

**STARTING  
LEFT  
SIDE OF  
FILE**

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 3-10224

Priority: January 31, 2006

Maximum Diversion Rate: 0.12 CFS

This is to certify, that RICHARD ROGERS  
2203 16TH AVE  
LEWISTON ID 83501

has applied for a permit to appropriate water from:

Source: SNAKE 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> |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 03/15 to 11/15       | 0.12 CFS                 |
| FIRE PROTECTION       | 01/01 to 12/31       | 0.12 CFS                 |

LOCATION OF POINT OF DIVERSION:

SNAKE RIVER L2 (SE¼ NE¼) Sec. 3, Twp 31N, Rge 05W, B.M. NEZ PERCE County

PLACE OF USE: IRRIGATION

| Twp Rge Sec | NE |    |    |     | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE  | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 31N 05W 3   |    |    |    | 4.0 |    |    |    |    |    |    |    |    |    |    |    |    | 4.0    |
|             |    |    |    | L 2 |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total Acres: 4

PLACE OF USE: FIRE PROTECTION

| Twp Rge Sec | NE |    |    |     | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE  | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 31N 05W 3   |    |    |    | X   |    |    |    |    |    |    |    |    |    |    |    |    |        |
|             |    |    |    | L 2 |    |    |    |    |    |    |    |    |    |    |    |    |        |

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2011**.
2. Subject to all prior water rights.
3. The right holder shall not assign or sell the permit without first securing the written approval of the Department of Water Resources.
4. Water shall not be diverted under this right when flows in the Snake River are below established minimum flow amounts at Lime Point, 13,000 cfs.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

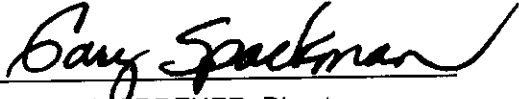
State of Idaho  
Department of Water Resources

**Permit to Appropriate Water**

NO. 3-10224

7. 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.
8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to 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 16<sup>th</sup> day of June, 2006.

  
for KARL V. DREHER, Director

RECEIVED

FEB 13 2006

IDWR/North

72727

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

03-10224  
Ident. No. ~~65-15677~~ RECEIVED

JAN 31 2006

DEPARTMENT OF  
WATER RESOURCES

1. Name of Applicant Richard Rogers Phone 208-743-5577

Mailing address 2203 110th Ave. Lewiston ID 83501

2. Source of water supply Snake River which is a tributary of Columbia

3. Location of point of diversion is Township 31N Range 5W Sec. 3, in the SE 1/4, NE 1/4, Govt. Lot 2, B.M., NezPerce County;

additional points of diversion if any: NezPerce Co. Parcel #s RP31N05W031870A, RP31N05W031880A, RP31N05W023790A, RP31N05W023780A, RP31N05W024950A

4. Water will be used for the following purposes: Irrigation purposes from Sept 1 to Oct 15 (both dates inclusive) 0.12 Per T.C. with Rogers

Amount 0.12 for Fire Protection purposes from 1/1 to 12/31 (both dates inclusive) 0.20

Amount 0.12 for Fire Protection purposes from 1/1 to 12/31 (both dates inclusive)

Amount 0.12 for Fire Protection purposes from 1/1 to 12/31 (both dates inclusive)

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Amount 0.12 for Fire Protection purposes from 1/1 to 12/31 (both dates inclusive)

5. Total quantity to be appropriated is (a) 0.12 cubic feet per second and/or (b) 0.20 acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 5hp gas pump (2")  
will store water in 500 gal. tank.

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.                     

e. Other; describe fully.                     

RECEIVED

JUN 15 2006

DEPARTMENT OF  
WATER RESOURCES

3. Description of place of use:

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

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTALS |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 31N | SW  | 3   | X  |    |    | 4  | X  |    |    |    |    |    | X  |    |    |    |    | X  | 4      |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated 4

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

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

12. Remarks: The water will be used for Irrigation and fire protection.

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.)

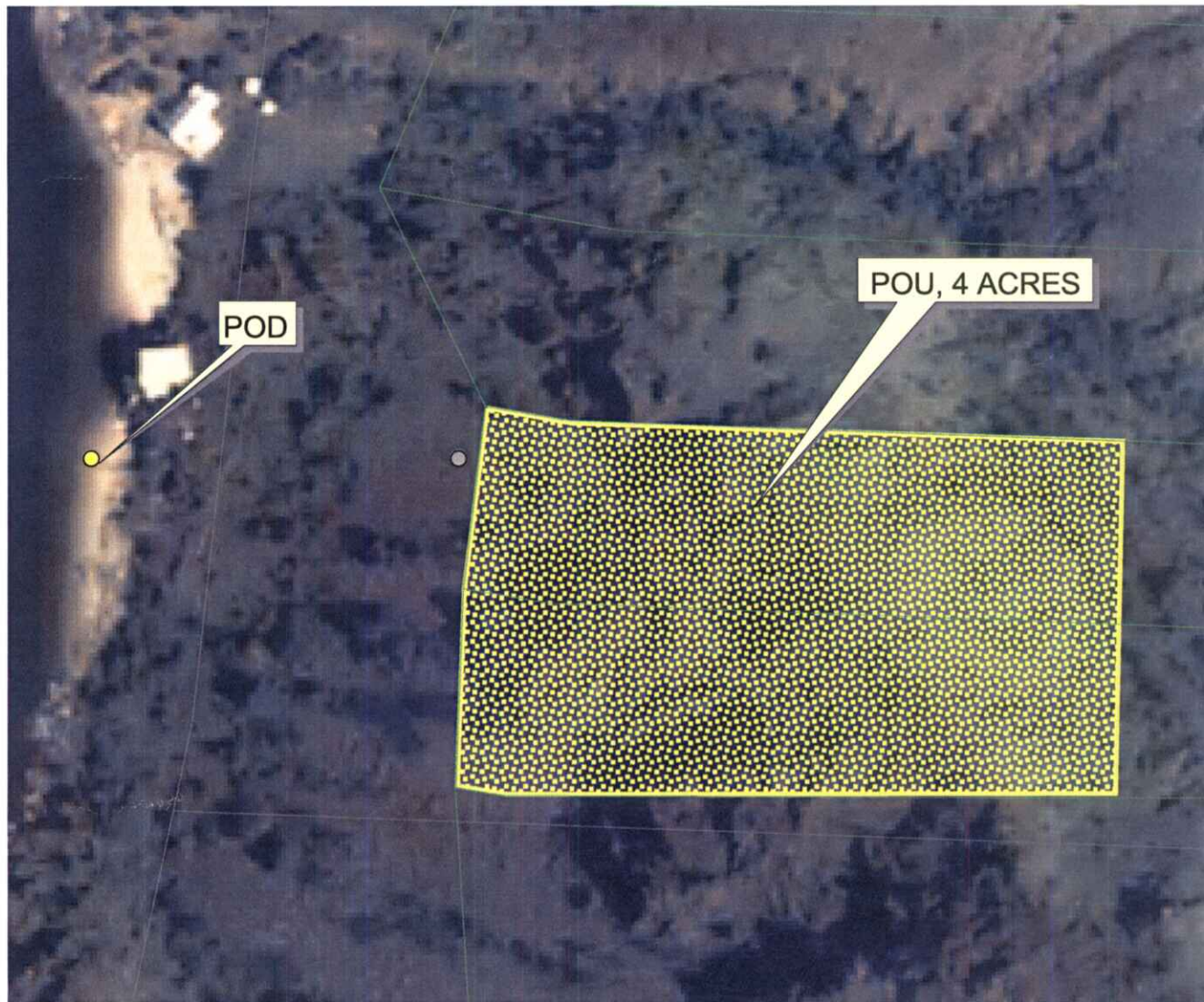
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Richard Rogers  
Signature of Applicant (and title, if applicable)

Received by LM Date 1-31-06 Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
 Fee \$ 100.00 Receipted by LM # C080205 Date \_\_\_\_\_  
 Publication prepared by CP Date 4/26/06 Published in Lewiston Trib 5/4 & 11/06  
 Publication approved LM Date 5/15/06

- As per T. 5  
4/11/06 RJS

# ROGERS



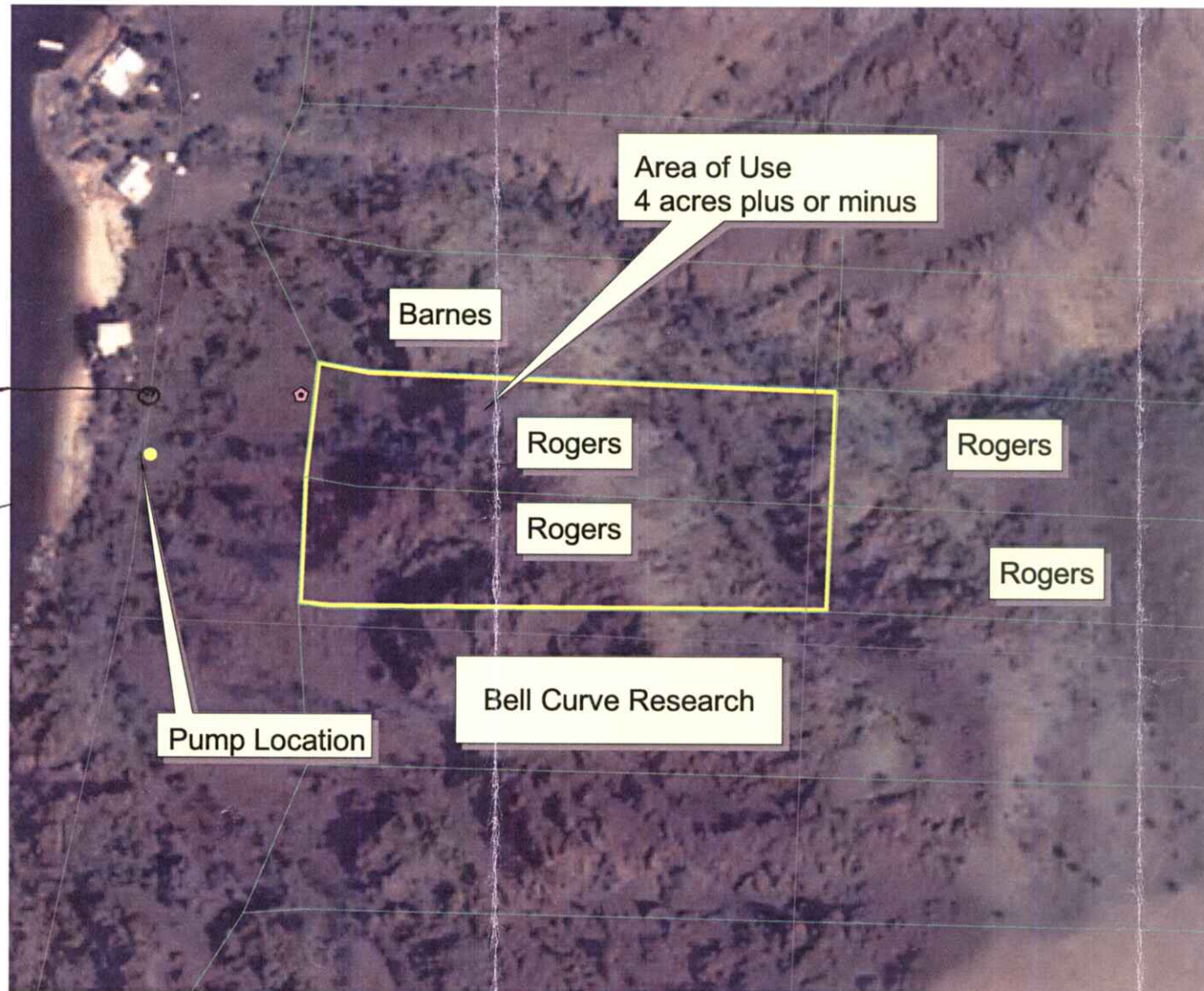
- Nez Perce taxlots
- GCDB31N05W GCDB
- Application POD
- Application POU
- Pou.shp
- Pod.shp



0.06 0 0.06 0.12 Miles

# Richard Rogers

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MAR 08 2006  
IDWR/North



- Pod.shp
- Nez Perce taxlots
- GCDB32N05W GCDB
- GCDB31N05W GCDB
- Pou.shp
- Permit POD
- Permit POU



0.09 0 0.09 0.18 Miles

REAL ESTATE CONTRACT 447819  
7-21-1981

All of the following described real property in the County of Nez Perce, State of Idaho, to-wit:

That part of the Southwest Quarter of the Northwest Quarter of Section 2 and Lots 2 and 3 of Section 3 of Township 31 North, Range 5 West of the Boise Meridian, Nez Perce County, Idaho, more particularly described as follows;

Beginning at the Southeast corner of said Southwest Quarter of the Northwest Quarter; thence West along the South line of said Southwest Quarter of the Northwest Quarter a distance of 1320.0 feet; thence South  $88^{\circ}03'56''$  West a distance of 675.12 feet; thence North  $82^{\circ}19'14''$  West a distance of 41.95 feet to a point on the ordinary high water line on the right bank of the Snake River; (thence Northerly along said high water line a distance of 171 feet more or less;) thence South  $82^{\circ}19'14''$  East a distance of 74.31 feet; thence East a distance of 1972.18 feet to a point on the East line of said Southwest Quarter of the Northwest Quarter; thence South  $0^{\circ}02'$  East along said East line a distance of 143.93 feet to the place of beginning.

REAL ESTATE CONTRACT 447819  
7-21-1981

All of the following described real property in the County of Nez Perce, State of Idaho, to-wit:

That part of the Southwest Quarter of the Northwest Quarter of Section 2 and Lot 2 of Section 3 of Township 31 North, Range 5 West of the Boise Meridian, Nez Perce County, Idaho, more particularly described as follows:

Commencing at the Southeast corner of said Southwest Quarter of the Northwest Quarter, thence North  $0^{\circ}02'$  West along the East line of said Southwest Quarter of the Northwest Quarter a distance of 143.93 feet to the true place of beginning; (thence continue North  $0^{\circ}02'$  West a distance of 139.08 feet; thence West a distance of 1953.35 feet; thence North  $82^{\circ}19'14''$  West a distance of 70.81 feet) to a point on the ordinary high water line on the right bank of the Snake River; thence Southerly along said high water line a distance of 140 feet more or less; thence South  $82^{\circ}19'14''$  East a distance of 74.31 feet; thence East a distance of 1972.18 feet to the true place of beginning.



# WESTERN CONSULTANTS INC.

ENGINEERS, PLANNERS & SURVEYORS

Moscow, Idaho  
1210 Harrison, Box 476  
208-882-2965

Clarkston Washington  
914 Sixth Street  
509-758-2421

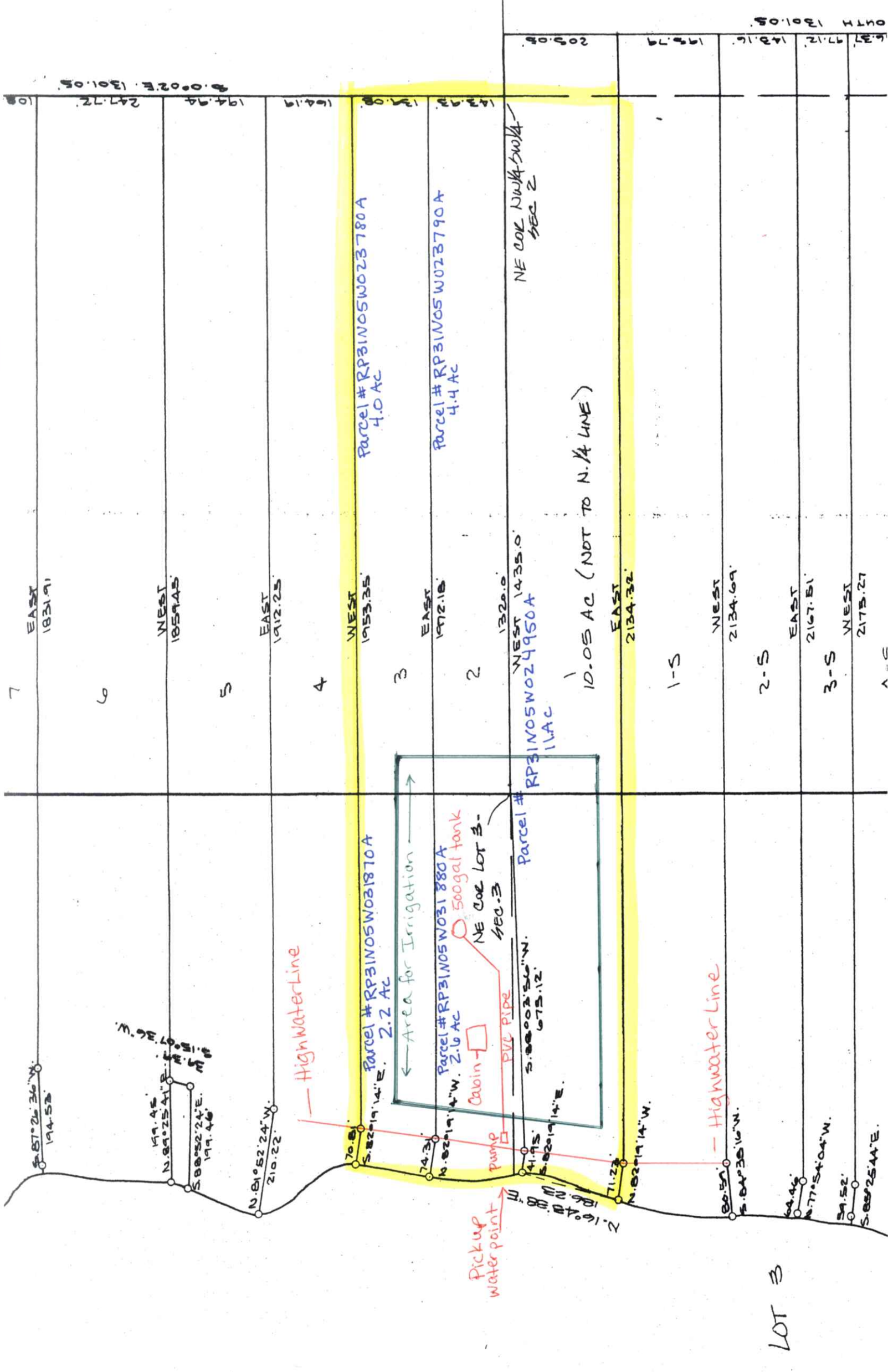
July 3, 1973

Lot 1

## A DESCRIPTION

That part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  and the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 2 and Lot 3 of Section 3 of Township 31 North, Range 5 West, B.M., Nez Perce County, Idaho, more particularly described as follows: Beginning at the Northeast corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; thence East for a distance of 115.0 feet; thence South for a distance of 205.05 feet; thence West for a distance of 2134.32 feet; thence N.82°19'14"W. for a distance of 71.23 feet to a point on the ordinary high water line on the right bank of the Snake River; thence Northerly along said high water line for a distance of 190 feet more or less; thence S.82°19'14"E. for a distance of 41.95 feet; thence N.88°03'56"E. for a distance of 675.12 feet to the Northwest corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; thence East along the North boundary line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$  for a distance of 1320.0 feet to the true place of beginning.

Rich



LOT 3



**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

April 17, 2006

Richard Rogers  
2203 16<sup>th</sup> Ave.  
Lewiston, ID 83501

Re: Application For Permit to appropriate the public waters of the State of Idaho.

Dear Mr. Rogers:

As a reminder, if you are successful in receiving a permit to appropriate water out of the Snake River, you will also need a permit from the Department of Lands for the actual pump installation in or on the river. Probably the Lands office in Orofino is the one you should first contact.

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

Keith E. Franklin  
Water Resources Agent

**C O P Y**

**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).

June 20, 2006

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

RICHARD ROGERS  
2203 16TH AVE  
LEWISTON ID 83501

RE: Permit No. 3-10224

**Permit Approval Notice**

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

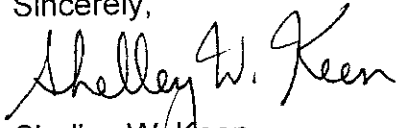
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

## **CERTIFICATE OF SERVICE**

I hereby certify that on June 20, 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.**

**3-10224**

**RICHARD ROGERS  
2203 16TH AVE  
LEWISTON ID 83501**



**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.

## MEMORANDUM

**Date:** June 16, 2006  
**To:** Water Right File 3-10224  
**From:** eretelle  
**Re:** permit review

---

No WD or moratorium  
Snake River Min Stream Flow

No protest or overlap  
No comment from ID F&G

Recommend approval as suggested by IDWR Northern



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

May 25, 2006

RAY HENNEKEY  
IDAHO DEPARTMENT OF FISH & GAME  
1540 WARNER  
LEWISTON, ID 83501

FAXED TO RAY 5/25/06  
5 pages total

Re: Water Permit Application No. 03-10224

Dear Ray:

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 **June 9, 2006**. 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 [Keith.Franklin@idwr.idaho.gov](mailto:Keith.Franklin@idwr.idaho.gov), or to me, [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

TRIBUNE PUBLISHING COMPANY, INC.  
The Lewiston Tribune  
505 C St., P.O.Box 957  
Lewiston, Idaho 83501  
(208) 743-9411

## LEGAL ADVERTISING INVOICE

SOLD TO:

ID DEPT. OF WATER RESOURCES  
1910 NORTHWEST BLVD. STE 210  
COEUR D'ALENE, ID 83814

Date 05/11/2006

INVOICE NO. 423486

Account No. 964750

Description 423486 The following ap

Times 2

Lines 36

Tab. Lines

\$ 115.92

PO#

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.  
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

## AFFIDAVIT OF PUBLICATION

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

85-15672  
HELLS CANYON PARTNERS  
600 RIVER HEIGHTS DR  
MERIDIAN ID 83642

Point(s) of Diversion L1 (NENE) S3 T31N R05W NEZ PERCE County  
Source CHIMNEY CREEK Tributary To SNAKE RIVER  
Use: DOMESTIC 01/01 To 12/31 0.04 CFS  
Total Diversion: 0.04 CFS

Date Filed: 02/16/2006  
Place Of Use: DOMESTIC  
T31N R05W S3 NENE Lot 1  
3-10224

RICHARD ROGERS  
2203 16TH AVE

LEWISTON ID 83501  
Point(s) of Diversion L2 (SENE) S3 T31N R05W NEZ PERCE County  
Source SNAKE RIVER Tributary To COLUMBIA RIVER  
Use: IRRIGATION 03/15 To 11/15 0.12 CFS  
Use: FIRE PROTECTION 01/01 To 12/31 0.12 CFS  
Total Diversion: 0.12 CFS

Date Filed: 01/31/2006  
Place Of Use: IRRIGATION  
T31N R05W S3 SENE Lot 2  
Number of Acres 4  
Place Of Use: FIRE PROTECTION  
T31N R05W S3 SENE Lot 2

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 05/22/2006.  
The protestant must also send a copy of the protest to the applicant.  
KARL J DREHER, Director Published on May 4 & 11

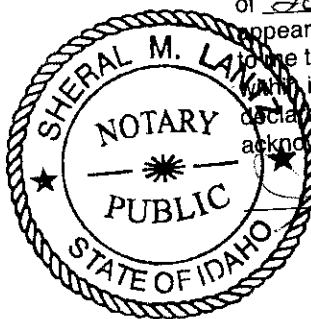
Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, paper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 423486 The follo attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 2 time(s). Publication being on 05/04, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 05/04/2006, and the last publication thereof being on the 05/11/2006, and said 423486 The follo was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

State of Idaho

S.S.

County of Nez Perce

On this 12th day of May in the year of 2006, before me, a Notary Public, personally appeared Karen J Lewis, 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.



Notary Public in and for the State of Idaho,  
residing at Lewiston, therein  
Commission Expires June 4, 09

## Phillips, Christy

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**From:** Phillips, Christy  
**Sent:** Wednesday, April 26, 2006 4:24 PM  
**To:** 'klewis@lmtribune.com'  
**Cc:** Ball, Dianne; Phillips, Christy

Hi Karen  
attached is our cover letter requesting publication of a legal notice on May 4 & 11 2006. The legal notice is attached also.

If you have any questions please call me at 208-769-1450 and **please fax me a proof copy** before this goes to press, at 208-769-1454

thanks have a good day,

Christy Phillips  
clerk  
Id Dept of Water Resources  
1910 Northwest Blvd suite 210  
Coeur d Alene Id 83814  
Phone (208)769-1450 Fax(208) 769-1454



cover letter lt april 26.doc



LegalNotice lt apr 26.doc



**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 26, 2006

KAREN LEWIS  
**Legal Notice Department**  
LEWISTON MORNING TRIBUNE  
505 C ST PO BOX 957  
LEWISTON ID 83501

***Please fax a proof copy before this goes to press, 208-769-1454***  
***Thanks Christy***

RE: Application for Permit No. 85-15672, 3-10224

**Dear Karen:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated May 4 & 11 (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 05/22/2006. Your cooperation is appreciated.

Sincerely

Christy Phillips  
Clerk

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

85-15672

HELLS CANYON PARTNERS

600 RIVER HEIGHTS DR

MERIDIAN ID 83642

Point(s) of Diversion L1 (NENE) S3 T31N R05W NEZ PERCE County

Source CHIMNEY CREEK Tributary To SNAKE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 02/16/2006

Place Of Use: DOMESTIC

T31N R05W S3 NENE Lot 1

3-10224

RICHARD ROGERS

2203 16TH AVE

LEWISTON ID 83501

Point(s) of Diversion L2 (SENE) S3 T31N R05W NEZ PERCE County

Source SNAKE RIVER Tributary To COLUMBIA RIVER

Use: IRRIGATION 03/15 To 11/15 0.12 CFS

Use: FIRE PROTECTION 01/01 To 12/31 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 01/31/2006

Place Of Use: IRRIGATION

T31N R05W S3 SENE Lot 2

Number of Acres 4

Place Of Use: FIRE PROTECTION

T31N R05W S3 SENE Lot 2

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 05/22/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on May 4 & 11



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

April 26, 2006

RICHARD ROGERS  
2203 16TH AVE  
LEWISTON ID 83501

RE: Application for Permit No 3-10224

Dear Applicant:

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 Lewiston Tribune on May 4 & 11. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

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

Sincerely,

*Keith Franklin*  
Keith Franklin  
Water Rights Agent

Enclosure(s)



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

March 1, 2006

Richard Rogers  
2203 16<sup>th</sup> Ave.  
Lewiston, Idaho 83501

Re: Application to Appropriate Public Waters

Dear Mr. Rogers:

Your Application for a water right permit is currently being reviewed by the Water Resources Department. Would you please review the attached map and confirm whether or not the pump location and area of use are correct? The map submitted with the application didn't match exactly with the Nez Perce County taxlot maps.

This information is important so as not to delay the further processing of your permit. If you have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely

Keith E. Franklin  
Water Resources Agent

Encl/kf

C O P Y



2203 16th Avenue  
P.O. Box 1206  
Lewiston, Idaho 83501

(208) 743-5577  
toll free 800-769-5654



State of Idaho Dept of Water Resources  
1910 NW Blvd, Suite 210  
CDA, Idaho  
83814-2615

ATT: Keith Franklin