

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: ELMOR EVANS
6776 BENEWAH CK RD
ST. MARIES ID 83861
(208) 245-3110

2. Source: UNNAMED STREAM Tributary to: BENEWAH CREEK

3. Location of Point of Diversion:

#1 UNNAMED STREAM SW1/4SW1/4 Sec. 4, Twp 45N, Rge 03W, B.M.
BENEWAH County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.08 CFS	

5. Total quantity to be appropriated is: 0.08 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: FLOOD GATE

b. Height of storage dam _____ feet;

Active reservoir capacity _____ acre-feet;

Total reservoir capacity _____ acre-feet;

c. Proposed well diameter is _____ inches;

Proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85F being sought?

e. If well is already drilled, when? _____;

Drilling Firm _____;

Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 year(s).

8.

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PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
45N 03W 4	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	4.0

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

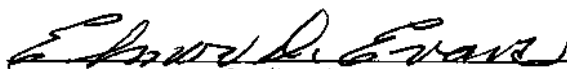
9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

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

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 SA / [Signature] Date 7/31/08 Time 12:10 P Preliminary check by _____
 Publication prepared by [Signature] Date 8/13/08 Published in St. Marias Gazette 8/20, 27/08
 Publication approved [Signature] Date 8/28/08

Receipt No. N019457

Date: 7/31/08

Received by: [Signature]

95-9510



Legend

 Intersected POU 95-9510

 QQ

 place of use

 point of diversion

 Application POD

 Sections

0 20 40 80 120 160
Meters





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR
Director

August 13, 2008

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

Re: Water Permit Application No. 95-9509,10 AND 11

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 each of the applications follows for your reference.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **September 8, 2008**. 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.

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 is scheduled for publication on August 20 and 27, 2008.

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.

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



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

August 13, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

ELMOR EVANS
6776 BENEWAH CK RD
ST. MARIES ID 83861

RE: Application for Permit No 95-9509, 95-9510 and 95-9511

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number 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 on August 20 & 27, 2008. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). 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, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith E. Franklin', is written over a horizontal line.

Keith E. Franklin
Senior Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, August 13, 2008 1:15 PM
To: Legal Notices-SM Gazette - Kaisie Brede
Subject: Legal notice for publication August 20 and 27, 2008
Attachments: CoverLetter 08-13-08 SM e-mail 95-9509,10,11.doc; LegalNotice 08-13-08 SM e-mail 95-9509,10,11.doc

Good afternoon, Kaisie,

Attached is our cover letter requesting publication of a legal notice on August 20 and 27, 2008. The legal notice is also attached.

If you have any questions, please call, and also, please send proof/preview copy for my review before this goes to press.

When I submit a legal to the Gazette, I know it will be right. It is most sincerely a pleasure to work with you.

Thanks for all your super help.

Don't count the days, make the days count.

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

8/13/2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

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

Thanks, Dianne

August 13, 2008

**KAISIE BREDE
LEGAL NOTICE DEPARTMENT
ST MARIES GAZETTE RECORD
610 MAIN AVE
ST MARIES ID 83861-1838**

RE: Application for Permit No. 95-9509, 95-9510 and 95-9511

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, August 20 and 27, 2008, (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 09/08/2008. Your cooperation is truly GREATLY appreciated.

It is a joy to work with you!

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

95-9509

ELMOR EVANS

6776 BENEWAH CK RD

ST. MARIES ID 83861

Point of Diversion NESWSW S4 T45N R03W BENEWAH CO

Source SPRING tributary to BENEWAH CREEK

Point of Diversion NWSESW S4 T45N R03W BENEWAH CO

Source SPRING tributary to BENEWAH CREEK

Use: IRRIGATION 01/01 To 12/31 0.15 CFS

Use: IRRIGATION FROM STORAGE 01/01 To 12/31 5 AFA

Use: STOCKWATER 01/01 To 12/31 0.04 CFS

Use: STOCKWATER STORAGE 01/01 To 12/31 5 AFA

Use: STOCKWATER FROM STORAGE 01/01 To 12/31 0.04 CFS

Use: WILDLIFE STORAGE 01/01 To 12/31 5 AFA

Use: DIVERSION TO STORAGE 01/01 To 12/31 0.04 CFS

Total Diversion: 0.15 CFS

Date Filed: 07/31/2008

Place Of Use: DIVERSION TO STORAGE

T45N R03W S4 SWSW SESW

Place Of Use: IRRIGATION T45N R03W S4 SWSW SESW

Place Of Use: ALL OTHER USES SAME AS IRRIGATION

Number of Acres 10

Remark: Stockwater use is for 20 head of range cattle.

95-9510

ELMOR EVANS

6776 BENEWAH CK RD

ST. MARIES ID 83861

Point of Diversion SWSW S4 T45N R03W BENEWAH CO

Source UNNAMED STREAM tributary to BENEWAH CREEK

Use: IRRIGATION 04/01 To 10/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 07/31/2008

Place Of Use: IRRIGATION T45N R03W S4 SWSW

Number of Acres 4

95-9511

ELMOR EVANS

6776 BENEWAH CK RD

ST. MARIES ID 83861

Point of Diversion NESW S4 T45N R03W BENEWAH CO

Source UNNAMED STREAM tributary to BENEWAH CREEK

Use: IRRIGATION 04/01 To 10/31 0.18 CFS

Total Diversion: 0.18 CFS

Date Filed: 07/31/2008

Place Of Use: IRRIGATION T45N R03W S4 NESW

Number of Acres 5

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 Resource, 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 09/08/2008. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published August 20 and 27, 2008