State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 96-09458

Priority: December 28, 2009 Maximum Diversion Rate: 2.00 CFS

This is to certify, that JOHN SCHLOTFELDT And
JANET SCHLOTFELDT
PO BOX 14519
TUMWATER WA 98511
(360) 701-0495

has applied for a permit to appropriate water from:

Source: PEND OREILLE LAKE **Tributary:** PEND OREILLE RIVER

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	04/01 to 10/31	0.03 CFS
FIRE PROTECTION	01/01 to 12/31	1.97 CFS

LOCATION OF POINT(S) OF DIVERSION:
PEND OREILLE LAKE, L5 (NW1/4SW1/4SW1/4), Sec. 2, Twp 56N, Rge 01E, B.M., BONNER County

PLACE OF USE: IRRIGATION same as 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	
56N 01E 2											1.8						1.8
											L 5						

Total Acres: 1.8

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2015.**
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. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
7. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.

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 1st day of April, 2010.

Robert L. Haynes for
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

April 8, 2010

JOHN SCHLOTFELDT
PO BOX 14519
TUMWATER WA 98511

JANET SCHLOTFELDT
PO BOX 14519
TUMWATER WA 98511

RE: Permit No. 96-9458

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

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

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

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

Sincerely,

Keith E. Franklin
Sr. Water Resources Agent

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 8, 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. 96-9458

JANET SCHLOTFELDT
PO BOX 14519
TUMWATER WA 98511

JOHN SCHLOTFELDT
PO BOX 14519
TUMWATER WA 98511

Carolyn S. Monitz

Carolyn S. Monitz
Technical Records Clerk

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
>
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 96-9458 APPLICATION ID # 76309 ENT. 2/12 BCA 2/12/10 OK to Publish 2/11/10

INITIAL REVIEW

APPLICANT: John & Janet Schlotfeldt BY: KS DATE: 2/2/2010

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( )

PROCESSING

(Yes)(No) **PRIORITY DATE:** 12/28/2009

___ ✓ (Include Moratorium Remark)

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

ADVERTISE IN: Bonner County

Newspaper: BCRB

Dates scheduled for publication 2/18 & 25/10

Affidavit of Publication received: 3/3/10

Dates actually published: 2/18 & 25/10

Application published correctly. Yes ✓ No ___

If not, action taken: ___

Final Date for Protest: 3/8 ✓

Protests Received: Yes ___ No ✓

LETTERS SENT REQUESTING:

( ) Dam Information ( ) Fish Information

( ) Power Information ( ) Other: ___

INFORMATION RECEIVED:

( ) Dam Information ( ) Fish Information

( ) Power Information ( ) Other: ___

ADDITIONAL INFORMATION

(Yes)(No)

✓ ___ **Shape File Created** Date 2/2 By: KS

___ ___ Field check: by ___

___ ___ Field report attached

___ ___ Analysis Supp. attached(>5cfs/500af)

___ ___ Water delivered by water master? Water District # ___

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: [signature] Date: 3/12/2010 Sr. Agent initial KS

RECEIVED
MAR 03 2010
IDWR / NORTH

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Bonner)

Jennifer Albert, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached legal notice
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 18th day of February, 2010, and ending on the 25th day of February, 2010.

Jennifer Albert

State of Idaho, county of Bonner ss.
On this 25 day of Feb, in the year of 2010, before me, Carolyn Inge, Notary Public, personally appeared Jennifer Albert, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he
(or they) executed the same.

Carolyn L Inge
Notary Public
Residing at: Sandpoint
Comm. Exp.: 8-7-12

CAROLYN L. INGE
NOTARY
PUBLIC
STATE OF IDAHO

11570

RECEIVED
MAR 04 2010
IDWR/NORTHERN

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

96-9458
JOHN SCHLOTFELDT
JANET SCHLOTFELDT
PO BOX 14519
TUMWATER, WA 98511
Point of Diversion L5(NWSWSW) S2 T56N R01E
BONNER CO
Source PEND OREILLE LAKE
Tributary PEND OREILLE RIVER
Use: IRRIGATION 04/01 to 10/31 0.03 CFS
Use: FIRE PROTECTION 01/01 to 12/31 1.97 CFS
Total Diversion: 2 CFS
Date Filed: 12/28/2009
Place Of Use: IRRIGATION T56N R01E S2 L5(SWSW)
Place Of Use: FIRE PROTECTION same as IRRIGATION
Total Acres: 1.8

96-9459
GREG RANSOM
EILEEN RANSOM
PO BOX 351
CAREYWOOD, ID 83809
Points of Diversion (2) L1(NENE) S3 T54N R02W
BONNER CO
Source SPRINGS Tributary SINKS
Use: WILDLIFE STORAGE 01/01 to 12/31 4.1 AF
Use: RECREATION STORAGE 01/01 to 12/31 4.1 AF
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 2/10/2010
Place Of Use: DIVERSION to STORAGE T54N R02W S3 L1(NENE)
Place Of Use: RECREATION STORAGE and WILDLIFE STORAGE T54N R02W S3 L1(NENE)
Recreation use is for fishing.

97-7490
STATE OF IDAHO DEPARTMENT OF
PARKS & RECREATION
STATEHOUSE MAIL PO BOX 83720
BOISE, ID 83720-0065
Point of Diversion NWNW S26 T61N R04W BONNER CO
Source GROUND WATER Tributary
Use: IRRIGATION 04/01 to 10/31 0.03 CFS
Use: COMMERCIAL 01/01 to 12/31 0.07 CFS
Use: DOMESTIC 01/01 to 12/31 0.07 CFS
Use: FIRE PROTECTION 01/01 to 12/31 0.07 CFS
Total Diversion: 0.07 CFS
Date Filed: 1/25/2010
Place Of Use: IRRIGATION T61N R04W S27 NENE
Place Of Use: DOMESTIC
T61N R04W S26 NWNW
T61N R04W S27 NENE SWNE SENE
Place Of Use: COMMERCIAL T61N R04W S27 NENE
Place Of Use: FIRE PROTECTION T61N R04W S26 NWNW and T61N R04W S27 NENE
Total Acres: 1.5
Domestic use is for 2 permanent staff apartments, 1 seasonal staff headquarters, 7 RV campsites, 1 park shop, 5 sleeper cabins.
Commercial use is for 1 visitor center and park store.
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 3/8/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

SNP Legal 11570
February 18, 25, 2010

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

96-9458

JOHN SCHLOTFELDT
JANET SCHLOTFELDT
PO BOX 14519
TUMWATER, WA 98511
Point of Diversion L5(NWSWSW) S2 T56N R01E BONNER CO
Source PEND OREILLE LAKE Tributary PEND OREILLE RIVER

Use: IRRIGATION	04/01 to 10/31	0.03 CFS
Use: FIRE PROTECTION	01/01 to 12/31	1.97 CFS
	Total Diversion:	2 CFS

Date Filed: 12/28/2009
Place Of Use: IRRIGATION T56N R01E S2 L5(SWSW)
Place Of Use: FIRE PROTECTION same as IRRIGATION
Total Acres: 1.8

96-9459

GREG RANSOM
EILEEN RANSOM
PO BOX 351
CAREYWOOD, ID 83809
Points of Diversion (2) L1(NENE) S3 T54N R02W BONNER CO
Source SPRINGS Tributary SINKS

Use: WILDLIFE STORAGE	01/01 to 12/31	4.1 AF
Use: RECREATION STORAGE	01/01 to 12/31	4.1 AF
Use: DIVERSION TO STORAGE	01/01 to 12/31	0.04 CFS
	Total Diversion:	0.04 CFS

Date Filed: 2/10/2010
Place Of Use: DIVERSION to STORAGE T54N R02W S3 L1(NENE)
Place Of Use: RECREATION STORAGE and WILDLIFE STORAGE
T54N R02W S3 L1(NENE)
Recreation use is for fishing.

97-7490

STATE OF IDAHO DEPARTMENT OF PARKS & RECREATION
STATEHOUSE MAIL PO BOX 83720
BOISE, ID 83720-0065
Point of Diversion NWNW S26 T61N R04W BONNER CO
Source GROUND WATER Tributary

Use: IRRIGATION	04/01 to 10/31	0.03 CFS
Use: COMMERCIAL	01/01 to 12/31	0.07 CFS
Use: DOMESTIC	01/01 to 12/31	0.07 CFS
Use: FIRE PROTECTION	01/01 to 12/31	0.07 CFS
	Total Diversion:	0.07 CFS

Date Filed: 1/25/2010
Place Of Use: IRRIGATION T61N R04W S27 NENE
Place Of Use: DOMESTIC
T61N R04W S26 NWNW
T61N R04W S27 NENE SWNE SENE
Place Of Use: COMMERCIAL T61N R04W S27 NENE
Place Of Use: FIRE PROTECTION T61N R04W S26 NWNW
T61N R04W S27 NENE
Total Acres: 1.5
Domestic use is for 2 permanent staff apartments, 1 seasonal staff headquarters, 7 RV campsites, 1 park shop, 5 sleeper cabins.
Commercial use is for 1 visitor center and park store.
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 3/8/2010. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Interim Director
Legal #
Published on 2/18/2010 and 2/25/2010

Ball, Dianne

From: Ball, Dianne
Sent: Friday, February 12, 2010 9:50 AM
To: Legal Notices-Bonner Co Daily Bee-Sheri Jones
Subject: Application for Permit No. 96-9458, 97-7490, 96-9459

Attachments: LegalNotice 02-11-10 BCDB e-mail 96-9458,59, 97-7490.doc

Hi, Sheri,

Please publish the enclosed legal notice on the dates indicated, February 18 and 25, 2010, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. Trusting I've made it in time, considering the holiday this coming Monday.

Please send proof/preview copy for my review. I'm trying to match your column widths but occasionally we need minor adjustments.

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 3/8/2010. Your cooperation is appreciated.

LegalNotice
2-11-10 BCDB e-ma.

Thanks for all your wonderful help.

Dianne Ball

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

State of Idaho
DEPARTMENT OF WATER RESOURCES
Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 11, 2010

JOHN SCHLOTFELDT
JANET SCHLOTFELDT
PO BOX 14519
TUMWATER, WA 98511

Application For Permit No. 96-9458

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 BONNER COUNTY DAILY BEE, PRIEST RIVER TIMES on 2/18/2010 and 2/25/2010. 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

Ball, Dianne

From: Jim Brady [jbrady@idl.idaho.gov]
Sent: Friday, February 12, 2010 8:42 AM
To: Ball, Dianne; mary.terra-berns@idfg.idaho.gov
Subject: RE: Application for Permit No. 96-9458 Schlotfeldt, 96-9459 Ransom

I am processing encroachment application for waterline for 96-9458 so that one is okay and no comment on 96-9459. Have a great weekend all.

Jim Brady, Resource Specialist, Sr.
Navigable Waters and Minerals
Idaho Department of Lands
2550 Highway 2 West
Sandpoint, ID 83864
(208) 263-5104
(208) 263-0724 fax

From: Ball, Dianne [mailto:Dianne.Ball@idwr.idaho.gov]
Sent: Thursday, February 11, 2010 4:48 PM
To: mary.terra-berns@idfg.idaho.gov; Jim Brady
Subject: RE: Application for Permit No. 96-9458 Schlotfeldt, 96-9459 Ransom

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 attached for your reference.

<<96-9458 Schlotfeldt.pdf>> <<96-9459 Ransom.pdf>>

Jim, you probably won't be interested in the 96-9459 Ransom application because the source is springs under a pond.

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

Please contact 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

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, February 11, 2010 4:48 PM
To: mary.terra-berns@idfg.idaho.gov; jbrady@idl.idaho.gov
Subject: RE: Application for Permit No. 96-9458 Schlotfeldt, 96-9459 Ransom

Attachments: 96-9458 Schlotfeldt.pdf; 96-9459 Ransom.pdf

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 attached for your reference.

96-9458
:hlotfeldt.pdf (793 K

96-9459
tansom.pdf (498 KB

Jim, you probably won't be interested in the 96-9459 Ransom application because the source is springs under a pond.

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

Please contact 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

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

DAVID R. TUTHILL, JR.
Director

December 29, 2009

Martin E. Taylor, AICP
James Sewell & Assoc., LLC
1205 Highway 2, Suite 101
Sandpoint, ID 83864

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
96-9458, Schlotfeldt

Dear Mr. Taylor:

The Idaho Department of Water Resources is returning your recently submitted application for the following corrections;

Item #3 Location of Point of Diversion
USGS topography information indicates the point of diversion is located in government lot 5 of the NWSW. Please make the appropriate change and initial the change.

Item #9 Place of Use
The land is located in the NWSW instead of the SWSW as shown on the application. Please make and initial the change.

Also, I assume the applicant does not want domestic water only irrigation and fire protection. If they plan to use lake water for domestic it needs to be included on the application.

Once the changes have been made, resubmit the application within the next 30 days so as not to delay processing. If you have any questions, feel free to contact me at this office.

Sincerely,

COPY

Keith E. Franklin
Senior Water Resources Agent
Enclosure