

Twp. 49 N.R. 3 W.B.1

49N03W-

Threemile

Cellar Pt

QUARRY

Squaw Bay

EDDYVILLE

Echo Bay

CAMP EASTON

Im Bay

Turner Bay

Turner

Creek

Turner

MICROFILMED
JAN 29 2003

1. USED ONLY FOR REFERENCE
2. UNIT IS NOT RESPONSIBLE
3. HEINCH CONTAINED



TOWNSHIP

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36

NAI COUNTY
IDAHO

SECTION NUMBER SYSTEM
IN STANDARD TOWNSHIP

NE 1/4 NE 1/4	NE 1/4 NE 1/4
SE 1/4 NE 1/4	SE 1/4 NE 1/4
36	40 AC
160 AC	6

ME AND NUMBER SYSTEM
DARD SECTION

30-0800	30-0800	29-0100	29-0500
29-3200	29-0800		

LAKE

Sec. 35

Sec. 36
13.30

2

3

Sec. 37

11.70
West

True Meridian

Lat. 47° 58' N.

Long. 116° 46' W.

0 10 20 30 40 50 60

Scale 40 Chains to an Inch.

The above Map of Township 1.° 50. North of Range 1.° 4 West of the
Boise Meridian, Idaho is strictly conformable to the field
notes of the survey thereof on file in this Office which have been examined and approved.

Surveyor General's Office.

Boise City, Idaho.

May 2, 1900.

Joseph Perrault
Sur. Gen. Idaho

MICROFILMED
JAN 29 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09113

Priority: 10/26/2001

Maximum Diversion Rate: 1.00 CFS

This is to certify, that **FORTRESS LLC**
1250 IRONWOOD DR STE 310
COEUR D ALENE ID 83814

has applied for a permit to appropriate water from:

Source: COEUR D ALENE LAKE **Tributary:** SPOKANE 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>
MUNICIPAL	01/01 to 12/31	1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

COEUR D ALENE LAKE L4 SE 1/4 SE 1/4 Sec. 36, Twp 50N, Rge 04W, B.M. KOOTENAI County
COEUR D ALENE LAKE L4 SE 1/4 SE 1/4 Sec. 36, Twp 50N, Rge 04W, B.M. KOOTENAI County

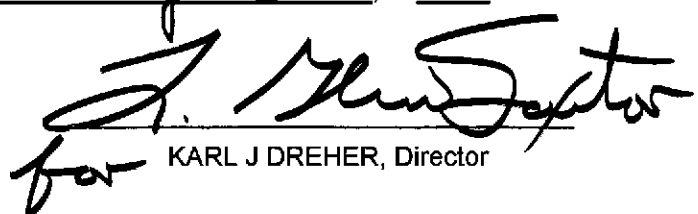
PLACE OF USE: MUNICIPAL

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 03W 5					X	X	X	X	X	X	X	X					
49N 03W 6	X			X	L2	L3										X	
49N 03W 8	L1			L2	X		X	X	X								

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 1, 2007**.
2. Subject to all prior water rights.
3. 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 permit holder had no control.
4. 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.
5. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
6. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
7. Place of use is within the area served by Fortress, LLC.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 23rd day of August, 2002


for **KARL J DREHER, Director**

MICROFILMED

JAN 29 2003

RECEIVED

MAY 20 2002

Department of Water Resources

59726

Ident. No. 95-9113

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

OCT 26 2001

IDWR/North

1. Name of Applicant Fortress, LLC an ID Limited Liability Co Phone (208) 665-9664

Mailing address 1250 Ironwood Drive, Suite 310, Coeur d'Alene, ID 83814

2. Source of water supply Coeur d'Alene Lake which is a tributary of Spokane River

3. Location of point of diversion is Township 50N Range 4W Sec. 36, in the SE 1/4,

SE 1/4, SE 1/4, Govt. Lot 4, B.M., Kootenai County;

additional points of diversion if any: Same legal description 2 PTS. OF DIVERSION

4. Water will be used for the following purposes:

Amount 1.0 for MUNICIPAL purposes from May 1 to Oct 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 2 for Domestic 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)

5. Total quantity to be appropriated is (a) 1.0 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 Submersible intake pumps
placed on lake bottom. Dual 250 gpm pumps with 8" pipe.

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 _____ 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) N/A; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 5 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. 100 connections

e. Other; describe fully. _____

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JAN 29 2003

9. 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	
49N	3W	5						40	40			40	40						
49N	3W	5						D	D			D	D						
49N	3W	6	20			20													
49N	3W	8	D	D	D	D			D	D									
49N	3W	6	D			D													

Total number of acres to be irrigated 200

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Fortress

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: D.E.O. PUBLIC WATER SUPPLY #1280299

ROBERT MALCOM - OWNER - PRESIDENT, VICE PRES., SEC./TRES.

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 db Date 10/26/01 Time 1:35 P Preliminary check by db
 Fee \$ 250.00 Receipted by db # N014726 Date 10/26/01
 Publication prepared by db Date 3/13/02 Published in GDA Press 3/21+28
 Publication approved db Date 4/1/02

MICROFILMED

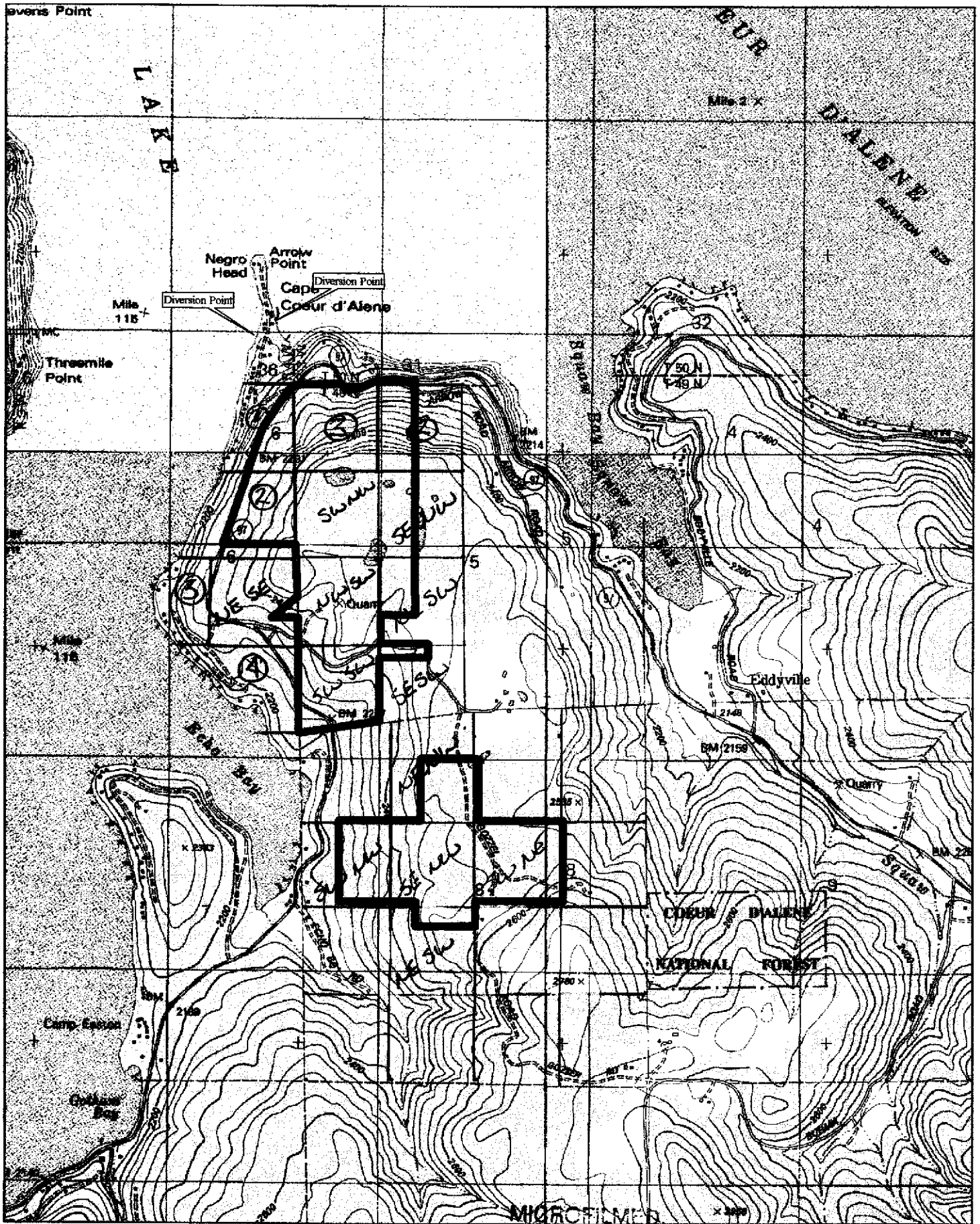
JAN 29 2003

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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	
49N.	36W.	5					4.2 m	4.3 m	m	m	m	m	m	m					
49N.	36W.	6	4.1 m			4.2 m									m				
49N.	36W.	8		m			m		m	m	m								



USED ONLY FOR REFERENCE
 UNIT IS NOT RESPONSIBLE
 IF HEREIN CONTAINED



TOWNSHIP

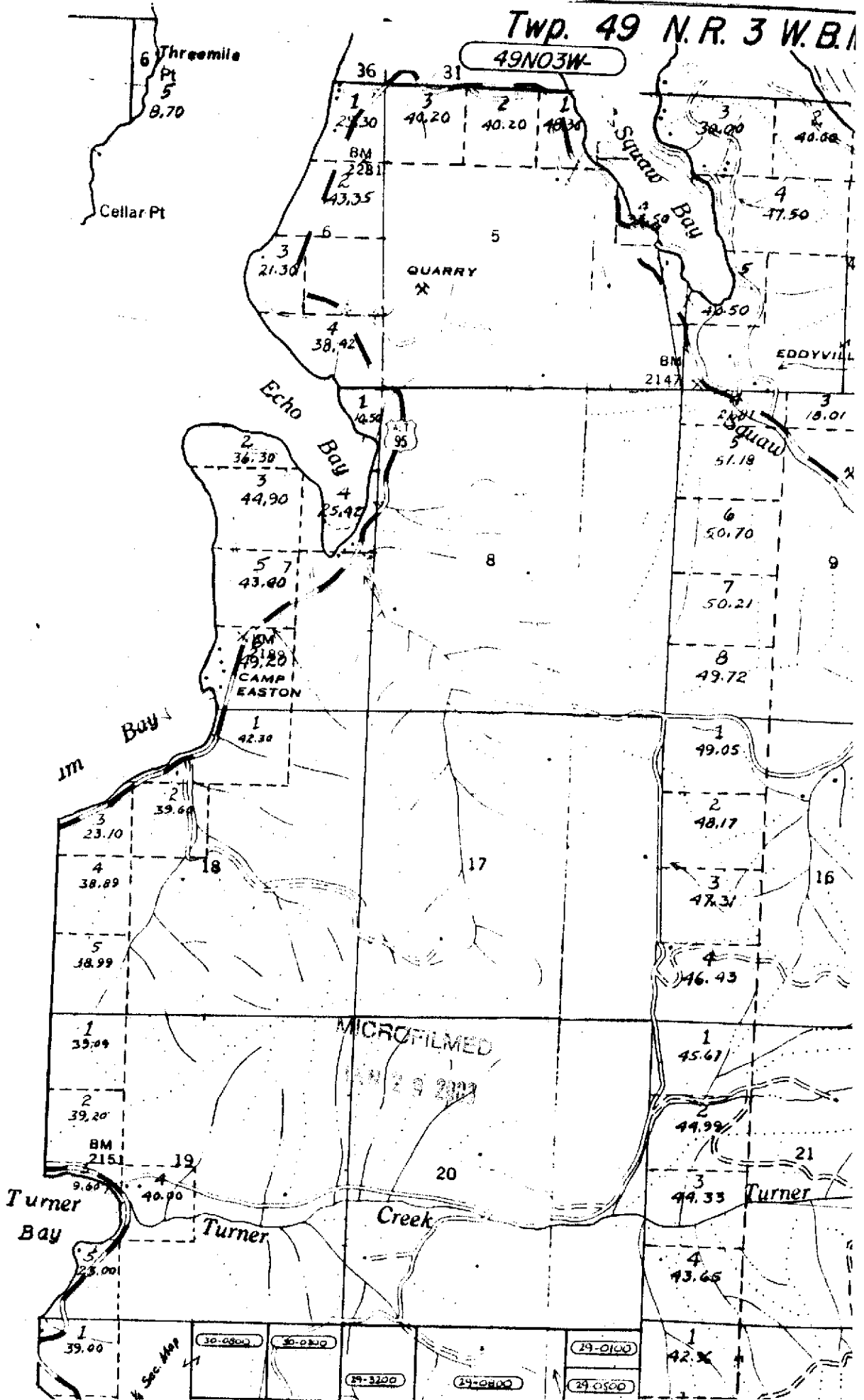
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36

NAI COUNTY IDAHO

SECTION NUMBER SYSTEM
 IN STANDARD TOWNSHIP

1	2
3	4
5	6
7	8
9	10
11	12
13	14
15	16
17	18
19	20
21	22
23	24
25	26
27	28
29	30
31	32
33	34
35	36

NAME AND NUMBER SYSTEM
 STANDARD SECTION



MICROFILMED
 JAN 29 2003

30-0800	30-0800	29-0100	29-0100
29-3200	29-0800	29-0500	29-0500

LAKE

Sec. 36.
13.36

Sec. 35.

R P S

100 90 80 70 60 50 40 30 20 10 0
Scale 100 feet to an inch.



The above sketch of Township 13 S. 35 E. 13 R. 13 S. 36 E. is a sketch of the survey theory on file in this office which has been examined and found correct.

Surveyor General's Office,
Boise City, Idaho
May 2, 1900.

Per report of
Surveyor General

MICROFILMED
JAN 29 2003



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 23, 2002

FORTRESS LLC
1250 IRONWOOD DR STE 310
COEUR D ALENE ID 83814

RE: Permit No. 95-9113

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 a least sixty days prior to the commencement of work in the stream.

MICROFILMED

JAN 29 2003

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 208-327-7946.

Sincerely,

Sharla Curtis
for Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

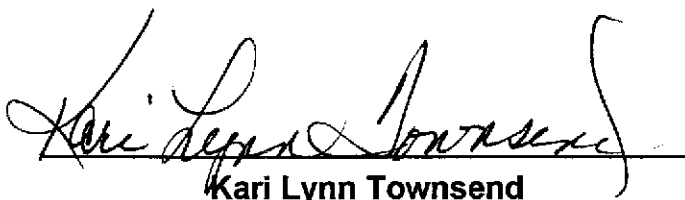
JAN 23 2003

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2002 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. 95-9113

**FORTRESS LLC
1250 IRONWOOD DR STE 310
COEUR D ALENE ID 83814**


Kari Lynn Townsend
Secretary

MICROFILMED

JAN 23 2003

**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.

MEMORANDUM

To: File 95-9113

From: Sharla

Date: August 22, 2002

Re: Fish & Game Comments

The IDFG representative who submitted comments has recommended adding conditions regarding the underwater excavation and pump/pipeline placements in the stream bed. These issues go beyond the scope of the water right application and fall instead under the jurisdiction of the Stream Channel Alteration section of this department and/or Dept. of Lands via an encroachment permit.

The standard conditions regarding the approach velocity and mesh screening will be placed on the permit, but the other issues above will not be addressed by the water right permit.

MICROFILMED

JAN 25 2003

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 8/22/02

No. 95-9113 Name: Fortress Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: ☒ No/Yes SW Moratorium not being held for Rathburn Prairie _____ GWMA _____ TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

WMD

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
Trust - 051 (consumptive uses)
Non-Trust - 048 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

BENEFICIAL USE DUE: 9/01/2007

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response

In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD - R04 (WD# _____)

≤ 0.20 cfs/others - 01H, 01P or No MD

> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WDB

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075

Irr GW supp to SW - 102

Future needs - 007,109

FISH PROP - 029 (70's only)-007-122-106

DOMESTIC

Surface water - WB5 (Big Wood/Boise above Star Bridge)

- 27A (Payette R)

>1 in restricted area - 070-071-075 (no parks/common areas)

Irr separate or none allowed - WB5

GW w/irrigation from SW evident - 065-104

Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

Multiple pd's per 1/4 - W32

Subd lot desc (pd) - W59

Subd lot desc (pu) - W60

Use definitions - W02 example - S/50 range

Pre-1987 development - 068-074 (allow 120 days for proof due)

Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

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

W.R. # 95-9113

APPLICATION ID # 69726
INITIAL REVIEW

ENT. 3/5 BCA 3/5 OK to Publish 1/5

APPLICANT: CORTRESS, LLC BY: [Signature] DATE: 2/7/02

ITEM REQUIRED INFORMATION

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

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

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 # _____

RECEIVED

MAY 20 2002

Department of Water Resources

PROCESSING

(Yes)(No)

PRIORITY DATE: 10/26/01

(Include Moratorium Remark)

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

ADVERTISE IN: KOOTENAI Count: _____

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
- () Power Information () Other: n/a

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other: n/a

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom. _____ Non-Dom. _____	Raid \$ _____	_____	Y() N()
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y() N()
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y() N()

- ☐ Groundwater management area
- ☐ Critical ground water area
- ☐ Well Drilling Permit required
- ☐ Well Drilling Application and Fees received
- ☐ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- ☐ Notice of pending void order issued. Final order response date: _____/_____/_____
- ☐ Further information required from applicant
- 4/1 ☒ Affidavit of publication received
- 4/1 ☒ Application published correctly. If not, record action taken: _____
- 3/13 ☒ Publication dates and paper recorded on application
- ☐ Protests received, Final protest date: 4/18/02 | Sr. Agent initial _____
- ☐ Measuring device required
- ☐ Measuring port required
- ☐ Special conditions: _____
- ☐ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: _____ Date: _____/_____/_____



IDAHO FISH & GAME

PANHANDLE REGION
2750 Kathleen Avenue
Coeur d'Alene, Idaho 83815

Dirk Kempthorne/Governor
Steven Huffaker/Director

March 14, 2002

Mr. Robert Haynes
Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd, S 210
Coeur d'Alene, ID 83814

(8)

RECEIVED
MAR 18 2002
IDWR/North

Dear Mr. Haynes:

REFERENCE: #95-9113, FORTRESS LLC

We have reviewed the above named application for a water right to withdraw 1.0 cfs from Coeur d'Alene Lake for municipal use. We have no specific objections to or comments about the water right.

However, water lines and pumps are an encroachment in lakes and rivers that can be detrimental to fish and fish habitat. The applicant should obtain necessary encroachment permits from Idaho Department of Lands prior to the installing water lines or pumps in public waters.

Because of the pumping capacity of the proposed intake pumps (two pumps at 250 gpm each, 8" pipe), IDFG will be especially interested in reviewing the intake design. Intakes should be designed with a maximum screen mesh size of 0.25 inches and intake approach velocities not to exceed 0.5 ft/second to prevent entrainment or impingement of fish. The applicant should also provide a smooth cover for the pump and lines to avoid interference with boat anchors or anglers' lines and to avoid capturing debris. It would be preferable to place pumps on land rather than in the water.

Thank you for the opportunity to comment.

Sincerely,

Greg Tourtlotte
Regional Supervisor

GIT:RH:kh

C: Tracey Trent, NRPB Boise
Fortress LLC, 1250 Ironwood Drive #310, Coeur d'Alene, ID 83814

File: IDWR #95-9113, fortress llc

MICROFILMED

JAN 29 2003

Keeping Idaho's Wildlife Heritage

RECEIVED

APR 01 2002

AFFIDAVIT OF PUBLICATION

IDWR/NORTH

STATE OF IDAHO,

County of Kootenai,

ss.

Jennifer Standridge

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 issue of said newspaper for 21 2 consecutive Thursday Weeks commencing on the 21 day of March 2002 and ending on the 28 day of March 2002 and such publication was made as often during said period as said 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.

Personally appeared before me this 28 day of March

2002

Regina Mason

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/03

MICROFILMED

APR 24 2002

NOTICE OF APPLICATION FOR WATER RIGHT

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

95-9113

FORTRESS LLC
1250 IRONWOOD DR
SITE 310

COEUR D ALENE ID 83814

Point(s) of Diversion: L4 SESESE S36 T50N R04W KOOTENAI County
Source COEUR D ALENE LAKE Tributary To SPOKANE RIVER

Use: MUNICIPAL 01/01 To 12/31 1 CFS

Total Diversion 1 CFS

Date Filed: 10/26/2001

Place Of Use: MUNICIPAL

T49N R03W S5 NENW NWNW SWNW SENW NESW NWSW SWSW SESW

T49N R03W S6 NENE SENE NESE

T49N R03W S8 NWNE NENW SWNW SENW NESW

Remarks: Municipal use is within applicant's service area

95-9117

PINEVIEW ESTATES WATER DISTRICT

PO BOX 1177

HAYDEN ID 83835

Point(s) of Diversion: SENE S11 T51N R04W KOOTENAI County
Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 1.11 CFS

Total Diversion 1.11 CFS

Date Filed: 03/06/2002

Place Of Use: MUNICIPAL

T51N R04W S12 SWNW NWSW

Remarks: Municipal use is within applicant service area

95-9120

ELLEN LARSEN

W 6700 STURGEON RD

RATHDRUM ID 83858

Point(s) of Diversion: SWSE S18 T52N R04W KOOTENAI County
Source UNNAMED STREAM Tributary To SINKS

Use: IRRIGATION 03/15 To 11/15 0.06 CFS

Use: IRRIGATION STORAGE 01/01 To 12/31 1.5 AFA

Use: IRRIGATION FROM STORAGE 03/15 To 11/15 1.5 AFA

Use: WILDLIFE STORAGE 01/01 To 12/31 1.5 AFA

Use: RECREATION STORAGE 01/01 To 12/31 1.5 AFA

Total Diversion 0.06 CFS

Date Filed: 03/12/2002

Place Of Use: IRRIGATION

T52N R04W S18 SWSE

Number of Acres 2

Place Of Use: IRRIGATION STORAGE, IRRIGATION FROM STORAGE,
RECREATION STORAGE AND WILDLIFE STORAGE same as IRRIGATION.

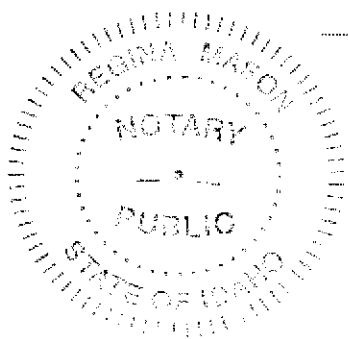
Remarks: Recreation is for fish, ice-skating, etc.

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 04/08/2002. The protestant must also send a copy of the protest to the applicant.

Legal 0664
March 21, 28, 2002

KARL J. DREHER, Director



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

95-9113

FORTRESS LLC
1250 IRONWOOD DR
SITE 310
COEUR D'ALENE ID 83814

Point(s) of Diversion L4 SESESE S36 T50N R04W KOOTENAI County
Source COEUR D'ALENE LAKE Tributary To SPOKANE RIVER
Use: MUNICIPAL 01/01 To 12/31 1 CFS

Total Diversion: 1 CFS

Date Filed: 10/26/2001

Place Of Use: MUNICIPAL

T49N R03W S5 NENW NWNW SWNW SENW NESW NWSW SWSW SESW
T49N R03W S6 NENE SENE NESE
T49N R03W S8 NWNE NENW SWNW SENW NESW

Remark: Municipal use is within applicant's service area

95-9117

PINEVIEW ESTATES WATER DISTRICT
PO BOX 1177
HAYDEN ID 83835

Point(s) of Diversion SENE S11 T51N R04W KOOTENAI County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 1.11 CFS

Total Diversion: 1.11 CFS

Date Filed: 03/06/2002

Place Of Use: MUNICIPAL

T51N R04W S12 SWNW NWSW

Remark: Municipal use is within applicant's service area

95-9120

ELLEN LARSEN
W 6700 STURGEON RD
RATHDRUM ID 83858

Point(s) of Diversion SWSE S18 T52N R04W KOOTENAI County
Source UNNAMED STREAM Tributary To SINKS

Use: IRRIGATION 03/15 To 11/15 0.06 CFS

Use: IRRIGATION STORAGE 01/01 To 12/31 1.5 AFA

Use: IRRIGATION FROM STORAGE 03/15 To 11/15 1.5 AFA

Use: WILDLIFE STORAGE 01/01 To 12/31 1.5 AFA

Use: RECREATION STORAGE 01/01 To 12/31 1.5 AFA

Total Diversion: 0.06 CFS

Date Filed: 03/12/2002

Place Of Use: IRRIGATION

T52N R04W S18 SWSE

Number of Acres2

Place Of Use: IRRIGATION STORAGE, IRRIGATION FROM STORAGE, RECREATION STORAGE AND
WILDLIFE STORAGE same as IRRIGATION.

Remark: Recreation is for fish, ice-skating, etc.

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 04/08/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on 3/21 and 28, 2002.

MICROFILMED

JAN 29 2003



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 13, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

FAXED TO 664-0212
3/13/02 - MID-AFTERNOON

RE: Application for Permit No. 95-9113, 95-9117 and 95-9120

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (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 04/08/2002. Your cooperation is appreciated.

Sincerely

Dianne Ball
Administrative Assistant

MICROFILMED

JAN 29 2003



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 13, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

FORTRESS LLC
1250 IRONWOOD DR
SITE 310
COEUR D ALENE ID 83814

RE: Application for Permit No 95-9113

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 Marcy 21 and 28, 2002. 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. N014726

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JAN 29 2003



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 05, 2002

RAY HENNEKEY
IDAHO DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83815

Application to Permit No. 95-9113

IDAHO DEPT OF FISH & GAME :

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office. We plan to advertise this application on March 21 and 28, 2002, which would make a final date for protests to be received in our office April 8, 2002.

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

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure(s)

MICROFILMED

JAN 29 2003



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

FAX TRANSMITTAL COVER SHEET

DATE: 2-5-02

TO: STEVE CORDES

FROM: AL BEARDSLEE -IDWR

FAX #: _____

DOCUMENT DESCRIPTION:

PLEASE REVIEW CHANGES MADE TO THE LEGAL DESCRIPTIONS
ON ITEM 9.0 & MAPS.

LET ME KNOW IF YOU AGREE WITH CHANGES.

THANKS, AL
2-7-02 - STEVE CALLED BACK AND AGREED WITH CHANGES MADE
TOTAL PAGES SENT: _____ PLUS (+) COVER SHEET TO FILING.

CONTACT: _____
(NAME OF SENDER)

CHARGES: One (1) free copy per request, cover sheet not included. Two (2) or more copies per request are \$0.25 per page with a \$0.50 minimum

PLEASE CONSIDER THIS DOCUMENT AS A BILLING STATEMENT.

THE CHARGE FOR YOUR FAX COPIES IS \$ _____

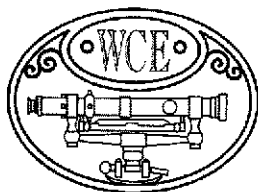
PLEASE REMIT BY RETURN MAIL TO THE ABOVE ADDRESS.

PHONE NO: (208) 769-1450

FAX NO: (208) 769-1454

MICROFILMED

JAN 29 2003



WELCH COMER
& ASSOCIATES, INC.
ENGINEERS & SURVEYORS

RECEIVED
OCT 26 2001
IDWR/North

TRANSMITTAL

ATTN.:		DATE:	October 26, 2001
TO:	Department of Water Resources	RE:	Arrow Point Sewer Facilities
	1910 Northwest Blvd., #210		IDWR Application for Permit
	Coeur d'Alene, ID 83814	Proj. #:	11550.00.0

ITEMS TRANSMITTED

☐ MAILED

☒ DELIVERED - Rec'd by: _____ Date _____

COPIES	DATE	DESCRIPTION
1	9-2001	State of Idaho Department of Water Resources Application for Permit

THESE ARE TRANSMITTED AS CHECKED BELOW:

☒ FOR APPROVAL

☐ NO EXCEPTIONS TAKEN

☐ RETURNED AFTER LOAN TO US

☐ FOR YOUR USE

☐ MAKE CORRECTIONS NOTED

☐ REJECTED - SEE REMARKS

☐ AS REQUESTED

☐ REVISE AND RESUBMIT

☐ RETURN ____ CORRECTED PRINTS

☐ FOR YOUR REVIEW AND COMMENT

☐ _____

REMARKS:

Please find attached the State of Idaho Department of Water Resources Application for Permit.

If you have any questions please feel free to contact our office.

Thank you.

MICROFILMED

JAN 29 2003

COPY TO:

FROM: Steve Cordes, P.E.

1626 Lincoln Way, Coeur d'Alene, ID 83814 (208) 664-9382 FAX (208) 664-5946

E-Mail: wc@welchcomer.com