

**STARTING  
LEFT  
SIDE OF  
FILE**

State of Idaho  
Department of Water Resources

## Permit to Appropriate Water

NO. 91-07156

Priority: October 05, 2005

Maximum Diversion Rate: 0.16 CFS

This is to certify, that ACE MARTIN  
2400 FLAT CREEK RD  
ST MARIES ID 83861

has applied for a permit to appropriate water from:

**Source:** ST JOE RIVER

**Tributary:** COEUR D ALENE LAKE

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                 |
| IRRIGATION            | 03/15 to 10/31       | 0.12 CFS                 |

**LOCATION OF POINT OF DIVERSION:**

ST JOE RIVER L10 (SW¼ SW¼) Sec. 14, Twp 46N, Rge 02W, B.M. BENEWAH County

**PLACE OF USE:** DOMESTIC

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |      |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|------|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW   | SE | NE | NW | SW | SE |        |
| 46N 02W 14  |    |    |    |    |    |    |    |    |    |    | X    |    |    |    |    |    |        |
|             |    |    |    |    |    |    |    |    |    |    | L 10 |    |    |    |    |    |        |

**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 |        |
| 46N 02W 14  |    |    |    |    |    |    |    |    |    |    | 6.0  |    |    |    |    |    | 6.0    |
|             |    |    |    |    |    |    |    |    |    |    | L 10 |    |    |    |    |    |        |

Total Acres: 6

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2011**.
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 the permit holder had no control.
4. Domestic use is for 2 homes. Irrigation of lawn, garden and landscaping associated with the homes is authorized under the irrigation component of this right.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

State of Idaho  
Department of Water Resources

**Permit to Appropriate Water**

NO. 91-07156

6. Water shall not be diverted under this right when flows in the St. Joe River are below established minimum flow amounts. The right holder shall be responsible for monitoring the daily flow of the St. Joe River using real-time data published on the Internet by the U. S. Geological Survey and shall cease diverting water when flows in the St. Joe River are below established minimum instream flow amounts.
7. 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.
8. Failure of the right holder to comply with any condition of approval is cause for the Director to void this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 10<sup>th</sup> day of July, 2006.

Shelley W. Keen  
FOR KARL DREHER, Director

72343

Ident. No. 91-7156

RECEIVED

NOV 14 2005

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

RECEIVED

OCT 05 2005

Department of Water Resources

To appropriate the public waters of the State of Idaho

IDWR/North

1. Name of Applicant ACE MARTIN Phone 245-4160  
Mailing address 2400 FLAT Creek Rd ST Maries ID 83861  
2. Source of water supply ST Joe River which is a tributary of CDA Lake  
3. Location of point of diversion is Township 46N Range 2W Sec. 14, in the SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Govt. Lot 10, B.M., BENOWAN County;

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount .04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount .12 for Irrigation purposes from 3/15 to 10/31 (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) .16 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6. Proposed diverting works: Pump in river

a. Describe type and size of devices used to divert water from the source Pump to pipeline, home  
and sprinklers

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 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. 2

e. Other; describe fully. \_\_\_\_\_

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 |        |
| 46N | 2W  | 14  |    |    |    |    |    |    |    |    |    |    | L10<br>D/6 |    |    |    |    |    | 6      |
|     |     |     |    |    |    |    |    |    |    |    |    |    |            |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |            |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |            |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |            |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |            |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |            |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |            |    |    |    |    |    |        |

Total number of acres to be irrigated 6

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? Applicant

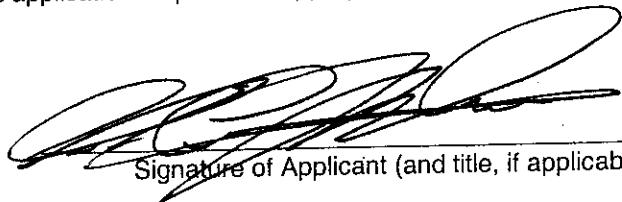
b. Who owns the land to be irrigated or place of use? Applicant

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: \_\_\_\_\_

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 118. Date 10-5-05 Time 1:23 Preliminary check by \_\_\_\_\_  
 Fee \$ 100.00 Received by 118. # NO. 17222 Date 10-5-05  
 Publication prepared by 118. Date 10/13/05 Published in Samaria Dargatzis 10/19 + 26/05  
 Publication approved 118. Date 11/1/05

# Martin

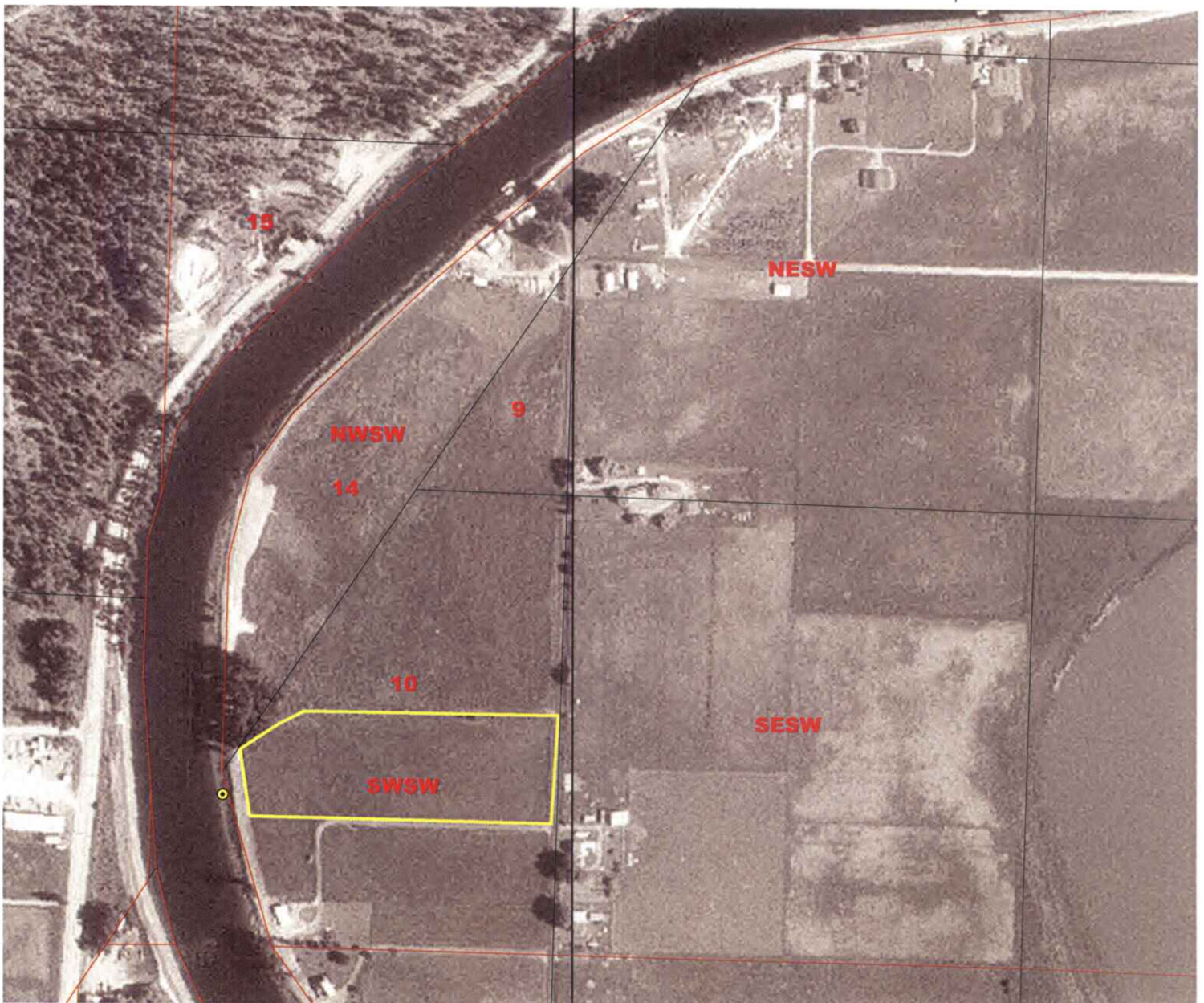
**T46N R2W Section 14**



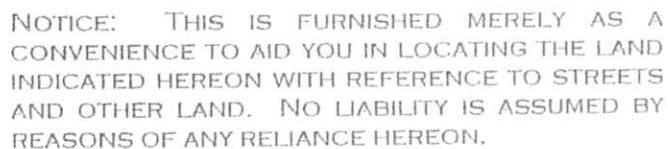
**Place of Use**



**Point of Diversion**



Twp. 46 N., Rg. 2 W., B.M.  
Benewah County, Idaho



**NOW  
STARTING  
RIGHT  
SIDE OF  
FILE**



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

July 10, 2006

**JAMES E. RISCH**  
Governor

**KARL J. DREHER**  
Director

ACE MARTIN  
2400 FLAT CREEK RD  
ST MARIES ID 83861

RE: Permit No. 91-7156

**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,

Shelley W. Keen  
Water Rights Supervisor

SWK:klf

Enclosure(s)

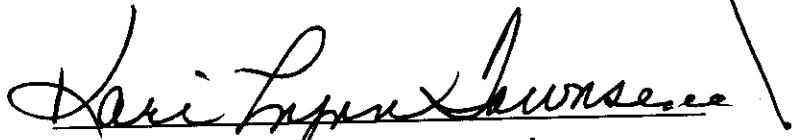
## **CERTIFICATE OF SERVICE**

I hereby certify that on July 10, 2006 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.**

**91-7156**

**ACE MARTIN  
2400 FLAT CREEK RD  
ST MARIES ID 83861**

A handwritten signature in black ink, reading "Kari Lynn Townsend", is written over a horizontal line. To the right of the signature, there is a long, thin, slightly curved line that extends upwards and to the right.

**Kari Lynn Townsend  
Secretary**

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

(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. 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.

**Retelle, Erin**

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**From:** Ace Martin [acemartin38@hotmail.com]  
**Sent:** Thursday, July 06, 2006 9:07 PM  
**To:** Retelle, Erin  
**Subject:** Permit # 91-07156,,,ACE 2nd letter

To Erin Retelle.

6/15/2006

In regards to permit # 91-07156.

It is my intention to go foreword to the completion of this application.  
I understand the ramifications of possible water shortage during some reduced supply.  
Thank you for your clear explanation of the letter I received from your office, dated May 25,2006.

Ace Martin

208-245-4160, and my some times cell phone 208-582-1818

Please confirm you receiving of this note. [Acemartin38@hotmail.com](mailto:Acemartin38@hotmail.com)

**Thanks again Ace**

**Ace**

<http://www.acemartinphotos.com/>

[acemartin38@hotmail.com](mailto:acemartin38@hotmail.com)

photo web site

<http://acemartinphotos.com>

check out our web sites on msn.

<http://groups.msn.com/AceandLaurieMartin>

**Laurie**

<http://groups.msn.com/TravelLore>

Also use Laurie's E-Mail address, be sure to put in the underscore ( \_ ) ..

[travel\\_lore@hotmail.com](mailto:travel_lore@hotmail.com)

7/7/2006



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 25, 2006

ACE MARTIN  
2400 FLAT CREEK RD  
ST MARIES ID 83861

RE: Application for Permit No. 91-07156

Dear Applicant:

IDWR is reviewing the application you submitted for a right to divert 0.16 cfs from the St. Joe River for domestic use and the irrigation of 6 acres. Idaho Code § 42-203A(5) requires IDWR to ensure that the use of water proposed in an application will not "reduce the quantity of water under existing rights." The Idaho Water Resource Board holds Water Right Permit 91-07122, which establishes a minimum instream flow in the St. Joe River from its confluence with Marble Creek to the confluence of St. Joe River with the St. Maries River. The minimum instream flow amount is 470.0 cfs from August 1 to October 31 and 941.0 cfs from November 1 to July 31. A copy of the minimum instream flow permit is enclosed.

IDWR is concerned that the diversion and use of water as proposed in your application will reduce the quantity of water available to maintain the minimum instream flow established by Water Right Permit 91-07122. Data collected by the U. S. Geological Survey at gauging station number 12414500, located on the St. Joe River near Calder, ID, from 2000 through 2004 show that the flow of the river falls below the minimum instream flow by mid-July in most years. For your reference, I have enclosed a table and charts comparing actual river flows to the minimum instream flow during the 2000 – 2004 irrigation seasons. The stream flow data was collected from the U. S. Geological Survey's Internet site at <http://id.water.usgs.gov/public/h2odata.html>.

If your application is approved, it will be issued with a condition requiring you to cease diverting water or to mitigate for your diversions during those periods that the flow of the St. Joe River falls below the minimum instream flow established in Water Right Permit 91-07122. To be acceptable, a mitigation plan must offset the depletion of water in one source by replenishing it with water from another source. If your application is approved, you will be responsible for monitoring the flow in the Priest River on the USGS Internet site (<http://waterdata.usgs.gov/id/nwis/current/?type=flow>) and curtailing your diversion or mitigating when the flow is below the minimum instream flow amount. If you cannot provide a source of mitigation water, it is likely that you will not be authorized to irrigate during significant portions of many irrigation seasons.

Application for Permit No. 91-07156  
May 25, 2006  
Page 2

Pursuant to Idaho Code § 42-1702, the penalty for the illegal diversion of water for irrigation purposes can be up to \$300 per acre irrigated per year. IDWR can also cancel permits pursuant to Idaho Code § 42-311 if the permit holder does not comply with the conditions of the permit.

After considering the impact of the minimum instream flow on your proposed project, please notify me in writing in 30 days if you still want IDWR to approve your application. If you are no longer interested in your application, please complete the enclosed withdrawal form and return it to me within 30 days. If IDWR does not receive a response within 30 days, IDWR will assume that you have no further interest in your application, and it will be voided.

If you have any questions, please call me at (208) 287-4949, or email me at [erin.retelle@idwr.idaho.gov](mailto:erin.retelle@idwr.idaho.gov).

Sincerely,

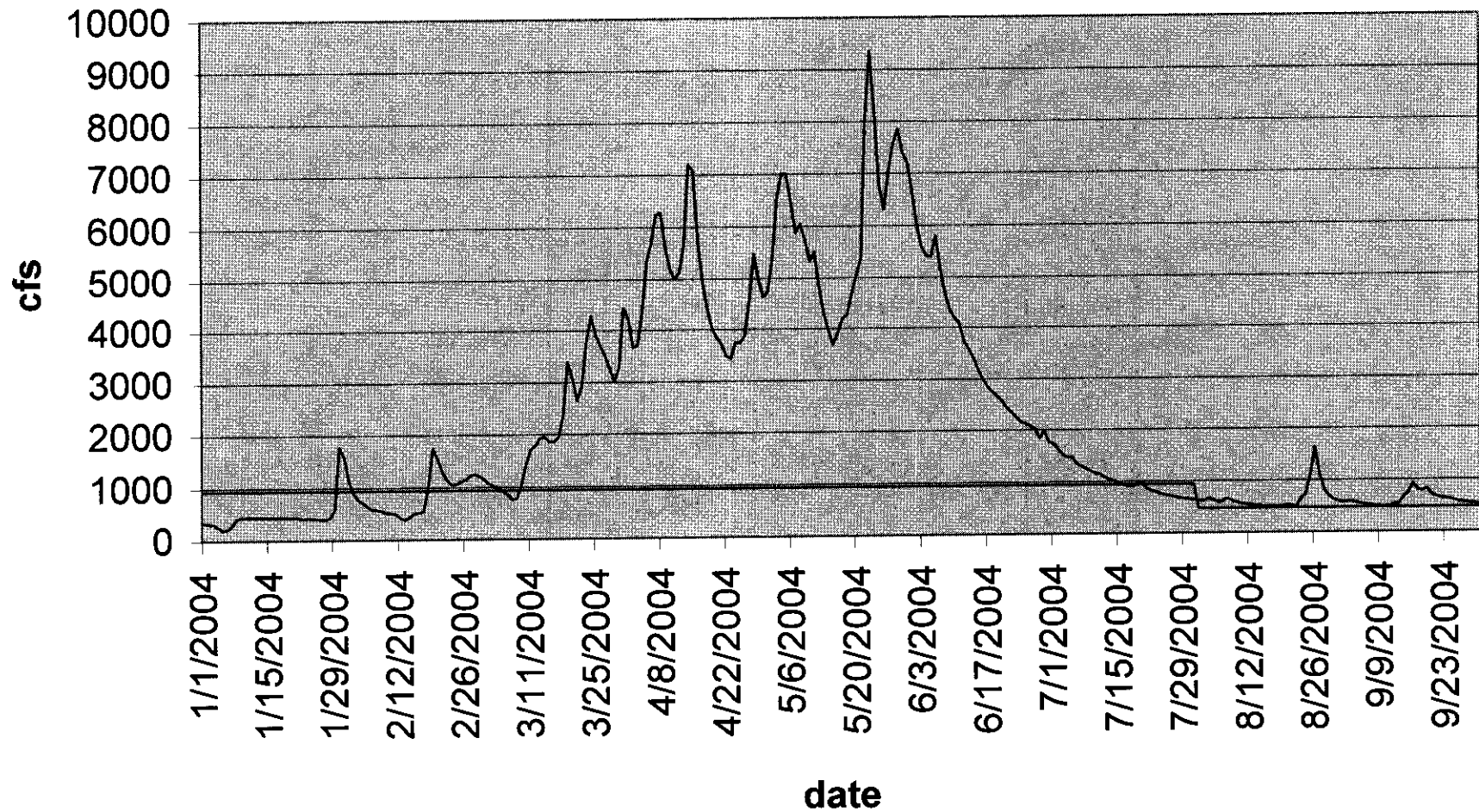
A handwritten signature in black ink, appearing to read "Erin Retelle", written in a cursive style.

Erin Retelle  
Water Resource Agent

Enclosures

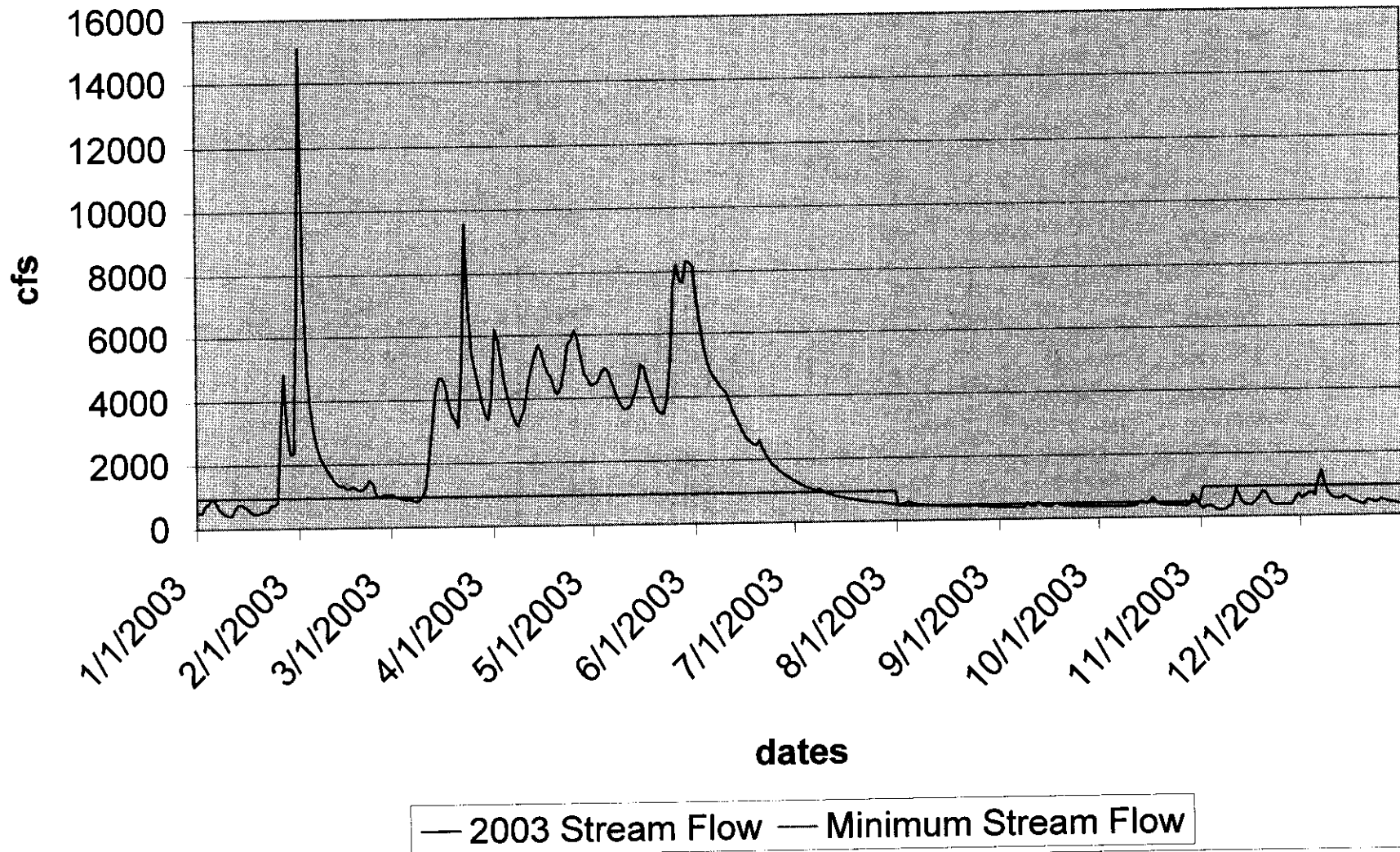
Cc: Bob Haynes, IDWR Northern Region

## St. Joe River Flows vs MSF 2004

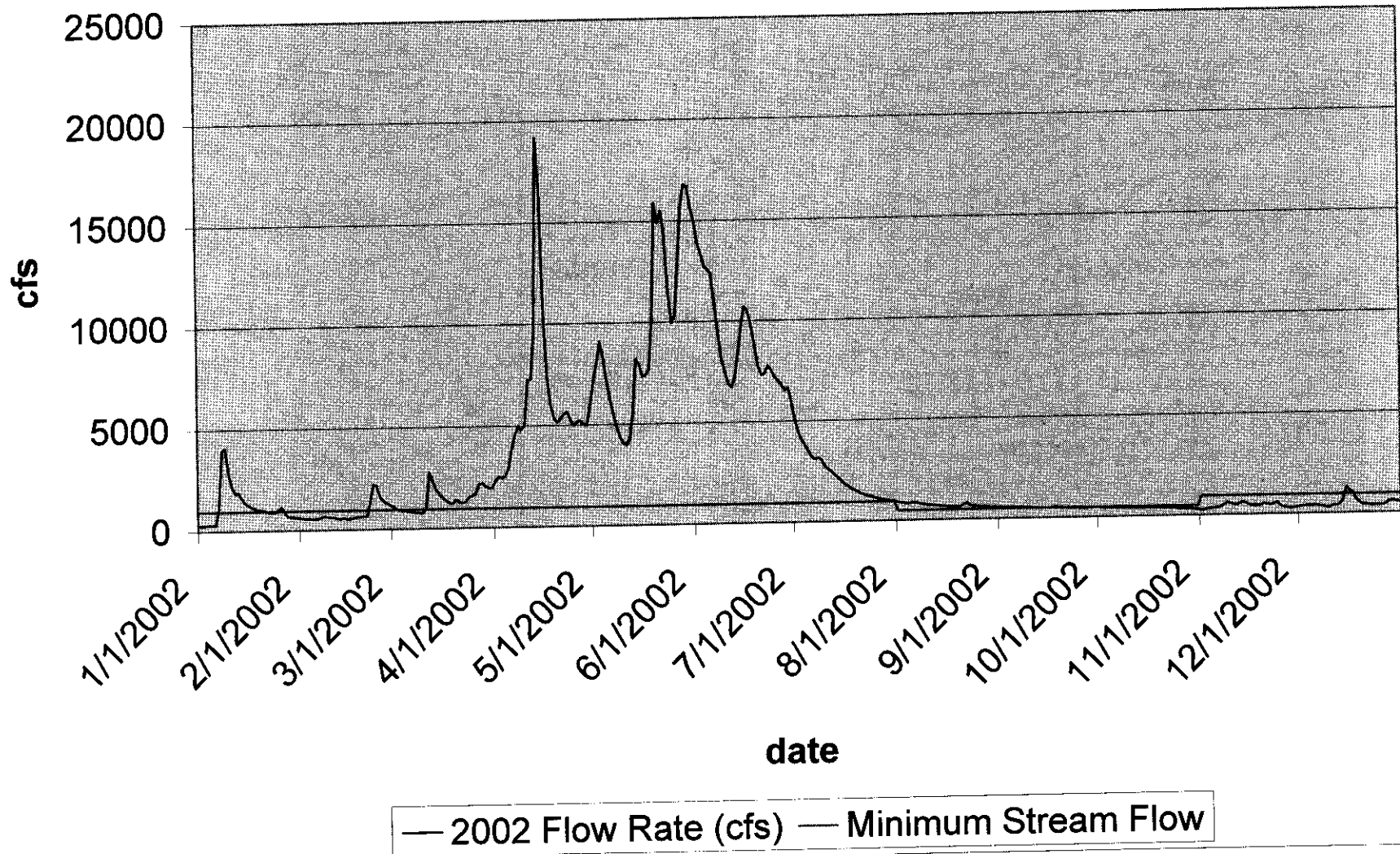


— 2004 Stream Flow — Minimum Stream Flow

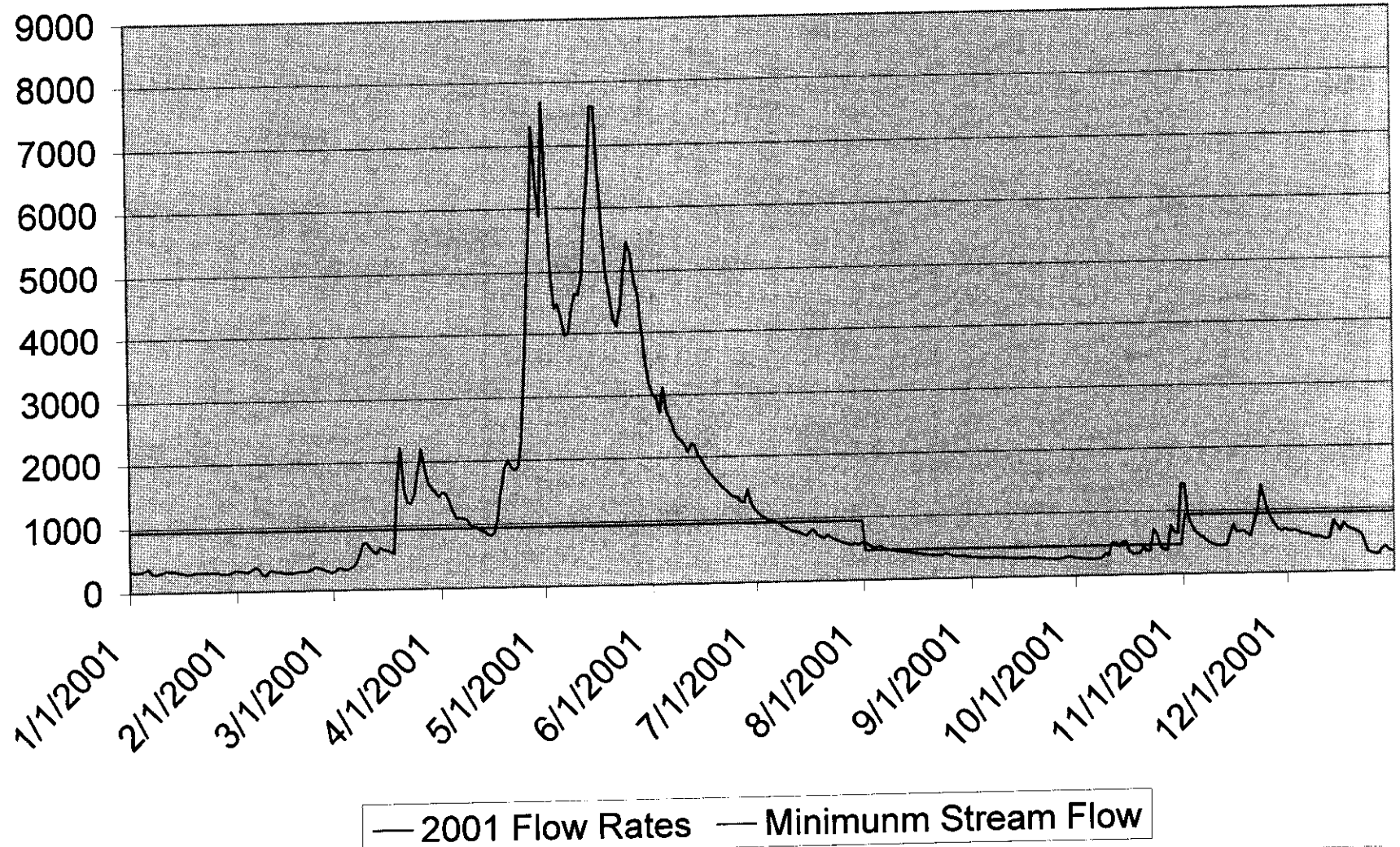
## St. Joe River Flows vs MSF 2003



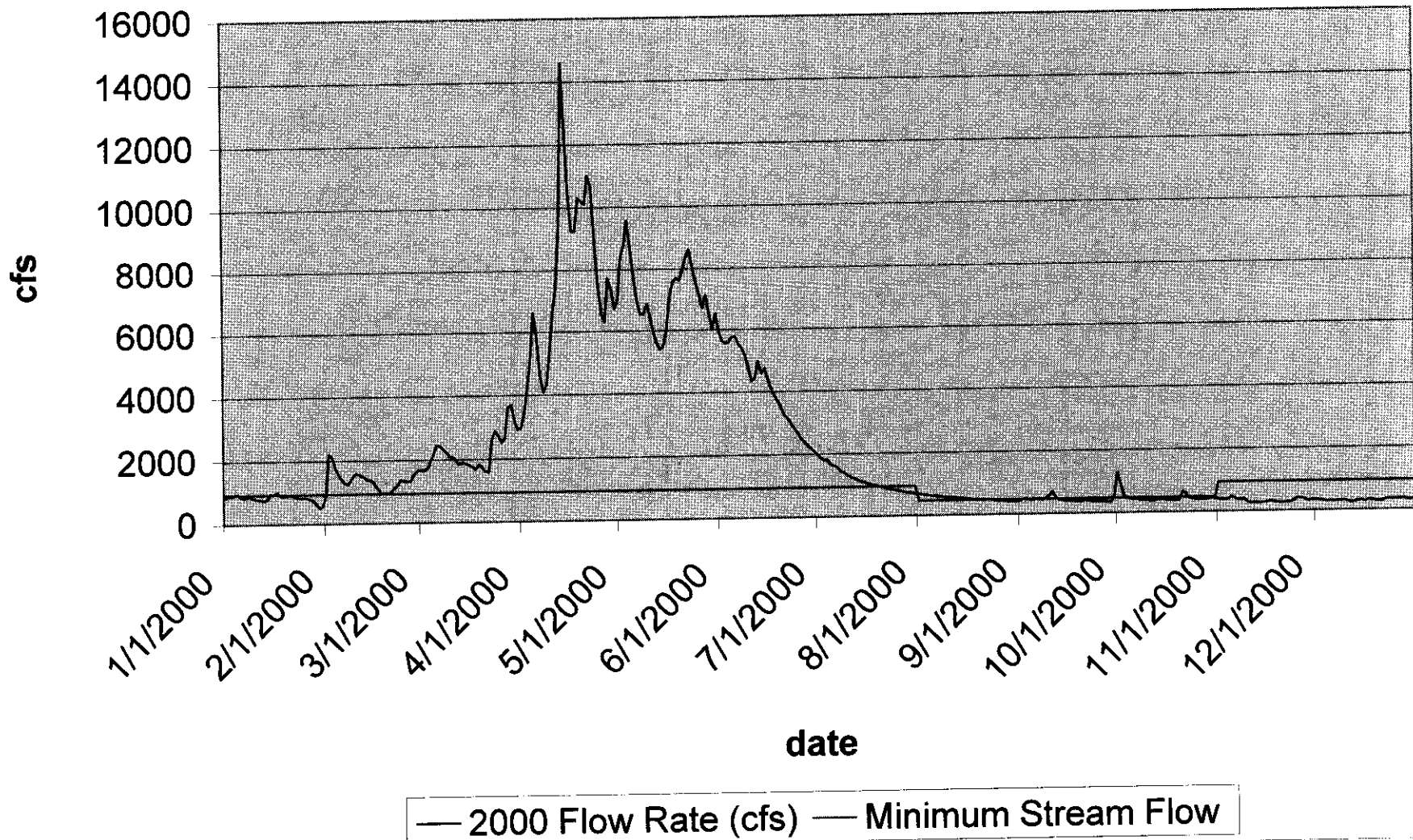
## St. Joe River Flows vs MSF 2002



## St. Joe River Flows vs MSF 2001



## St. Joe River Flows vs. MSF 2000



## MEMORANDUM

**Date:** November 17, 2005  
**To:** Water Right File 91-7156  
**From:** eretelle  
**Re:** permit review

---

No WD or moratorium.

Min Stream Flow - St. Joe River

No overlap or protest.

Recommend approval as suggested by IDWR Northern.

RECEIVED

NOV 01 2005

IDWR/North

**Affidavit of Publication**

STATE OF IDAHO

County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of two issues, the first publication being on the 19 day of October, 2005 and the last on the 26 day of October, 2005

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

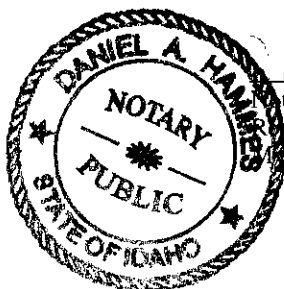
Dated this 26 day of October, 2005

Cynthia Ann Hammes

STATE OF IDAHO

COUNTY OF BENEWAH

On this 26 day of October, in the year of 2005 before me, a Notary Public, personally appeared Cynthia Ann Hammes, 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 she executed the same.



Daniel A. Hammes

Notary Public for Idaho  
Residing at St. Maries, Idaho  
commission expires:

07-13-2007

**Water use applications**

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

91-7155

WATERFORD PARK HOMES LLC

PO BOX 930

HAYDEN ID 83835

Point(s) of Diversion

SENE S7

T46N

R02W

BENEWAH County

Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31

0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 09/01/2005

Place Of Use: DOMESTIC

T46N R02W S7 NESE

Remark: Domestic use is for 13 homes.

91-7156

ACE MARTIN

2400 FLAT CREEK RD

ST MARIES ID 83861

Point(s) of Diversion

L10 (SWSW)

S14

T46N

R02W

BENEWAH County

Source ST JOE RIVER

Tributary To COEUR D'ALENE LAKE

Use: IRRIGATION

03/15 To 10/31

0.12 CFS

Use: DOMESTIC

01/01 To 12/31

0.04 CFS

Total Diversion: 0.16 CFS

Date Filed: 10/05/2005

Place Of Use: DOMESTIC

T46N R02W S14 SWSW Lot 10

Place Of Use: IRRIGATION - same as DOMESTIC

Number of Acres 6

Remark: Domestic use is for 2 homes

92-10022

MARION SMITHWICK WOODSTOCK

PO BOX 257

SANTA ID 83866

Point(s) of Diversion

L7 (SESE)

S35

T44N

R03W

BENEWAH County

Source SOUTH FORK SANTA CREEK Tributary To SANTA CREEK

Use: DOMESTIC 01/01 To 12/31

0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 09/14/2005

Place Of Use: DOMESTIC

T44N R03W S35 SESE Lot 7

Remark: Domestic use is for 1 home.

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 11/07/2005. The protestant must also send a copy of the protest to the applicant.  
KARL J DREHER, Director Published on October 19 and 26, 2005  
6273 Oct. 19-Oct. 26

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

**91-7155**

WATERFORD PARK HOMES LLC  
PO BOX 930  
HAYDEN ID 83835

Point(s) of Diversion SENE S7 T46N R02W  
BENEWAH County  
Source GROUND WATER  
Use: DOMESTIC 01/01 To 12/31 0.2 CFS  
Total Diversion: 0.2 CFS

Date Filed: 09/01/2005  
Place Of Use: DOMESTIC  
T46N R02W S7 NESE Lot 7  
Remark: Domestic use is for 13 homes.

**91-7156**

ACE MARTIN  
2400 FLAT CREEK RD  
ST MARIES ID 83861

Point(s) of Diversion L10 (SWSW) S14 T46N R02W  
BENEWAH County  
Source ST JOE RIVER Tributary To COEUR D ALENE LAKE  
Use: IRRIGATION 03/15 To 10/31 0.12 CFS  
Use: DOMESTIC 01/01 To 12/31 0.04 CFS  
Total Diversion: 0.16 CFS

Date Filed: 10/05/2005  
Place Of Use: DOMESTIC  
T46N R02W S14 SWSW Lot 10  
Place Of Use: IRRIGATION – same as DOMESTIC  
Number of Acres 6  
Remark: Domestic use is for 2 homes

**92-10022**

MARION SMITHWICK WOODSTOCK  
PO BOX 257  
SANTA ID 83866

Point(s) of Diversion L7 (SESE) S35 T44N R03W  
BENEWAH County  
Source SOUTH FORK SANTA CREEK Tributary To SANTA CREEK  
Use: DOMESTIC 01/01 To 12/31 0.04 CFS  
Total Diversion: 0.04 CFS

Date Filed: 09/14/2005  
Place Of Use: DOMESTIC  
T44N R03W S35 SESE Lot 7  
Remark: Domestic use is for 1 home.

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 11/07/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on October 19 and 26, 2005



**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

October 13, 2005

*Please FAX proof copy before publication, to 208-769-1454*  
*Thanks, Dianne*

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

RE: Application for Permit No. 91-7155, 91-7156 and 92-10022

**Dear Kaisie:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, October 19 and 26, 2005, (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 11/07/2005. Your cooperation is, as always, GREATLY appreciated.

It is always a pleasure to work with you,

Thank you,

Sincerely

*Dianne*

Dianne Ball  
Administrative Assistant

## Ball, Dianne

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**From:** Ball, Dianne  
**Sent:** Thursday, October 13, 2005 1:45 PM  
**To:** Legal Notices-SMGazette (E-mail)  
**Subject:** Legal Notice for publication on October 19 and 26, 2005.

Good day, Kaisie,

Attached is our cover letter requesting publication on October 19 and 26 of a legal notice, also attached.

PLEASE FAX PROOF COPY PRIOR TO PUBLICATION to 208-769-1454.

If you have ANY questions, please call me at 208-769-1450.

Thanks very much - always a pleasure to work with you.

*Dianne*

*Dianne Ball*

*Administrative Assistant*

*Idaho Dept of Water Resources*

*1910 Northwest Blvd., Suite 210*

*Coeur d'Alene, ID 83814*

*Phone (208)769-1450 FAX (208)769-1454*



CoverLetter  
0-13-05 SMGazette.



LegalNotice  
0-13-05 SMGazette.



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**  
Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615  
Phone: (208) 769-1450 Fax: (208) 769-1454 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

October 13, 2005

ACE MARTIN  
2400 FLAT CREEK RD  
ST MARIES ID 83861

RE: Application for Permit No 91-7156

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the St Maries Gazette on October 19 and 26, 2005. 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,

Gregory J. Taylor  
Senior Water Resource Agent



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

October 12, 2005

JIM BRADY  
IDAHO DEPARTMENT OF LANDS  
3706 INDUSTRIAL AVE S  
COEUR D'ALENE, ID 83815

FAXED TO JIM 10/12/05  
5 pages total

Re: Water Permit Application No. 91-7156

Dear Jim:

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 **November 7, 2005**. 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 769-1454, or by e-mail to [Dianne.Ball@idwr.idaho.gov](mailto: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, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

October 12, 2005

MARY TERRA-BERNS  
IDAHO DEPARTMENT OF FISH AND GAME  
2750 KATHLEEN AVE.  
COEUR D'ALENE, ID 83815

FAXED TO MARY 10/12/05  
5 pages total

Re: Water Permit Application No. 91-7156

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 **November 7, 2005**. 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 769-1454, or by e-mail to [Dianne.Ball@idwr.idaho.gov](mailto:Dianne.Ball@idwr.idaho.gov).

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

Sincerely,

Dianne Ball  
Administrative Assistant