha,

When you inter-agency bill IDFG, do you at that time issue a BLL number?

If so, would you please let me know what the BLL number would be on 94-7559, 94-7560 and 94-7561?

I'm presently working with the file 94-7559 LAPAN, but will need the billing numbers for all three if available.

It would help for me to know those numbers when you bill, if possible. It is required in the process of entering the protest into Workflow.

Thanks for your always wonderful help!! ;-)

Dianne

ORIGINAL

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID I. STANISH (ISB #7310)
Deputy Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010
Telephone: (208) 334-2400
Facsimile: (208) 854-8072

RECEIVED
JUN 21 2010
IDWR / NORTH

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 94-07559 IN THE NAME OF CAROL) **NOTICE OF APPEARANCE**
AND TONY LAPAN)
_____)

NOTICE is hereby given that David I. Stanish, Deputy Attorney General, hereby enters an appearance as the attorney of record for the Protestant State of Idaho Department of Fish and Game in the above listed administrative proceeding. All documents pertaining to this matter should be served on the State of Idaho Department of Fish and Game as follows:

David I. Stanish
Deputy Attorney General
Natural Resources Division
700 W. State Street, 2nd Floor
P.O. Box 83720
Boise, Idaho 83720-0010

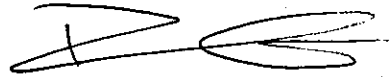
Attn: Walt Poole
Idaho Department of Fish and Game
P.O. Box 25
Boise, Idaho 83707

Attn: Mary Terra-Berns
Idaho Department of Fish and Game
2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

DATED this 18th day of June 2010.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

A handwritten signature in black ink, appearing to read 'D. Stanish', is written over a horizontal line.

DAVID I. STANISH
Deputy Attorney General
Natural Resources Division

CERTIFICATE OF SERVICE

I certify that on the 18th day of June 2010, I caused to be served the original and/or copy of this NOTICE OF APPEARANCE on each of the following persons by the indicated method.

1. Original to:

Idaho Department of Water Resources
7600 Mineral Drive, Ste 100
Coeur d'Alene, ID 83815

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____

2. Copies to

Mary Terra-Berns
Idaho Department of Fish and Game
2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

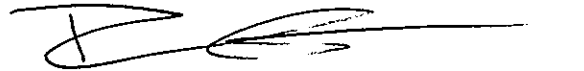
- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____

Walt Poole
Idaho Department of Fish and Game
P.O. Box 25
Boise, Idaho 83707

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____

Carol and Tony LaPan
5476 N High Prairie Rd
Hauser, Idaho 83854

- ☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Federal Express
☐ Facsimile: _____



DAVID I. STANISH
Deputy Attorney General



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

June 7, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

CAROL LAPAN
TONY LAPAN
2109 CANDY LN
COEUR D ALENE, ID 83814

RE: Application for Permit No(s). 94-7559

Dear Applicant(s):

Enclosed is a copy of a protest(s) filed against the issuance of Permit No(s). 94-7559. As part of the application process, the following options are available for the resolution of contested (protested) applications:

- Direct contact with the protestant(s) to determine the nature of the protest(s) and to attempt to resolve the protest. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).
- Formal proceedings administered by the department pursuant to the Department's Rule of Procedure (IDAPA 37.01.01). A pre-hearing conference identifies the protestant's concerns and reviews the resolution possibilities with the parties. If the concerns cannot be resolved, a formal hearing will be scheduled.
- Mediation through a certified professional mediator can reduce costs and time that are associated with formal proceedings, present the opportunity to address non-water concerns, provide influence over a final settlement, and fast track the processing of the application if a mediated agreement is reached. If you are interested in this option, please contact our office for details.

Please consider with the protestant the best option(s) for resolution of the contested application and forward your choice to the Department's regional manager. If no response is received within a few weeks, you may be notified that a pre-hearing protest conference will be scheduled.

You may contact this office if you have any questions regarding the procedure discussed in this letter or additional information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,

Robert G. Haynes, PE
Regional Manager

Enclosure(s) Pre-Hearing Conference Procedures and Copy of Protest(s)

**PRE-HEARING CONFERENCE AND/OR HEARING PROCEDURE
APPLICATION FOR PERMIT**

ISSUES

Applications to appropriate the water of the State of Idaho are referred to as applications for permit, and are for the development of new water rights. Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation reduce the quantity of water under existing water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, 6, and 7 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5, if applicable, lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues to avoid unnecessary proof, identify documents, schedule discovery, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing, and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the pre-hearing conference for the purpose of scheduling a hearing. Parties will be expected to discuss their availability at the prehearing conference for the purpose of scheduling the hearing.

HEARING

A hearing may be conducted according to Sections 42-1701A(1) and (2), Idaho Code and the department's Rules of Procedure. Copies of Idaho Code and the department's rules are available upon request or by accessing the department's website at: www.idwr.idaho.gov. The department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

The hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended or preliminary order. Parties can petition for reconsideration of a decision or file exceptions. A brief to support exceptions may request oral argument. Parties may seek judicial review of any final order issued by the Director.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please notify the department no later than ten (10) days prior to the hearing.



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 7, 2010

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

RE: Application for Permit No(s). 94-7559

Dear Protestant(s):

This office acknowledges receipt of your protest to the issuance of Permit No(s). 94-7559. As part of the application process, the following options are available for the resolution of contested (protested) applications:

- Direct contact with the applicant(s) to determine the nature of the protest(s) and to attempt to resolve the protest. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).

- Formal proceedings administered by the Department pursuant to the Department's Rule of Procedure (IDAPA 37.01.01). A pre-hearing conference identifies the protestant's concerns and reviews the resolution possibilities with the parties. If the concerns cannot be resolved, a formal hearing will be scheduled.

- Mediation through a certified professional mediator can reduce costs and time that are associated with formal proceedings, present the opportunity to address non-water concerns, provide influence over a final settlement, and fast track the processing of the application if a mediated agreement is reached. If you are interested in this option, please contact our office for details.

Please consider with the applicant the best option(s) for resolution of the contested application and forward your choice to the Department's regional manager. If no response is received within a few weeks, you may be notified that a pre-hearing conference will be scheduled.

You may contact this office if you have any questions regarding the procedure discussed in this letter or additional information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,

Robert G. Haynes, PE
Regional Manager

Enclosure(s) Pre-Hearing Conference Procedures



IDAHO DEPARTMENT OF FISH AND GAME

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

RECEIVED
JUN 03 2010
IDWR / NORTH

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

June 1, 2010

Mr. Keith Franklin
Idaho Department of Water Resources
Northern Region
7600 Mineral Drive, Ste 100
Coeur d'Alene, ID 83815

Dear Keith:

REFERENCE: LaPAN: 94-7545 → 94-7559

We have reviewed the above-named application by Carol and Tony LaPan to divert 0.20 cfs from Beaver Creek, which is a tributary to the North Fork Coeur d'Alene River for fire protection and domestic uses (January 1 – December 31). The application indicates two points of diversion, but offers no explanation for the necessity of both sites for this half-acre recreational site.

Beaver Creek is a tributary to the North Fork Coeur d'Alene River, which is managed by IDFG as a quality westslope cutthroat trout fishery and it is very popular with anglers. The North Fork is an important component of westslope cutthroat trout habitat range-wide.

The State of Idaho has recognized the importance of this fishery by instituting a Minimum Stream Flow of 1018.00 cfs between Nov. 1st and June 30th and 413.00 cfs between July 1st and October 31st on the Coeur d'Alene River, which is a short distance downstream of the applicant's property, to prevent the degradation of instream habitat.

Several research and restoration projects have been and are currently being conducted on the North Fork and the Little North Fork Coeur d'Alene Rivers. Idaho and neighboring states (MT/WA/OR) have recently fended off a listing of westslope cutthroat under the Endangered Species Act by demonstrating that healthy populations and habitat exist in places like the North Fork Coeur d'Alene River, and that the appropriate state regulatory mechanisms are in place to protect them. Furthermore, intact riparian areas provide habitat for a wide range of terrestrial and avian species, from big game to migratory birds.

The recent proliferation of recreational lots along the Coeur d'Alene, North Fork Coeur d'Alene Rivers, and now, Beaver Creek, has negatively impacted the riparian habitat along the river. Riparian vegetation has complex root systems that slow stream bank erosion during high flows with well-rooted, woody vegetation that can withstand increased flows more effectively than stream banks that are sparsely vegetated or grass covered. Trees and shrubs provide shade, which is critically important for maintaining the cooler water temperatures necessary for our

Keeping Idaho's Wildlife Heritage

Mr. Keith Franklin
June 1, 2010

LaPan – Page 2

native trout. Additionally, trees contribute valuable large woody debris in the stream that provides cover for fish and other aquatic species. The complex root systems have adapted successfully to streamside habitats; therefore, it is unnecessary to irrigate the riparian area.

We are concerned that the cumulative effects of recreational lot owners applying for diversions will decrease stream flows, particularly during the low flow summer months, which can be harmful to this popular fishery and have negative impacts on riparian vegetation.

The Department believes that this request is in conflict with the local public interest and protests issuing this permit.

Please initiate the Interagency Billing process for the applicable fee for this protest. The PCA is 19110 and the ABC code is B7TX. Please send the billing documents to IDFG Headquarters Office, Attention: Walt Poole, P.O. Box 25, Boise, ID 83707.

We are willing to meet with the applicant to discuss the project and potential alternatives, to seek resolution of this protest. If you have questions concerning our comments please contact us at 769-1414.

Thank you for your attention to this matter.

Sincerely,



Charles E. "Chip" Corsi
Regional Supervisor

CEC:MTB

C: Sharon Kiefer, IDFG Boise
Walt Poole, IDFG Boise
David Stanish, AG, Boise



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

June 1, 2010

Mr. Keith Franklin
Idaho Department of Water Resources
Northern Region
7600 Mineral Drive, Ste 100
Coeur d'Alene, ID 83815

RECEIVED
JUN -7 2010
IDWR/North

Dear Keith:

REFERENCE: LaPAN: ~~94-7545~~ 94-7559

We have reviewed the above-named application by Carol and Tony LaPan to divert 0.20 cfs from Beaver Creek, which is a tributary to the North Fork Coeur d'Alene River for fire protection and domestic uses (January 1 – December 31). The application indicates two points of diversion, but offers no explanation for the necessity of both sites for this half-acre recreational site.

Beaver Creek is a tributary to the North Fork Coeur d'Alene River, which is managed by IDFG as a quality westslope cutthroat trout fishery and it is very popular with anglers. The North Fork is an important component of westslope cutthroat trout habitat range-wide.

The State of Idaho has recognized the importance of this fishery by instituting a Minimum Stream Flow of 1018.00 cfs between Nov. 1st and June 30th and 413.00 cfs between July 1st and October 31st on the Coeur d'Alene River, which is a short distance downstream of the applicant's property, to prevent the degradation of instream habitat.

Several research and restoration projects have been and are currently being conducted on the North Fork and the Little North Fork Coeur d'Alene Rivers. Idaho and neighboring states (MT/WA/OR) have recently fended off a listing of westslope cutthroat under the Endangered Species Act by demonstrating that healthy populations and habitat exist in places like the North Fork Coeur d'Alene River, and that the appropriate state regulatory mechanisms are in place to protect them. Furthermore, intact riparian areas provide habitat for a wide range of terrestrial and avian species, from big game to migratory birds.

The recent proliferation of recreational lots along the Coeur d'Alene, North Fork Coeur d'Alene Rivers, and now, Beaver Creek, has negatively impacted the riparian habitat along the river. Riparian vegetation has complex root systems that slow stream bank erosion during high flows with well-rooted, woody vegetation that can withstand increased flows more effectively than stream banks that are sparsely vegetated or grass covered. Trees and shrubs provide shade, which is critically important for maintaining the cooler water temperatures necessary for our

Keeping Idaho's Wildlife Heritage

native trout. Additionally, trees contribute valuable large woody debris in the stream that provides cover for fish and other aquatic species. The complex root systems have adapted successfully to streamside habitats; therefore, it is unnecessary to irrigate the riparian area.

We are concerned that the cumulative effects of recreational lot owners applying for diversions will decrease stream flows, particularly during the low flow summer months, which can be harmful to this popular fishery and have negative impacts on riparian vegetation.

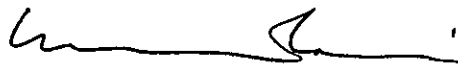
The Department believes that this request is in conflict with the local public interest and protests issuing this permit.

Please initiate the Interagency Billing process for the applicable fee for this protest. The PCA is 19110 and the ABC code is B7TX. Please send the billing documents to IDFG Headquarters Office, Attention: Walt Poole, P.O. Box 25, Boise, ID 83707.

We are willing to meet with the applicant to discuss the project and potential alternatives, to seek resolution of this protest. If you have questions concerning our comments please contact us at 769-1414.

Thank you for your attention to this matter.

Sincerely,



Charles E. "Chip" Corsi
Regional Supervisor

CEC:MTB

C: Sharon Kiefer, IDFG Boise
Walt Poole, IDFG Boise
David Stanish, AG, Boise

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

P

W.R. # 94-7559 APPLICATION ID # 76451 ENT. EP BCA 5/11/10 OK to Publish 5/10/10
APPLICANT: LAPAN INITIAL REVIEW BY: EP DATE: 4/23/2010

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 4-23-10 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: 4/23/2010
☒ (Include Moratorium Remark)
☒ Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).
ADVERTISE IN: NP Shoshone County
 Newspaper: NP
 Dates scheduled for publication 5/20 + 27/10
 Affidavit of Publication received: 5/28/10
 Dates actually published: 5/20 + 27/10
 Application published correctly. Yes ☒ No ☐
 If not, action taken: _____
 Final Date for Protest: 6/7/10
 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 \$ _____	_____	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: _____
☐ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by:



Date: 7/7/2010 Sr. Agent initial ED

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Shoshone

Angela Abbott 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 "Shoshone News Press", a newspaper printed and published daily except Sunday and Monday in Kellogg, Shoshone County, Idaho, and having a general circulation in said county.

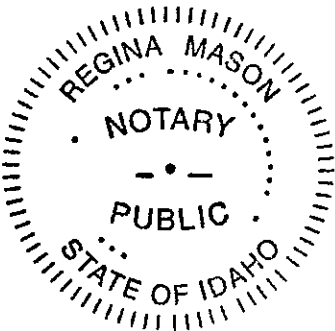
3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 20th day of May, 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 Shoshone County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Angela Abbott.
On this 27th day of May in the year of 2010, before me, a Notary Public, personally appeared Angela Abbott, 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 in Coeur d'Alene, Idaho

MY COMMISSION EXPIRES 6/18/15



RECEIVED
MAY 28 2010
IDWR / NORTH

RECEIVED
MAY 28 2010
IDWR / NORTH

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

94-7559
CAROL LAPAN
TONY LAPAN
2109 CANDY LN
COEUR D'ALENE, ID 83814
Point of Diversion SESW S4 T49N R04E SHOSHONE County
Source BEAVER CREEK Tributary COEUR D'ALENE RIVER
Point of Diversion SWSW S4 T49N R04E SHOSHONE CO
Source BEAVER CREEK Tributary COEUR D'ALENE RIVER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 4/23/2010
Place Of Use: FIRE PROTECTION
T49N R04E S4 SWSW SESW
Place Of Use: DOMESTIC
T49N R04E S4 L6(NESW) SWSW SESW
Domestic use is for RV site

94-7560
DON MACDONALD
RICK JOST
1526 WOODLAND DR
DALTON GARDENS, ID 83815
Point of Diversion L2(SWSE) S27 T50N R02E
SHOSHONE CO
Source COEUR D'ALENE RIVER tributary
COEUR D'ALENE LAKE
Use: IRRIGATION 04/15 to 10/31 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 4/26/2010
Place Of Use: IRRIGATION T50N R02E S27 L2(SWSE)
Total Acres: 1

94-7561
NEIL BRUCE
1421 LAKESIDE AVE
COEUR D'ALENE, ID 83814
Point of Diversion L2(SWSE) S27 T50N R02E
SHOSHONE CO
Source N FORK COEUR D'ALENE RIVER tributary
COEUR D'ALENE RIVER
Use: IRRIGATION 04/01 to 10/31 0.02 CFS
Total Diversion: 0.02 CFS

Date Filed: 4/29/2010
Place Of Use: IRRIGATION T50N R02E S27 L2(SWSE)
Total Acres: 0.5

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 6/7/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
SHO Legal 937
May 20, 27, 2010

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

94-7559

CAROL LAPAN

TONY LAPAN

2109 CANDY LN

COEUR D ALENE, ID 83814

Point of Diversion SESW S4 T49N R04E SHOSHONE County

Source BEAVER CREEK Tributary COEUR D ALENE RIVER

Point of Diversion SWSW S4 T49N R04E SHOSHONE County

Source BEAVER CREEK Tributary COEUR D ALENE RIVER

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

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

Total Diversion: 0.2 CFS

Date Filed: 4/23/2010

Place Of Use: FIRE PROTECTION

T49N R04E S4 SWSW SESW

Place Of Use: DOMESTIC

T49N R04E S4 L6(NESW) SWSW SESW

Domestic use is for 1 RV site.

94-7560

DON MACDONALD

RICK JOST

1526 WOODLAND DR

DALTON GARDENS, ID 83815

Point of Diversion L2(SWSE) S27 T50N R02E SHOSHONE CO

Source COEUR D ALENE RIVER tributary COEUR D ALENE LKE

Use: IRRIGATION 04/15 to 10/31 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 4/26/2010

Place Of Use: IRRIGATION T50N R02E S27 L2(SWSE)

Total Acres: 1

94-7561

NEIL BRUCE

1421 LAKESIDE AVE

COEUR D ALENE, ID 83814

Point of Diversion L2(SWSE) S27 T50N R02E SHOSHONE CO

Source N FK COEUR D ALENE RVR trib. COEUR D ALENE RVR

Use: IRRIGATION 04/01 to 10/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 4/29/2010

Place Of Use: IRRIGATION T50N R02E S27 L2(SWSE)

Total Acres: 0.5

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 6/7/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 5/20/2010 and 5/27/2010

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, May 11, 2010 11:07 AM
To: Legal Notices-Shoshone NP Angie Abbott@cdapress.com;
ccampbell@shoshonenewspress.com
Subject: Applications for Permit No. 94-7559, 94-7560, 94-7561

Good morning, Angie,

Please publish the enclosed legal notice on the dates indicated, May 20 and 27, 2010, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please provide a proof/preview copy for my review before this goes to press. I often have to just check for layout and orphan lines. I try to keep within the "boundaries" and provide in your preferred font and text size, but occasionally I find I'm a couple "letters" too long for a line, and have to move something a bit.

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 6/7/2010. Your cooperation is appreciated.



LegalNotice
15-11-10 NP e-mail..

Thanks for all your help and 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

May 11, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

CAROL LAPAN
TONY LAPAN
2109 CANDY LN
COEUR D ALENE, ID 83814

Application For Permit No. 94-7559

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 SHOSHONE NEWS PRESS on 5/20/2010 and 5/27/2010. 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,

A handwritten signature in black ink, appearing to read 'Eric J. Davis', is written over a horizontal line.

Eric Davis
Sr. Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Monday, May 10, 2010 4:39 PM
To: mary.terra-berns@idfg.idaho.gov; bburke@idl.idaho.gov; cwashburn@idl.idaho.gov
Subject: RE: Application for Permit No. 94-7559 Beaver Creek, 94-7560 CDA River, 94-7561 N Fk CDA River

Dear Mary, Bob and Carl: (Trying to cover all bases – I'm not sure which IDL office covers some areas out there)

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.

These are being scheduled for publication in the Shoshone News Press on May 20 and 27, 2010 with final date for protest being June 7, 2010.

Bob – You might only be interested in LAPAN, - possibly BRUCE.

Carl – I know you'll be interested in MAC DONALD &/or JOST, but I'm not sure about BRUCE



94-7559 LAPAN.pdf



94-7560 MacDonald
- Jost.pdf



94-7561 Bruce.pdf

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Dianne Ball

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