

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09340

Priority: March 24, 2006

Maximum Diversion Rate: 0.02 CFS

This is to certify, that DAVID LINDSAY
252 GARNET DR
ST MARIES ID 83861-9101

has applied for a permit to appropriate water from:

Source: GROUND WATER

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	0.02 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER L3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 2, Twp 46N, Rge 03W, B.M. BENEWAH County

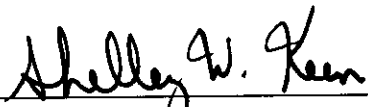
PLACE OF USE: DOMESTIC

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 03W 2					X												
					L3												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2007**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12th day of May, 2006.


FOR KARL JOREHER, Director

FORM 202
RECEIVED
MAY 08 2006
DEPARTMENT OF
WATER RESOURCES

72694
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 95-9340

RECEIVED
MAR 24 2006
IDWR/North

1. Name of Applicant David O. Lindsay Phone 208-245-9407
Mailing address 252 Garnet Dr, St. Maries, ID 83861-9101

2. Source of water supply Well which is a tributary of NA

3. Location of point of diversion is Township 46N Range 3W Sec. 2, in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot 3, B.M., Beneviah County;

additional points of diversion if any:

4. Water will be used for the following purposes: Domestic

Amount 0.02 for as per call with David purposes from 1/1 to 12/31 (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) 0.02 and/or (b) _____
cubic feet per second acre feet per annum as per call to David

6. Proposed diverting works: Well

a. Describe type and size of devices used to divert water from the source Submersible Pump
1 hp

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. ~~Proposed~~ well diameter is 6 inches; ~~proposed~~ depth of well is 240 feet

d. Is ground water with a temperature of greater than 85°F being sought? NO Well ID 279285

e. If well is already drilled, when? 1994; Drilling firm United Drilling & Pump, Cda, ID

Well was drilled for (well owner) David O. Lindsay; Drilling Permit No. 91-94-N-7-1

7. Time required for completion of works and application of water to proposed beneficial use is NA years (minimum 1 year)
lyn.

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. 1 household which includes a small garden & very small lawn.

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	3W	2	Government Lot 3																
			Domestic																

Total number of acres to be irrigated 0

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? David O. Lindsay

b. Who owns the land to be irrigated or place of use? David O. Lindsay

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.

David O. Lindsay R.R. Monh06
Signature of Applicant (and title, if applicable)

Received by CP Date 3/24/06 Time 1:20 Preliminary check by _____
 Fee \$ 100.00 Receipted by CP # N017427 Date 3/24/06
 Publication prepared by CP Date 3/21/06 Published in CSA Press # 6-13/06
 Publication approved CP Date 5/3/06

245-9407 T46N R3W Sec 2 Gov Lot 3

David O Lindsay
252 Garnet Ave
St. Maries, ID 83861



Round Lake

T46N R3W

St Joe River

Well
★
Lindsay house

← Gunnet Dr

Hwy 3

Lindsay

Lindsay

Lindsay

Maves Ln

Kootenai CO
Benewah CO

LINDSAY



0.1 0 0.1 0.2 Miles

GCDB46N03W GCDB
Pou.shp
Pod.shp



**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.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 15, 2006

DAVID LINDSAY
252 GARNET DR
ST MARIES ID 83861-9101

RE: Permit No. 95-9340

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.

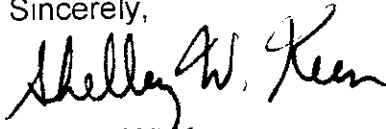
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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, reading "Shelley W. Keen". The signature is written in a cursive style with a large, stylized "S" and "K".

Shelley W. Keen

Water Rights Supervisor

SWK:klf

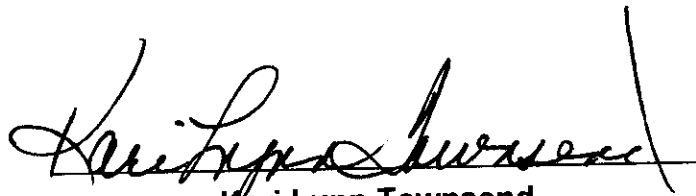
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 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. 95-9340

**DAVID LINDSAY
252 GARNET DR
ST MARIES ID 83861-9101**



**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.

M E M O R A N D U M

Date: May 12, 2006
To: Water Right File 95-9340
From: eretelle
Re: permit review

No WD - groundwater.
No Moratorium or other area of concern.

No protest or overlap.

Recommend approval as suggested by IDWR Northern.

RECEIVED

APR 17 2006

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 5 day of April, 2006 and the last on the 12 day of April, 2006.

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 12 day of April, 2006

Cynthia Ann Hammes

STATE OF IDAHO

COUNTY OF BENEWAH

On this 12 day of April, in the year of 2006 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.

Water use application

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

92-10023

JIM CLAMPET

PO BOX 395

POST FALLS ID 83877

Point(s) of Diversion NENE S29 T44N R01E BENEWAH County

Source UNNAMED STREAM Tributary To CRYSTAL CREEK

Point(s) of Diversion SENENE S29 T44N R01E BENEWAH County

Source SPRINGS Tributary To CRYSTAL CREEK

Use: DOMESTIC 01/01 To 12/31

Total Diversion:

0.04 CFS

0.04 CFS

Date Filed: 03/14/2006

Place Of Use: DOMESTIC

T44N R01E S29 NENE

95-9340

DAVID LINDSAY

252 GARNET DR

ST MARIES ID 83861-9101

Point(s) of Diversion L3 (NENW) S2 T46N R03W BENEWAH County

Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31

Total Diversion:

0.02 CFS

0.02 CFS

Date Filed: 03/24/2006

Place Of Use: DOMESTIC

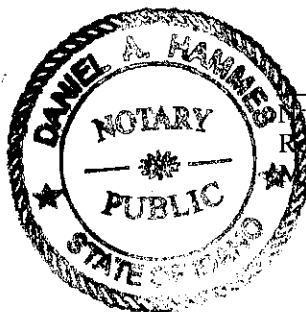
T46N R03W S2 NENW Lot 3

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 04/24/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

6404 April 5-April 12



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

07-13-2007

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

92-10023

JIM CLAMPET

PO BOX 395

POST FALLS ID 83877

Point(s) of Diversion NENE S29 T44N R01E BENEWAH County

Source UNNAMED STREAM Tributary To CRYSTAL CREEK

Point(s) of Diversion SENENE S29 T44N R01E BENEWAH County

Source SPRINGS Tributary To CRYSTAL CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 03/14/2006

Place Of Use: DOMESTIC

T44N R01E S29 NENE

95-9340

DAVID LINDSAY

252 GARNET DR

ST MARIES ID 83861-9101

Point(s) of Diversion L3 (NENW) S2 T46N R03W BENEWAH County

Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 03/24/2006

Place Of Use: DOMESTIC

T46N R03W S2 NENW Lot 3

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KARL J DREHER, Director Published on April 5 & 12 2006



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 31, 2006

Kaisie Brede
Legal Notice Department
ST MARIES GAZETTE RECORD
610 MAIN AVE
ST MARIES ID 83861-1838

RE: Application for Permit No. 92-10023 & 95-9340

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

Dear Kaisie:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates Indicated, April 5 & 12 2006 (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 04/24/2006. Your cooperation is appreciated.

Sincerely

Christy Phillips
Clerk

Haynes, Bob

To: Kaisie@smgazette.com

Hi Kaisie,
Im sorry this is late but Im just learning.

Attached is our cover letter requesting publication of a legal notice on April 5 & 12 2006. The legal notice is also attached

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

Thanks and have a good day

Christy Phillips
Clerk
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur D Alene ID 83814



coverletter sm
3-31-2006.doc



LegalNotice sm
3-31-2006.RTF

Phone 208-769-1450 Fax 208-769-1454



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

March 31, 2006

DAVID LINDSAY
252 GARNET DR
ST MARIES ID 83861-9101

RE: Application for Permit No 95-9340

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 St. Maries Gazette on April 5 & 12 2006. 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,

Christy Phillips
Clerk

Enclosure