

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 85-15652

Priority: January 13, 2006

Maximum Diversion Rate: 0.04 CFS

This is to certify, that OI MIN ANTHONY CHAI Or
JEROSSELLE C CHAI
PO BOX 507
GRANGEVILLE ID 83530

has applied for a permit to appropriate water from:

Source: SPRINGS

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 POINTS OF DIVERSION:

SPRINGS NW¼ NW¼ NE¼ Sec. 11, Twp 29N, Rge 03E, B.M. IDAHO County

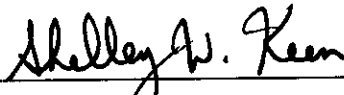
PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29N	03E	11		X															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2007**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.

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 April, 2006.


FOR KARL JOREHER, Director

72550

Ident No 85-15652

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JAN 13 2006

IDWR/North

To appropriate the public waters of the State of Idaho

1 Name of Applicant Chai Min Anthony & Jerselle C. Chai Phone (208) 983-6276
Mailing address P.O. Box 507, Grangeville, ID 83530
2 Source of water supply Springs which is a tributary to Sinks
3 Location of point of diversion is Township 29 N Range 3 E Sec 11 in the SE NW 1/4, Govt Lot Idaho County, Idaho
additional points of diversion if any

4 Water will be used for the following purposes

Amount 0.04 CFS 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)

Total quantity to be appropriated is (a) 0.04 cubic feet per second and/or (b) NA acre feet per annum

6 Proposed diverting works: Spring box

a. (Describe type and size of devices used to divert water from the source Use of a box to collect
Water which may be concrete or plastic or PVC to store up to 1500 gallon of
water pending on flow rate of spring which isn't located as yet)
b. Height of storage dam NA feet; active reservoir capacity NA acre-feet total

reservoir capacity NA acre-feet

c. Proposed well diameter is NA inches; proposed depth of well is NA feet

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? NA Drilling firm NA

Well was drilled for (well owner) NA; Drilling Permit No NA

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 NA

b. Stockwatering; list number and kind of livestock NA

c. Municipal, show name of municipality NA

d. Domestic, show number of households 1

e. Other, describe fully NA

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.

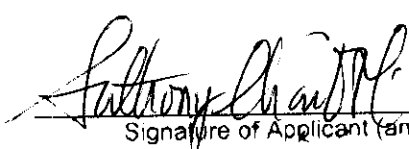
TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29N	3E	11		D		X													NA

Total number of acres to be irrigated NA10. Describe any other water rights used for the same purposes as described above. NA11. a. Who owns the property at the point of diversion? Applicantsb. Who owns the land to be irrigated or place of use? Applicantsc. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. NA

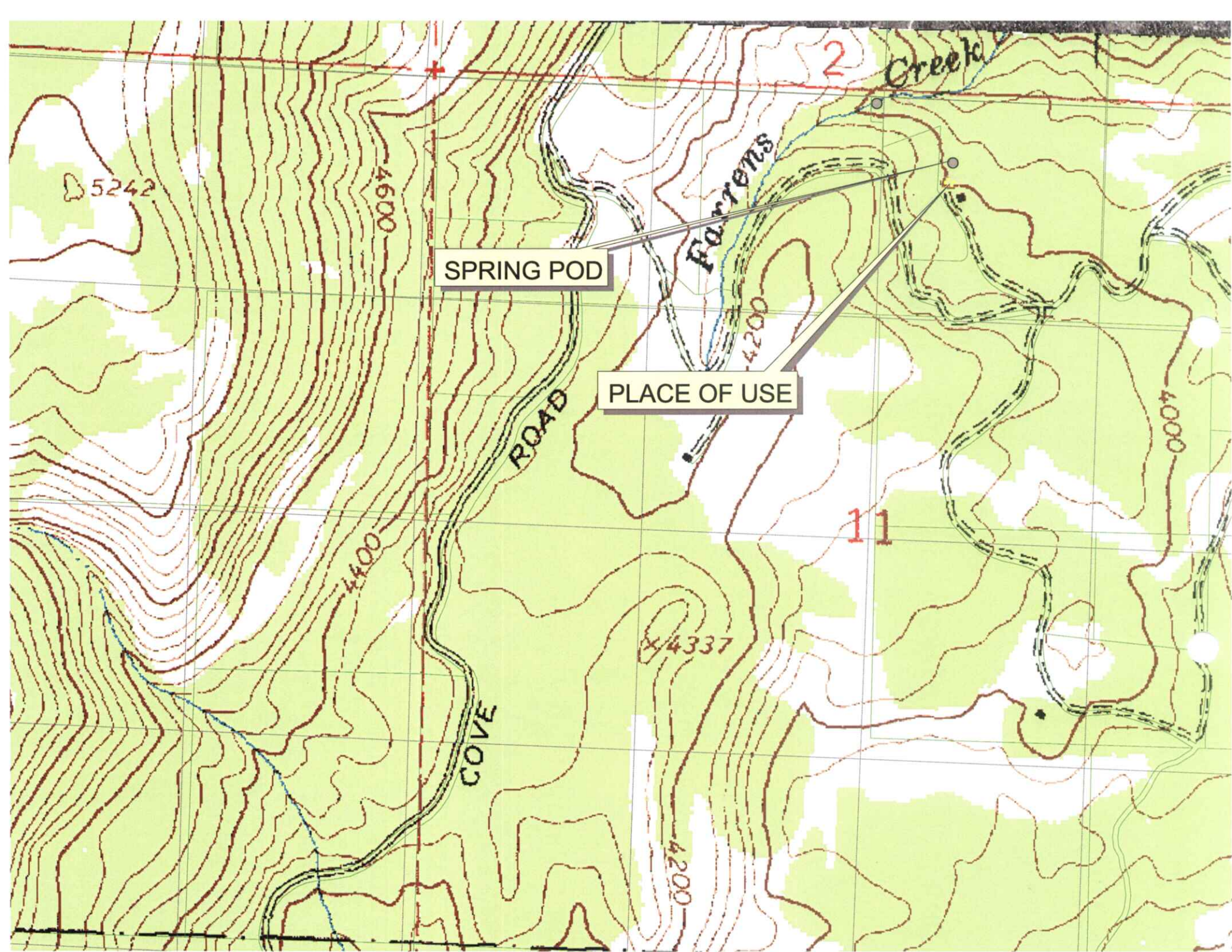
12. Remarks.

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.)

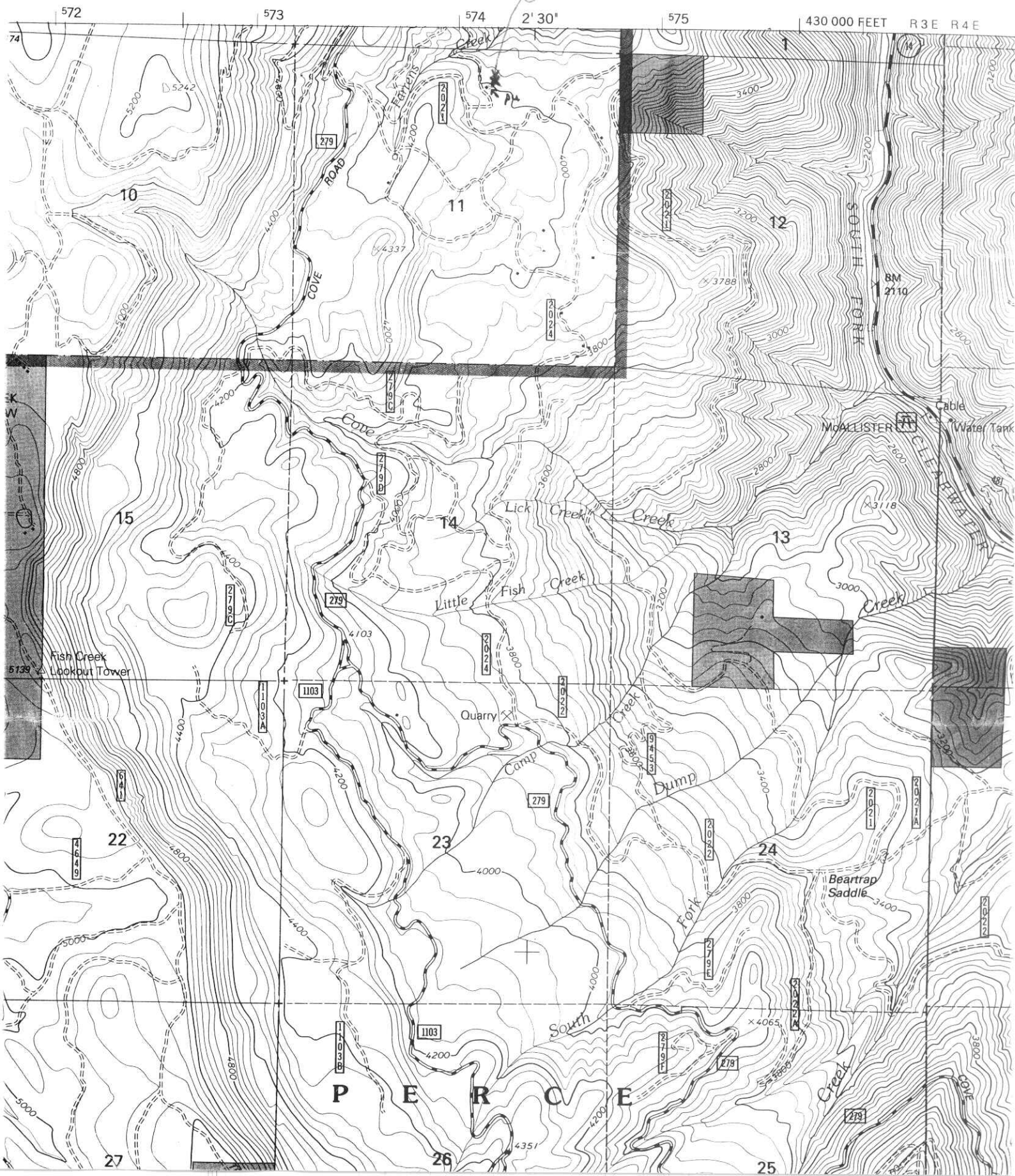
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters or the State of Idaho as herein set forth.


 Signature of Applicant (and title, if applicable)

Received by db Date 1/13/06 Time 1:40P Preliminary check by db
 Fee \$ 100.00 Receipted by db # 1017331 Date 1/13/06
 Publication prepared by db Date 2/1/06 Published in Idaho Free Press 2/1 + 8/06
 Publication approved db Date 2/13/06



Spring box Planz



CHAI



- Idaho taxlots
- GCDB29N03E GCDB
- Application POD
- Application POU



0.08 0 0.08 0.16 Miles

**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

April 13, 2006

OI MIN ANTHONY CHAI
JEROSELLE C CHAI
PO BOX 507
GRANGEVILLE ID 83530

RE: Permit No. 85-15652

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.

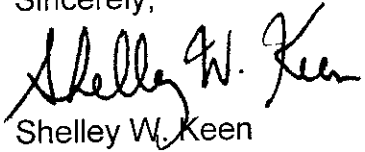
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 written in a cursive style with a large, stylized "S" and "K".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

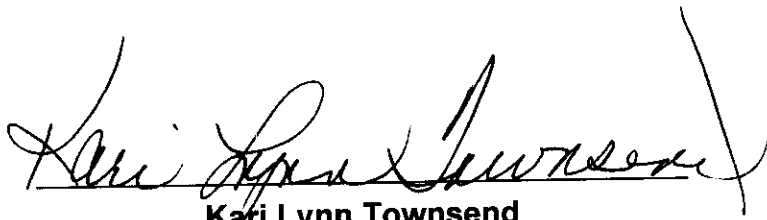
CERTIFICATE OF SERVICE

I hereby certify that on April 13, 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.

85-15652

**JEROSELLE C CHAI
OI MIN ANTHONY CHAI
PO BOX 507
GRANGEVILLE ID 83530**

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

**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: April 12, 2006
To: Water Right File 85-15652
From: eretelle
Re: parallel processing

IDWR received comments from IF&G stating no objection. The review committee for the area formerly covered by the Salmon-Clearwater Moratorium (excluding the Wild & Scenic area) has been informed of the processing of this application, and Bill Graham (IDWR Planning) gave his go-ahead.

No WD or moratorium.

No overlap or protest.

Recommend approval as suggested by IDWR Northern.

-----Original Message-----

From: Hennekey, Ray [mailto:rhenekey@idfg.idaho.gov]

Sent: Monday, April 10, 2006 1:46 PM

To: Taylor, Greg

Cc: Groen, Cal; cbarlow@idfg.state.id.us; Grunder, Scott; Robertson, Cindy; Servheen, Gregg; Trent, Tracey

Subject: Chai Water Rights Applications

Greg:

I reviewed the two water rights applications for Chai. I have also spoken with you and Mr. Chai regarding the project.

Application #85-15652 is for withdrawal from a spring for domestic use. IDFG does not anticipate that this withdrawal will have significant adverse impacts on fish, wildlife or habitat. We have no objection to the proposed withdrawal.

Application #85-15653 is for withdrawal of 0.2 cfs from Ferrens Creek for hydropower. Pipes of 2-6 inches would be used at the intake. Water withdrawn for power generation would be returned directly to Ferrens Creek within 50 to 80 feet from the point of withdrawal.

We understand from Mr. Chai that portions of Ferrens Creek are either intermittent or ephemeral in the area of the requested point of diversion. Based on that information, we do not anticipate that the diversion will have a significant impact on fish, wildlife or habitat over the 50 to 80 feet of stream effected, as long as adequate water is left instream to protect those values. However, because Ferrens Creek does not dependably flow year round in the area of the requested diversion, we anticipate that the applicant will have difficulty being able to withdraw enough water year round to generate power and that attempting to do so during a substantial portion of the year may interrupt flow in the segment of stream between penstock and return. At no time, should the withdrawal for power generation remove 100% of the flow from the creek. To help protect instream habitat between penstock and return, and we recommend a permit condition that states that flows immediately above the diversion must be monitored and that no more than 50% of flow can be withdrawn from Ferrens Creek at any time. In lieu of requiring a full-blown instream flow assessment for Ferrens Creek to determine protective withdrawal rates prior to issuing the water right, we believe that maintaining a minimum of 50% flow in this intermittent/ephemeral segment of the stream should adequately protect instream habitat at the site and downstream.

Finally, installation of withdrawal and water returns will certainly impact bed and banks of the stream. We assume that the applicant will be required to obtain a joint Stream Alterations Permit in addition to this water right. Looking ahead to that permitting process, both water intake and return should be designed to protect fish and stream habitat, including screening at the intake. We look forward to reviewing the designs for penstock, withdrawal and water return that should accompany the stream alterations permit application.

Please give me a call if you need any further input from us on these applications.

Ray Hennekey, Environmental Staff Biologist
IDFG Clearwater Region

RECEIVED

FEB 10 2006

IDWR/North

AFFIDAVIT OF PUBLICATION

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

85-15652

OI MIN ANTHONY CHAI
JEROSSELLE C CHAI
PO BOX 507
GRANGEVILLE ID 83530
Point(s) of Diversion NWNWNE S11
T29N R03E IDAHO County
Source SPRINGS - Tributary To SINKS
Use: DOMESTIC 01/01 To 12/31
0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 01/13/2006
Place Of Use: DOMESTIC
T29N R03E S11 NWNE
Remark: Domestic use is for 1 home.

85-15653

OI MIN ANTHONY CHAI
JEROSSELLE C CHAI
PO BOX 507
GRANGEVILLE ID 83530
Point(s) of Diversion NENW S11
T29N R03E IDAHO County
Source FARRENS CREEK - Tributary
To SOUTH FORK CLEARWATER
RIVER
Use: POWER 01/01 To 12/31
0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 01/13/2006
Place Of Use: POWER
T29N R03E S11 NWNE
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

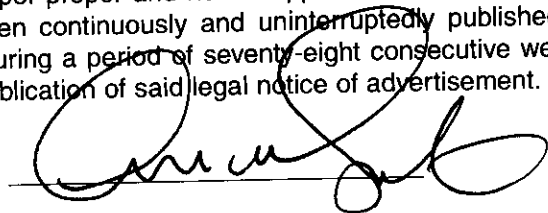
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 02/20/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on February 1 & 8, 2006

F1-8

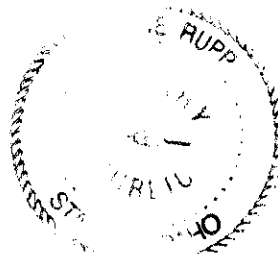
STATE OF IDAHO
County of Idaho - ss.

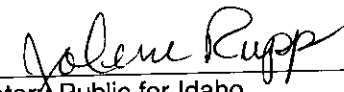
Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 1st day of February, 2006; and the last publication on the 8th day of February, 2006; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF IDAHO)

On this 8th day of February in the year of 2006, before me a Notary Public personally appeared Andrew J. McNab, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.




Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 1-24-07

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

85-15652

OI MIN ANTHONY CHAI
JEROSSELLE C CHAI
PO BOX 507
GRANGEVILLE ID 83530

Point(s) of Diversion NWNWNE S11 T29N R03E IDAHO County

Source SPRINGS - Tributary To SINKS

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

Date Filed: 01/13/2006

Place Of Use: DOMESTIC

T29N R03E S11 NWNE

Remark: Domestic use is for 1 home.

85-15653

OI MIN ANTHONY CHAI
JEROSSELLE C CHAI
PO BOX 507
GRANGEVILLE ID 83530

Point(s) of Diversion NENW S11 T29N R03E IDAHO County

Source FARRENS CREEK - Tributary To SOUTH FORK CLEARWATER RIVER

Use: POWER 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 01/13/2006

Place Of Use: POWER

T29N R03E S11 NWNE

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 02/20/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on February 1 & 8, 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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 25, 2006

NONA DONALDSON
LEGAL NOTICE DEPARTMENT
IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE ID 83530

e-mailed to Nona 1/25/06

RE: Application for Permit No. 85-15652 and 85-15653

Please FAX proof copy before this goes to press, to 208-769-1454
Thanks, Dianne

Dear Nona:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates Indicated, February 1 and 8, 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 02/20/2006. Your cooperation is GREATLY appreciated, as always.

It's truly a pleasure to work with you.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD., SUITE 210 ~ COEUR D'ALENE ID 83814
Phone 208-769-1450 - FAX - 208-769-1454

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, January 25, 2006 11:54 AM
To: Legal Notices-ID CO Free Press (E-mail)
Subject: Legal notice for publication February 1 and 8, 2006

Good day to you, Nona,

Attached is our cover letter requesting publication of a legal notice on February 1 and 8, 2006. The legal notice is also attached.

PLEASE FAX A PROOF COPY BEFORE THIS GOES TO PRESS, to 208-769-1454.

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

Thanks - it's always a pleasure to work with you.

Dianne

Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone (208)769-1450 FAX (208)769-1454



CoverLetter
01-25-06 IC e-mail..



LegalNotice
01-25-06 IC e-mail..



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

January 25, 2006

OI MIN ANTHONY CHAI
JEROSELLE C CHAI
PO BOX 507
GRANGEVILLE ID 83530

RE: Application for Permit No 85-15652 (Springs) and 85-15653 (Farrens Creek)

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 Idaho County Free Press on February 1 & 8, 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,

Gregory J. Taylor
Senior Water Resource Agent

Enclosure(s) – Receipt No. N017331



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

January 20, 2006

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

FAXED TO RAY 1/20/06
9 paged total

Re: Water Permit Application No. 85-15652 AND 85-15653

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 **February 17, 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 Dianne.Ball@idwr.idaho.gov.

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

Sincerely,

Dianne Ball
Administrative Assistant