

**STARTING  
LEFT  
SIDE OF  
FILE**

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 98-07848

Priority: December 21, 2005

Maximum Diversion Rate: 5.00 CFS

This is to certify, that **DUCKS UNLIMITED**  
1101 SE TECH CENTER DR STE 115  
VANCOUVER WA 98683

has applied for a permit to appropriate water from:

**Source:** BOUNDARY CREEK      **Tributary:** KOOTENAI 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> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| WILDLIFE STORAGE      | 01/01 to 12/31       |                          | 230.4 AF             |
| DIVERSION TO STORAGE  | 03/15 to 11/15       | 5.00 CFS                 |                      |
| WILDLIFE              | 03/15 to 11/15       | 5.00 CFS                 |                      |

**LOCATION OF POINT OF DIVERSION:**

BOUNDARY CREEK L4 (NW¼ SW¼) Sec. 11, Twp 65N, Rge 02W, B.M. BOUNDARY County

**PLACE OF USE:** WILDLIFE and WILDLIFE STORAGE

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |  |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|--|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |  |
| 65N 02W 23  |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    | X      |  |
| 65N 02W 24  |    |    |    |    | X  | X  | X  | X  | X  | X  |    |    |    |    |    |    |        |  |
|             |    |    |    |    | L3 |    |    |    | L4 |    |    |    |    |    |    |    |        |  |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2008**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. This right does not grant any right-of-way or easement across the land of another.
6. Wildlife and wildlife storage uses are for a wetland basin.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 23<sup>rd</sup> day of February, 2006.

  
KARL J DREHER, Director

RECEIVED

FEB 13 2006

DEPARTMENT OF  
WATER RESOURCES

72397

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 98-7848

RECEIVED

FEB 03 2005

IDWR/North

1. Name of Applicant Ducks Unlimited Phone (509) 465-4997

Mailing address 1101 SE Tech Center Drive, Suite 115, Vancouver, WA 98683

2. Source of water supply Boundary Creek which is a tributary of Kentenna River

3. Location of point of diversion is Township 65 N Range 2 W Sec. 11 in the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Govt. Lot 4, B.M., Boundary County;

additional points of diversion if any: - NA -

4. Water will be used for the following purposes:

Amount 5 CFS / 230.4 AF for Wildlife purposes from 3/15 to 11/15 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount 230.4 AF for Wildlife Storage purposes from 1/01 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount 5 CFS for Diversion to Storage purposes from 3/15 to 11/15 (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) 5 CFS and/or (b) 230.4  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Below stream infiltration gallery -

SEE ATTACHED

b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity 230.4 acre-feet; total  
reservoir capacity 230.4 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 2 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. \_\_\_\_\_

c. Municipal; show name of municipality. \_\_\_\_\_

d. Domestic; show number of households. \_\_\_\_\_

e. Other; describe fully. Wildlife, Wildlife Storage, & Diversion to storage - SEE ATTACHED

1. 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 |                 |
| 65N | 2W  | 24  |    |    |    |              | <del>W</del> | <del>W</del> | <del>W</del> | <del>W</del> | <del>W</del> | <del>W</del> |    |    |              |    |    |    | <del>10.0</del> |
|     |     |     |    |    |    |              |              |              |              |              |              |              |    |    |              |    |    |    |                 |
|     |     |     |    |    |    |              |              |              |              |              |              |              |    |    |              |    |    |    |                 |
|     |     |     |    |    |    |              |              |              |              |              |              |              |    |    |              |    |    |    |                 |
|     |     |     |    |    |    |              |              |              |              |              |              |              |    |    |              |    |    |    |                 |
| 65N | 2W  | 23  |    |    |    | <del>W</del> |              |              |              |              |              |              |    |    | <del>W</del> |    |    |    | 10.0            |
|     |     |     |    |    |    |              |              |              |              |              |              |              |    |    |              |    |    |    |                 |

W = Wildlife, Wildlife Division, & Wildlife Storage

Total number of acres to be irrigated 0

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

11. a. Who owns the property at the point of diversion? Forest Capital

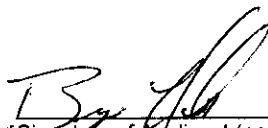
b. Who owns the land to be irrigated or place of use? Ducks Unlimited

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

12. Remarks: SEE ATTACHED

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.

  
 Regional Wildlife Habitat Manager  
 Idaho Dept. Fish & Game  
 2750 Kathleen Ave  
 Coeur d'Alene, ID 83814  
 (208) 769-1414

Received by D. Allen Date 12-21-05 Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_

Fee \$ 410.00 Receipted by [Signature] # Bill 1395 Date \_\_\_\_\_

Publication prepared by [Signature] Date 11/11/06 Published in Bozeman Ferry Herald 11/19/26/06

Publication approved [Signature] Date 2/2/06

## **SUPPLEMENTAL ATTACHEMENT**

### **General Project Description**

The Idaho Department of Fish and Game currently holds a 19.8 cfs water right whereby 2970 af of water can be diverted from Boundary Creek (a tributary of the Kootenai River) into the Department owned Boundary Creek Wildlife Management Area (BCWMA). Diversion occurs from March 15 through November 15. Wastewater is fed back into the Kootenai River at four different points.

Once on the BCWMA, water is fed through a complex deliver system to six shallow basins managed to promote wetland functions with an emphasis on waterfowl production.

In 2003, Ducks Unlimited acquired 623 acres (the Smith Creek Property) adjoining the southern end of the BCWMA. Ducks Unlimited and the Department have since entered into a lease agreement whereby the Department operates the Smith Creek Property.

At the time of acquisition by Ducks Unlimited, the Smith Creek Property was encumbered by a perpetual federal Wetland Reserve Program easement administered by the Natural Resources Conservation Service (NRCS). The easement precludes most agricultural activities and all development.

The easement also allows the NRCS to restore wetlands on the site. A series of drainage ditches were plugged and water control structures were installed. A 115.2 acre wetland basin was projected to be formed. Runoff has proven inadequate to fill the basin.

The Department, Ducks Unlimited, and NRCS are now proposing to connect the 115.2 acre wetland basin located on the Smith Creek Property, to the BCWMA water delivery system. Water that currently passes through the BCWMA and back into the Kootenai River would be used to fill the Smith Creek wetland basin. The water level of the wetland basin would be managed to mimic the pre-Libby Dam hydrograph to recreate historic wetland conditions. A similar management approach has proven effective on the BCWMA.

### **Question 6a.**

The diversion in Boundary Creek consists of a below-the-stream bed infiltration gallery. Water falls through a wedge wire grate, flows into a collection chamber, routes through ~ 100 yards of pipe, exists into an open ditch system, and finally enters a slough. Up to 19.8 cfs can be diverted.

A dike in the slough currently separates the BCWMA water from the Smith Creek Property. Funding exists to install a precast cement standpipe water control system connecting the Smith Creek Property to the BCWMA. The structure would be designed to handle 5 cfs.

Note: The BCWMA diversion was designed to preclude fish entrainment. In addition to a fish friendly diversion, the Department self imposes stringent diversion criteria to avoid impairing fish passage in the stream channel. Water is only diverted when stream flows exceed 50 cfs and then, no more than 10% of the water is diverted. A 50 cfs flow provides unimpaired fish passage through the diversion area.

**Question 8e.**

As proposed, the water would be used to restore historic wetland conditions and benefit wildlife. To accomplish this, water needs to be diverted in the spring, held high until the summer, gradually lowered through the summer, and then refilled in the fall. It is desirable to maintain a modest flow through the system at all times to prevent anaerobic conditions from developing.

**Question 10.**

As previously noted, a 19.8 cfs / 2870 af water right is associated with the BCWMA (#98-7103).

**Question 11.**

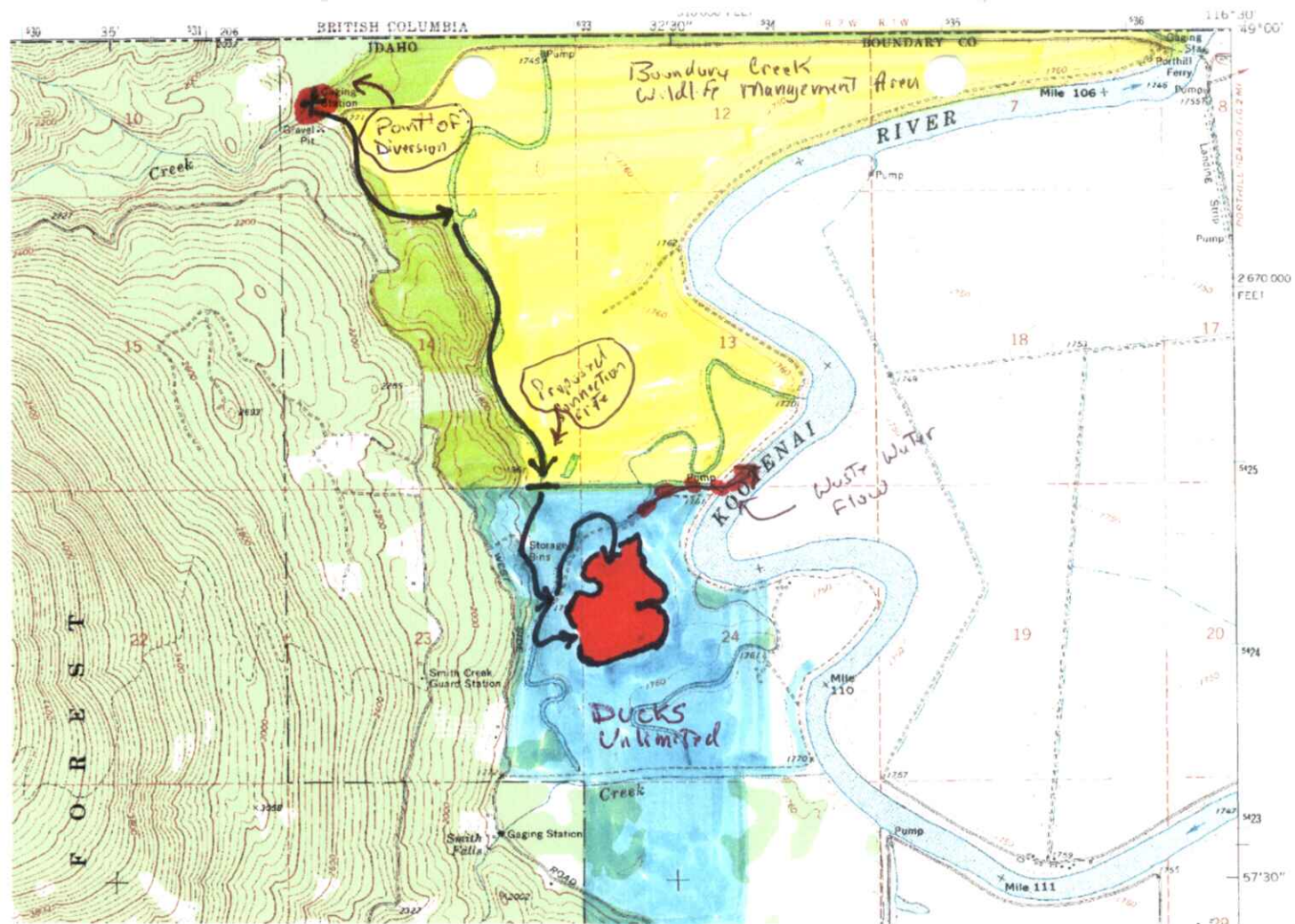
As previously noted, Forest Capital owns the point of diversion in the Boundary Creek Channel. The Department holds an easement affording the Department the perpetual right to divert water at this site and maintain associated infrastructure.

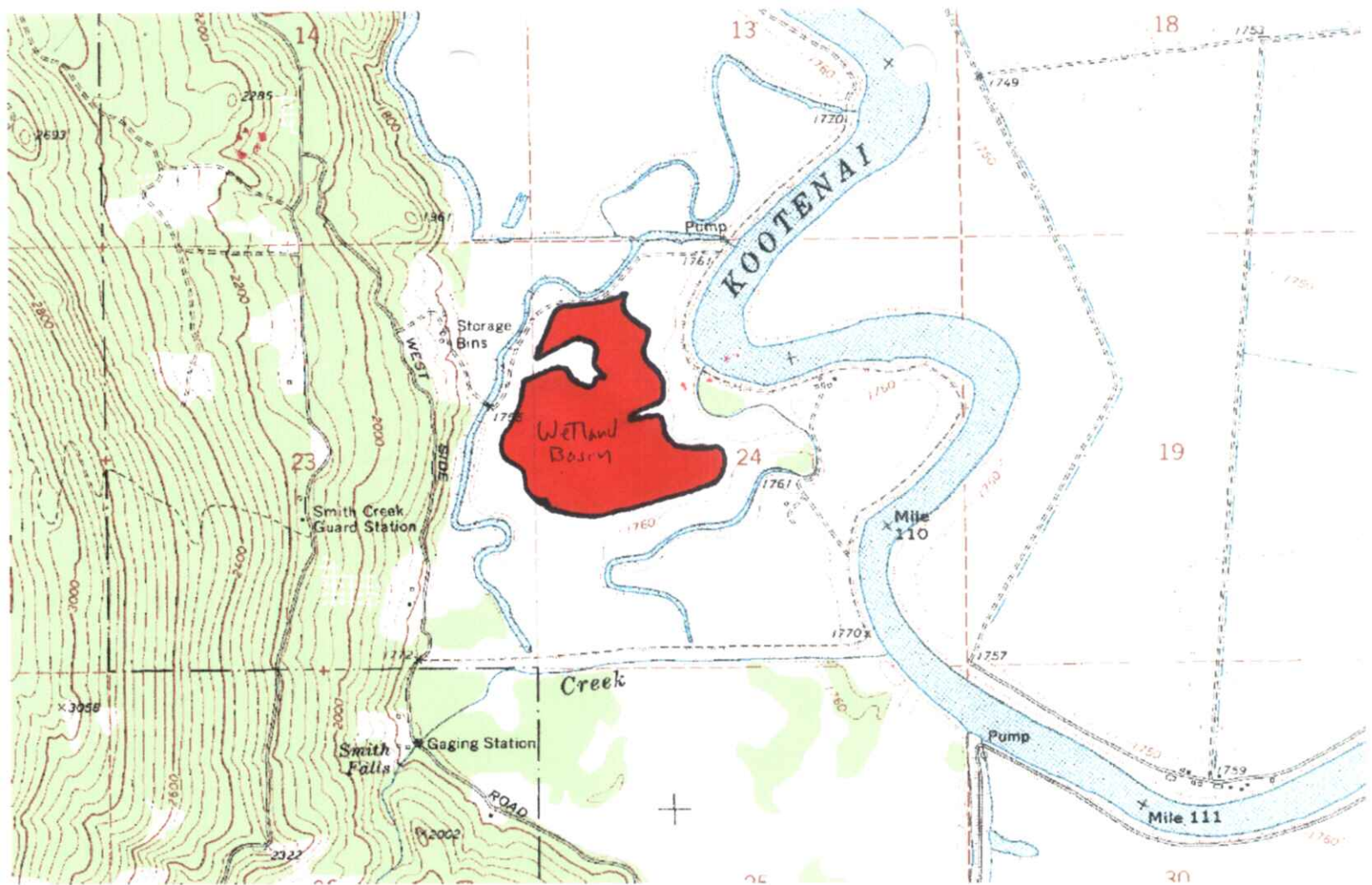
Once exiting the diversion structure, the water flows across Department ownership prior to entering the Smith Creek Property owned by Ducks Unlimited. Ducks Unlimited and the Department have a lease allowing Department operation of the Smith Creek Property. The NRCS Wetland Reserve Easement mandates the perpetual operation of the Smith Creek property to benefit wetlands.

**Question 12.**

- The referenced 115.2 acre wetland basin was designed to preclude impacts to the eastern neighbor. Prior to construction of the wetland basin, test wells were dug to monitor groundwater elevations. Following a year of monitoring, a ~50 yard swale was excavated between the wetland basin and the neighboring property owner. The base of the swale was set at the elevation determined by the test wells. Consequently, any water subbing out of the basin (not anticipated) will be intercepted by the swale and then flow into the Smith Creek Channel through a flap gate protected pipe.

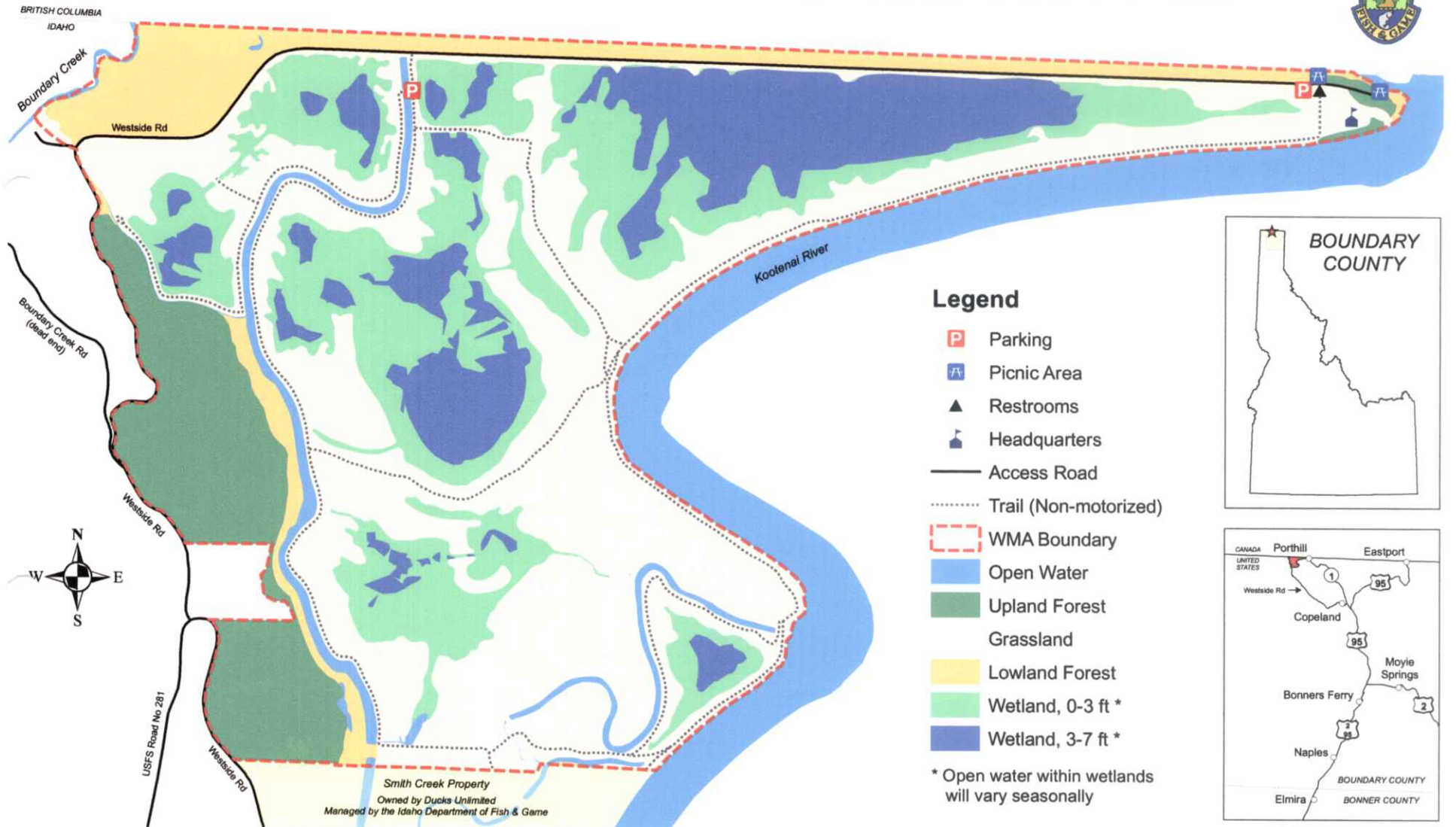
- Wastewater from the 115.2 acre Smith Creek wetland basin will flow into the Kootenai River in exactly the same manner as wastewater from the BCWMA flows into the Kootenai River.





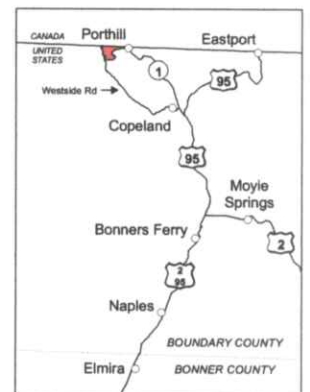
# Boundary Creek Wildlife Management Area

0 0.25 0.5 1 Miles



## Legend

- P Parking
  - P Picnic Area
  - ▲ Restrooms
  - ▲ Headquarters
  - Access Road
  - Trail (Non-motorized)
  - WMA Boundary
  - Open Water
  - Upland Forest
  - Grassland
  - Lowland Forest
  - Wetland, 0-3 ft \*
  - Wetland, 3-7 ft \*
- \* Open water within wetlands will vary seasonally



Map produced by IDFG, October 2005

**NOW  
STARTING  
RIGHT  
SIDE OF  
FILE**



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

February 27, 2006

DUCKS UNLIMITED  
1101 SE TECH CENTER DR STE 115  
VANCOUVER WA 98683

RE: Permit No. 98-7848

**Permit Approval Notice**

Dear Permit Holder:

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

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

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

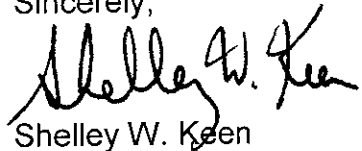
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

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

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

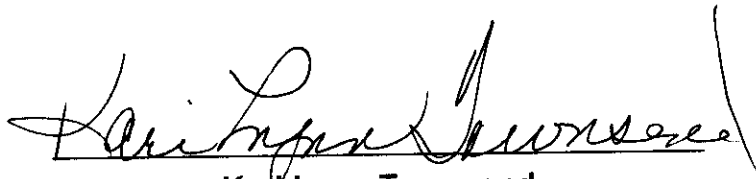
## **CERTIFICATE OF SERVICE**

I hereby certify that on February 27, 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.**

**98-7848**

**DUCKS UNLIMITED  
1101 SE TECH CENTER DR STE 115  
VANCOUVER WA 98683**

A handwritten signature in black ink, appearing to read 'Karl Lynn Townsend', written over a horizontal line.

**Karl 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:** February 22, 2006  
**To:** Water Right File 98-7848  
**From:** eretelle  
**Re:** permit review

---

No WD or moratorium.

No protest.  
overlap 98-7103

Recommend approval as suggested by IDWR Northern.

AFFIDAVIT OF PUBLICATION

State of Idaho

SS

County of Boundary, Gail Brown  
being first duly sworn on oath deposes and says that  
he/she is Office Manager of  
the Bonners Ferry Herald, a newspaper printed and  
published at Bonners Ferry, Boundary County, Idaho;  
that the said newspaper has been continuously and  
uninterruptedly published in said Boundary County  
during a period of 12 months prior to the first publication  
of the hereto attached notice of publication in the case

of:  
#5787 Appropriate Public  
Waters 98-7848

as it was published in the regular and entire issue of the  
said paper for a period of 2 consecutive weeks,  
commencing on 19 day of January 2006  
and ending on the 26 day of January 2006  
and that said notice was published in said newspaper.

Gail Brown

SUBSCRIBED AND SWORN TO before me, this

27 day of January 2006.

Carol A. Arthur  
Notary Public-State of Idaho

Residing at: Bonners Ferry  
My Commission Expires: 2-25-11

RECEIVED  
FEB 02 2006  
IDWR/North

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**98-7848**

**DUCKS UNLIMITED**

1101 SE TECH CENTER DR STE 115  
VANCOUVER WA 98683

Point(s) of Diversion L4 (NWSW) 11 T65N R02W BOUNDARY County  
Source BOUNDARY CREEK - Tributary To KOOTENAI RIVER  
Use: WILDLIFE 03/15 To 11/15 5 CFS  
Use: WILDLIFE STORAGE 01/01 To 12/31 230.4 AFA  
Use: DIVERSION TO STORAGE 03/15 To 11/15 5 CFS  
Total Diversion 5 CFS

Date Filed: 12/21/2005

Place Of Use: WILDLIFE

T65N R02W S23 SENE NESE

T65N R02W S24 NENW Lot 3 NWNW SWNW SENW Lot 4

NESW NWSW

Place Of Use: WILDLIFE STORAGE same as WILDLIFE

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 02/06/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal BFH#5787  
January 19, 26, 2006

**Ball, Dianne**

---

**From:** Jim Brady [jbrady@idl.state.id.us]  
**Sent:** Wednesday, January 11, 2006 3:15 PM  
**To:** Ball, Dianne  
**Subject:** WPA #'s 98-7848 & 96-9269

*Ed on computer 2/1/06*

Dianne, both of these applications are outside of our jurisdiction so we have no comment. Thanks.

Jim Brady, Resource Manager  
Minerals and Navigable Waters  
Idaho Department of Lands, Mica Supervisory Area  
3706 Industrial Ave. South  
Coeur d'Alene, ID 83815  
(208) 666-8607  
(208) 769-1597 fax

Please note that after January 9, 2006 my address and phone numbers will be:

Idaho Department of Lands-Pend Oreille Supervisory Area  
2550 Highway 2 West  
Sandpoint, ID 83864-7307  
(208) 263-5104  
(208) 263-0724 fax

2/1/2006

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

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1101 SE TECH CENTER DR STE 115  
VANCOUVER WA 98683

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Total Diversion: 5 CFS

Date Filed: 12/21/2005

Place Of Use: WILDLIFE

T65N R02W S23 SENE NESE

T65N R02W S24 NENW Lot 3 NWNW SWNW SENW Lot 4

NESW NWSW

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KARL J DREHER, Director Published January 19 & 26, 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 11, 2006

**CAROL ARTHUR, KELLIE NEFF &/OR GAIL BROWN**  
**LEGAL NOTICE DEPARTMENT**  
BONNERS FERRY HERALD  
PO BOX 539  
BONNERS FERRY ID 83805

RE: Application for Permit No. 98-7848

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

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, January 19 and 26, 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 02/06/2006. Your cooperation is GREATLY appreciated, as always.

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

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**From:** Ball, Dianne  
**Sent:** Wednesday, January 11, 2006 4:21 PM  
**To:** Legal Notices-BFHerald (E-mail); Legal Notices-BFHerald-Gail Brown (E-mail)  
**Subject:** Legal notice for publication on January 19 and 26, 2006

Good afternoon, ladies,

Attached is our cover letter requesting publication of a legal notice on January 19 and 26, 2006. The legal notice is also attached.

**PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION TO 208-769-1454, to allow for any last minute layout or other changes.**

Thank you very much.

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

Thank you very much. It's always a pleasure to work with you.

*Too blessed to be stressed,*

*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  
1-11-06 BFH e-mai.



LegalNotice  
1-11-06 BFH e-mai.



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 11, 2006

DUCKS UNLIMITED  
1101 SE TECH CENTER DR STE 115  
VANCOUVER WA 98683

RE: Application for Permit No 98-7848

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 Bonners Ferry Herald on January 19 and 26, 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



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 9, 2006

JIM BRADY, RESOURCE MANAGER  
IDAHO DEPARTMENT OF LANDS  
PEND OREILLE SUPERVISORY AREA  
2550 HIGHWAY 2 WEST  
SANDPOINT ID 83864-7307

FAXED TO JIM 1/9/06  
8 pages total

Re: Water Permit Application No. 98-7848

Dear Jim:

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 3, 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](mailto:Dianne.Ball@idwr.idaho.gov).

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

Sincerely,

Dianne Ball  
Administrative Assistant



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

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DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 9, 2006

MARY TERRA-BERNS  
IDAHO DEPARTMENT OF FISH & GAME  
2750 KATHLEEN AVE.  
COEUR D'ALENE, ID 83815

FAXED TO MARY  
8 pages total

Re: Water Permit Application No. 98-7848

Dear Mary:

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 3, 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](mailto:Dianne.Ball@idwr.idaho.gov).

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

Sincerely,

Dianne Ball  
Administrative Assistant