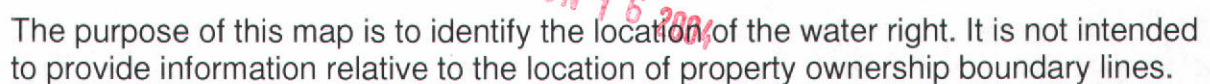


Sec. 12, T 62 N, R 1 W and Sec. 7 & 18, T 62 N, R 1 E, B.M.



State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 98-07829

Priority: October 11, 2002

Maximum Diversion Rate: 3.01 CFS

This is to certify, that US DEPT OF INTERIOR  
FISH & WILDLIFE SERVICE  
911 NE 11TH AVE  
PORTLAND OR 97232-4181

has applied for a permit to appropriate water from:

**Source:** KOOTENAI RIVER

**Tributary:** COLUMBIA 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> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| WILDLIFE              | 01/01 to 12/31       | 3.01 CFS                 |                      |
| WILDLIFE STORAGE      | 01/01 to 12/31       |                          | 850.0 AF             |
| DIVERSION TO STORAGE  | 01/01 to 12/31       | 3.01 CFS                 |                      |

**LOCATION OF POINT OF DIVERSION:**

KOOTENAI RIVER L2 (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) Sec. 18, Twp 62N, Rge 01E, B.M., BOUNDARY County

**PLACE OF USE:** WILDLIFE & WILDLIFE STORAGE

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 62N 01E 7   |    |    |    |    |    |    |    |    | X  | X  | X  | X  |    |    |    |    |        |
| 62N 01E 18  |    |    |    |    | X  | X  | X  |    |    |    |    |    |    |    |    |    |        |
| 62N 01W 12  |    |    |    |    |    |    |    |    |    |    |    |    | X  | X  | X  | X  |        |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2005**.
2. Subject to all prior water rights.
3. Wildlife and wildlife storage are for wetland habitat enhancement.
4. A fish screen of  $\frac{1}{4}$  inch or smaller mesh shall be installed and maintained at the point of diversion.
5. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
6. Rights 98-07829, 98-07366 and 98-07771 are also diverted through the point of diversion described above.
7. This right does not grant any right-of-way or easement across the land of another.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 13<sup>th</sup> day of May, 2004.

MICROFILMED

JUN 18 2004

  
KARL J DREHER, Director

71104

Ident. No. 98-7829

Department of Water Resources  
MAY 10 2004  
RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED  
OCT 11 2002  
IDAHO North

1. Name of Applicant U.S. Fish and Wildlife Service Phone (503) 231-6251  
Mailing address 911 N.E. 11th Avenue, Portland, OR 97232-4181
2. Source of water supply Kootenai River which is a tributary of Columbia River
3. Location of point of diversion is Township 62 N. Range 1E. Sec. 18 in the SE 1/4, NW 1/4, Govt. Lot 2, B.M., Boundary County;  
additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

|                                                                                                        |  |
|--------------------------------------------------------------------------------------------------------|--|
| Amount <u>3.01</u> for <u>Wildlife</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) |  |
| (cfs or acre-feet per annum) <u>WILDLIFE STORAGE</u>                                                   |  |
| Amount <u>850</u> for _____ purposes from <u>7/1</u> to <u>12/31</u> (both dates inclusive)            |  |
| (cfs or acre-feet per annum) <u>DIVERSION TO STORAGE</u>                                               |  |
| Amount <u>3.01</u> for _____ purposes from <u>7/1</u> to <u>12/31</u> (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) 3.01 and/or (b) 850  
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 16" Verti-Line Pump powered by a 30 HP motor.  
A system of 3 Ditches w/24" stop-log structures to distribute water to ponds and wetlands.
- 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 1 years (minimum 1 year)

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

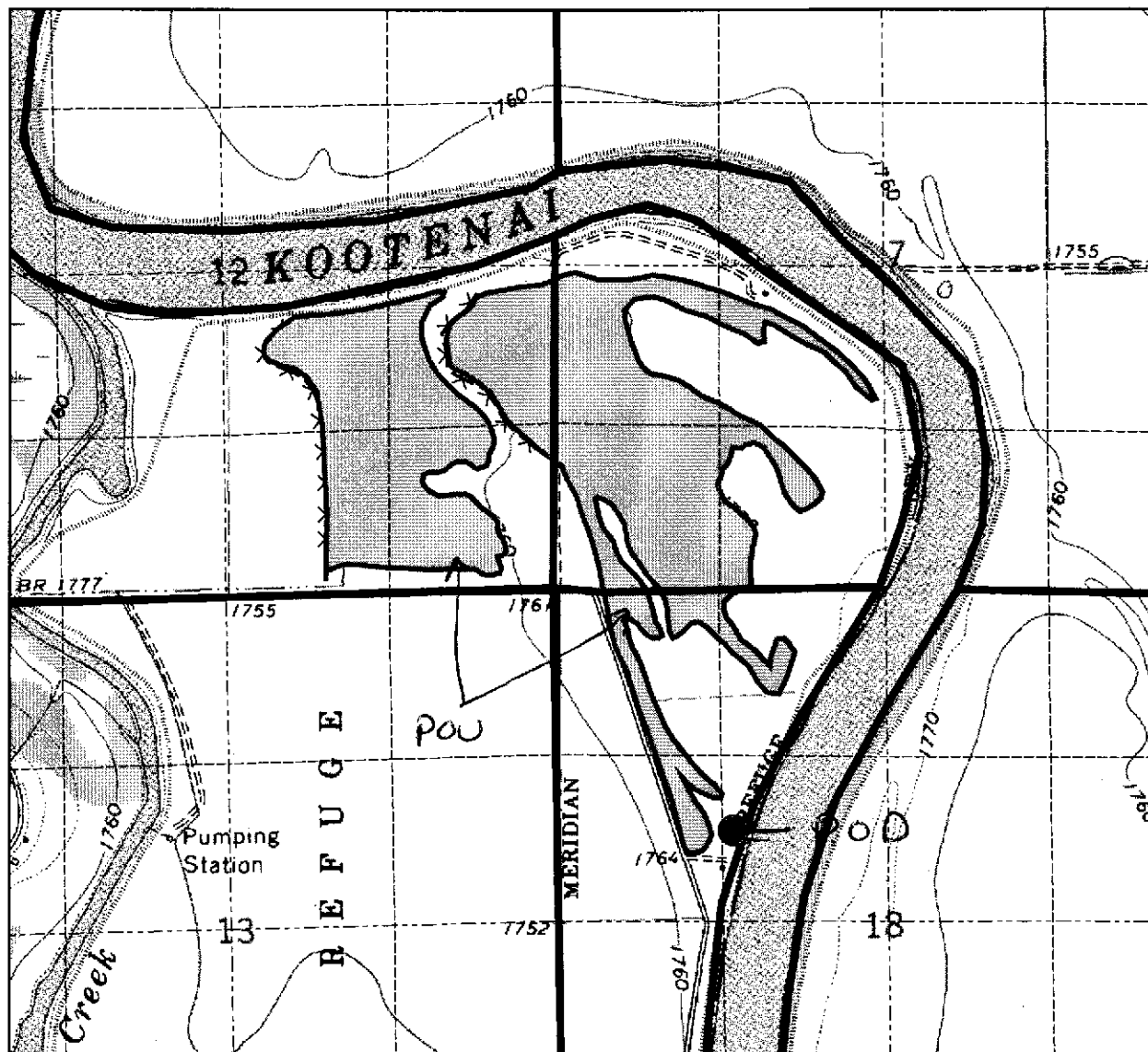
- a. Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- b. Stockwatering; list number and kind of livestock. \_\_\_\_\_
- c. Municipal; show name of municipality. \_\_\_\_\_
- d. Domestic; show number of households. \_\_\_\_\_
- e. Other; describe fully. Wildlife. Water is used to enhance wetland habitat for wildlife. Seepage losses are expected to be high.

MICROFILMED  
JUN 16 2004



# APPLICATION MAP IN THE NAME OF U.S. FISH AND WILDLIFE SERVICE

Sec. 12, T 62 N, R 1 W and Sec. 7 & 18, T 62 N, R 1 E, B.M.



## Legend

- Point of Diversion
- ▨ Place of Use
- \*\*\* Dike

## Kootenai National Wildlife Refuge

0 950 1,900 3,800 5,700 Feet



MICROFILMED  
JUN 15 2001

The purpose of this map is to identify the location of the water right. It is not intended to provide information relative to the location of property ownership boundary lines.

## ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 98-7829

Reviewed By: skeen

Date: June 22, 2005

|                                   | <u>Yes</u>          | <u>No</u> |                                  | <u>Yes</u> | <u>No</u> |
|-----------------------------------|---------------------|-----------|----------------------------------|------------|-----------|
| Proof received timely?            | X                   |           | Drilling permit required?        |            | X         |
| License examination fee required? | X                   |           | Drilling permit No.:             |            |           |
| Appropriate fee submitted?        | X                   |           | Drilling permit upgrade needed?  |            | X         |
| Receipt No.:                      | N015320,<br>C077088 |           | Well driller's report filed?     |            | X         |
| Additional Amount Due:            |                     |           | Measuring device required?       |            | X         |
| Name and address same as permit?  | X                   |           | Measuring device installed?      |            | X         |
| Are the water uses correct?       | X                   |           | Measure device waiver requested? |            | X         |

### Priority Calculation

|                     |              |
|---------------------|--------------|
| Date proof received | 03/09/2005   |
| Date proof due      | - 05/01/2005 |
| Lapse notice sent   | -            |
| No. of days late    | = 0          |
| Holiday allowance   | +            |
| Priority date       | + 10/11/2002 |
| New priority date   | = 10/11/2002 |

### Deficiencies of Actions Items



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 14, 2004

US DEPT OF INTERIOR  
FISH & WILDLIFE SERVICE  
911 NE 11TH AVE  
PORTLAND OR 97232-4181

RE: Permit No. 98-7829

**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.

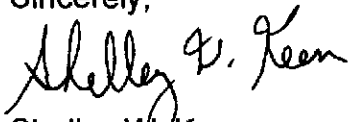
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least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

MICROFILMED  
JUN 15 2004

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

JUN 16 2004

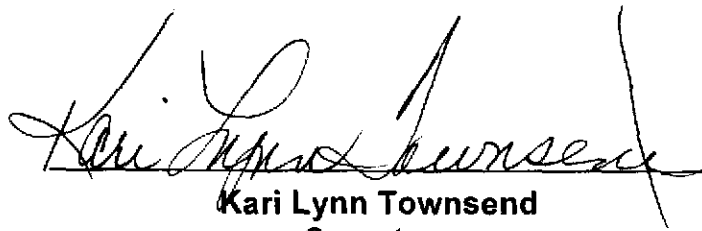
## CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2004 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.

98-7829

US DEPT OF INTERIOR  
FISH & WILDLIFE SERVICE  
911 NE 11TH AVE  
PORTLAND OR 97232-4181



Kari Lynn Townsend  
Secretary

MICROFILMED  
JUN 10 2006

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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.

MAILED  
JUN 5 2004

## **Comment Report**

**98-7829**

1. dball 3/18/2004 Comment/Analysis

Comment: A portion of intake structure channel is constructed on lands owned by the State of Idaho. A right of way easement agreement with the State permits construction of intake.

Applicant proposes to develop additional wetland habitat for wildlife.

2. kwalker 5/12/2004 Permit Review

Comment: Recommend approval of this permit.

MICROFILMED

JUN 16 2004

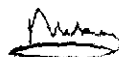
# Dam Safety Review

KAY

THE FILE INDICATES A FLOODED AREA OF 170 ACRES WITH A TOTAL STORAGE OF 340 AC-FT, WHICH WOULD INDICATE A WATER DEPTH OF ONLY 2 FEET. DAVE LEPAARD & I LOOKED AT A DAM JUST SOUTH OF THIS LOCATION ON THE WILDLIFE REFUGE SEVERAL YEARS AGO (SEE WATER RIGHT 98-7771).

THIS AREA IS JUST A LOW MARSHY AREA WITH DIKES UP TO 4 FT HIGH TO POND WATER.

THIS DOES NOT APPEAR TO BE ANYTHING DAM SAFETY NEEDS TO WORRY ABOUT. THANKS.



5/12/04

MICROFILMED  
JUN 16 2004

| <u>Basin</u> | <u>Sequence</u> | <u>Priority Date</u> | <u>Rate(cfs)</u> | <u>Volume(af)</u> | <u>Source</u>  | <u>Water Use(s)</u>                              |
|--------------|-----------------|----------------------|------------------|-------------------|----------------|--------------------------------------------------|
| 98           | 7829            | 10/11/2002           | 3.01             |                   | KOOTENAI RIVER | DIVERSION TO STORAGE, WILDLIFE, WILDLIFE STORAGE |
| 98           | 4113            | 7/25/1968            | 4.70             |                   | KOOTENAI RIVER | WILDLIFE                                         |
| 98           | 7366            | 3/9/1981             | 2.29             | 1657.9            | KOOTENAI RIVER | WILDLIFE                                         |
| 98           | 7771            | 3/28/1996            | 6.99             |                   | KOOTENAI RIVER | DIVERSION TO STORAGE, WILDLIFE, WILDLIFE STORAGE |

MICROFILMED  
JUN 15 2004

**IDaho DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 98-7829

**RECEIVED**  
APPLICATION ID # 71104  
INITIAL REVIEW

ENT. 3/18/10 BCA 3/18 OK to Publish 3/18

APPLICANT: U.S.F.W.S. **MAY 10 2004** BY: AB DATE: 03/17/04

**Department of Water Resources**

**ITEM REQUIRED INFORMATION**

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity  
(X) Nature of Proposed Use  
(X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other water Rights
11. (X) Ownership
12. (X) Map  
(X) Signature  
(X) Fee (Amt, receipt, acknowledgement)

**PROCESSING**  
(Yes)(No) PRIORITY DATE: 01/16/03

X (Include Moratorium Remark)

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

ADVERTISE IN: BOUNDARY County

**LETTERS SENT REQUESTING:**

( ) Dam Information ( ) Fish Information

( ) Power Information ( ) Other: N/A

**INFORMATION RECEIVED:**

( ) Dam Information ( ) Fish Information

( ) Power Information ( ) Other: N/A

\*\*\* Send info sheet Y( ) N( )

**ADDITIONAL INFORMATION**  
(Yes)(No)

     Shape File Created Date      By:     

     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? |
|------------------|-------------|---------------------------------------|---------------------|-------------|-----------------|
| <u>    </u>      | <u>    </u> | Dom. <u>    </u> Non-Dom. <u>    </u> | Paid \$ <u>    </u> | <u>    </u> | Y( ) N( )       |
| <u>    </u>      | <u>    </u> | Dom. <u>    </u> Non-Dom. <u>    </u> | Paid \$ <u>    </u> | <u>    </u> | Y( ) N( )       |
| <u>    </u>      | <u>    </u> | Dom. <u>    </u> Non-Dom. <u>    </u> | Paid \$ <u>    </u> | <u>    </u> | Y( ) N( )       |

     Groundwater management area

     Critical ground water area

     Well Drilling Permit required

     Well Drilling Application and Fees received

     Well Drilling Application approved?

Remarks: None response from F&G as of 4/26/04

**FINAL REGIONAL PROCESSING/REVIEW**

(Yes)(No)

     Notice of pending void order issued. Final order response date:      /      /     

4/26      Further information required from applicant

4/26      Affidavit of publication received

4/1      Application published correctly. If not, record action taken:     

     Publication dates and paper recorded on application

     Protests received, Final protest date: 5/3/04

     Measuring device required

     Measuring port required

     Special conditions:     

     Special conditions of approval supplement and/or cover letter attached:     

Approval Recommended by: AB Date: 05/07/04

RECEIVED

APR 26 2004

IDWR/Northern

AFFIDAVIT OF PUBLICATION

State of Idaho

SS

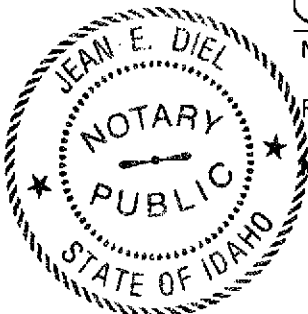
County of Boundary, Carol Arthur

being first duly sworn on oath deposes and says that he/she is ad manager of the Bonners Ferry Herald, a newspaper printed and published at Bonners Ferry, Boundary County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Boundary County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of:

3262 Water Right Application

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 15 day of April, 2004 and ending on the 22 day of April, 2004 and that said notice was published in said newspaper.

On the 22 day of April in the year of 2004, before me, a Notary Public, personally appeared Carol A. Arthur 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.



Jean E. Diehl  
Notary Public for Idaho  
Residing at Bonners Ferry  
My Commission expires: 7/22/2008

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:  
96-9173

KENT M BOGARD

1609 SW 5 COURT  
FORT LAUDERDALE FL 33312  
Point(s) of Diversion NENWNE S16 T60N R02W BOUNDARY County  
Source SPRING Tributary To SINKS

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

Date Filed: 03/29/2004

Place Of Use: DOMESTIC T60N R02W S16 NWNE

Remark: Domestic use is for 1 home.  
98-7829

US DEPT OF INTERIOR

FISH & WILDLIFE SERVICE  
911 NE 11TH AVE  
PORTLAND OR 97232-4181  
Point(s) of Diversion L2 (SENW) S18 T62N R01E BOUNDARY County  
Source KOOTENAI RIVER Tributary To COLUMBIA RIVER

Use: WILDLIFE 01/01 To 12/31 3.01 CFS  
Use: WILDLIFE STORAGE 01/01 To 12/31 850 AFA  
Use: DIVERSION TO STORAGE 01/01 To 12/31 3.01 CFS  
Total Diversion: 3.01 CFS

Date Filed: 10/11/2002

Place Of Use: WILDLIFE and WILDLIFE STORAGE  
T62N R01E S18 NENW NWNW SWNW  
T62N R01E S7 NESW NWSW SWSW SESW  
T62N R01W S12 NESE NWSE SWSE SESE

98-7830

DAVID RONNIGER

HCR 62 BOX 332-A  
MOYIE SPRINGS ID 83845  
Point(s) of Diversion (1) SWNE S21 T62N R03E BOUNDARY County  
Source UNNAMED STREAM Tributary To SAND CREEK  
Point(s) of Diversion (2) NWNE S21 T62N R03E BOUNDARY County  
Source UNNAMED STREAM Tributary To SAND CREEK

Use: IRRIGATION STORAGE 03/15 To 11/15 0.9 AFA  
Use: IRRIGATION FROM STORAGE 03/15 To 11/15 0.9 AFA  
Use: STOCKWATER STORAGE 01/01 To 12/31 0.9 AFA  
Use: STOCKWATER FROM STORAGE 01/01 To 12/31 0.9 AFA  
Use: WILDLIFE STORAGE 01/01 To 12/31 0.9 AFA  
Use: RECREATION STORAGE 01/01 To 12/31 0.9 AFA  
Total Diversion: 0.9 AFA

Date Filed: 03/01/2004

Place Of Use: IRRIGATION STORAGE T62N R03E S21 NWNE SWNE  
Number of Acres 7  
Place Of Use: IRRIGATION FROM STORAGE T62N R03E S21 NWNE SWNE  
Number of Acres 7

Place Of Use: ALL OTHER USES same as IRRIGATION STORAGE

Remark: Recreation storage is for swimming.

Stockwater storage is for 25 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 these applications must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 05/03/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal BFH5262

April 15, 22, 2004

MICROFILMED

JUN 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615  
(208) 769-1450

Fax (208) 769-1454

April 07, 2004

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

US DEPT OF INTERIOR  
FISH & WILDLIFE SERVICE  
911 NE 11TH AVE  
PORTLAND OR 97232-4181

RE: Application for Permit No 98-7829

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 Bonners Ferry Herald on April 15 and 22, 2004. Submittal of protests to this application will be allowed for a period ending ten days after the second publication. **The earlier publication had to be pulled prior to second publication because an error was found. Because of that, the last date for protest will be on May 3, 2004.**

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 cursive script that reads "Allen Beardslee".

Allen Beardslee  
Senior Water Resource Agent

MICROFILMED

JUN 16 2004



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615  
(208) 769-1450

Fax (208) 769-1454

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

April 07, 2004

**--PLEASE FAX PROOF PRIOR TO PUBLICATION--**

**LEGAL NOTICE DEPARTMENT**  
BONNERS FERRY HERALD  
PO BOX 539  
BONNERS FERRY ID 83805

e-mailed to [bfherald@cdapress.com](mailto:bfherald@cdapress.com)  
and also FAXED to CAROL and JEAN

RE: Application for Permit No. 96-9173, 98-7829 and 98-7830

**Dear Carol and/or Jean:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, April 15 and 22, (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 05/03/2004. Your cooperation is appreciated.

Sincerely

*Dianne*

Dianne Ball  
Administrative Assistant

MICROFILMED

JUN 16 2004

**Ball, Dianne**

---

**From:** Ball, Dianne  
**Sent:** Wednesday, April 07, 2004 2:12 PM  
**To:** Legal Notices-BFHerald (E-mail)  
**Subject:** Legal notice for publication on April 15 and 22, 2004

Good afternoon, Carol and Jean,

Attached is a cover letter requesting publication of a legal notice (also attached) on April 15 and 22, 2004.

You should be able to just open the legal notice and do a copy and paste for setup - but if you have difficulty doing that, perhaps you could just forward it on to the person in Coeur d'Alene that does setup for your legal notices.

If you have ANY questions, please call me (208-769-1450) or e-mail me.

**I AM ALSO GOING TO FAX THIS TO YOU SO YOU WILL HAVE A HARD COPY IF YOU HAVE DIFFICULTY DOING THE COPY/CUT AND PASTE.**

**Again - please send fax of proof prior to publication** - it helps me to double check my work.  
Thanks ever so much, and have a marvelous day.

 *Dianne*

Dianne Ball, Administrative Assistant  
Idaho Department of Water Resources  
1910 Northwest Blvd., Suite 210  
Coeur d'Alene, ID 83814  
Phone 208-769-1450 FAX 208-769-1454

MICROFILMED  
JUN 16 2004

4/7/2004

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

**96-9173**

KENT M BOGARD

1609 SW 5 COURT

FORT LAUDERDALE FL 33312

Point(s) of Diversion NENWNE S16 T60N R02W BOUNDARY County

Source SPRING Tributary To SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 03/29/2004

Place Of Use: DOMESTIC T60N R02W S16 NWNE

Remark: Domestic use is for 1 home.

**98-7829**

US DEPT OF INTERIOR

FISH & WILDLIFE SERVICE

911 NE 11TH AVE

PORTLAND OR 97232-4181

Point(s) of Diversion L2 (SENW) S18 T62N R01E BOUNDARY County

Source KOOTENAI RIVER Tributary To COLUMBIA RIVER

Use: WILDLIFE 01/01 To 12/31 3.01 CFS

Use: WILDLIFE STORAGE 01/01 To 12/31 850 AFA

Use: DIVERSION TO STORAGE 01/01 To 12/31 3.01 CFS

Total Diversion: 3.01 CFS

Date Filed: 10/11/2002

Place Of Use: WILDLIFE and WILDLIFE STORAGE

T62N R01E S18 NENW NWNW SWNW

T62N R01E S7 NESW NWSW SWSW SESW

T62N R01W S12 NESE NWSE SWSE SESE

**98-7830**

DAVID RONNIGER

HCR 62 BOX 332-A

MOYIE SPRINGS ID 83845

Point(s) of Diversion (1) SWNE S21 T62N R03E BOUNDARY County

Source UNNAMED STREAM Tributary To SAND CREEK

Point(s) of Diversion (2) NWNE S21 T62N R03E BOUNDARY County

Source UNNAMED STREAM Tributary To SAND CREEK

Use: IRRIGATION STORAGE 03/15 To 11/15 0.9 AFA

Use: IRRIGATION FROM STORAGE 03/15 To 11/15 0.9 AFA

Use: STOCKWATER STORAGE 01/01 To 12/31 0.9 AFA

Use: STOCKWATER FROM STORAGE 01/01 To 12/31 0.9 AFA

Use: WILDLIFE STORAGE 01/01 To 12/31 0.9 AFA

Use: RECREATION STORAGE 01/01 To 12/31 0.9 AFA

Total Diversion: 0.9 AFA

Date Filed: 03/01/2004

Place Of Use: IRRIGATION STORAGE T62N R03E S21 NWNE SWNE

Number of Acres 7

Place Of Use: IRRIGATION FROM STORAGE T62N R03E S21 NWNE SWNE

Number of Acres 7

Place Of Use: ALL OTHER USES same as IRRIGATION STORAGE

Remark: Recreation storage is for swimming.

Stockwater storage is for 25 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 these applications must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 05/03/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on April 15 and 22, 2004

MICROFILMED

JUN 16 2004



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615  
(208) 769-1450

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

March 24, 2004

**PLEASE FAX PROOF PRIOR TO PUBLICATION**

**CAROL ARTHUR**  
**LEGAL NOTICE DEPARTMENT**  
BONNERS FERRY HERALD  
PO BOX 539  
BONNERS FERRY ID 83805

e-mailed to [bfherald@cdapress.com](mailto:bfherald@cdapress.com)

RE: Application for Permit No. 98-7829

**Dear Carol:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, April 1 and 8, 2004, (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 04/19/2004. Your cooperation is GREATLY appreciated, as always.

Sincerely

*Dianne*

Dianne Ball  
Administrative Assistant

**MICROFILMED**

**JUN 16 2004**

**Ball, Dianne**

---

**From:** Ball, Dianne  
**Sent:** Wednesday, March 24, 2004 3:33 PM  
**To:** Legal Notices-BFHerald (E-mail)  
**Subject:** Legal notice for publication April 1 and 8, 2004

Good afternoon, Carol,

Attached you will find a copy of our cover letter requesting publication of a legal notice on April 1 and 8, 2004. The legal notice is also attached, as the second document.

**Will you please fax a copy of the notice to me prior to publication, at 208-769-1454.**

If you have ANY questions, please give me a call at 208-769-1450 for clarification.

Thank you very much, and have a marvelous day.

 *Dianne*

Dianne Ball, Administrative Assistant  
Idaho Department of Water Resources  
1910 Northwest Blvd., Suite 210  
Coeur d'Alene, ID 83814  
Phone 208-769-1450 FAX 208-769-1454

MICROFILMED  
JUN 16 2004

3/24/2004

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

98-7829

US DEPT OF INTERIOR  
FISH & WILDLIFE SERVICE  
911 NE 11TH AVE  
PORTLAND OR 97232-4181

Point(s) of Diversion L2 (SENW) S18 T62N R01E BOUNDARY County  
Source KOOTENAI RIVER Tributary To COLUMBIA RIVER

|                           |                |          |         |
|---------------------------|----------------|----------|---------|
| Use: WILDLIFE             | 01/01 To 12/31 | 3.01 CFS |         |
| Use: WILDLIFE STORAGE     | 01/01 To 12/31 |          | 850 AFA |
| Use: DIVERSION TO STORAGE | 01/01 To 12/31 | 3.01 CFS |         |
| Total Diversion:          |                | 3.01 CFS |         |

Date Filed: 10/11/2002

Place Of Use: WILDLIFE and WILDLIFE STORAGE

|               |                     |
|---------------|---------------------|
| T62N R01W S12 | NESE NWSE SWSE SESE |
| T62N R01E S18 | NENW NWNW SWNW      |
| T62N R01E S7  | NESW NWSW SWSW SESW |

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, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 04/19/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on April 1 and 8, 2004

*Pulled  
Proof had too  
many errors  
re do for  
4/15 422*

MICROFILMED

JUN 16 2004



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

**NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615**

**(208) 769-1450**

**Fax (208) 769-1454**

March 24, 2004

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

US DEPT OF INTERIOR  
FISH & WILDLIFE SERVICE  
911 NE 11TH AVE  
PORTLAND OR 97232-4181

RE: Application for Permit No 98-7829

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 Ferry Herald on April 1 and 8, 2004. 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,

Allen Beardslee  
Senior Water Resource Agent

Enclosure(s) - Receipt No. N015320

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**JUN 16 2004**



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

**NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615**  
**(208) 769-1450**

**Fax (208) 769-1454**

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

March 18, 2004

STATE OF IDAHO  
DEPT OF LANDS  
3706 INDUSTRIAL AVE S  
COEUR D ALENE, ID 83815

**FAXED TO 769-1597 - 3/18/04**

Application to Permit No. 98-7829

STATE OF IDAHO :

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within two weeks of receipt of this request.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne'.

Dianne Ball  
Administrative Assistant

Enclosure(s)

MICROFILMED

JUN 16 2004



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

**NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615**  
**(208) 769-1450**

**Fax (208) 769-1454**

**DIRK KEMPTHORNE**  
**GOVERNOR**

**KARL J. DREHER**  
**DIRECTOR**

March 18, 2004

STATE OF IDAHO  
DEPT OF FISH & GAME  
2750 KATHLEEN AVE  
COEUR D ALENE, ID 83814

**FAXED TO CHARLES CORSI- 3/18/04**

Application to Permit No. 98-7829

STATE OF IDAHO :

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within two weeks of receipt of this request.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne'.

Dianne Ball  
Administrative Assistant

Enclosure(s)

MICROFILMED

JUN 15 2004



## United States Department of the Interior

FISH AND WILDLIFE SERVICE

911 NE 11th Avenue  
Portland, Oregon 97232-4181**DIVISION OF ENGINEERING  
WATER RESOURCES BRANCH***Fax Transmittal Cover Sheet*Number of Pages: 2  
(Including Cover Sheet)Date: 3/18/2004  
Time: 1430  
Fax Number: (208) 769-1454TO: *Allen Beardslee*FROM: *D. Langman*

SUBJECT:

COMMENTS:

*If any of the pages are not transmitted correctly, please call the Division of Engineering,  
Water Resources Branch at: (503) 231-6251.*

MICROFILMED

JUN 16 2004

ABA-EN-WR

January 16, 2003

Mr. Allen Beardslee  
Senior Water Resources Agent  
Idaho Department of Water Resources  
1910 Northwest Boulevard  
Coeur d'Alene, Idaho 83814

Dear Mr. Beardslee:

On October 8, 2002 our office submitted an application for a permit to appropriate water from the Kootenai River at the Kootenai National Wildlife Refuge (Refuge). The Refuge is located approximately 5 miles west of the city of Bonners Ferry. The application for a new water right is filed on behalf of the Refuge for use on two new wetland units to support wildlife habitat.

As per our conversation on January 14<sup>th</sup>, I have calculated the storage volume of these new wetlands units to be 850 acre-feet. The Refuge plans to construct these wetland units, totaling approximately 170 acres, as part of a "North American Wetland Conservation Act" grant received last year. These units are located on the north end of the Refuge and will be filled to an average depth of approximately 5.0 feet. Please use the above volume (850 acre-feet) for the wildlife storage component for any subsequent permit.

Your assistance in this matter is greatly appreciated. If you have questions or need additional information, please contact me at 503-231-2057.

Sincerely,

David Langman  
Hydrologist

cc:  
Refuge Manager, Kootenai NWR  
Michael Eberle

Dave-KootenaiLtr-01.16.03-wpd

MICROFILMED  
JUN 16 2004

1-13-03

HOLD AP -- DAVE LANGMATH

ASKED ABOUT STORAGE  
COMPONENTS - DAVE SAID HE  
WOULD CHECK INTO VOLUME  
AMOUNTS

1

MICROFILMED

JUN 16 2004



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

911 NE. 11th Avenue

Portland, Oregon 97232-4181

IN REPLY REFER TO:

ABA-EN-WR

RECEIVED  
OCT 11 2002  
IDWR/North

October 8, 2002

Mr. Allen Beardslee  
Senior Water Resources Agent  
Idaho Department of Water Resources  
1910 Northwest Blvd.  
Coeur d'Alene, Idaho 83814

Dear Mr. Beardslee:

Enclosed please find an Application For Permit to appropriate water from the Kootenai River at the Kootenai National Wildlife Refuge (Refuge). We wish to secure additional water (3.01 cfs) from an existing *Point of Diversion* which currently diverts water under water rights No.(s) 98-7366, 98-4113, and 98-7771. This is an application for a new water right for two new wetland units within the Refuge which will support wildlife habitat. The two pumps located at this existing *Point of Diversion*, have the capacity to serve the existing rights mentioned above, as well as the right we are seeking here.

The Refuge plans to construct these new wetland units totaling approximately 170 acres as part of a "*North American Wetlands Conservation Act*" grant received this year. Construction is scheduled to begin this Fall, 2002. These units will be located on the north end of the Refuge and maintained with water from the Kootenai River Pump (see attached map). Together, they will have a capacity to store approximately 340 acre feet.

The Refuge is planning to maintain these units at maximum level until the seasonal draw down occurs. The need for year-round water is to give the refuge flexibility in its future management of these units. The units will likely be flooded annually to maximum pool for a period of six months, with additional water added only to maintain the wetlands at desired management levels.

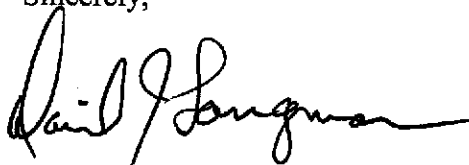
Also enclosed is a check in the amount of \$370.00 to cover the minimum statutory filing fee. Please insure that any resulting permit is issued in the name of the U.S. Fish and Wildlife Service and not the name of the agent signing the application.

MICROFILMED

JUN 15 2004

Your assistance in this matter is greatly appreciated. If you have questions or need additional information, please feel free to contact me at (503) 231-2057.

Sincerely,

A handwritten signature in black ink, appearing to read "David Langman", with a long horizontal flourish extending to the right.

David Langman  
Hydrologist

Enclosures

RECEIVED  
OCT 11 2002  
IDWR/North

MICROFILMED

JUN 16 2004