State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 91-07202

Priority: June 14, 2010 Maximum Diversion Rate: 0.02 CFS

This is to certify, that GLENN JOHNSON And
CHRISTINE JOHNSON
490 E IOWA AVE.
HAYDEN ID 83835
(208) 819-2806

has applied for a permit to appropriate water from:

Source: ST JOE RIVER **Tributary:** COEUR D ALENE LAKE

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:
ST JOE RIVER, L5 (SE1/4NE1/4), Sec. 19, Twp 46N, Rge 01E, B.M., BENEWAH County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N 01E 19				X L5													

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. This right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for 2 trailers.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
7. Water shall not be diverted under this right when flows in the St Joe River are below established minimum flow amounts by Right 91-7122.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 13th day of August, 2010.

GARY SPACKMAN, Interim Director

SCANNED
AUG 17 2010

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

August 14, 2010

GLENN JOHNSON
490 E IOWA AVE.
HAYDEN ID 83835

CHRISTINE JOHNSON
490 E IOWA AVE.
HAYDEN ID 83835

RE: Permit No.91-7202

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.

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AUG 17 2010

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)

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AUG 17 2010

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 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. 91-7202

CHRISTINE JOHNSON
490 E IOWA AVE.
HAYDEN ID 83835

GLENN JOHNSON
490 E IOWA AVE.
HAYDEN ID 83835

Carolyn S. Monitz

Carolyn S. Monitz
Technical Records Clerk

SCANNED
Aug 17 2010

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.

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AUG 17 2010

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.

SCANNED
AUG 17 2010

Knoblock, Ken

From: Haynes, Bob
Sent: Tuesday, August 10, 2010 2:59 PM
To: Northern Region; Spackman, Gary; Peppersack, Jeff; Galloway, Chuck
Subject: Annual Leave 8/11 - 8-17

I will be out of the office from 8/11 thru 8/17. Ken Knoblock is authorized to act as regional manager in my absence.

Bob

SCANNED
Aug 17 2010

P

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 91 - 7202 APPLICATION ID # 76610 ENT. 6/22 BCA 6/29/10 OK to Publish 6/29/10

INITIAL REVIEW

APPLICANT: Glen & Christina Johnson BY: KD DATE: 6/22/2010

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 6/22 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:** 6/14/2010

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

ADVERTISE IN: Benewah County
Newspaper: SM
Dates scheduled for publication 7/7 & 14/10
Affidavit of Publication received: 7/16/10
Dates actually published: 7/7 & 14/10
Application published correctly. Yes ✓ No ____
If not, action taken: _____

Final Date for Protest: 7/26
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: Min. Stream Flow St. Joe River
___ ✓ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Keith Dunklau Date: 8/6/2010 Sr. Agent initial KD

SCANNED
AUG 17 2010

RECEIVED
JUL 16 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 two issues, the first publication being on the 7 day of July, 2010 and the last on the 14, day of July, 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 14 day of July, 2010

Cynthia Ann Hammes

STATE OF IDAHO)
COUNTY OF BENEWAH)

On this 14 day of July, 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.

Notary Public for Idaho
Residing at St. Maries, Idaho
My commission expires:
07-13-2013

DANIEL A. HAMMES NOTARY PUBLIC STATE OF IDAHO

NOTICE OF APPLICATION

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

91-7202
GLENN JOHNSON
CHRISTINE JOHNSON
490 E IOWA AVE.
HAYDEN, ID 83835
Point of Diversion L5(SENE) S19 T46N R01E BENEWAH CO
Source ST JOE RIVER Tributary COEUR D ALENE LAKE
Use: DOMESTIC 01/01 to 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 6/14/2010
Place Of Use: DOMESTIC T46N R01E S19 L5(SENE)

Domestic use is for two trailers.

91-7203
BILL EICHELBERG
LORNA EICHELBERG
10100 RAILROAD GRADE RD
ST MARIES, ID 83861
Point of Diversion L11(SESE) S20 T46N R01E BENEWAH CO
Source ST JOE RIVER Tributary COEUR D ALENE LAKE
Use: IRRIGATION 03/15 to 10/31 0.09 CFS
Total Diversion: 0.09 CFS
Date Filed: 6/14/2010
Place Of Use: IRRIGATION T46N R01E S20 L11(SESE)
Total Acres: 4.5

91-7204
BILL EICHELBERG
LORNA EICHELBERG
10100 RAILROAD GRADE RD
ST MARIES, ID 83861
Point of Diversion L10(NESE) S20 T46N R01E BENEWAH CO
Source ST JOE RIVER Tributary COEUR D ALENE LAKE
Use: IRRIGATION 03/15 to 10/31 0.07 CFS
Total Diversion: 0.07 CFS
Date Filed: 6/14/2010
Place Of Use: IRRIGATION T46N R01E S20 L10(NESE)
Total Acres: 3.5

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 7/26/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
7706 July 7-July 14

SCANNED
AUG 17 2010

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

91-7202
GLENN JOHNSON
CHRISTINE JOHNSON
490 E IOWA AVE.
HAYDEN, ID 83835
Point of Diversion L5(SENE) S19 T46N R01E BENEWAH CO
Source ST JOE RIVER Tributary COEUR D ALENE LAKE
Use: DOMESTIC 01/01 to 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 6/14/2010
Place Of Use: DOMESTIC T46N R01E S19 L5(SENE)
Domestic use is for two trailers.

91-7203
BILL EICHELBERG
LORNA EICHELBERG
10100 RAILROAD GRADE RD
ST MARIES, ID 83861
Point of Diversion L11(SESE) S20 T46N R01E BENEWAH CO
Source ST JOE RIVER Tributary COEUR D ALENE LAKE
Use: IRRIGATION 03/15 to 10/31 0.09 CFS
Total Diversion: 0.09 CFS
Date Filed: 6/14/2010
Place Of Use: IRRIGATION T46N R01E S20 L11(SESE)
Total Acres: 4.5

91-7204
BILL EICHELBERG
LORNA EICHELBERG
10100 RAILROAD GRADE RD
ST MARIES, ID 83861
Point of Diversion L10(NESE) S20 T46N R01E BENEWAH CO
Source ST JOE RIVER Tributary COEUR D ALENE LAKE
Use: IRRIGATION 03/15 to 10/31 0.07 CFS
Total Diversion: 0.07 CFS
Date Filed: 6/14/2010
Place Of Use: IRRIGATION T46N R01E S20 L10(NESE)
Total Acres: 3.5

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 7/26/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Legal #
Published on 7/7/2010 and 7/14/2010

SCANNED
AUG 17 2010

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, June 29, 2010 3:49 PM
To: Legal Notices-SMGazette (kaisie@smgazette.com)
Subject: Application for Permit No. 91-7202, 91-7203, 91-7204

Good afternoon, Kaisie,

I trust I'm early enough still for this to make the paper starting next Wednesday, 7/7/10 and publishing also on 7/14/10.

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 7/26/2010. Your cooperation is ALWAYS very greatly appreciated.

Following our normal 2-column format, and requesting a proof/preview copy prior to publication for my review.

I have discovered that sometimes there is a hidden tab just before the Interim Director's name and that is not visible in my workup – even when I have the reveal punctuation visible. What that does is sometimes shift GARY SPACKMAN, Interim Director to the right hand margin when you do a copy and paste. If that happens, will you please move it back to the left margin?

Thanks for all your marvelous help in making our legals look "just right".

LegalNotice
6-29-10 SM e-mail..

Too blessed to be stressed.

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

SCANNED
APR 17 2010

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, June 29, 2010 3:24 PM
To: mary.terra-berns@idfg.idaho.gov; jbennett@idl.idaho.gov
Subject: RE: Application for Permit No. 91-7202 Johnson, 91-7203 Eichelberg, and 91-7204 Eichelberg

Dear Mary and Jim:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. A copy of each of the applications is enclosed for your reference.

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.

These are being scheduled for publication July 7 and 14, 2010 in the St Maries Gazette, with final date for protests to be received in our office July 26, 2010. All three are from St Joe River.

91-7202
JOHNSON.pdf

91-7203
EICHELBERG.pdf

91-7204
EICHELBERG.pdf

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

SCANNED
AUG 17 2010

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 29, 2010

GLENN JOHNSON
CHRISTINE JOHNSON
490 E IOWA AVE.
HAYDEN, ID 83835

Application For Permit No. 91-7202

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 7/7/2010 and 7/14/2010. 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

Enc. Receipt No. N024898

SCANNED
JUL 07 2010

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

Glenn Johnson
Christina Johnson
490 E Iowa Ave.
Hayden, ID 83835

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
No. 76610

Dear Mr. and Mrs. Johnson:

The Idaho Department of Water Resources is in receipt of your recently submitted application for permit. Before processing can begin, the department will need a copy of a USGS map or aerial photograph showing the location of your property. Enclosed is a photograph that may be helpful. Please outline your property and return the photo, or other location maps, to me within the next 30 days so as not to further delay processing. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure

COPY

SCANNED
AUG 17 2010