

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 85-15672

Priority: February 16, 2006

Maximum Diversion Rate: 0.04 CFS

This is to certify, that HELLS CANYON PARTNERS
600 RIVER HEIGHTS DR
MERIDIAN ID 83642

has applied for a permit to appropriate water from:

Source: CHIMNEY CREEK

Tributary: SNAKE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT OF DIVERSION:

CHIMNEY CREEK L1 (NE¼ NE¼) Sec. 3, Twp 31N, Rge 05W, B.M. NEZ PERCE County

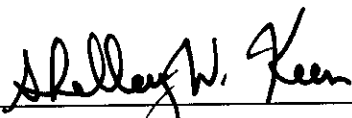
PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
31N 05W 3	X																
	L1																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2007**.
2. Subject to all prior water rights.
3. Domestic use is for 2 homes.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
7. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 21st day of June, 20 06.



FOR KARL J DREHER, Director

Ident. No. 85-15672

72643

RECEIVED

JUN 15 2006

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

FEB 10 2006

IDWR/North

1. Name of Applicant Hells Canyon Partners Phone (208) 323-9300
Mailing address 600 River Heights Dr., Meridian, ID 83642
2. Source of water supply Chimney Creek which is a tributary of Snake River
3. Location of point of diversion is Township 32 31 N Range 5 W Sec. 34 3, in the SE NE 1/4,
SE NE 1/4, Govt. Lot 0001, B.M., Nezperce County;
additional points of diversion if any: None
4. Water will be used for the following purposes:
Amount 0.04 20 A.F. 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 0.04 CFS and/or (b) 0.00 acre feet per annum
cubic feet per second
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Shallow Well
 - b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 2' inches; proposed depth of well is 10 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? N/A; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - 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	
31 ~~32~~	5W	34 ~~34~~	0															D	.20

Total number of acres to be irrigated N/A

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

11. a. Who owns the property at the point of diversion? Hells Canyon Partners

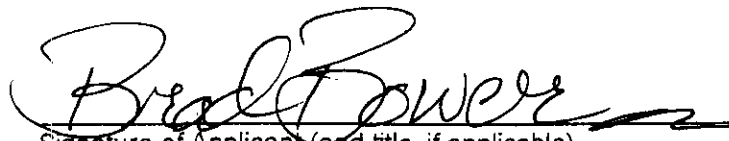
b. Who owns the land to be irrigated or place of use? Hells Canyon Partners

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

12. Remarks:

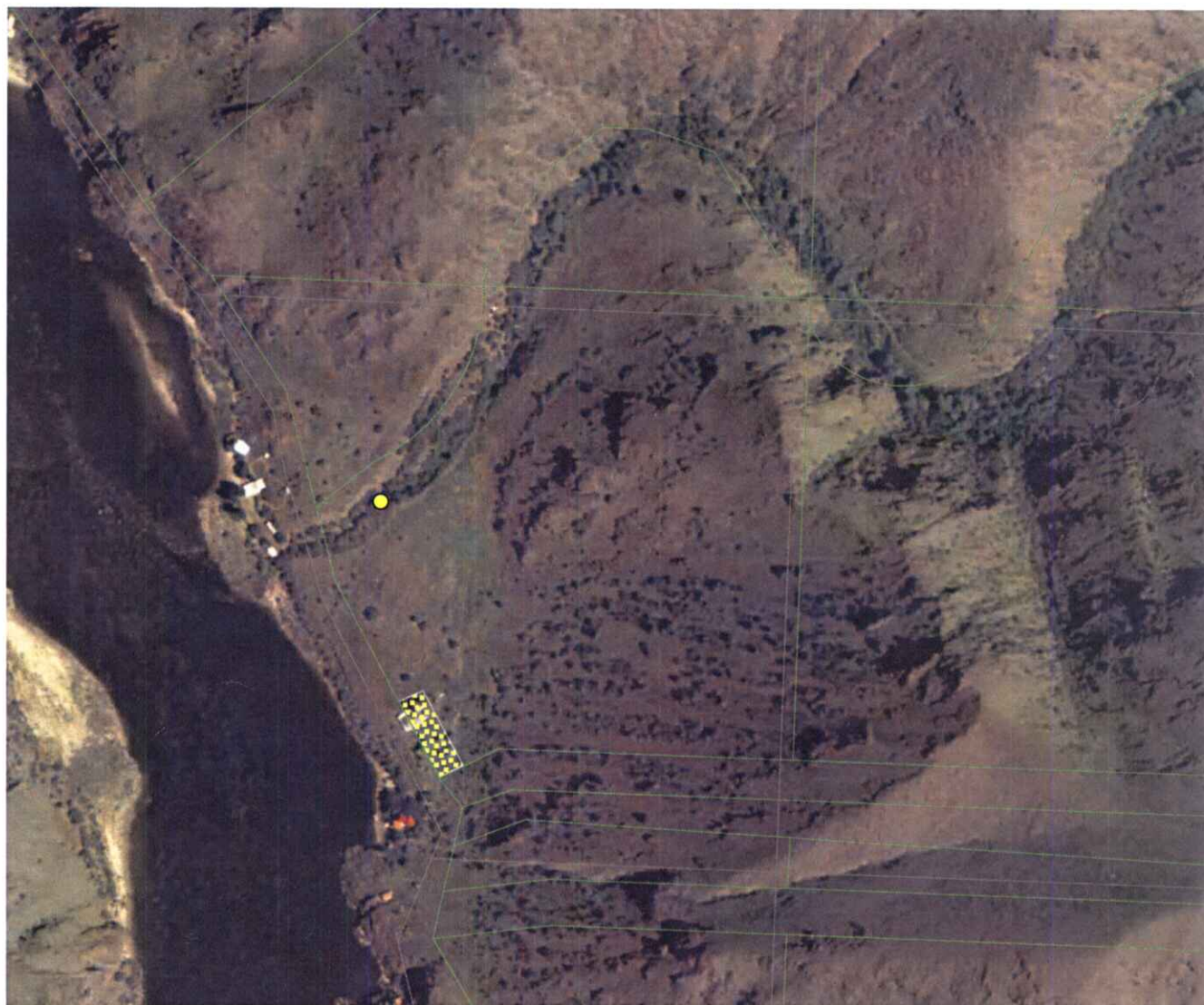
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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)
Brad Bower, mgn Partner

Received by db Date 2/16/06 Time 1:25 p Preliminary check by db
Fee \$ 100.00 Received by db # N017373 Date 2/16/06
Publication prepared by CP Date 4/26/06 Published in Lewiston Trib 5/4 & 11/06
Publication approved db Date 5/15/06

HELLS CANYON PARTNERS



- Nez Perce taxlots
- GCDB32N05W GCDB
- GCDB31N05W GCDB
- Application POD
- Application POU



0.2

0

0.2

0.4 Miles

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FEB 24 2006
IDWR/North

Chimney Creek

T32
T31

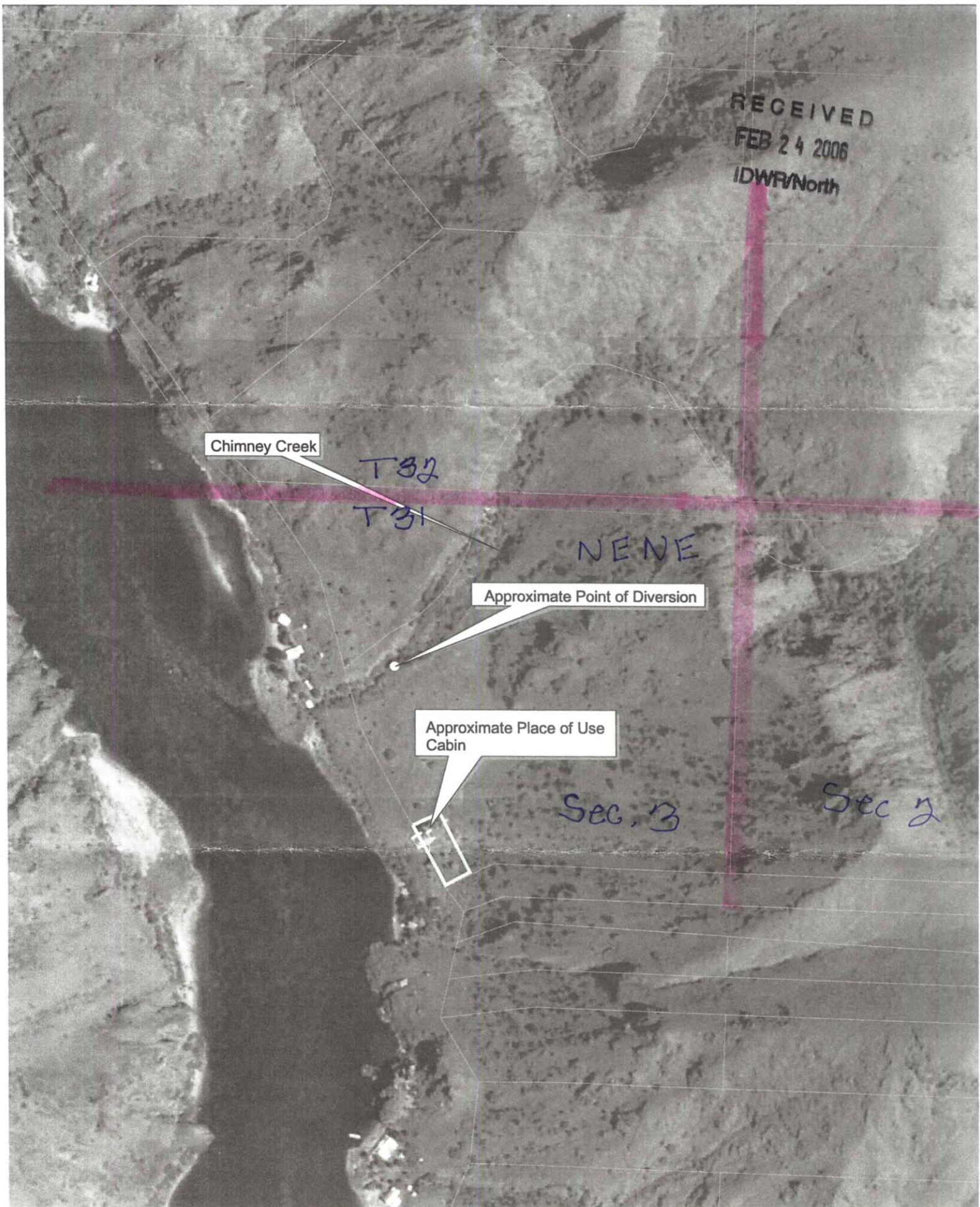
NENE

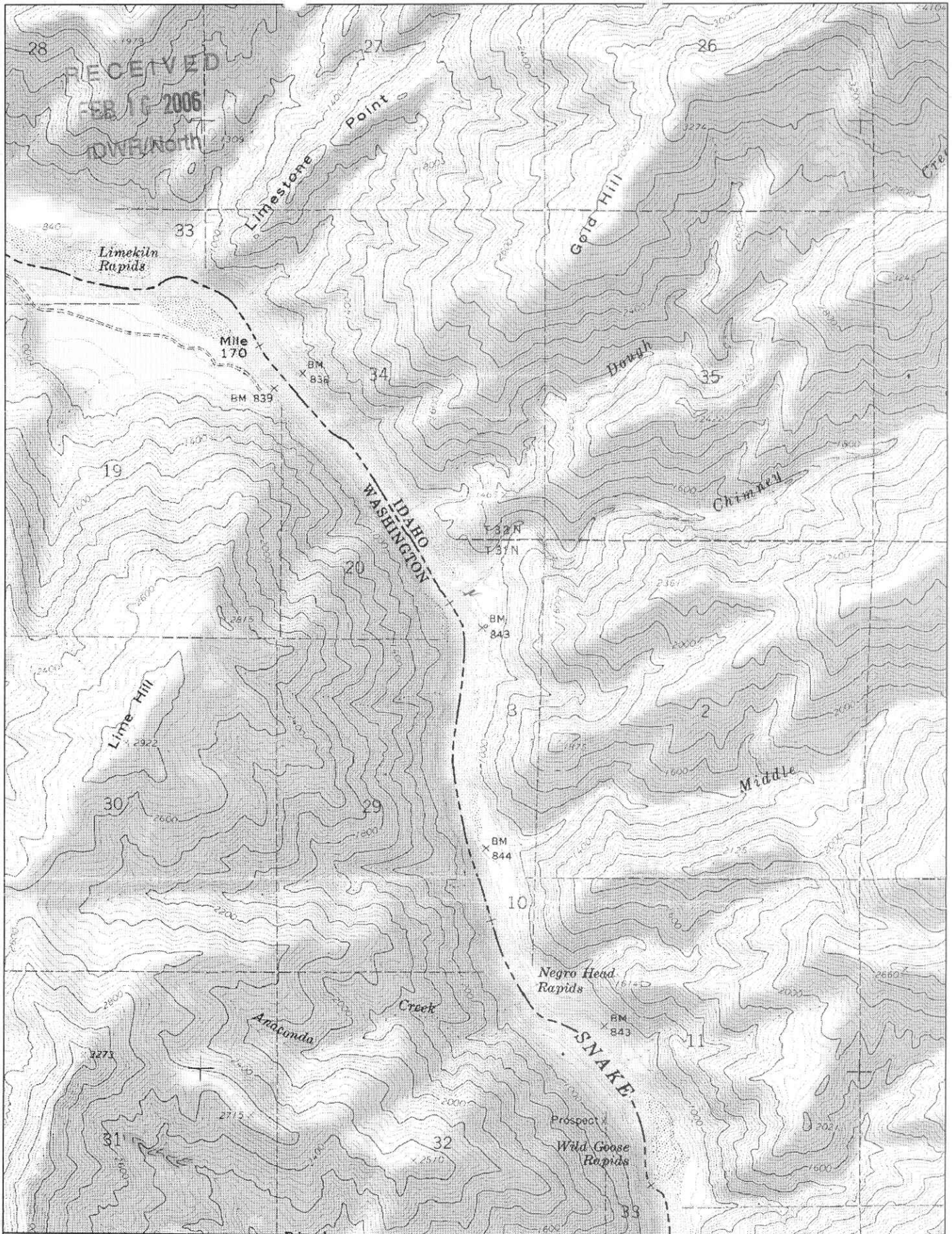
Approximate Point of Diversion

Approximate Place of Use
Cabin

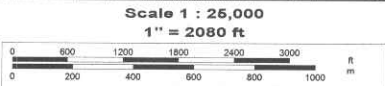
Sec. 3

Sec 2

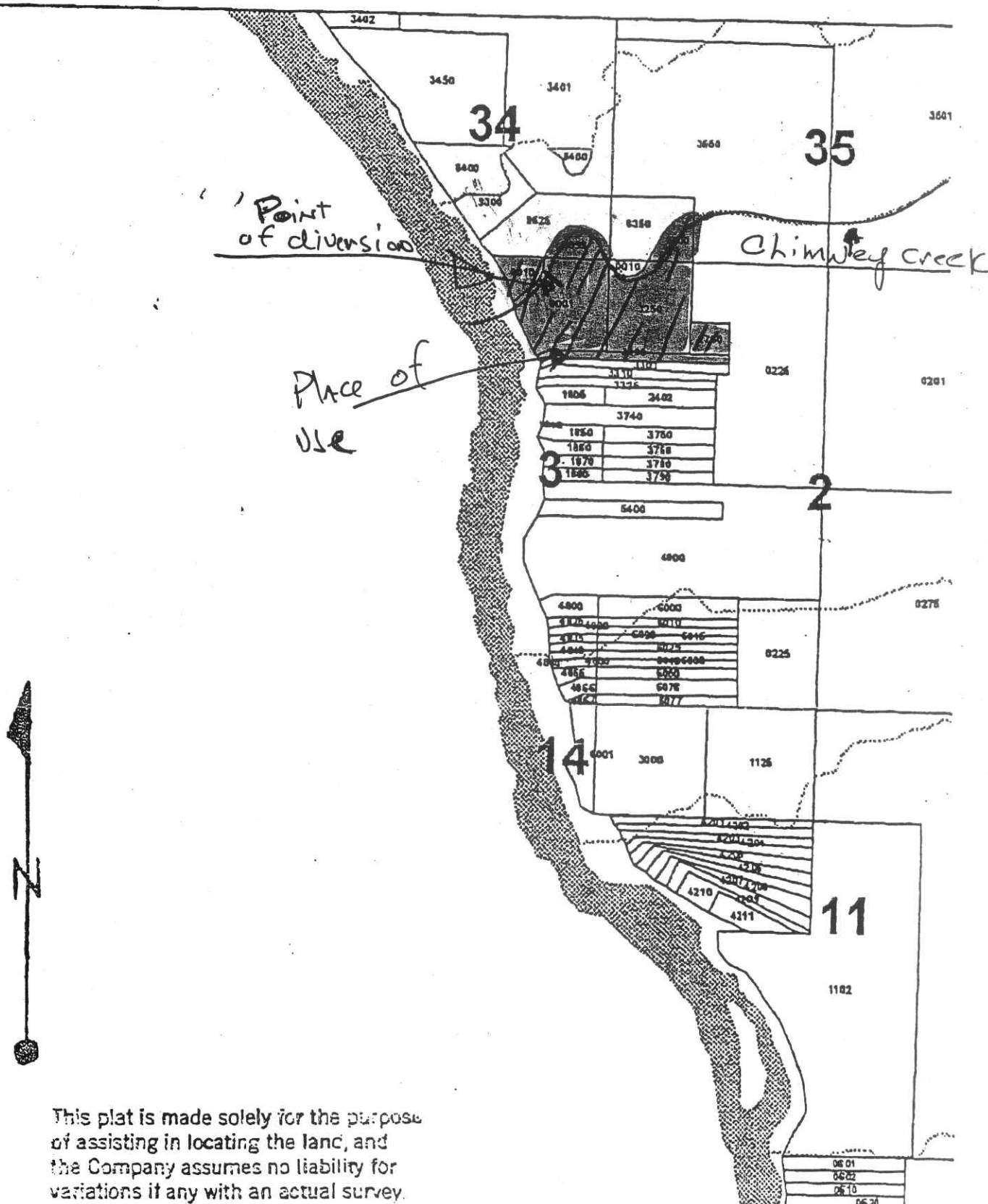




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www.delorme.com



IDWR/North



This plat is made solely for the purpose of assisting in locating the land, and the Company assumes no liability for variations if any with an actual survey.

2000506289

723067

RECEIVED
FEB 24 2006
IDWR/North

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 3d day of October, 2005, by and between EMP WHOLE LOAN I, L.L.C., a Delaware Limited Liability Company, an Idaho Corporation, the GRANTOR, and HELLS CANYON PARTNERS, a limited partnership, of 600 River Heights Dr. Meridian, ID 83642, the GRANTEE:

WITNESSETH:

For value received, the Grantor does hereby grant, bargain, sell and convey unto the Grantee, the following described real property situate in the County of Nez Perce, State of Idaho, to wit:

Township 31 North, Range 5 West of the Boise Meridian, Nez Perce County, Idaho:

Section 2: The North 378.88 feet of the South 601.07 feet of the West 150.00 feet of the Northeast Quarter of the Northwest Quarter, the North 378.88 feet of the South 601.07 feet of the East 320.0 feet of the Northwest Quarter of the Northwest Quarter, the West 1,000.0 feet of the Northwest Quarter of the Northwest Quarter EXCEPT that portion lying North of Chimney Creek, and ALSO EXCEPT the South 222.19 feet thereof.

Section 3: All that part of Government Lot 1 lying South of Chimney Creek and North of a line described as follows: Commencing at the Southeast corner of said Government Lot 1; thence North 0°02' West along the East line of said Government Lot 1 a distance of 222.19 feet to The True Place of Beginning; thence West a distance of 699.33 feet; thence South 61°37'23" West a distance of 30.0 feet to a point on the ordinary high water line on the right bank of the Snake River, said point being the terminus of the above described line.

AND

Township 32 North, Range 5 West of the Boise Meridian, Nez Perce County, Idaho, described as follows:

Section 34: All that part of the Southeast Quarter of the Southeast Quarter lying South of Chimney Creek.

Section 35: The South 763.31 feet of the West 1,000.0 feet of the Southwest Quarter of the Southwest Quarter lying South of Chimney Creek.

723067

SUBJECT TO an easement for trail and utilities, as set forth in document recorded May 15, 1969 as Instrument No. 364194.

SUBJECT TO an easement for ingress and egress, as set forth in document recorded January 24, 1995 as Instrument No. 594577.

SUBJECT TO lack of a right of access to and from the land.

SUBJECT TO rights of the State of Idaho in and to that portion of said premises, if any, lying in the bed or former bed of the Snake River, if it is navigable.

SUBJECT TO any question of location, boundary or area related to the Snake River, including, but not limited to any past or future changes in it.

SUBJECT TO any prohibition or limitation on the use, occupancy or improvements of the land resulting from the rights of the public, appropriators or riparian owners to use any waters, which may now cover the land or to use any portion of the land which is now or may formerly have been covered by water.

SUBJECT TO the right of use, control or regulation by the United States of America in exercise of power over navigation.

SUBJECT TO any difference in the mean high water line of the Snake River and the meander line as shown by government survey.

SUBJECT TO any question of location, boundary or area related to the Chimney Creek, including, but not limited to any past or future changes in it.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances, unto the said Grantee and to its successors and assigns forever.

AND the said Grantor, for itself, its successors and assigns, does covenant, grant, bargain and agree to and with the said Grantee, its successors and assigns, that the Grantor has not conveyed, previously, the premises or any right, title or interest therein, to any person other than Grantee and that such estate is

723067

free from encumbrances done, made or suffered by Grantor or any person under it EXCEPTING the levies, assessments and real property taxes for 2005, and that the Grantor will warrant and defend by, through and under Grantor, but not otherwise, the same unto the said Grantee from all lawful claims whatsoever.

That the Grantor is conveying the above described premises to Grantee in "AS IS" condition and makes no representations or warranties relating to the physical condition of said premises.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year in this indenture first hereinabove written.

EMP WHOLE LOAN I, L.L.C., a
Delaware Limited Liability Company,
~~an Idaho Corporation~~

By 
ANDREW VRANOS (Print Name)
Its Duly Authorized (Capacity)

By _____ (Print Name)
Its _____ (Capacity)

INST. NO. 723067
FILED FOR RECORD
FEE 12.00 REG. BY ALLIANCE TITLE
2005 OCT -4 P 1:10
PATTY O. WEEKS
RECORDER, NEZ PERCE CO ID
BY  DEPUTY

723067

STATE OF Connecticut)
County of Fairfield) ss

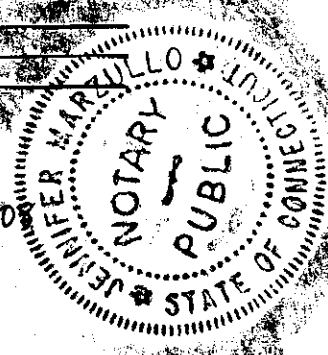
On this 3rd day of October, 2005, before me,
Jennifer Marzullo, the undersigned, a Notary Public in and
for said State, personally appeared Andrew Vranos
_____, known or identified to me to be the
Duly Authorized Representative of EMP WHOLE LOAN I, L.L.C., a
Delaware Limited Liability Company, an ~~Idaho~~ Corporation, the
corporation that executed the instrument or the person(s) who
executed the instrument on behalf of the corporation, and
acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year in this certificate first
hereinabove written.

(SEAL)

Jennifer Marzullo
Notary Public in and for _____
Residing at _____
My Commission Expires: _____

JENNIFER MARZULLO
NOTARY PUBLIC OF CONNECTICUT
MY COMMISSION EXPIRES 2/28/10



14268

712462

INSTRUMENT NO. 712462
FILED FOR RECORD
FILE 900 REG. BY LAND TITLE
2004 DEC 14 P 3:03
PATTY O. WEEKS
RECORDER, NEZ PERCE CO ID
RECEIVED
FEB 24 2006
IDWR/North

WARRANTY DEED

BY R. Lewis DEPUTY

THIS INDENTURE, made this 1st day of December 2004, by and between DOUGLAS W. ANDERSON and PAMELA A. ANDERSON, Trustees of the Anderson Family Trust U/T/A dated 11-02-99, parties of the first part, and HELLS CANYON PARTNERS, LLP, an Idaho limited liability partnership, party of the second part, of 600 River Heights Drive, Meridian, ID 83643,

WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of Ten Dollars (\$10), lawful money of the United States of America, and other good and valuable considerations to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and, by these presents, do grant, bargain, sell, convey and confirm unto the said party of the second part and to its successors and assigns forever, all of the following-described real property, situate in Nez Perce County, State of Idaho, and more particularly described as follows, to wit:

That part of Government Lot 1 of Section 3 and the North Half of the Northwest Quarter of Section 2, Township 31 North, Range 5 West of the Boise Meridian, in the County of Nez Perce, State of Idaho, more particularly described as follows:

Commencing at the Southwest corner of Northeast Quarter of the Northwest Quarter of said Section 2; thence East along the South line of said Northeast Quarter of the Northwest Quarter a distance of 150.0 feet; thence North a distance of 126.76 feet to the True Place of Beginning; thence continue North a distance of 95.43 feet; thence West a distance of 2,169.11 feet; thence South 61°37'23" West a distance of 128.22 feet to a point; thence continue South

61°37'23" West a distance of 30 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 90 feet, more or less; thence North 67°33'43" East a distance of 40 feet to a point; thence continue North 67°33'43" East a distance of 84.51 feet; thence East a distance of 2,136.71 feet the True Place of Beginning.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the remainder or remainders, reversion or reversions, rents, issues, claims and demands whatsoever of first parties, either at law or in equity, of, in and to the above-described premises.

And said parties of the first part, for themselves and for their heirs, executors, administrators or assigns, do hereby covenant and agree to and with said party of the second part, its successors and assigns, that at the time of the ensealing and delivery of these presents, they are seized of the premises above conveyed, in fee simple absolute, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear of all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatsoever kind or description, except reservations contained in U.S. Patents; any claim arising from the difference between the mean high water line of the Snake River and the meander line as shown by Government Survey; any prohibition or limitation of use, occupancy or improvement of the property resulting from the rights of the public or riparian owners to use any water which may cover the land or to use any portion of the land which is now or may formerly have been covered by water; Reservations recorded as Instrument No. 364194,

records of Nez Perce County, Idaho; Reservations recorded as Instrument No. 509779, records of Nez Perce County, Idaho; and general taxes for the year 2004.

And the above-bargained premises in quiet and peaceable possession of said second party, its successors and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, said first parties, their heirs and assigns, shall and will WARRANT and forever DEFEND.

IN WITNESS WHEREOF, said parties of the first part have hereunto set their hands and seals the day and year first above written.

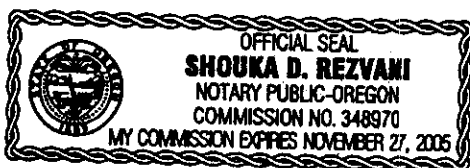
Douglas W. Anderson
DOUGLAS W. ANDERSON, Trustee of the
Anderson Family Trust U/T/A dated 11-02-99

Pamela A. Anderson
PAMELA A. ANDERSON, Trustee of the
Anderson Family Trust U/T/A dated 11-02-99

STATE OF ^{Oregon} IDAHO)
^{Clackamas}: ss.
County of NEZ PERCE)

On this 1st day of ^{December} November 2004, before me, the undersigned, a notary public in and for the State of Idaho, personally appeared DOUGLAS W. ANDERSON and PAMELA A. ANDERSON, as Trustees of the Anderson Family Trust U/T/A dated 11-02-99, known or identified to me to be the persons whose names are subscribed to the within and foregoing instrument as trustees and acknowledged to me that they executed the same as such trustees.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



[Signature]
Notary Public in and for the State of Idaho ^{Oregon}
Residing at 13870 SW Fernridge Ter., Tigard, OR
My Commission Expires: 11/07/05 ⁷⁷⁰

**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

June 22, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

HELLS CANYON PARTNERS
600 RIVER HEIGHTS DR
MERIDIAN ID 83642

RE: Permit No. 85-15672

Permit Approval Notice

Dear Permit Holder:

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

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

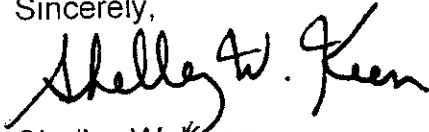
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

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

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

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:ka

Enclosure(s)

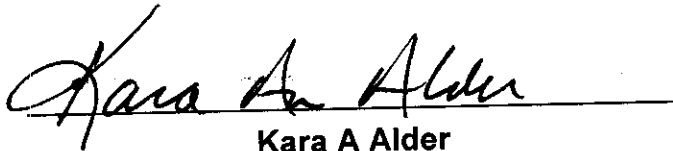
CERTIFICATE OF SERVICE

I hereby certify that on June 22, 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.

85-15672

**HELLS CANYON PARTNERS
600 RIVER HEIGHTS DR
MERIDIAN ID 83642**

A handwritten signature in black ink, reading "Kara A Alder", is written over a horizontal line.

**Kara A Alder
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 21, 2006
To: Water Right File 85-15672
From: eretelle
Re: irrigation and volume limit

I phoned the Nez Perce county assessor yesterday to find out if the 2 houses are on the same parcel. They told me only one cabin is there at this time.

I then spoke to Brad Bower this morning to inquire about the plans for the 2nd home. He said it is planned for an adjacent 60-acre parcel and not the same one as the cabin exists on now. It should still be in the NENE, if not we will need an amendment at licensing.

I am listing the domestic use as 13,000 gpd and 1/2-acre irrigation for EACH home since they are on different parcels.

MEMORANDUM

Date: June 16, 2006
To: Water Right File 85-15672
From: eretelle
Re: permit review

No WD or moratorium

No protest or overlap

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

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
7 pages total

Re: Water Permit Application No. 85-15672

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, or to me, Dianne.Ball@idwr.idaho.gov.

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

Sincerely,

Dianne Ball
Administrative Assistant

TRIBUNE PUBLISHING COMPANY, INC.

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

**LEGAL ADVERTISING
INVOICE**Date 05/11/2006INVOICE NO. 423486Account No. 964750Description 423486 The following apTimes 2Lines 36

Tab. Lines _____

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RECEIVED
MAY 15 2006
IDWR/North

SOLD TO:

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

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: 0.04CFS

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.

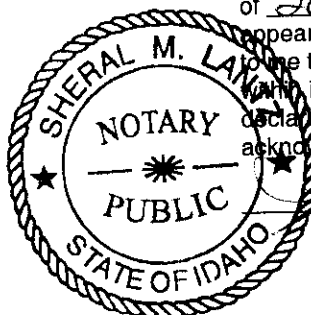
Karen J Lewis

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.



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

Phillips, Christy

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 It april 26.doc



LegalNotice It 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 26, 2006

HELLS CANYON PARTNERS
600 RIVER HEIGHTS DR
MERIDIAN ID 83642

RE: Application for Permit No 85-15672

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)

RECEIVED
FEB 24 2006
IDWR/North

February 21, 2006

Keith E. Franklin
Water Resources Agent
Idaho Dept. of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615

Re: Water Right Application
Hells Canyon Partners

Dear Mr. Franklin:

In response your letter of February 16, 2006, I have enclosed copies of two Warranty Deeds for the partnership's property in Nez Perce County, Idaho. These deeds cover the property where the cabin is located, as well as where the proposed point of diversion is on Chimney Creek.

The partners in Hells Canyon Partners are:
Brad Bower, Kevin Godwin and Larry Wilson

We have equal shares in this recreational property.

The map you enclosed accurately shows the POD and POV. The cabin, which is shown on the map, is the cabin we propose to use the water in.

If further information is required, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Brad Bower". The signature is stylized with a large, looping "B" and a long, sweeping horizontal stroke at the end.

Brad Bower
Hells Canyon Partners



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 16, 2006

Brad Bower
Hells Canyon Partners
600 Rivers Heights Dr.
Meridian, ID 83642

Re: Water Right Application

Dear Mr. Bower:

The State of Idaho Department of Water Resources is in receipt of your Application For Permit and requests the following additional information:

- 1) A copy of the ownership records, such as a warranty deed.
- 2) A list of the corporate officers or partners, including their titles if applicable.
- 3) Enclosed is a map of the proposed "Point of Diversion" and "Place of Use" derived from the information submitted. Would you confirm and/or correct the proposed POD and POU on the map and return it to this office.
- 4) The structure shown in the aerial photograph under "Place of Use", is that the cabin for which the water is to be used or is the cabin mentioned in the application to be built at some time in the future?

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

Thank you.

Sincerely

Keith E. Franklin
Water Resources Agent

Encl/kf

RECEIVED
FEB 16 2006
DWR/North

February 14, 2006

Northern Region
Idaho Dept. of Water Resources
1910 Northwest Blvd., Suite 201
Coeur d'Alene, ID 83814

I have enclosed an Application for Permit, Topo Map and a Property Plat describing the diversion point and cabin use location. Also enclosed is a money order for \$100.00. If further information is required please contact me.

Sincerely,

A handwritten signature in black ink that reads "Brad Bower". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Brad Bower
Managing Partner – Hells Canyon Partners
600 Rivers Heights Dr.
Meridian, ID 83642