

[illegible]

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

11. Map of proposed point of diversion and place of use attached? [ 1 ]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

  
Applicant

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_

Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_

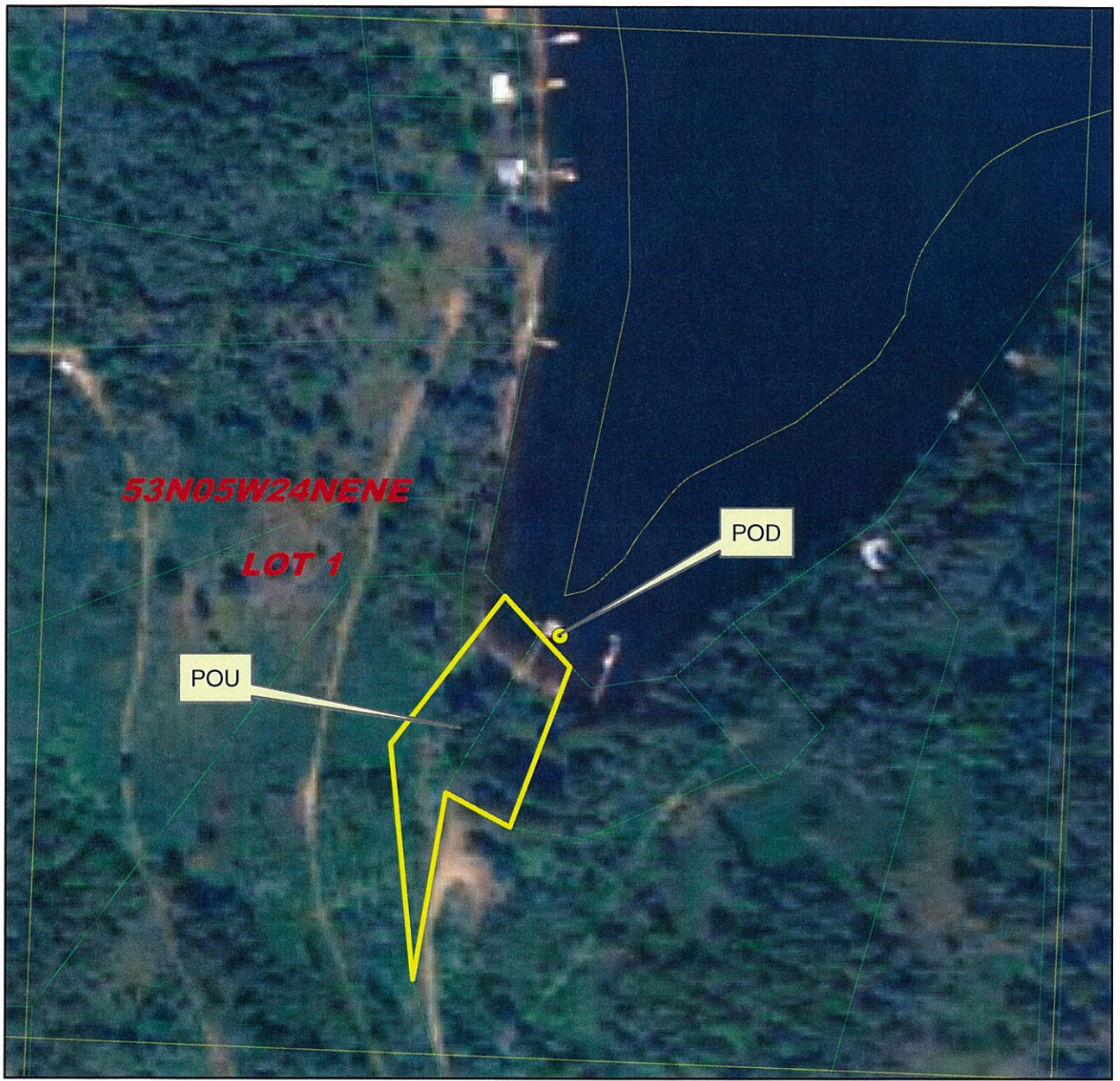
Publication approved \_\_\_\_\_ Date \_\_\_\_\_

Receipt No. N020688 + N020787

Date: 6-2-09

Received by: cm

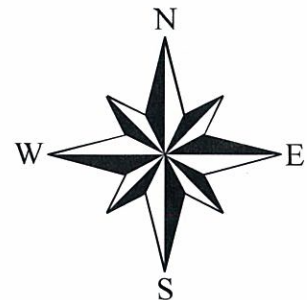
# 95-10616

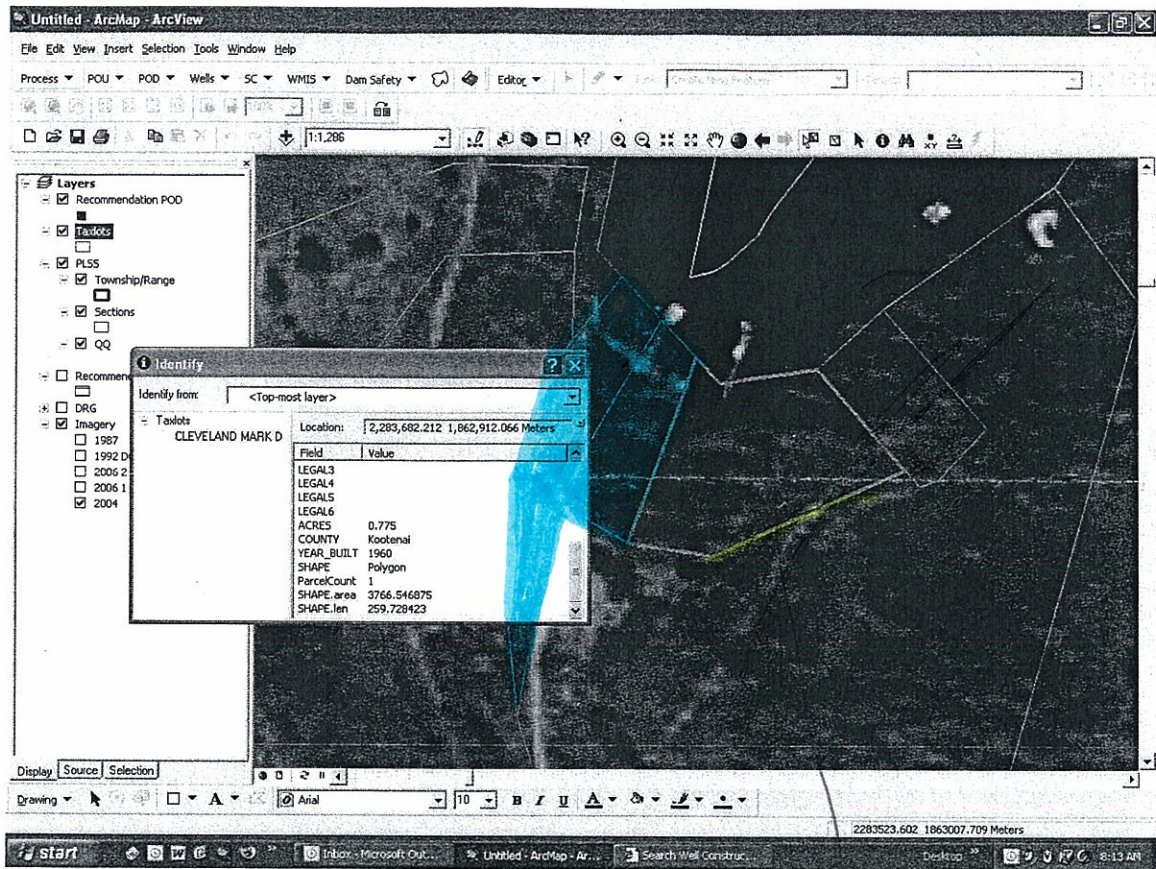


0 87.5 175 350 525 700 Feet

## Legend

-  workingpod
-  workingpou
-  QQ
-  Taxlots





Cleveland

Ken-

my property in blue  
next to Cleverlands

Thankyou,

Rick

Ken

PIN:

53 N 05 W 240 350

53 N 05 W 240 420

- smaller parcel



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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

May 26, 2009

Richard G Witter  
525 E 12<sup>th</sup> Ave.  
Spokane, WA 99202

RECEIVED  
JUN - 2 2009  
IDWR/North

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

Dear Mr. Witter:

The application you submitted for a water right permit needs a few minor corrections before processing can begin. To save time I have enclosed an electronic version of the application that includes the necessary corrections. If it meets with your approval, please sign the document and return it to the Coeur d'Alene office within the next 30 days.

Also, the fee for such an application is \$100.00. The fee submitted was only \$25.00. When the application is returned, please submit the balance of the fee which is \$75.00.

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

Sincerely,

Keith E. Franklin  
Senior Water Resources Agent  
Enclosure(s)



State of Idaho

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Keith E. Franklin  
Senior Water Resources Agent  
Enclosure(s)

COPY



State of Idaho

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C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR  
Director

July 2, 2009

CARL WASHBURN  
IDAHO DEPARTMENT OF LANDS  
MICA SUPERVISORY AREA  
NAVIGABLE WATER DIVISION  
3706 INDUSTRIAL AVE S  
COEUR D ALENE ID 83815

Re: Water Permit Application No. 95-10616 – Witter

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 follows 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, and by sending a copy of your protest to the applicant. This will be scheduled for publication on July 16 and 23, 2009 in the Coeur d'Alene Press.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **August 3, 2009**. That is also the final date for protest to be received in our office.

If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 762-2819, or by e-mail to [Keith.Franklin@idwr.idaho.gov](mailto:Keith.Franklin@idwr.idaho.gov).

We request that you send a copy of your comments regarding, and/or notice that you intend to protest this application to the applicant as well as to our office.

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

Sincerely,

*Dianne*

Dianne Ball  
Administrative Assistant

**Ball, Dianne**

---

**From:** Ball, Dianne  
**Sent:** Thursday, July 02, 2009 11:40 AM  
**To:** cwashburn@idl.idaho.gov  
**Subject:** Agency Comment Request.doc

**Attachments:** Agency Comment Request.doc; 95-10616 Witter, Richard.pdf

Good day to you once again,

Attached is our letter requesting your comments, together with a copy of the WR application No. 95-10616 - Witter.

Please respond to Keith Franklin on this one.

Thanks.



Agency Comment  
Request.doc (31...



95-10616 Witter,  
Richard.pdf (...)

*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

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Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

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C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR  
Director

July 2, 2009

MARY TERRA-BERNS  
IDAHO DEPARTMENT OF FISH AND GAME  
2885 W KATHLEEN AVE.  
COEUR D'ALENE, ID 83815

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

Sincerely,

*Dianne*

Dianne Ball  
Administrative Assistant

**Ball, Dianne**

---

**From:** Ball, Dianne  
**Sent:** Thursday, July 02, 2009 11:52 AM  
**To:** mary.terra-berns@idfg.idaho.gov  
**Subject:** Agency Comment Request.doc

**Attachments:** Agency Comment Request.doc; 95-10616 Witter, Richard.pdf

Happy day, Mary,

One more WR App being sent your way for comments - 95-10616 - WITTER

Please respond to Keith on this one, also.

Thanks,



Agency Comment  
Request.doc (31...



95-10616 Witter,  
Richard.pdf (...)

*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

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C.L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR  
Director

*Please Fax or e-mail proof/preview copy to me before this goes to press.*

*Fax (208) 762-2819 ~ e-mail [dianne.ball@idwr.idaho.gov](mailto:dianne.ball@idwr.idaho.gov)*

*Thanks, Dianne*

July 9, 2009

KATTIE HOY  
LEGAL NOTICE DEPARTMENT  
COEUR D ALENE PRESS  
201 N 2ND  
COEUR D ALENE, ID 83814

RE: Application for Permit No.: 95-10585, 95-10600, 603, 616, 639, 640 ,643, 750

Dear Kattie:

Please publish the enclosed legal notice on the dates indicated, July 16 and 23, 2009, (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 8/3/2009. Your cooperation is VERY GREATLY appreciated.

Sincerely,

*Dianne*

Dianne Ball  
Administrative Assistant

Enclosure(s)



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815  
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July 9, 2009

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Governor

DAVID R. TUTHILL, JR.  
Director

RICHARD G WITTER  
525 E 12TH AVE  
SPOKANE, WA 99202

Application For Permit No. 95-10616

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the COEUR D ALENE PRESS on 7/16/2009 and 7/23/2009. 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.

Sincerely,

Keith E. Franklin  
Sr. Water Resource Agent

Enclosure(s)      Receipt No. N020688 & N020787

**Ball, Dianne**

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**From:** Ball, Dianne  
**Sent:** Friday, July 10, 2009 11:58 AM  
**To:** Legal Notices-CdA Press; Legal Notices-CdAPress - Kattie Hoy  
**Subject:** CoverLetter 07-09-09 CDA e-mail 95-10585,600,03,16,39,40,43,750.doc

**Attachments:** CoverLetter 07-09-09 CDA e-mail 95-10585,600,03,16,39,40,43,750.doc; LegalNotice 07-09-09 CDA e-mail 95-10585,10600,03,16,39,40,43,750.doc

Good day to you, Kattie,

Attached is our cover letter requesting publication of a legal notice on July 16 and 23, 2009. The legal notice is also attached.

This is a pretty long one - but again should be straight copy/paste. Preferable all in one up and down view - 2 column wide.

Any questions, please call or reply to this e-mail.

Also - per usual I request a proof/preview copy for my review before this goes to press.

Thanks once again for all your wonderful help.



CoverLetter  
7-09-09 CDA e-mai.



LegalNotice  
7-09-09 CDA e-mai.

*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

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

**95-10585**

WILLIAM BIXBY  
24120 N DERTING RD  
HAYDEN , ID 83835  
Point of Diversion NWSENE S9 T52N R03W KOOTENAI CO  
Source SPRING Tributary to SINKS  
Use: DOMESTIC 01/01 to 12/31 0.04 CFS  
Total Diversion: 0.04 CFS

Date Filed: 5/27/2009  
Place Of Use: DOMESTIC  
T52N R03W S9 NESW  
Domestic use is for 1 home.

**95-10600**

CLIFFORD ROATCH  
1527 N WILLAMETTE DR  
POST FALLS, ID 83854  
Point of Diversion SENE S7 T53N R04W KOOTENAI CO  
Source SPIRIT LAKE Tributary to SPIRIT CREEK  
Use: DOMESTIC 01/01 to 12/31 0.04 CFS  
Total Diversion: 0.04 CFS

Date Filed: 5/29/2009  
Place Of Use: DOMESTIC  
T53N R04W S7 NESE  
Domestic use is for 1 home.

**95-10603**

JAMES DAY  
PO BOX 1026  
HAYDEN, ID 83835  
Point of Diversion SWSENE S9 T52N R03W KOOTENAI CO  
Source SPRING Tributary to UNNAMED STREAM  
Point of Diversion SWSENE S9 T52N R03W KOOTENAI CO  
Source SPRING Tributary to UNNAMED STREAM  
Point of Diversion SWSENE S9 T52N R03W KOOTENAI CO  
Source UNNAMED STREAM Tributary to SINKS  
Point of Diversion SWSENE S9 T52N R03W KOOTENAI CO  
Source UNNAMED STREAM Tributary to SINKS  
Point of Diversion SENE S9 T52N R03W KOOTENAI CO  
Source GROUND WATER  
Use: IRRIGATION 03/15 to 11/15 0.15 CFS  
Use: IRRIGATION STORAGE 01/01 to 12/31 19.4 AF  
Use: IRRIGATION FROM STORAGE 03/15 to 11/15 15 AF  
Use: WILDLIFE STORAGE 01/01 to 12/31 4.4 AF  
Use: RECREATION STORAGE 01/01 to 12/31 4.4 AF  
Use: FIRE PROTECTION 01/01 to 12/31 0.15 CFS  
Use: FIRE PROTECTION STORAGE 01/01 to 12/31 4.4 AF  
Use: FIRE PROTECTION FROM STRGE 01/01 to 12/31 2.5 AF  
Use: AESTHETIC 01/01 to 12/31 0.09 CFS  
Use: AESTHETIC STORAGE 01/01 to 12/31 4.4 AF  
Use: AESTHETIC FROM STORAGE 01/01 to 12/31 2.5 AF  
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.15 CFS  
Total Diversion: 0.15 CFS 24.4 AF

Date Filed: 5/29/2009  
Place Of Use: IRRIGATION  
T52N R03W S9 SENE  
Place of Use: All other uses same as IRRIGATION

**95-10616**

RICHARD G WITTER  
525 E 12TH AVE  
SPOKANE, WA 99202  
Point of Diversion NENE S24 T53N R05W KOOTENAI County  
Source SPIRIT LAKE Tributary to SPIRIT CREEK  
Use: DOMESTIC 01/01 to 12/31 0.04 CFS  
Total Diversion: 0.04 CFS

Date Filed: 6/2/2009  
Place Of Use: DOMESTIC  
T53N R05W S24 NENE  
Domestic use is for 1 home.

**95-10639**

MC CAULEY EMERALD OWNERS ASSN INC  
PO BOX 3333  
HAYDEN , ID 83835  
Point of Diversion NWNE S3 T51N R03W KOOTENAI County  
Source GROUND WATER  
Use: DOMESTIC 01/01 to 12/31 0.06 CFS  
Total Diversion: 0.06 CFS

Date Filed: 6/3/2009

Place Of Use: DOMESTIC

T51N R03W S3 NENW NESW

Domestic use is for 3 homes.

**95-10640**

MC CAULEY EMERALD OWNERS ASSN INC

PO BOX 3333

HAYDEN, ID 83835

Point of Diversion NWNE S3 T51N R03W KOOTENAI County

Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 6/3/2009

Place Of Use: DOMESTIC

T51N R03W S3 NENW

Domestic use is for 3 homes.

**95-10643**

MC CAULEY EMERALD OWNERS ASSN INC

PO BOX 3333

HAYDEN, ID 83835

Point of Diversion NWNE S3 T51N R03W KOOTENAI County

Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.13 CFS

Total Diversion: 0.13 CFS

Date Filed: 6/3/2009

Place Of Use: DOMESTIC

T51N R03W S3 NENW NESW

Domestic use is for 8 homes.

**95-10750**

SHAWN MONTEE

PO BOX 1329

POST FALLS, ID 83877

Point of Diversion NESE S6 T50N R03W KOOTENAI County

Source NETTLETON GULCH CREEK Tributary to SPOKANE RIVER

Use: STOCKWATER STORAGE 01/01 to 12/31 4 AF

Use: STOCKWATER FROM STORAGE 01/01 to 12/31 0.1 AF

Total Diversion: 4 AF

Date Filed: 5/7/2009

Place Of Use: STOCKWATER FROM STORAGE

T50N R03W S6 SWSE

Stockwater use is for 4 head of mixed stock

Permits will be subject to all prior water rights. Protests may be

submitted based on the criteria of Sec 42-203A, Idaho Code.

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 8/3/2009. The protestant must also send a copy of the protest to the applicant.

Legal # \_\_\_\_\_

Published July 16, 23, 2009