

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 94-07421

Priority: June 26, 2007

Maximum Diversion Rate: 0.04 CFS

This is to certify, that RICHARD HUTCHINS
4929 E 14TH AVE
SPOKANE WA 99212

has applied for a permit to appropriate water from:

Source: ROSE LAKE

Tributary: 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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

ROSE LAKE L7 (NW¼SE¼) Sec. 33, Twp 49N, Rge 01W, B.M. KOOTENAI County

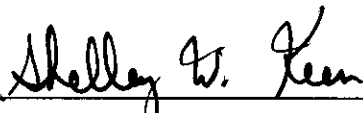
PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
49N 01W 33														X			L7

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 1, 2009**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 16th day of October, 2007.


for DAVID R. TUTHILL, JR., Director

73675
STATE OF IDAHO

Ident. No. 94-7421

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED JUN 25 2007
JUL 12 2007
IDWR/North

1. Name of Applicant RICHARD HUTCHINS Phone 509-795-7275
Mailing address 4929 E. 14TH AVE SPOKANE VALLEY, WA. 99212
2. Source of water supply ROSE LAKE which is a tributary of COEUR D'ALENE RIVER
3. Location of point of diversion is Township 49 N Range R. 1 W.B.M. Sec. 33 in the SE 1/4, Q1A
NW 1/4, SE 1/4 Govt. Lot 7 B.M., KOOTENAI County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .04 CFS for DOMESTIC USE ONLY purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .04 CFS and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 1 1/2" PLASTIC LINE WITH FOOT VALVE. 1 HP PUMP LOCATED IN BASEMENT

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 85°F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. ONE HOUSE, ALSO IRRIGATION OF LAWN & GARDEN
e. Other; describe fully. _____

3. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

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	R.1	33															D	Q	<del> </del>	

Total number of acres to be irrigated 0

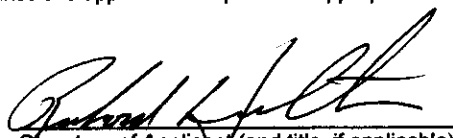
10. Describe any other water rights used for the same purposes as described above. NONE

- Who owns the property at the point of diversion? APPLICANT
- Who owns the land to be irrigated or place of use? APPLICANT
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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


 Signature of Applicant (and title, if applicable)

Received by [Signature] Date 6/26/07 Time 1:05 p Preliminary check by _____
 Fee \$ 100.00 Receipted by [Signature] # N018490 Date 6/26/07
 Publication prepared by [Signature] Date 7/25/07 Published in COG Press 8/2-9/07
 Publication approved [Signature] Date 8/16/07

RECEIVED

JUN 25 2007

IDWENorth

SE 1/4 Sec. 33 Twp. 49 N. R. 1 W. B. M.

49N01W-33

SECREGATION REVISIONS

The revision dates below represent the the same dates for the original drawing. The revision dates are posted within the ARCHIVE REVISIONS box in the drawing title block.

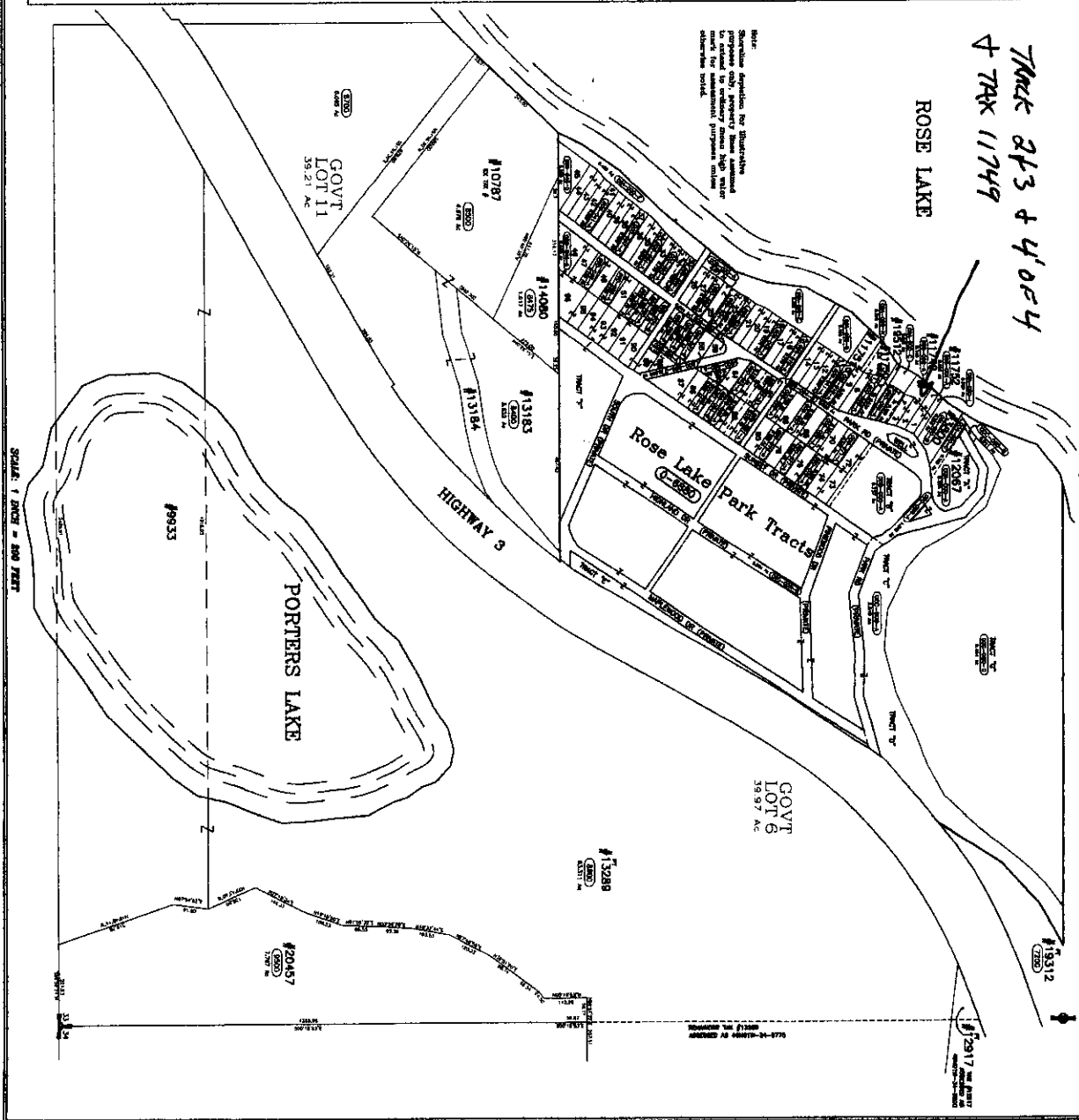
- 07/20/97 - SLW
- 49N01W-33-3450 combined w/ 8000 (98)
- 01/05/00 - SLW
- 0-6880-000-073-A combined w/ 071-A (79K)
- 03/05/02 - BE
- 0-6880-000-000-1 out of 000-001-A (03)
- 04/16/02 - BE
- Phi 49N01W-33-3275 out of 000-001-A (03)
- Phi 49N01W-33-3275 out of 000-001-A (03)
- 12/13/02 - BE
- Phi 0-6880-000-008-A out of 005-A (03)
- 01/14/03 - BE
- Phi 0-6880-000-008-B out of 000-000-A (03)
- Phi 0-6880-000-008-B out of 000-000-A (03)
- Phi 0-6880-000-000-A out of 000-000-A (03)
- 03/01/05 - ET
- 49N01W-33-3500 redlined on Tex #20457 (06)

North arrow pointing North (N) and South (S).
Scale bar: 0 to 100 feet.
Title: KOOTENAI COUNTY IDAHO

ARCHIVE REVISIONS		
NO.	DATE	DESCRIPTION
1	07-20-97	SLW
2	01-05-00	SLW
3	03-05-02	BE
4	04-16-02	BE
5	12-13-02	BE
6	01-14-03	BE
7	03-01-05	ET

NOTES:
1. The survey was conducted by the Idaho State Survey Department.
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Division of Survey and Mapping
IDWENorth
Scale: 1 inch = 500 feet



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JUN 25 2007
IDWR/North

GEOLOGIC MAP OF THE ROSE LAKE QUADRANGLE, KOOTENAI COUNTY, IDAHO

James L. Browne
2006

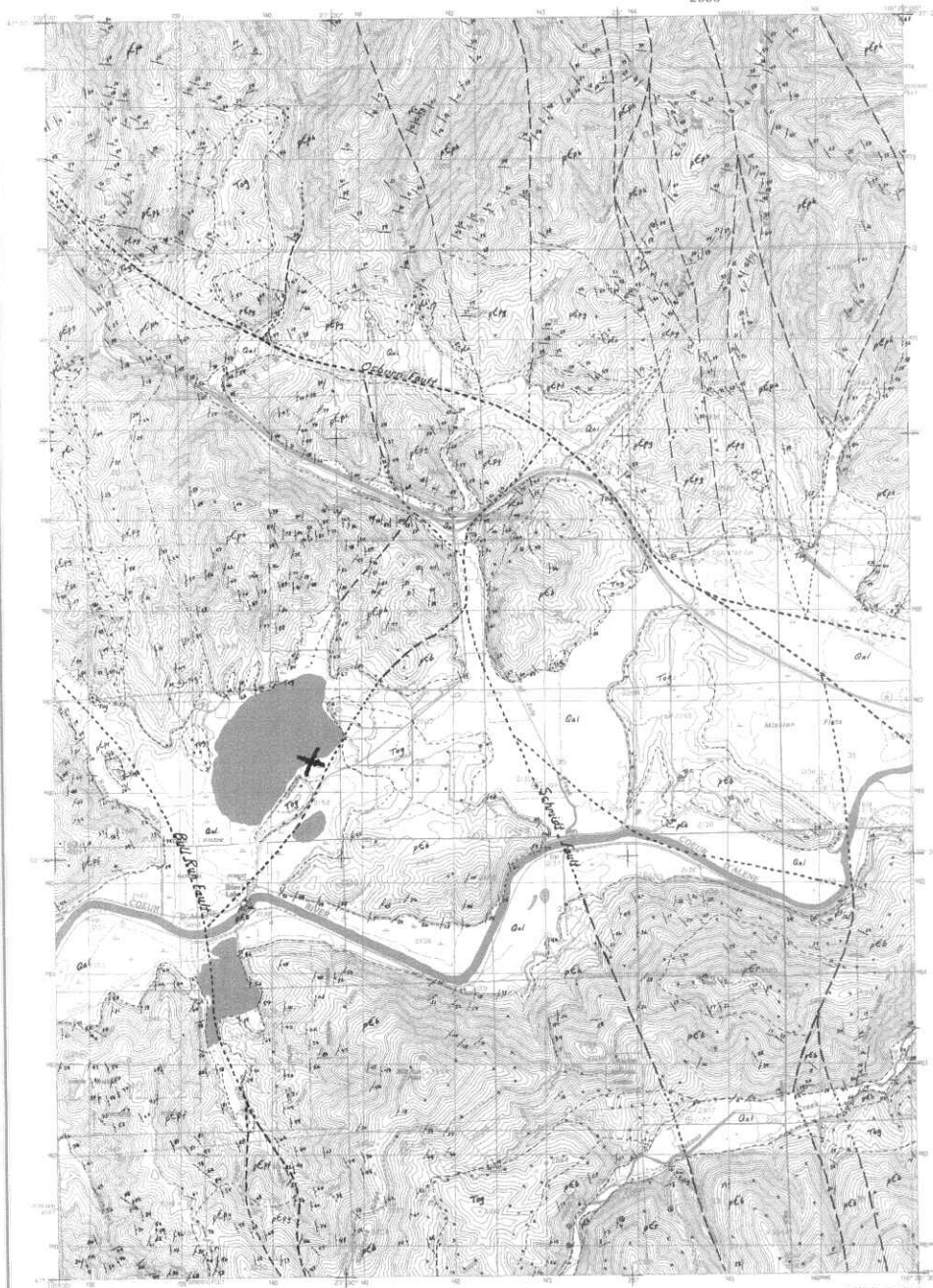
This Technical Report is a reproduction of independent mapping by James L. Browne of Coeur d'Alene, Idaho. It is not an official map of the Idaho Geological Survey and does not conform to agency standards.

Description of Map Units

- Quaternary**
- Qa** Alluvium - Recently deposited clay, silt, sand, and gravel in stream valley floors. Includes mine tailings in Mission Flats and Coeur d'Alene River valley.
 - Qg** Old Gravel - Tan to orange clay, silt, sand, pebbles, cobbles, and boulders filling Tertiary stream valleys, composed of materials derived from surrounding belt meta-sediments. Cemented by iron oxides in a few places.
 - Qcr** Columbia River basalts - Tholeiitic basalt flow. The one very small exposure may be in place or it may be a large boulder filled upstream by one of the Lake Minnola outburst floods. The nearest definite exposure of basalt is eight to nine miles downstream.
- Tertiary**
- Re** Revert Formation - Thin- to thick-bedded, gray to white and some gray green quartzite with thin- to medium-bedded siltite and clay-bedded greenish gray argillite and silty argillite, especially in the lower one-third. The upper one-third to one-half of the formation contains a few beds which resemble vitreous Revert quartzites. The top of the Revert is placed at the base of thick beds of vitreous quartzite. Weathers tan to ochre.
 - Br** Burke Formation - Thin- to thick-bedded gray and dark gray to pale green, subvolcanic. Fine- to medium-grained quartzite and siltite with abundant greenish gray argillite and silty argillite, especially in the lower one-third. The upper one-third to one-half of the formation contains a few beds which resemble vitreous Revert quartzites. The top of the Burke is placed at the base of thick beds of vitreous quartzite. Weathers tan to ochre.
- Priekard Formation**
- Pr** Member I - Dark gray to black argillite and silty argillite thin- to thickly interbedded and very thin- to thickly interbedded with gray to dark gray siltite and very fine-grained quartzite. Much as to olive gray siltite in thin- to very thin-bedded units. Subordinate packages of light gray to tan, fine- to medium-grained quartzite up to 20 feet thick occur interbedded with fine thin argillite and siltite beds. Quartzites increase in frequency near upper contact with Burke. Abundant irregular bedded to laminated argillite and siltite in places. Contains pyrite in places, magnetite in a few spots. Partly to blocky weathering.
 - Pr** Member II - Gray siltite and silty argillite interbedded and very thin- to thickly interbedded with dark gray and in places nearly black siltite and silty argillite. Very thin black argillite laminae. Planar bedded, micro-crystalline in places. Pyrite present in much of unit as specks, clots and in fracture fillings. Weathers to planes and slabs, typically one eighth inch to one inch in thickness. Almost fissile in some areas. Overall appearance is light in color.
 - Pr** Member G - Gray to dark gray and olive gray siltite and silty argillite interbedded and very thin- to thickly interbedded with dark gray to black silty argillite, siltite and gray to dark gray fine to very fine-grained quartzite. Numerous intervals of thin- to medium-bedded light to dark gray, tan and olive gray, fine- to medium- and little coarse-grained quartzite. Color of dark gray and very dark gray quartzites due to metamorphic biotite. Planar to irregular bedding. Blocky to platy weathering. Overall appearance is dark in color.
 - Pr** Member P - Light gray to gray siltite thin- to thickly interbedded and very thin- to thickly interbedded with dark gray and olive gray siltite and silty argillite. Minor very fine-grained quartzite. Minor dark gray to black argillite as very thin- to medium-bedded units. Planar to little irregular bedded. Weathers to planes and slabs, typically one eighth inch to two inches in thickness. Pyrite present in much of unit as specks, clots, and fracture fillings. Overall appearance is light in color.
- Mafic intrusions**
- Di** Dark green, medium- to coarse-grained quartz diorite. Predominantly horn-blende in most exposures, with lesser to minor feldspar and quartz. Occurs as sills into Priekard Formation. Most exposures consist of dark, not brown granular soil which contains rounded cobbles and boulders of unweathered quartz diorite. Ragged cobbles of white quartz associated with quartz diorite soil in many places, but not observed in fresh outcrop.

Symbols

- Contact, approximately traced
- Contact, conjectured
- Fault, approximately traced
- Fault, extended
- Strike and dip of beds
- Individual outcrops; rock outcrops or diagnostic stable
- Direction and change of water flow



Map data scanned from USGS digital data, 1960.
Topography by photogrammetric methods from aerial photographs taken
1977. Field checked 1985. Map dated 1985.
Boundary between 1987 and 1988. Boundary between
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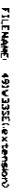
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SE 1/4 Sec. 33 Twp. 49 N. R. 1 W. B.M.

The revision dates below represent the file save dates for the posting of the listed revisions. The archive dates for these revisions are posted within the ARCHIVE REVISIONS box in the drawing title block.

07/25/97 - SUW
4864-100-93-950 combined w/ 5500 (38)
01/05/02 - SUW
0-6880-000-073-A combined w/ 071-A (72)
03/05/02 - bc
0-6880-004-000-0 out of 700-001-A (33)
04/18/02 - bc
Pin 4840(000-131-2275 out to 7000 as described on
pin list) (55) (32)
12/13/02 - bc
Pin 0-6800-000-008-A out to 005-A (33)
07-01/14/02 - bc
0-6816-000-000-8 out of 000-000-A (33)
Pin 0-6840-000-000-A out of 000-000-A (33)
Pin 0-6840-000-000-A out to 000-000-A (33)
03/01/05 - ET
04910-100-13-950 rechecked on Tex 720457 (36)



SE 1/4 Sec.33 Twp.49N. R.1W.B.M.

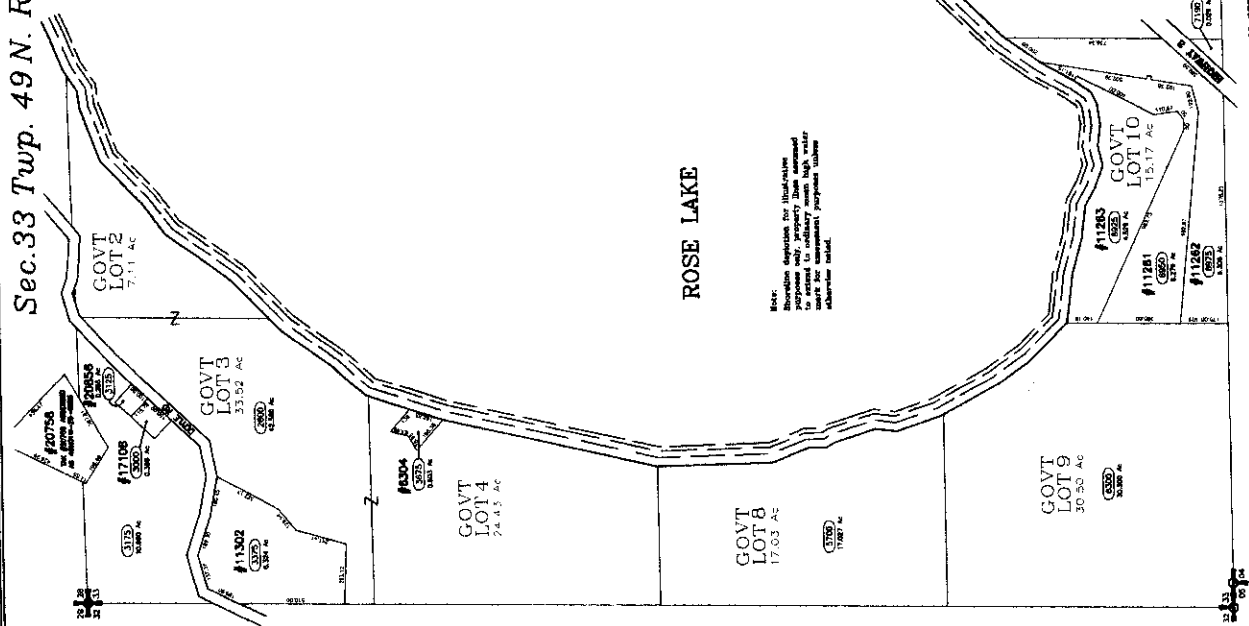
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SEE 1/4 SEC MAP

SEE 1/4 SEC MAP



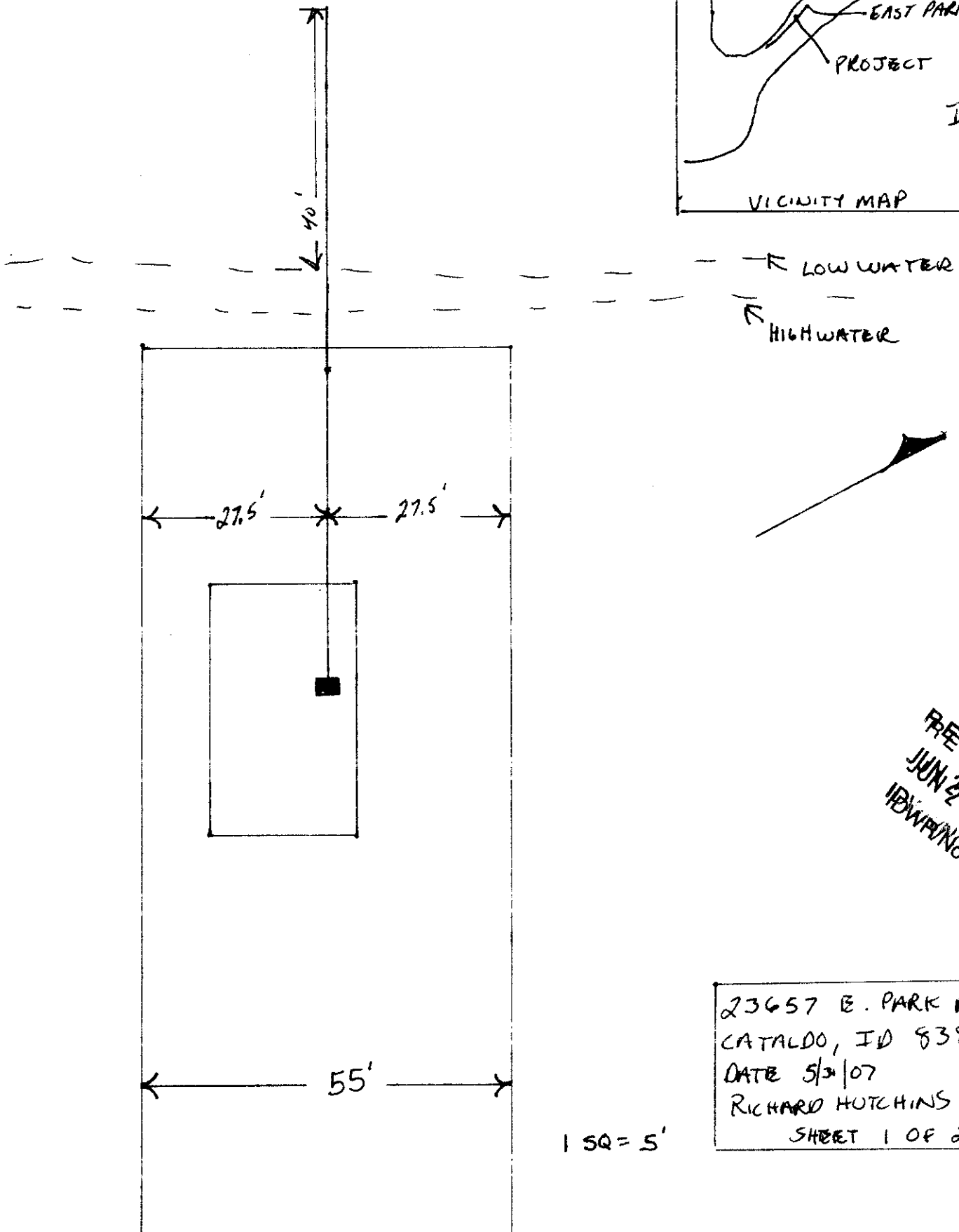
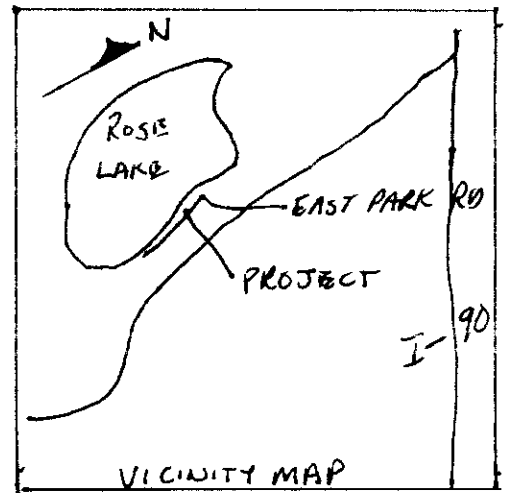
Scale: 1 INCH = 400 FEET

Sec. 33 Twp. 49 N. R. 1 W.B.M.

THE PROPERTY IS TO BE USED FOR AGRICULTURE, PASTURE, OR FORESTRY, AND NOT FOR ANY OTHER PURPOSE.

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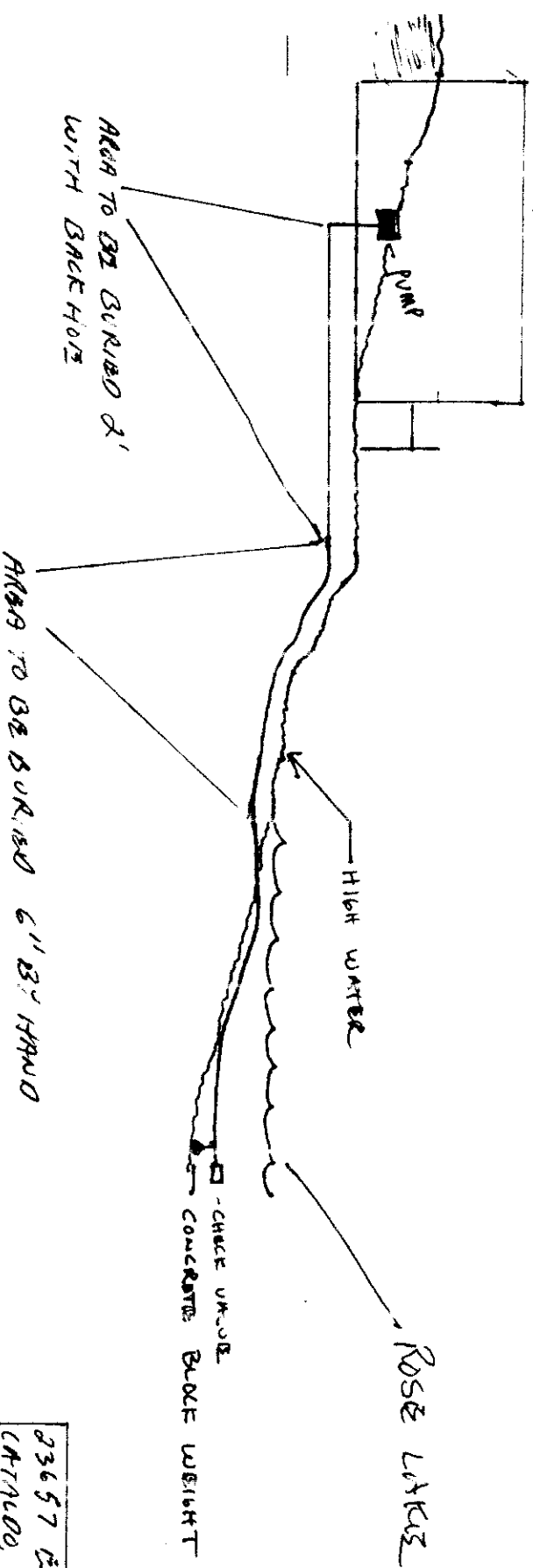


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JUN 25 2007
IDWR/North

23657 E. PARK RD
CATALDO, ID 83810
DATE 5/2/07
RICHARD HUTCHINS
SHEET 1 OF 2

1 SQ = 5'

RECEIVED
JUN 25 2007
IDWFR/North



23657 E. MAC RD
CATALOO, ID 83810
DATE 5/31/07
RICHARD HITCHMAN
SHEET 2 OF 2

94-7421



-  Kootenai taxlots
-  GCDB49N01W GCDB
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp



**STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

October 17, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

RICHARD HUTCHINS
4929 E 14TH AVE
SPOKANE WA 99212

RE: Permit No. 94-7421

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.

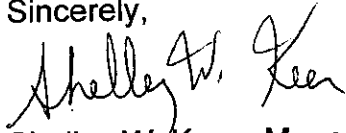
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley W. Keen, Manager
Water Right Permits Section

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person listed below:

RE: WATER RIGHT NO.

94-7421

**RICHARD HUTCHINS
4929 E 14TH AVE
SPOKANE WA 99212**



**Emalee Rushing
Office Services Supervisor**

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.

MEMORANDUM

Date: October 11, 2007
To: Water Right File 94-7421
From: nvandyke
Re: SO Permit Review

This permit is for domestic use for one house in GovLt7 NWSE of Sec33 T49N R01E in Kootenai County. There is overlap with 94-7367 a domestic/irrigation right belonging to Rose Lake Water Assn. Rose Lake is tributary to a stretch of Coeur D Alene River that has minimum stream flow right 94-7341 on it.

Permit Review

Permit # 94-7421 Name RICHARD HUTCHINS Date 10/11/07

☒ review the file
 use(s) DOMESTIC
 source ROSE LAKE TRIB TO COEUR D'ALENE RIVER
 cfs/afa 0.04 CFS
 season of use 1/1 - 12/31
 location of pod NWSE SEC33 T49N R01W existing well? N/A
 location of pou NWSE SEC33 T49N R01W

☒ check for accuracy of newspaper clipping

☒ perform an overlap analysis ~~NO OVERLAP~~
94-7367

☒ review data entry 94-7344 (MSF)

☒ make sure data entry for permit holder correct

☒ update POD

☒ update POU for all uses

☒ view comments

☒ check for WD, moratorium, F&G regulations, GW management, Trust, MSF

N WD

N Moratorium

N F&G Regs

☒ GW Management

☒ Trust

? MSF (MINIMUM STREAM FLOW)

☒ enter in application deadline

☒ Status → Active

☒ add Permit Review remarks

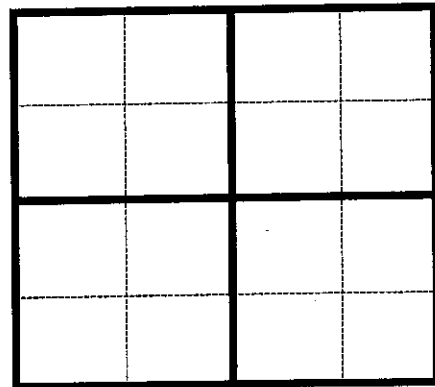
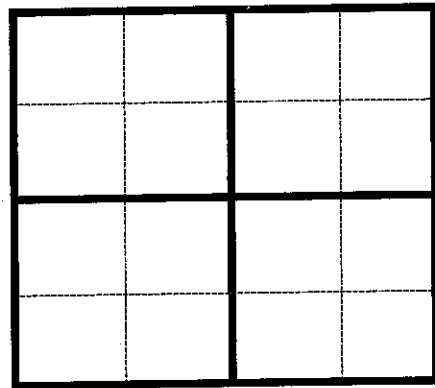
☒ add/check conditions

☒ print memo from file

☒ print permit

☒ in for signature (update barcode)

Review Completed by Rich W. Hutchins



Beginning: 1/4 E NW Sec 31 49N 02E

Ending SW NW Sec 36 48N 04W

Rise late trees to reach of Council Bluffs
River under MSF status.

AFFIDAVIT OF PUBLICATION

AUG 10 2007

IDWR/North

STATE OF IDAHO, }
County of Kootenai, } SS.

Heather Buys 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 "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai 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 2 day of August 20 07, and ending on the 9 day of August 20 07, 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 Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice. Heather Buys
On this 9 day of August in the year of 2007, before me, a Notary Public, personally appeared Heather Buys, 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 at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/09

Legal Notice

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

94-7421

RICHARD HUTCHINS

4929 E. 14TH AVE.

SPOKANE WA 99212

Point(s) of Diversion L7

(NWSE) S33 T49N R01W

KOOTENAI County

Source ROSE LAKE - Tributary To COUER D ALENE

RIVER

Use: DOMESTIC

01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 06/26/2007

Place Of Use: DOMESTIC

T49N R01W S33 NWSE Lot

7

Remark: Domestic use is for 1

home.

96-9330

MARY KAY MATTESON

2232 E SHOSHONE

ATHOL ID 83801

Point(s) of Diversion NESW

S18 T53N R03W KOOTENAI

County

Source GROUND WATER

Use: IRRIGATION

04/01 To 10/31 0.4 CFS

Total Diversion: 0.4 CFS

Date Filed: 07/17/2007

Place Of Use: I R R I G A

TION

T53N R03W S18 NESW

Number of Acres 20

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 08/20/2007.

The protestant must also send

a copy of the protest to the applicant.

DAVID R. TUTHILL, JR.,

Director

Legal 671

August 2, 9, 2007

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

94-7421

RICHARD HUTCHINS

4929 E. 14TH AVE.

SPOKANE WA 99212

Point(s) of Diversion L7 (NWSE) S33 T49N R01W KOOTENAI County

Source ROSE LAKE - Tributary To COUER D ALENE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 06/26/2007

Place Of Use: DOMESTIC

T49N R01W S33 NWSE Lot 7

Remark: Domestic use is for 1 home.

96-9330

MARY KAY MATTESON

2232 E SHOSHONE

ATHOL ID 83801

Point(s) of Diversion NESW S18 T53N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 0.4 CFS

Total Diversion: 0.4 CFS

Date Filed: 07/17/2007

Place Of Use: IRRIGATION

T53N R03W S18 NESW

Number of Acres 20

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 08/20/2007. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on August 2 & 8, 2007



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 proof copy before this goes to press, to 762-2819
Thanks, Dianne*

July 25, 2007

DEE DUQUETTE AND GLENDA JEFFERSON
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

RE: Application for Permit No. 94-7421 and 96-9330

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 2 and 9, 2007, (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 08/20/2007. Your cooperation is GREATLY appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, July 25, 2007 11:45 AM
To: Legal Notices-CdA Press (E-mail); Legal Notices-CdA Press2 Glenda Jefferson (E-mail);
Legal Notices-CdA Press3 Dee Duquette (E-mail)
Subject: Legal Notice for publication August 2 & 9, 2007 - PLEASE FAX PROOF BEFORE PUBLICATION

Good day to you, ladies,

Attached is our cover letter requesting publication on August 2 and 9, 2007 of a legal notice, also attached.

This is also being faxed in order to cover all bases.

PLEASE FAX A PROOF COPY TO ME BEFORE THIS GOES TO PRESS. THANK YOU VERY MUCH.

Dianne

*Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
7600 Mineral Drive Suite 100
Coeur d'Alene, ID 83815
Phone (208)762-2800 FAX (208)762-2819*



CoverLetter
7-25-07 CDA e-mai.



LegalNotice
7-25-07 CDA e-mai.



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

July 25, 2007

RICHARD HUTCHINS
4929 E. 14TH AVE.
SPOKANE WA 99212

RE: Application for Permit No 94-7421

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 Coeur d Alene Press on August 2 & 9, 2007. 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,

Keith E. Franklin
Senior Water Resource Agent

Enclosure(s) – Receipt No. N018490



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

July 24, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

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

FAXED TO MARY
9 pages total

Re: Water Permit Application No. 94-7421

Dear Mary:

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.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **August 17, 2007**. 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, or to me, Dianne.Ball@idwr.idaho.gov.

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

Sincerely,

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

July 24, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

CARL WASHBURN
IDAHO DEPARTMENT OF LANDS
3706 INDUSTRIAL AVE S
COEUR D ALENE ID 83815

FAXED TO CARL
9 pages total

Re: Water Permit Application No. 94-7421

Dear Carl:

I'm not sure if Rose Lake is a navigable water, so am sending this to you in case you would have any comments or recommendations regarding the above referenced water right application. A copy of the application follows for your reference.

If you have any comments or recommendations, we would appreciate receiving them by no later than **August 17, 2007**. 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, or to me, Dianne.Ball@idwr.idaho.gov.

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

Sincerely,

Dianne Ball
Administrative Assistant



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

June 27, 2007

Richard Hutchins
4929 E. 14th Ave.
Spokane Valley, WA 99212

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

Dear Mr. Hutchins:

Before the processing of your application begins, the Department needs additional information, clarification and corrections to your recently submitted application.

Kootenai County has not upgraded their tax lot information on the States aerial photography since 2002. Please review the enclosed aerial photograph and confirm that the drawing corresponds to your tax lot location.

Also, the Department cannot accept an application that is incomplete or contains incorrect information. The applicant has to initial any change or correction to an application. Please make the necessary changes to your application, as indicated and initial each change before returning. Once I receive the corrected application and confirmation of the tax lot location, I can finalize the processing of your application.

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

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Enclosure.

COPY

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09325

Priority: May 23, 2007

Maximum Diversion Rate: 0.02 CFS

This is to certify, that SCOTT BROWN
102 S 2ND AVE
SANDPOINT ID 83864

has applied for a permit to appropriate water from:

Source: FRY CREEK

Tributary: PEND OREILLE 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>
IRRIGATION	04/01 to 10/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

FRY CREEK NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2, Twp 56N, Rge 02W, B.M. BONNER County

PLACE OF USE: IRRIGATION

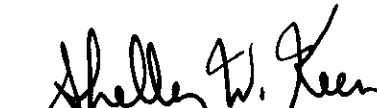
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	02W	2																	.5

Total Acres: 0.5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 1, 2008**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.02 cfs nor more than 1.5 afa at the field headgate for irrigation of the land described above.
4. This right does not grant any right-of-way or easement across the land of another.
5. Water shall not be diverted under this right when flows in the Pend Oreille River are below established minimum flow amounts.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 15th day of October, 2007.


for DAVID R. TUTHILL, JR., Director

73636

Ident. No. 96-9325

RECEIVED

JUL 19 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

MAY 23 2007

IDWR/North

DEPARTMENT OF
WATER RESOURCES

Applicant Scott Brown Phone 208-263-8558
Mailing address 102 S. 2nd Ave. Sandpoint, ID, 83869

2. Source of water supply Fry Creek/slough which is a tributary of Pend Oreille
3. Location of point of diversion is Township 56N Range 2W Sec. 2, in the NE $\frac{1}{4}$,
NE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot _____, B.M., Bonner County;
additional points of diversion if any: none

4. Water will be used for the following purposes:
Amount 0.02 cfs for Irrigation purposes from 4/1 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum) 5/15 to 10/15
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.02 cfs and/or (b) 0.25
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source 1 hp Irrigation pump piped to hose bib for garden hose connection.
b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total reservoir capacity N/A acre-feet
c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? N/A
e. If well is already drilled, when? N/A; Drilling firm _____; Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. N/A
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____
V

3. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

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	2W	2									0.5								0.5

Total number of acres to be irrigated 0.5

10. Describe any other water rights used for the same purposes as described above. none

11. a. Who owns the property at the point of diversion? Darwin "Bill" Brown

b. Who owns the land to be irrigated or place of use? Scott Brown

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Bill Brown is Scott Brown's Father - Scott's house

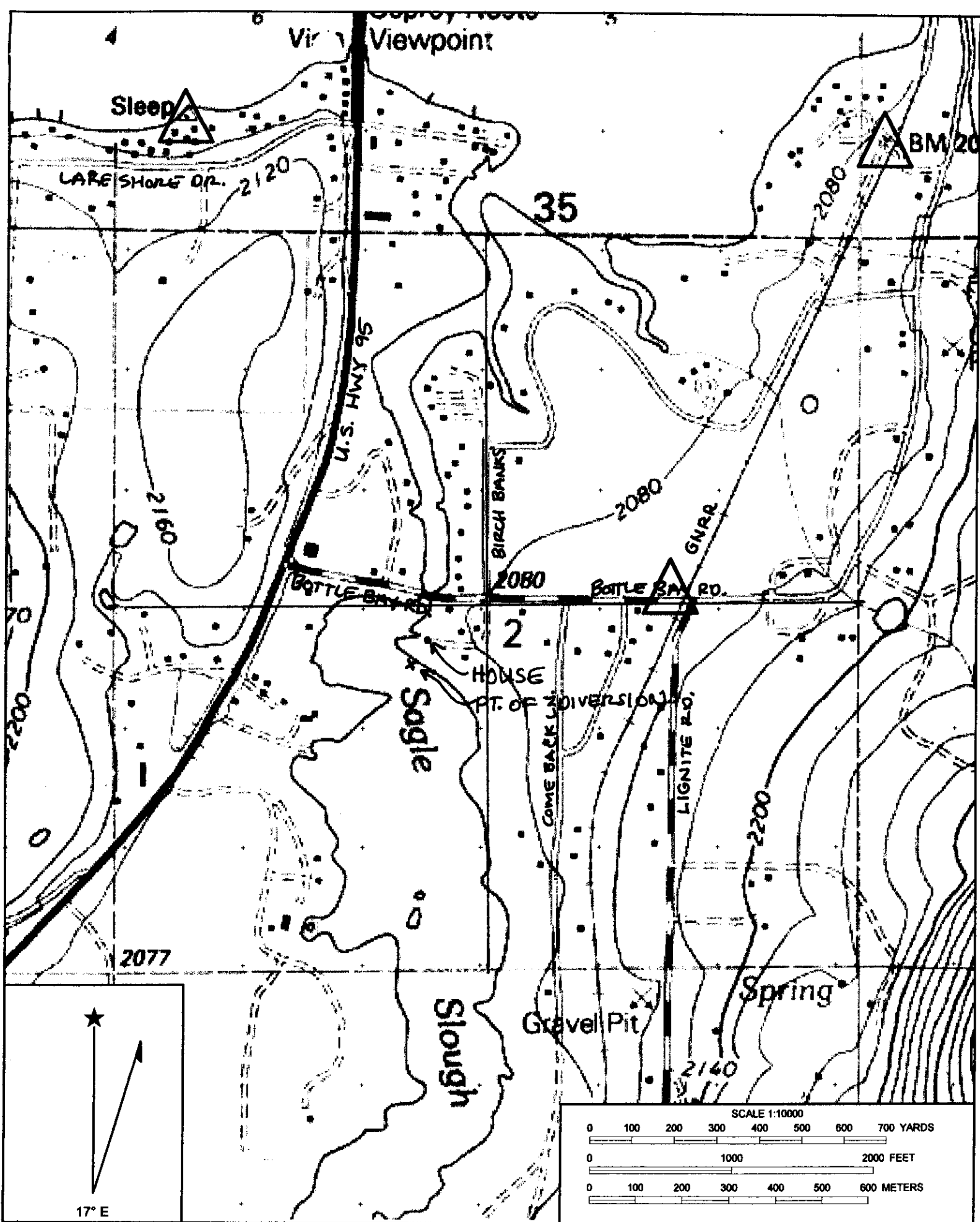
12. Remarks: is on a 1 acre parcel which lies ± 100' from Fry Creek. Irrigation will be for lawn area and landscaping (plants).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

SGH
Signature of Applicant (and title, if applicable)

Received by db Date 5/23/07 Time 11:12a Preliminary check by db
 Fee \$ 100.00 Receipted by db # N 018396 Date 5/23/07
 Publication prepared by db Date 6/14/07 Published in Primer Co Daily Bee 6/21 + 28/07
 Publication approved db Date 7/5/07



Copyright (C) 2000, Maptech, Inc.

RE: SCOTT BROWN - APPLICATION FOR PERMIT (IDWR)

96-9325



-  Bonner taxlots
-  GCDB57N02W GCDB
-  GCDB56N02W GCDB
-  Point of diversion.shp
-  Place of use.shp
-  Administrative BasinsAdminbas.shp



**STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

October 15, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

SCOTT BROWN
102 S 2ND AVE
SANDPOINT ID 83864

RE: Permit No. 96-9325

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.

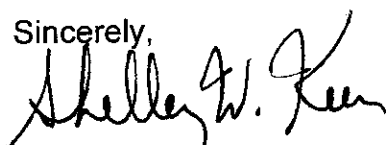
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen, Manager
Water Right Permits Section

Enclosure(s)

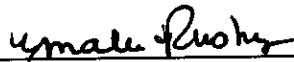
CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person listed below:

RE: WATER RIGHT NO.

96-9325

**SCOTT BROWN
102 S 2ND AVE
SANDPOINT ID 83864**

A handwritten signature in cursive script, appearing to read "Emalee Rushing", is written over a horizontal line.

**Emalee Rushing
Office Services Supervisor**

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.

MEMORANDUM

Date: September 28, 2007
To: Water Right File 96-9325
From: cpadilla
Re: Permit Reivew

WD-none
No overlaps or protests
Recommend for approval.

Permit Review

Permit # 96-9325 Name Brown Date 9-27-07

☒ review the file
 use(s) irrigation
 source Fry Creek - Pendoreille
 cfs/afa 0.62
 season of use 9/1-10/31
 location of pod(s) 56N 2W Sec 2 NENESW
 location of pou " " 0.5 acres

☒ check for accuracy of newspaper clipping

☒ perform an overlap analysis none

☒ make sure data entry for permit holder correct

☒ review data entry

☒ update POD

☒ update POU for all uses

☒ check for WD, moratorium, F& G regulations, GW management, Trust, MSF

☒ WD

☒ Moratorium

☒ F&G Regs

☒ 40.05 info

(>200acres, W&S, >5cfs, >500af)

☒ ISOS (business)

☒ GW Management

☒ Trust

☒ MSF

☒ enter in application deadline 1 year

☒ Status → Active

☒ add Permit Review remarks

☒ add/check conditions

☒ print memo from file

☒ print permit

☒ in for signature (update barcode)

Review Completed by Cherie P.

RECEIVED
JUL 05 2007
IDWR/North

Legal Notice

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

96-9323
MARK R. YOUNG
750 E. BRIDLE WAY
GILBERT AZ 85296
Point(s) of Diversion L1 (NENENE) S6 T55N R02W BONNER County
Source COCOLALLA CREEK - Tributary To PEND OREILLE RIVER

Use: IRRIGATION 04/01 To 10/31 0.3 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Total Diversion: 0.3 CFS

Date Filed: 05/03/2007
Place Of Use: IRRIGATION & STOCKWATER
T55N R02W S5 NWNW Lot 4
T55N R02W S6 NENE Lot 1
Number of Acres 15
Place Of Use: STOCKWATER
Remark: Stockwater use is for 2 horses

96-9324
JEFFRY D. KORTE
JULIA A. KORTE
8115 N. 75TH ST.
SCOTTSDALE AZ 85258
Point(s) of Diversion SWNE S3 T56N R01E BONNER County
Source LAKE PEND OREILLE - Tributary To PEND OREILLE RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 05/23/2007
Place Of Use: DOMESTIC
T56N R01E S3 SWNE
Remark: Domestic use is for 2 homes - [house and guest house]

96-9325
SCOTT BROWN
102 S 2ND AVE
SANDPOINT, ID ID 83864
Point(s) of Diversion NESW S2 T56N R02W BONNER County
Source FRY CREEK - Tributary To PEND OREILLE RIVER
Use: IRRIGATION 04/01 To 10/31 0.02 CFS 0.3
AFA

Total Diversion: 0.02 CFS

Date Filed: 05/23/2007
Place Of Use: IRRIGATION
T56N R02W S2 NESW
Number of Acres 0.5

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 07/09/2007. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Legal SNP 8744
June 21, 28, 2007

See reverse for affidavit

AFFIDAVIT OF PUBLICATION

RECEIVED

JUL 05 2007

IDWR/North

STATE OF IDAHO)
) ss.
County of Bonner)

Sheryl Jones, 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 Notice of App.
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;

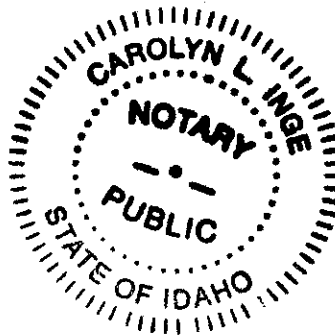
3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

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 21 day of June, 2007, and ending on the 28 day of June, 2007.

Sheryl Jones

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this 28 day of June, 2007.

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



See reverse for legal

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

96-9323

MARK R. YOUNG
750 E. BRIDLE WAY
GILBERT ID 85296
Point(s) of Diversion L1 (NENENE) S6 T55N R02W BONNER
County
Source COCOLALLA CREEK - Tributary To PEND OREILLE RIVER
Use: IRRIGATION 04/01 To 10/31 0.3 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Total Diversion: 0.3 CFS
Date Filed: 05/03/2007
Place Of Use: IRRIGATION & STOCKWATER
T55N R02W S5 NWNW Lot 4
T55N R02W S6 NENE Lot 1
Number of Acres 15
Place Of Use: STOCKWATER
Remark: Stockwater use is for 2 horses

96-9324

JEFFRY D. KORTE
JULIA A. KORTE
8115 N. 75TH ST.
SCOTTSDALE AZ 85258
Point(s) of Diversion SWNE S3 T56N R01E BONNER County
Source LAKE PEND OREILLE - Tributary To PEND OREILLE RIVER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 05/23/2007
Place Of Use: DOMESTIC
T56N R01E S3 SWNE
Remark: Domestic use is for 2 homes - [house and guest house]

96-9325

SCOTT BROWN
102 S 2ND AVE
SANDPOINT, ID ID 83864
Point(s) of Diversion NESW S2 T56N R02W BONNER County
Source FRY CREEK - Tributary To PEND OREILLE RIVER
Use: IRRIGATION 04/01 To 10/31 0.02 CFS 0.3 AFA
Total Diversion: 0.02 CFS
Date Filed: 05/23/2007
Place Of Use: IRRIGATION
T56N R02W S2 NESW
Number of Acres 0.5
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 07/09/2007.
The protestant must also send a copy of the protest to the applicant.
DAVID R. TUTHILL, JR., Director - Published on June 21 & 28, 2007



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 proof copy before this goes to press, to 762-2819
Thanks, Dianne*

June 14, 2007

SHERI JONES
LEGAL NOTICE DEPARTMENT
BONNER COUNTY DAILY BEE
PO BOX 159
SANDPOINT ID 83864

RE: Application for Permit No. 96-9323, 96-9324 and 96-9325

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, June 21 & 28, 2007, (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 07/09/2007. Your cooperation is, as always very greatly appreciated.

Thank you,

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, June 14, 2007 2:39 PM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal notice for publication on June 21 & 28, 2007

Good afternoon, Sheri

Attached is our cover letter requesting publication fo a legal notice on June 21 & 28, 2007. Also attached is our legal notice.

If you have ANY questions, please call me at 208-762-2800.

Also, as usual, please FAX a proof copy before this goes to press - 208-762-2819

Thanks for all your good help. It's always super to work with you!!

Dianne

*Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
7600 Mineral Drive Suite 100
Coeur d'Alene, ID 83815
Phone (208)762-2800 FAX (208)762-2819*



CoverLetter
5-14-07 BCDB e-ma.



LegalNotice
5-14-07 BCDB e-ma.



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

Web Site: www.idwr.idaho.gov

June 14, 2007

C. L. "BUTCH" OTTER

Governor

DAVID R. TUTHILL, JR.

Director

SCOTT BROWN
102 S 2ND AVE
SANDPOINT, ID ID 83864

RE: Application for Permit No 96-9325

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 Bonner County Daily Bee on June 21 & 28, 2007. 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 weeks.

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

Sincerely,

Keith E. Franklin
Senior Water Resource Agent

Enclosure(s) – Receipt No. N018396



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

Web Site: www.idwr.idaho.gov

June 13, 2007

C. L. "BUTCH" OTTER

Governor

DAVID R. TUTHILL, JR.

Director

MARY TERRA-BERNS
IDAHO DEPARTMENT OF FISH & GAME
2885 W KATHLEEN AVE.5
COEUR D ALENE ID 83815

FAXED TO MARY 6/13/2007
5 pages total

Re: Water Permit Application No. 96-9325

Dear Mary:

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.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **July 6, 2007**. 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, or to me, Dianne.Ball@idwr.idaho.gov.

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

Sincerely,

Dianne Ball
Administrative Assistant