

**STARTING
LEFT
SIDE OF
FILE**

FOR OFFICE USE ONLY
Amt. of Fee \$: 50
Receipt No. 208-772-8248
Receipt By: 03
Date Received: 8/26/05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

AUG 28 2005

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 95-9176 Telephone No. 208-772-8248
509-455-8466
2. Name of Permit Holder(s): Bruya LLC c/o Tim Bruya
3. Mailing Address: 3249 S. High Drive
City Spokane State WA Zip 99203
4. Source of Water: Hayden Lake If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 1 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No _____
Has the measuring device been installed? Yes _____ or No _____
8. Fee Enclosed: \$ _____ (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Tim Bruya Telephone Number: 509 455 8466
Address: _____
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder:  Date: 8/26/05
(include your title, if on behalf of company or organization)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

RECEIVED

MAR 08 2004

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 95-9176
Name(s) of Permit Holder: Bruga LLC
Address: 3249 S High Dr City Spokane State Wn Zip 99203
Telephone No. 509 455 8466 Date Proof is Due: 5/1/04

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Sprinkling system is in - But Erosion
problems not finished

Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

greatest erosion problem Resolution
line will be installed at later time

Permit holder(s) request an extension to 5/1 May 1, 20 2009

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit the proof of beneficial use is extended
to **May 1, 2006.**

Signed this 17th day of March, 20 04

Gary Spackman
GARY SPACKMAN

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09176

Priority: February 28, 2003

Maximum Diversion Rate: 0.04 CFS

This is to certify, that BRUYA LLC
C/O TIM BRUYA
3249 S HIGH DR
SPOKANE WA 99203

has applied for a permit to appropriate water from:

Source: HAYDEN LAKE

Tributary: SINKS

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(S) OF DIVERSION:

HAYDEN LAKE L1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 22, Twp 51N, Rge 03W, B.M. KOOTENAI County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
51N 03W 22	X																
	L1																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 1, 2004**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for 1 home.
5. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
6. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 7th day of April, 2003.


for **KARL J DREHER, Director**

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DEC 03 2003

RECEIVED
MAY - 6 2003
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. _____
70456
95-9176

To appropriate the public waters of the State of Idaho

1. Name of Applicant Bruya LLC Phone 509 772 8248
Mailing address 3249 S. High Drive Spokane Wash 99203
2. Source of water supply HAVERDALE LAKE which is a tributary of SINKS
3. Location of point of diversion is Township SIN Range 3W Sec. 22 in the _____ 1/4, NE 1/4, NE 1/4, Govt. Lot 1, B.M., KOOTENAI County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.04 for DOMESTIC 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) 0.04 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source PUMP IN LAKE
PIPELINE TO HOME
 - 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 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. 1 HOME
 - e. Other; describe fully. _____

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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.

← GWT. LOT 1

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
S1N	3W	22	D																

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? APPLICANT - IDL

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

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

12. Remarks: TIM BRUYA - MEMBER

MARGARET E. EDWARD BRUYA

KATHERINE JANE BRUYA

MARGARET JANE BRUYA

LAURA JANE BRUYA

EDWARD JOSEPA BRUYA

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

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


Signature of Applicant (and title, if applicable)

Received by [Signature] Date 2/28/03 Time 3:30p Preliminary check by [Signature]
 Fee \$ 100.00 Receipted by [Signature] # N015484 Date 2/28/03
 Publication prepared by [Signature] Date 3/12/03 Published in GAO Press 3/20 + 27/03
 Publication approved [Signature] Date 3/28/03

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REC 03 2003

1647353 51103W-22
8/31

EXHIBIT "A"

PAGE 2
File Number: 80378

A tract of land in Government Lot 1, Section 22, Township 51 North, Range 3 W.B.M., Kootenai County, State of Idaho, described as follows:

Beginning at the Government meander corner between Sections 22 and 23; thence,

South along the East line of Section 22, a distance of 89.64 feet to a point in the County Road; thence,

Along the County Road South 77° 03½' West, 99.2 feet; thence,

Along the County Road South 36° 28½' West, 270.1 feet; thence,

Along the County Road South 2° 55½' West, (record South 3° 24½' West) 236.52 feet to a ½ inch pipe in the County Road, the True Point of Beginning for this description; thence,

North 87° 57' West, 171.38 feet; thence,

North 43° 02' West, 138.83 feet; thence,

North 2° 48' West, 100.0 feet to a point on the shore of Hayden Lake; thence,

Along the shore of Hayden Lake North 51° 35½' East, 165.61 feet; thence,

Leaving the shore of Hayden Lake South 37° 10½' East, 51.93 feet; thence,

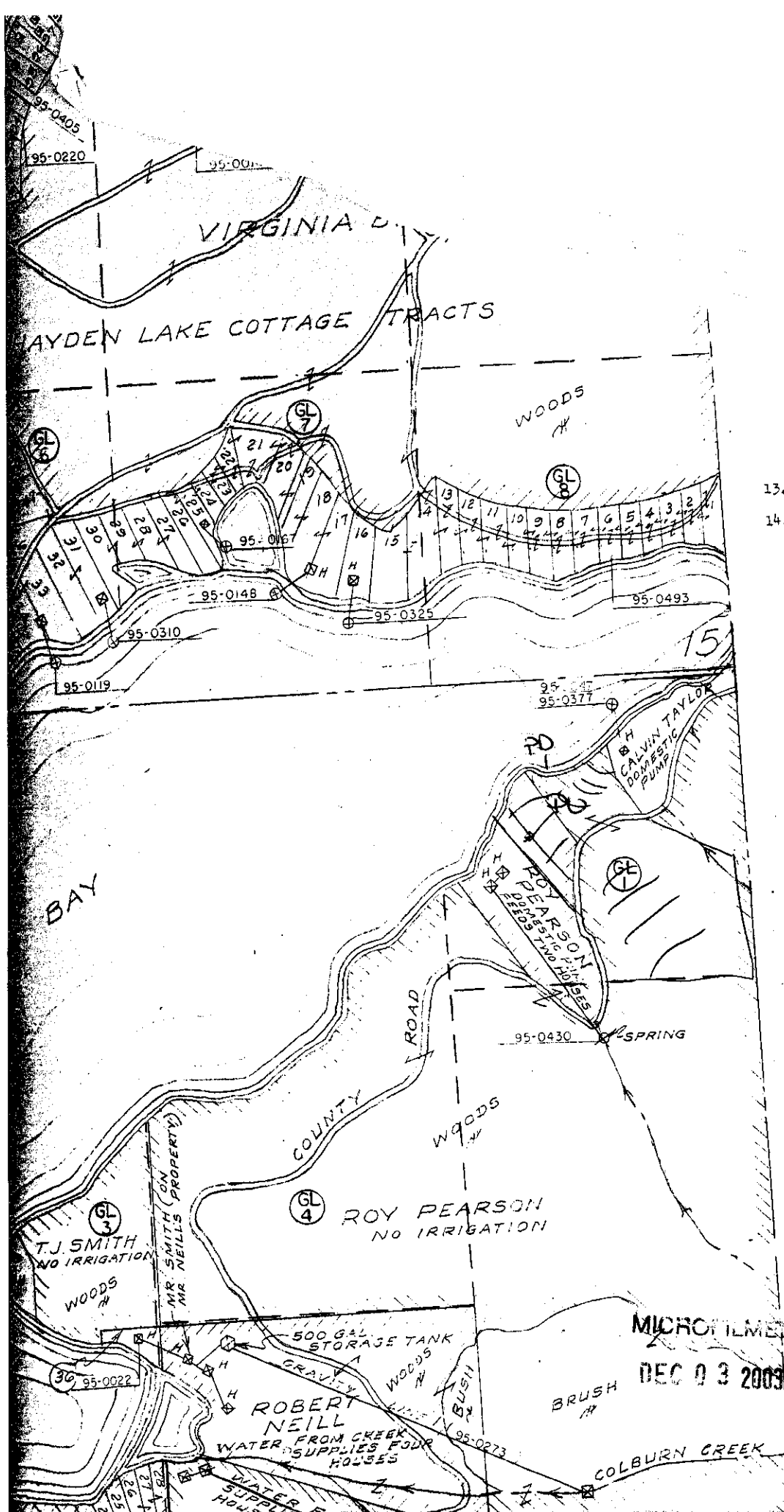
South 22° 09½' East, 290.73 feet to a point in the County Road, the True Point of Beginning.

Less County Road right of way.

EXCEPT that part, if any, lying below the mean highwater line of Hayden Lake.

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Lot 23-26
 Lot 27 B, Ant.
 Lot 28 B William
 Lot 19 B Loren E. Frank
 Lot 29-32 Alana A. & Frank G.
 Lot 33 Fr. 34 Alfred H. Osterson
 Fr. 34B Edward Owens

13. Fr. 34-B Sally Mitchell

14. SHAW'S HAYDEN HIGHLANDS

BLOCK A

Lots 1 & 2 A Steven M. Sullivan
 Lots 3-9 A Margaret J. Skipworth
 Lot 10 A George R. Yager
 Lot 11 A Carl R. Moller
 Lot 12 A Harold T. Ochs
 Lots 13-16A Donald R. Shaw
 Lots 17 & 18A Geo. Paul Pederson

BLOCK B

Lots 1-4 B Leona M. Leisk
 Lots 5-6 B Leo E. Harrigan
 Lot 1 Donald R. Shaw

15. Bert A. Harrison
 16. Elma L. Brown
 17. Mrs. Richard J. Enn
 18. Joseph P. Delay
 19. Fred N. Brown
 20. Carl Ellingsen
 21. Leona M. Leisk

22. EMERALD SUBDIVISION

Total-13^{Blk} A Kootenai Investment
 Lots 1-18 B
 Lots 1-6 D
 Lots 20-24B
 Lot 32 B
 Lots 1-6 C

Lot 19 B Fred Hartley
 Lots 25-26B James C. Elder
 7-8 C
 Lots 27-28B Dr. Warren H. Smi
 9-10C
 Lots 29-30B Charles J. Crocke
 11-12C
 Lot 31 B Robert D. Ellis
 13 C

23. William E. Cullen
 24. Del Cory Smith
 25. A. G. Robinson
 26. J. J. Broderick
 27. Charles J. May
 28. Donald V. McLeod
 29. Gil Michlitch
 30. Thomas B. Berry
 31. Irving Marcus
 32. Irene F. Tobler
 33. Robert J. C. Da
 34. Arthur M. Sowde
 35. Ray L. Barton
 36. Lee Barton

37. POWELL TRACTS

Lots 2-23 Mrs. J. R. Con
 Lots 22-24 William V. Kel

**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 2, 2006

BRUYA LLC
C/O TIM BRUYA
3249 S HIGH DR
SPOKANE ID 99203

PROOF ACKNOWLEDGMENT LETTER

Re: Permit No 95-9176

Dear Permit Holders:

The department acknowledges receipt of the proof of beneficial use ("proof") form submitted for the above-referenced permit. The next step in the process of developing a water right is for the department to conduct the field examination to determine and confirm the use of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov

If you have questions about the field examination, please contact the Northern Regional Office of the department in Coeur d'Alene at (208) 769-1450.

Sincerely,

A handwritten signature in black ink that reads "Christine Roberts". The script is cursive and fluid.

Christine Roberts
Technical Records Specialist

Encl:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 18, 2004

BRUYA LLC
C/O TIM BRUYA
3249 S HIGH DR
SPOKANE WA 99203

RE: PERMIT NO. 95-9176

Dear Permit Holder:

I have enclosed a copy of the approved Request for Extension of Time ("request") you submitted to the department in connection with the above referenced permit, which extends the time to submit proof of beneficial use to **May 1, 2006**. Please note that the department granted this extension based on evidence of **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed, since the department may not be able to grant an additional extension request based on this category.

Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Additionally, these forms can be found on our website at: www.idwr.state.id.us

If you have any questions regarding this matter, contact me at (208) 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

February 29, 2004

BRUYA LLC
C/O TIM BRUYA
3249 S HIGH DR
SPOKANE, WA 99203

PROOF DUE NOTICE

RE: PERMIT NO. 95-9176

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 01, 2004. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

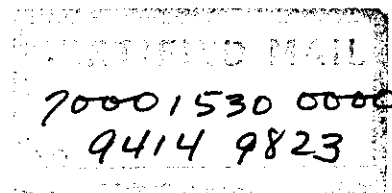
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 7, 2003

BRUYA LLC
C/O TIM BRUYA
3249 S HIGH DR
SPOKANE WA 99203

RE: Permit No. 95-9176

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.

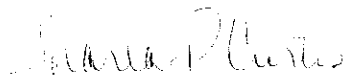
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least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

MICROFILMED
DEC 03 2003

If you have any questions, please contact me at 208-327-5452.

Sincerely,



Sharla R. Curtis

Sr. Water Resource Agent

SRC:klt

Enclosure(s)

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DEC 03 2003

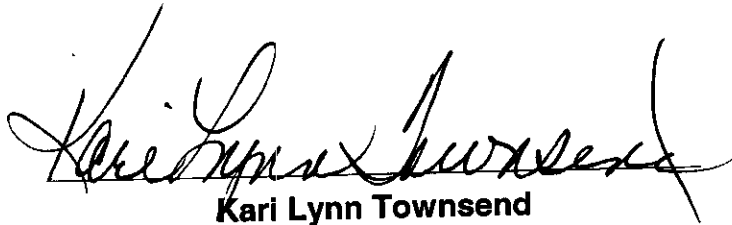
CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2003 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.

95-9176

**BRUYA LLC
C/O TIM BRUYA
3249 S HIGH DR
SPOKANE WA 99203**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
DEC 03 2003**

**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

To: File 95-9176

From: Sharla

Date: May 6, 2003

Re: Fish & Game Comments

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

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

**MICROFILMED
DEC 03 2003**

Ball, Dianne

From: Hennekey, Ray [rhennekey@IDFG.STATE.ID.US]
Sent: Wednesday, March 12, 2003 7:36 AM
To: diane ball (E-mail)
Cc: Tourtlotte, Greg; Grunder, Scott; Robertson, Cindy; Servheen, Gregg; Trent, Tracey; Vernholm, Terry
Subject: Water rights applications comments

March 12, 2003

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

Via email to Diane Ball:

REFERENCE: Applications for the following water rights permits: #96-9123 BURDETTE; # 96-9125 DENIO; # 95-9175 GROSS; and # 95-9176 BRUYA, LLC

We have reviewed the above named applications for water rights. Burdette requests a right for 1.4 acre feet from Green Creek for irrigation and aesthetics; Denio requests 0.04 cfs from Lake Pend Oreille for domestic use; Bruya, LLC requests 0.04 cfs from Hayden Lake for domestic use; and Gross requests 0.05 cfs from Lake Coeur d'Alene for irrigation.

We have no specific objections or comments about the above applications. However, water lines and pumps are an encroachment in lakes and rivers that can be detrimental to fish and fish habitat. Applicants should obtain necessary encroachment permits from Idaho Department of Lands before installing diversion structures, water lines and pumps in state waters.

We recommend that applicants install lines beneath the lake, river or stream during low water periods when underwater excavation will be minimized. Dug materials should be sidecast to only one side and the bottom contour and substrate restored. Any unburied sections of the line should be anchored on the bottom to prevent it from floating and interfering with boat anchors or anglers' lines or capturing debris. The applicant should also provide a smooth cover for the pump to avoid interference with boat anchors or anglers' lines and to avoid capturing debris. It would be preferable to place pumps on land rather than in the water.

Diversions or water intakes should be screened to prevent entrainment or impingement of fish. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.

Thank you for the opportunity to comment.

Ray Hennekey
 Environmental Staff Biologist

C: IDFG NRPB, Boise; Greg Tourtlotte, IDFG

MICROFILMED

DEC 03 2003

3/12/2003

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

Muti Flood being first duly sworn upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 20 2 consecutive weeks commencing on the 27 day of March 2003 and ending on the 27 day of March 2003, and such publication was made as often during said period as said Daily newspaper was regularly issued.

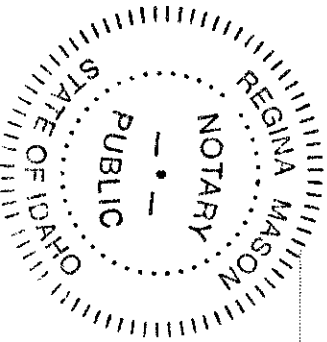
4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Muti Flood

Personally appeared before me this 27 day of March 2003

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

MY COMMISSION EXPIRES 6/18/03



NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) have been filed to appropriate the public waters of the State of Idaho:

95-9175

DONALD GROSS
1536 VERNON
RAIDRUM ID 83858
Point(s) of Diversion: NW1/4NW1/4 S22 T50N R04W KOOTENAI County
Source COEUR D'ALENE LAKE Tributary To SPOKANE RIVER
Use: IRRIGATION 04/01 To 11/01 0.05 CFS
Total Diversion 0.05 CFS
Date Filed: 02/18/2003
Place Of Use: IRRIGATION
T50N R04W S15 SWSW SESW
Number of Acres: 7
95-9176

BRUYA LLC
TIM BRUYA
3249 S HIGH DR
SPOKANE WA 99203
Point(s) of Diversion: L1 NENE S22 T51N R03W KOOTENAI County
Source HAYDEN LAKE Tributary To SINKS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion 0.04 CFS
Date Filed: 02/28/2003
Place Of Use: DOMESTIC
T51N R03W S22 NENE Lot 1
Remark: Domestic use is for 1 home.

Permits will be subject to all prior water rights. Protests must 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 04/07/2003. The protestant must also send a copy of the protest to the applicant.

Legal 2740
March 20, 27, 2003

KARL J. DREHER, Director.

RECEIVED

MAR 28 2003

IDWR/North

MICROFILM

DEC 03 2003

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

95-9175

DONALD GROSS
1536 VERNON
RATHDRUM ID 838858

Point(s) of Diversion NWNWNW S22 T50N R04W KOOTENAI County

Source COEUR D'ALENE LAKE Tributary To SPOKANE RIVER

Use: IRRIGATION 04/01 To 11/01 0.05 CFS

Total Diversion: 0.05 CFS

Date Filed: 02/18/2003

Place Of Use: IRRIGATION

T50N R04W S15 SWSW SESW

Number of Acres 7

95-9176

BRUYA LLC
TIM BRUYA
3249 S HIGH DR
SPOKANE WA 99203

Point(s) of Diversion L1 (NENE) S22 T51N R03W KOOTENAI County

Source HAYDEN LAKE Tributary To SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 02/28/2003

Place Of Use: DOMESTIC

T51N R03W S22 NENE Lot 1

Remark: Domestic use is for 1 home.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 04/07/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on March 20 and 27, 2003

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DEC 03 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

March 12, 2003

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

FAXED TO JEN PORTER - 664-0212

PLEASE FAX PROOF PRIOR TO PUBLICATION *

RE: Application for Permit No. 95-9175 and 95-9176

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 04/07/2003. Your cooperation is GREATLY appreciated.

Sincerely

Dianne Ball
Administrative Assistant

MICROFILM

DEC 03 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 12, 2003

BRUYA LLC
TIM BRUYA
3249 S HIGH DR
SPOKANE WA 99203

RE: Application for Permit No 95-9176

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Coeur d'Alene Press on March 20 and 27, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

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

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

Sincerely,

Allen Beardslee
Senior Water Resource Agent

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DEC 03 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 **Fax (208) 769-1454**

March 05, 2003

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RAY HENNEKEY
STATE OF IDAHO
DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

Application to Permit No. 95-9176 - Bruya LLC

Dear Ray:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within two weeks of receipt of this request, on or before. March 21, 2003. If you prefer, you may reply by e-mail to dball@idwr.state.id.us.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne', is written in dark ink.

Dianne Ball
Administrative Assistant

Enclosure(s)

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DEC 03 2003