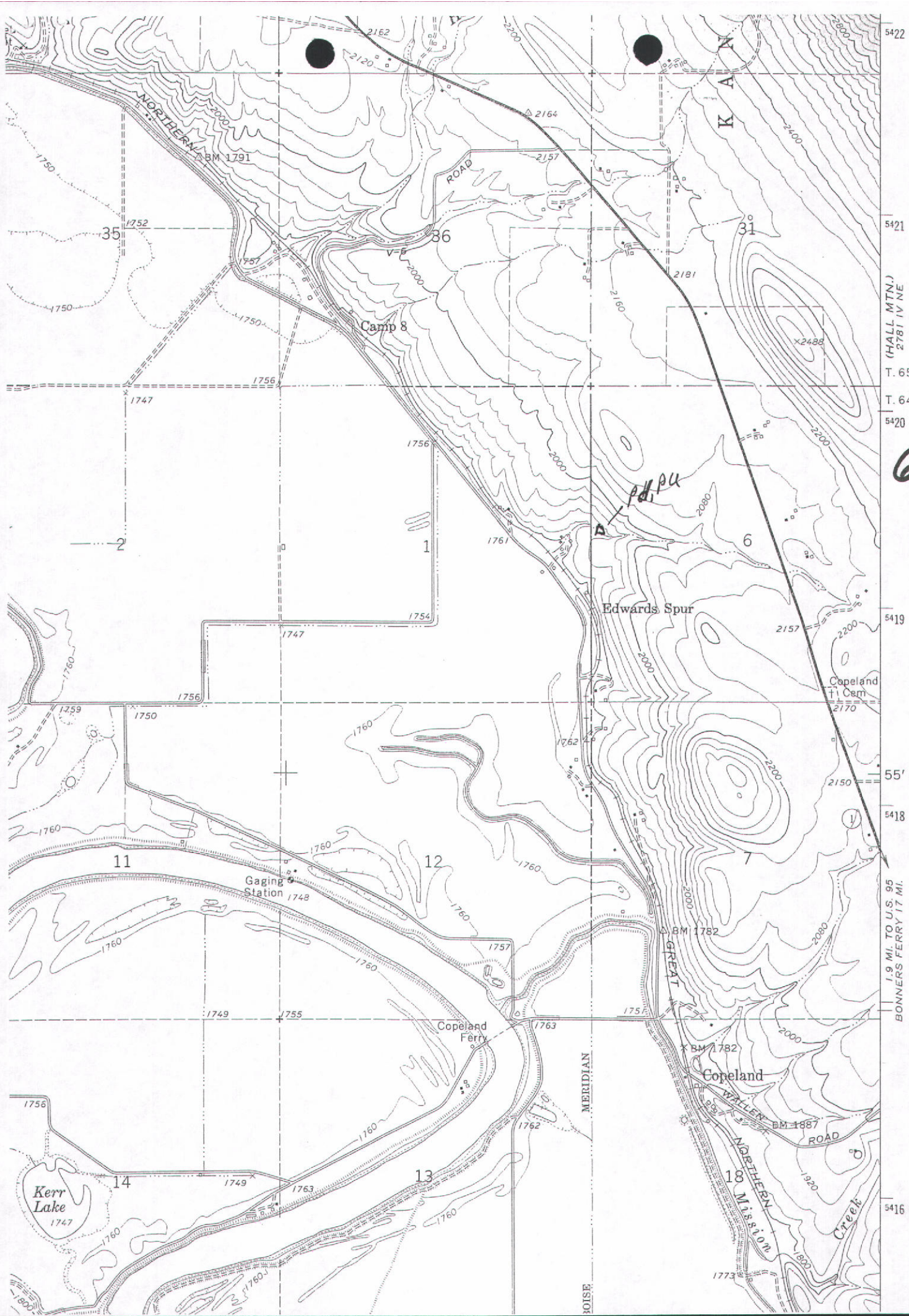




AFFIDAVIT OF PUBLICATION

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: #5677 Appropriate Public Waters
#98-7846 and #96-9244

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 1 day of September 2005 and ending on the 8 day of September 2005 and that said notice was published in said newspaper.

Gail Brown

SUBSCRIBED AND SWORN TO before me, this

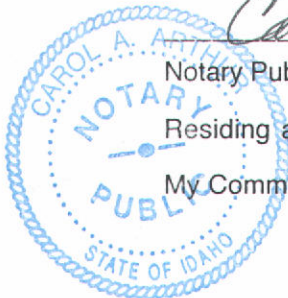
12 day of September, 2005.

Carol A. Arthur

Notary Public-State of Idaho

Residing at: Bonners Ferry

My Commission Expires: 2-25-11



RECEIVED
OCT - 6 2005
IDWR/North

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

98-7846

SHEM JOHNSON
PO BOX 1952
BONNERS FERRY ID 83805
Point(s) of Diversion SWNW S6 T64N R01E BOUNDARY County
Source UNNAMED STREAM Tributary To KOOTENAI RIVER
Use: RECREATION STORAGE 01/01 To 12/31 12 AFA
Total Diversion: 12 AFA
Date Filed: 07/07/2005
Place Of Use: RECREATION STORAGE T64N R01E S6 SWNW
Remark: Recreation storage is for boating, swimming and fishing.

96-9244

PR LAND COMPANY
PO BOX 706
BONNERS FERRY ID 83805
Point(s) of Diversion SWSE S21 T60N R02W BOUNDARY County
Source SPRING Tributary To SINKS
Use: DOMESTIC 01/01 To 12/31 0.12 CFS
Total Diversion: 0.12 CFS
Date Filed: 07/22/2005
Place Of Use: DOMESTIC T60N R02W S21 SESE
Remark: Domestic use is for 3 homes.
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 09/19/2005. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director
Legal BFH5677
Published on September 1 and 8, 2005

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 98-07846

Priority: July 07, 2005

Maximum Diversion Volume: 12.0 AF

This is to certify, that SHEM JOHNSON
PO BOX 1952
BONNERS FERRY ID 83805

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM **Tributary:** KOOTENAI RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31	12.0 AF

LOCATION OF POINT OF DIVERSION:

UNNAMED STREAM L5 (SW¼ NW¼) Sec. 6, Twp 64N, Rge 01E, B.M. BOUNDARY County

PLACE OF USE: RECREATION 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	
64N	01E	6							X										
									L5										

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2006**.
2. Subject to all prior water rights.
3. Recreation storage use is for boating, fishing and swimming.
4. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 17th day of November, 2005.


for KARL DREHER, Director

RECEIVED
NOV 10 2005
Department of Water Resources

72143

Ident. No. 98-7846

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

RECEIVED
JUL 07 2005
IDWR/North

1. Name of Applicant Shem Johnson Phone 208-699-1596
Mailing address P.O. Box 1952 Bonners Ferry ID 83805
2. Source of water supply unnamed stream which is a tributary of Kootenai River
3. Location of point of diversion is Township 64N Range 1E Sec. 6, in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot Boundary, B.M., Boundary County;
additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 12 for 1 Recreation Storage 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) _____ and/or (b) 12
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 Small dam on stream

b. Height of storage dam 12 feet; active reservoir capacity 12 acre-feet; total reservoir capacity 12 acre-feet

c. Proposed well diameter is NA 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. _____

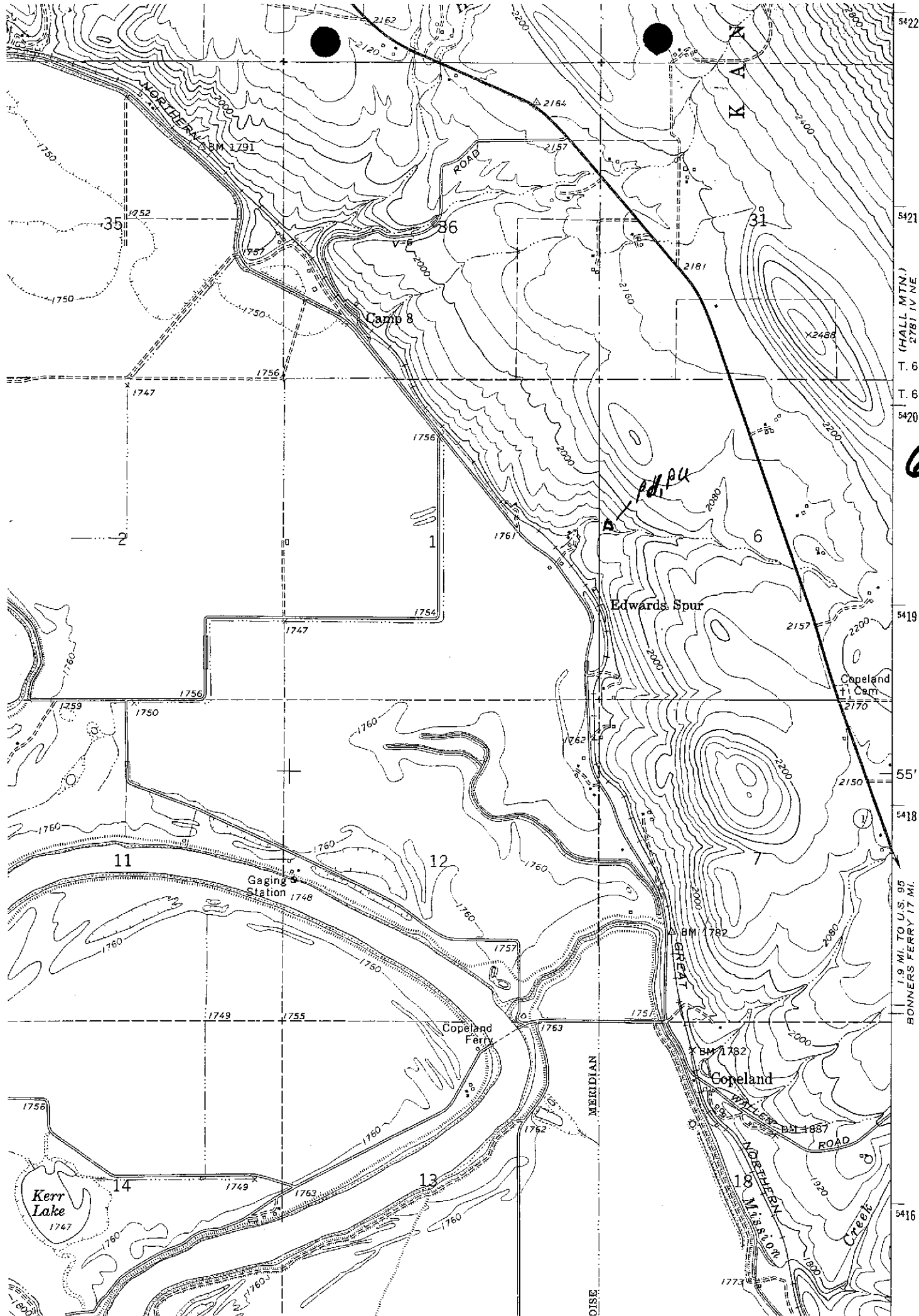
b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. Recreation Storage; Boating, swimming, fishing

Received by	2/7/05	Time	8:30	Preliminary check by	NO 17020	Date	2/7/05	Fee \$	100-
Received by	2/7/05	Time	8:30	Preliminary check by	NO 17020	Date	2/7/05	Fee \$	100-
Publication prepared by	2/27/05	Published in	Journal of the American Medical Association	Date	2/27/05	Publication approved	2/27/05		
Publication approved	2/27/05	Date	2/27/05						



64N
1E

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5418
5417
5416
T. 65 N.
T. 64 N.
55'
1.9 MI. TO U.S. 95
BONNERS FERRY 17 MI.



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

November 18, 2005

SHEM JOHNSON
PO BOX 1952
BONNERS FERRY ID 83805

RE: Permit No. 98-7846

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.

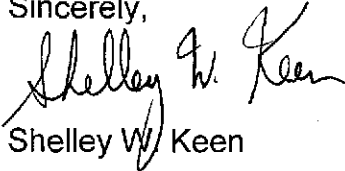
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 cursive script that reads "Shelley W. Keen". The signature is written in black ink and is positioned above the printed name.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

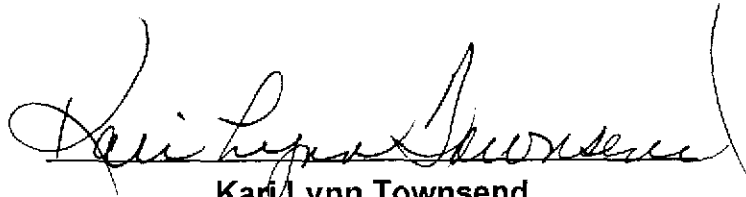
CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2005 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.

98-7846

SHEM JOHNSON
PO BOX 1952
BONNERS FERRY ID 83805

A handwritten signature in cursive script, appearing to read 'Karl Lynn Townsend', is 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: November 17, 2005
To: Water Right File 98-7846
From: eretelle
Re: permit review

No WD or moratorium.
No Wild & Scenic or Min stream flow.

No overlap.
Protest withdrawn unconditionally.

Recommend approval as suggested by IDWR Northern.

**ILLINOIS DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 98-7846

APPLICATION ID # 12143
INITIAL REVIEW

ENT 7/24/05 BCA 7/22 OK to Publish 7/25

RECEIVED

NOV 10 2005

APPLICANT: Johnson

BY: DF DATE: 7/7/05

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
5. ☒ Nature of Proposed Use
6. ☒ Period of Use
7. ☒ Total Quantity
8. ☒ Description of diverting works
9. ☒ Time required for b/u
10. ☒ Proposed use
11. ☒ Place of use or acres irrigated
12. ☒ Other water Rights
13. ☒ Ownership
14. ☒ Map
15. ☒ Signature
16. ☒ Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

(Yes)(No)

☐ Shape File Created Date _____ By: _____
☐ Field check: by _____
☐ Field report attached
☐ Analysis Supp. attached(>5cfs/500af)
☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 7/7/2005

(Include Moratorium Remark)

Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN:

BOUNDARY

County

LETTERS SENT REQUESTING:

☐ Dam Information ☐ Fish Information
☐ Power Information ☐ Other: _____

INFORMATION RECEIVED:

☐ Dam Information ☐ Fish Information
☐ Power Information ☐ Other: _____

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom.____ Non-Dom.____	Paid \$ _____	_____	Y () N ()
_____	_____	Dom.____ Non-Dom.____	Paid \$ _____	_____	Y () N ()
_____	_____	Dom.____ Non-Dom.____	Paid \$ _____	_____	Y () N ()

- ☐ Groundwater management area
☐ Critical ground water area
☐ Well Drilling Permit required
☐ Well Drilling Application and Fees received
☐ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- ☐ Notice of pending void order issued. Final order response date: _____
☐ Further information required from applicant
☒ Affidavit of publication received
☐ Application published correctly. If not, record action taken: _____

Publication dates and paper recorded on application

Protests received, Final protest date: 8/22/05

Measuring device required

Measuring port required

Special conditions: Protest withdrawn 11-7-05

Special conditions of approval supplement and/or cover letter attached: _____

Sr. Agent initial DF

Approval Recommended by: A. T. [Signature]

Date: 11/7/05



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

November 07, 2005

RECEIVED
NOV 10 2005
Department of Water Resources

SHEM JOHNSON
PO BOX 1952
BONNERS FERRY ID 83805

Application to Permit No.
Withdrawal of Protest

Dear Mr. Johnson:

The Department of Water Resources has received withdrawal of protest against the above referenced application from the Dave Ricketts of De Boer Family Ltd Partnership.

There are no remaining protests against this application, so normal processing will continue in this office. The application will then be forwarded to our State Office in Boise for final processing.

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

Sincerely,

Gregory J. Taylor
Senior Water Resource Agent



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

November 07, 2005

DE BOER FAMILY LTD PARTNERSHIP
C/O DAVE RICKETTS
PO BOX 93
ISSAQUAH, WA 98027

Application to Permit No. 98-7846
Withdrawal of Protest

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application.

There are no remaining protests against this application, so normal processing will continue in this office. The application will then be forwarded to our State Office in Boise for final processing.

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

Sincerely,

Gregory J. Taylor
Senior Water Resource Agent

Idaho Department of Water Resources
1910 Northwest Blvd, Suite 210
Coeur d'Alene, ID 83814-2615

RECEIVED November 1, 2005
NOV 07 2005
IDWR/North

RE: Water application 98 -- 7846

We had the opportunity to visit the site and determine if our resources are affected. We have determined that the "unnamed stream" is a non-related source of water from the spring / unnamed stream we have concern over protecting. It is our intention to remove our protest and offer an apology for any delay our research may have created.

Respectfully submitted,



Dave Ricketts
DeBoer Family Limited Partnership
General Partner
P.O. Box 93
Issaquah, WA 98027

phone (425) 392 7445
email: CustombyDesign02@aol.com

CC: Shem Johnson

Idaho Department of Water Resources
1910 Northwest Blvd, Suite 210
Coeur d'Alene, ID 83814-2615

*Original
in file*

September 15, 2005

RE: Water application 98 - 7846

It is our desire to protest the approval of application 98 - 7846 water rights to Shem Johnson and family. Our farm is immediately to the North of applicant's property and has a spring with "unnamed stream" supplying water to 1) a spring box for domestic water and other future projects. 2) two residences with water catch basins, one is used as exterior watering only and the other is the neighbor's potable drinking water. These have been in use prior to 1970. It is my understanding that the stated point of diversion is in error. Our "unnamed stream" has been reported to me as being dry. The Johnson property has recently added new water holding depressions and the course of the water has changed. The source of our "unnamed stream" is very close to the corner section of four parcels. Mr. Shem Johnson has in past conversations indicated that he wanted the water diverted to his newly constructed depression and would either drill over or use his track hoe to dig until he had the water he desired. Recently he stated that without our authorization he would "get the water another way." Our concern is that our water right # 98 - 7823 will remain and the water will be available to our other neighbors' water systems. Over the past three years we have been working with the National Resources Conservation Service and the Environmental Quality Incentives Program to create a wildlife area on the "unnamed stream" if the water the Johnson's are diverting is allowed to drain onto our land the pasture runoff will alter the beneficial effect of the wildlife efforts.

Overview:

We would like the application / approval to be delayed until we have the opportunity to visit the site and determine if our resources are affected. We also would like to state that we do not want pasture runoff to drain across our wetlands as we have removed all livestock and are attempting to create a wildlife green space.

Respectfully submitted,

Dave Ricketts

Dave Ricketts
DeBoer Family Limited Partnership
General Partner
P.O. Box 93
Issaquah, WA 98027

phone (425) 392 7445
email: CustombyDesign02@aol.com

Enclosure (1)
CC: Shem Johnson

DE BOER FAMILY LTD. PARTNERSHIP

18248 NE 143RD ST
WOODINVILLE, WA 98072

92-879 3337

619

1241 3337

10710372

Date 9-15-05

Pay to the
Order of

Dept of Water Resources

\$25.00

Twenty five and no cents

Dollars

a

Security Features
Inquire on WebWells Fargo Bank Northwest, N.A.
P.O. Box 1509
Bonners Ferry, ID 83805
www.wellsfargo.com

Memo:

Alice Erickson

⑆ 124103799⑆ 1071039372⑆ 0619

handowner

DRAWINGS AND SPECIFICATIONS

PROJECT	Wildlife Pond – EQIP
PREPARED FOR	DeBore Family Limited Partnership
DATE	January 2005



**Natural Resources
Conservation Service**

**U. S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
Bonners Ferry FIELD OFFICE
IDAHO**

☐ Cooperator Copy

PROTEST INFORMATION SHEET

Application No. 98-7846

SPECIAL NOTE: _____

Recd. 9/19/05
1 **Protestant(s) NAME(S)** de Beer Family Hldship **ADDRESS** P.O. Box 93 Issaquah WA 98027 **PHONE** (425) 392-7445
db email: Custombydliegn02@aol.com

2 _____
3 _____
4 _____
5 _____
6 _____
7 _____
8 _____
9 _____
10 _____

ATTORNEY

ADDRESS

PHONE

DATE FILED: 7/7/05

PROTEST DUE DATE: 9/19/05

ISSUES: _____

Applicant(s)

ATTORNEY

ADDRESS

DATE
Protest Date Entered on Computer 9/20/05 *db*
Acknowledgment Letters Sent 9/20/05 *db*
Hearing Date _____

(Other Dates)

Other Information _____

Protest information submitted to computer following hearing: _____

Condition of Approval

Initial filling of the pond shall be during spring runoff. After initial filling of the pond outflow from the pond shall equal inflow to the pond until the pond level drops below the overflow spillway invert. If the overflow spillway ceases to flow, a minimum of 20 gallons per minute (GPM) shall be discharged through the low level outlet to satisfy the downstream water users. The discharge of 20 GPM shall continue until the pond level has dropped to 6 feet below the overflow spillway invert. When the 6 feet drawdown level is reached, the outflow from the pond shall be reduced to the inflow to the pond. When inflow to the pond again exceeds 20 GPM, the amount in excess of the 20 GPM can be used to refill the pond.



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

September 20, 2005

DE BOER FAMILY LTD PARTNERSHIP
C/O DAVE RICKETTS, GENERAL PARTNER
PO BOX 93
ISSAQUAH, WA 98027

Application to Permit No. 98-7846 – Shern Johnson

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Shern Johnson



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

September 20, 2005

SHEM JOHNSON
PO BOX 1952
BONNERS FERRY ID 83805

Application to Permit No. 98-7846

Dear Applicant(s):

Enclosed is a copy of a protest filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: De Boer Family LTD Partnership

RECEIVED

SEP 19 2005

IDWR/North

Idaho Department of Water Resources
1910 Northwest Blvd, Suite 210
Coeur d'Alene, ID 83814-2615

September 15, 2005

RE: Water application 98 - 7846

It is our desire to protest the approval of application 98 - 7846 water rights to Shem Johnson and family. Our farm is immediately to the North of applicant's property and has a spring with "unnamed stream" supplying water to 1) a spring box for domestic water and other future projects. 2) two residences with water catch basins, one is used as exterior watering only and the other is the neighbor's potable drinking water. These have been in use prior to 1970. It is my understanding that the stated point of diversion is in error. Our "unnamed stream" has been reported to me as being dry. The Johnson property has recently added new water holding depressions and the course of the water has changed. The source of our "unnamed stream" is very close to the corner section of four parcels. Mr. Shem Johnson has in past conversations indicated that he wanted the water diverted to his newly constructed depression and would either drill over or use his track hoe to dig until he had the water he desired. Recently he stated that without our authorization he would "get the water another way." Our concern is that our water right # 98 - 7823 will remain and the water will be available to our other neighbors' water systems. Over the past three years we have been working with the National Resources Conservation Service and the Environmental Quality Incentives Program to create a wildlife area on the "unnamed stream" if the water the Johnson's are diverting is allowed to drain onto our land the pasture runoff will alter the beneficial effect of the wildlife efforts.

Overview:

We would like the application / approval to be delayed until we have the opportunity to visit the site and determine if our resources are affected. We also would like to state that we do not want pasture runoff to drain across our wetlands as we have removed all livestock and are attempting to create a wildlife green space.

Respectfully submitted,



Dave Ricketts
DeBoer Family Limited Partnership
General Partner
P.O. Box 93
Issaquah, WA 98027

phone (425) 392 7445
email: CustombyDesign02@aol.com

Enclosure (1)
CC: Shem Johnson

*Received
NOV 7 191*

DRAWINGS AND SPECIFICATIONS

RECEIVED
SEP 19 2005
IDWR/North

PROJECT	Wildlife Pond – EQIP
PREPARED FOR	DeBore Family Limited Partnership
DATE	January 2005



Natural Resources
Conservation Service

U. S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
Bonners Ferry FIELD OFFICE
IDAHO

☐ Cooperator Copy

Idaho Department of Water Resources Receipt

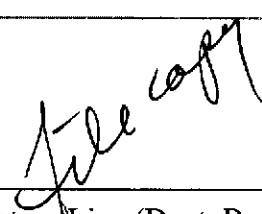
Receipt ID N017191

Payment Amount	\$25.00	Date Received	9/19/2005 10:06:38 AM	Region	Northern	Status	
Payment Type	Check	Check Number	619				

Payer DE BOER FAMILY LTD PARTNERSHIP**Comment** Protest re 98-7846 Shem Johnson

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	65103	1155



Signature Line (Dept. Representative)

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:

#567 Appropriate Public Waters
#98-7846 and #96-9244

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 1 day of September 2005 and ending on the 8 day of September 2005 and that said notice was published in said newspaper.

Gail Brown

SUBSCRIBED AND SWORN TO before me, this

12 day of September, 2005.

Carol A. Arthur

Notary Public-State of Idaho

Residing at:

Bonners Ferry

My Commission Expires: 2-25-11

RECEIVED
OCT - 6 2005
IDWR/North

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

98-7846

SHEM JOHNSON

PO BOX 1952

BONNERS FERRY ID 83805

Point(s) of Diversion SWNW S6 T64N R01E BOUNDARY County

Source UNNAMED STREAM Tributary To KOOTENAI RIVER

Use: RECREATION STORAGE 01/01 To 12/31 12 AFA

Total Diversion: 12 AFA

Date Filed: 07/07/2005

Place Of Use: RECREATION STORAGE T64N R01E S6 SWNW

Remark: Recreation storage is for boating, swimming and fishing.

96-9244

PR LAND COMPANY

PO BOX 706

BONNERS FERRY ID 83805

Point(s) of Diversion SWSESE S21 T60N R02W BOUNDARY County

Source SPRING Tributary To SINKS

Use: DOMESTIC 01/01 To 12/31 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 07/22/2005

Place Of Use: DOMESTIC T60N R02W S21 SESE

Remark: Domestic use is for 3 homes.

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 09/19/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal BFH5677

Published on September 1 and 8, 2005

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

98-7846

SHEM JOHNSON

PO BOX 1952

BONNERS FERRY ID 83805

Point(s) of Diversion SWNW S6 T64N R01E BOUNDARY County

Source UNNAMED STREAM Tributary To KOOTENAI RIVER

Use: RECREATION STORAGE 01/01 To 12/31 12 AFA

Total Diversion: 12 AFA

Date Filed: 07/07/2005

Place Of Use: RECREATION STORAGE T64N R01E S6SWNW

Remark: Recreation storage is for boating, swimming and fishing.

96-9244

PR LAND COMPANY

PO BOX 706

BONNERS FERRY ID 83805

Point(s) of Diversion SWSESE S21 T60N R02W BOUNDARY County

Source SPRING Tributary To SINKS

Use: DOMESTIC 01/01 To 12/31 0.12 CFS

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KARL J DREHER, Director

Published on September 1 and 8, 2005



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

August 24, 2005

GAIL BROWN
LEGAL NOTICE DEPARTMENT
BONNERS FERRY HERALD
PO BOX 539
BONNERS FERRY ID 83805

RE: Application for Permit No. 98-7846 Johnson, and 96-9244 PR Land Company

Dear Gail:

Enclosed you will find a legal notice that we wish to have published in your newspaper on the dates indicated, **September 1 and 8, 2005**, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

One of these in this legal notice is the Shem Johnson Water Right from our last legal notice that did not publish on both dates requested.

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 09/19/2005. Your cooperation is GREATLY appreciated.

Thank you very much.

Sincerely,

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, August 25, 2005 8:47 AM
To: Legal Notices-BFHerald (E-mail); Legal Notices-BFHerald-Gail Brown (E-mail)
Subject: Legal notice for publication on September 1 and 8, 2005 - Johnson 98-7846 and PR Land 96-9244

Good morning to you Gail,

Attached is our cover letter requesting publication of our legal notice on September 1 and 8, 2005; legal notice also attached.

This includes the Water Right for Shem Johnson that didn't complete the publication cycle last time - as well as another Water Right for PR Land Company.

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

ALSO - as usual, I am requesting a proof prior to publication - helps me check the layout and also make sure I didn't miss something when compiling the legal notice. Please fax the proof to 208-769-1454.

Have a happy, sunny day

I've learned that if everything seems to be coming your way, you're probably in the wrong lane.

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
8-24-05 BFH 98-78.



LegalNotice
8-24-05 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 24, 2005

SHEM JOHNSON
PO BOX 1952
BONNERS FERRY ID 83805

RE: Application for Permit No 98-7846

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 was earlier prepared and was scheduled for publication in the Bonners Ferry Herald on August 4 and 11, 2005. Unfortunately, for some unknown reason, it only ran August 4, 2005. Therefore, we have prepared a new legal notice for publication in the Bonners Ferry Herald on September 1 and 8, 2005. 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

Ball, Dianne

From: Gail Brown [gbrown@cdapress.com]
Sent: Tuesday, August 23, 2005 2:39 PM
To: Ball, Dianne
Subject: Re: Legal notice #5635, Shem Johnson

No, you will only be charged for the two times it runs correctly.
Again, I apologize for the error and inconvenience.
Gail
On Aug 23, 2005, at 1:54 PM, Ball, Dianne wrote:

Hi, Gail,

Thanks for your prompt reply.

I will need to re-do it because all the dates in it will be wrong as you have it presently.

I will have send it on to you for publication beginning September 1 and 8,
and I will include it in with another one for your newspaper. We are required by the Idaho Code to begin our publications on either the first week of the month or the third week of the month. Had I known soon enough that it only ran once, I could have prepared it for publication on the 18th and the 25th, but since we missed that window of time, I will send it on to begin September 1 and also run on the 8th.

It is critical that they both publish exactly the same.

ALSO, I presume that we will NOT BE CHARGED for the publication on the 4th since the publication did not complete the cycle, and we have to start all over again.

Thanks for the clarification.

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

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

From: Gail Brown [mailto:gbrown@cdapress.com]
Sent: Tuesday, August 23, 2005 12:19 PM
To: DIANNE.BALL@idwr.idaho.gov
Subject: Legal notice #5635, Shem Johnson

Hi Dianne,

Well, I hate to admit this, but the legal ran only once on 4 August. Although, it was scheduled to run both the 4th and 11th. I don't know where the breakdown occurred. Of course, we will run it for you in two consecutive weeks. Can we use the same notice as last time? Or do you need to redo it?

My sincere apology for the error.

Gail Brown
Office Manager
Bonners Ferry Herald

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, August 23, 2005 11:28 AM
To: Legal Notices-BFHerald (E-mail)
Subject: Please check something for me - Dianne, Dept. of Water Resources

I heard from someone that the legal that was supposed to publish August 4 and 11, 2005 did not make the second publication.

It is for Water Right 98-7846 - Shem Johnson.

Will you please check to make sure it ran both days because if it did not, I will have to re-advertise it so it will run 2 consecutive Thursdays.

I would try to get it ready for re-publication on September 1 and 8, if that is the case, but I would need to know as soon as possible in order to accomplish that.

Thank you VERY much.

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*

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

98-7846

SHEM JOHNSON

PO BOX 1952

BONNERS FERRY ID 83805

Point(s) of Diversion SWNW S6 T64N R01E BOUNDARY County

Source UNNAMED STREAM Tributary To KOOTENAI RIVER

Use: RECREATION STORAGE 01/01 To 12/31 12 AFA

Total Diversion: 12 AFA

Date Filed: 07/07/2005

Place Of Use: RECREATION STORAGE T64N R01E S6 SWNW

Remark: Recreation storage is for boating swimming and fishing.

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 08/22/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published August 4 and 11, 2005



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

July 27, 2005

*Please fax a proof copy before publication
Thanks, Dianne*

CAROL ARTHUR &/or KELLIE NEFF
LEGAL NOTICE DEPARTMENT
BONNERS FERRY HERALD
PO BOX 539
BONNERS FERRY ID 83805

RE: Application for Permit No. 98-7846

Dear Carol & Kellie:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, August 4 and 11, 2005, (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 08/22/2005. Your cooperation is GREATLY appreciated. It is always a pleasure working with you.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, July 27, 2005 4:17 PM
To: Legal Notices-BFHerald (E-mail)
Subject: Legal notice for publication on August 4 and 11, 2005 - Shem Johnson

Good afternoon Carol and Kellie,

Attached is a cover letter requesting publication on August 4 and 11, 2005 of a legal notice, also attached.

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

PLEASE FAX A PROOF COPY BEFORE PUBLICATION to 208-769-1454.

Thanks for all your help. 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 LegalNotice
7-27-05 BFH e-mai. 7-27-05 BFH e-mai.



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

July 27, 2005

SHEM JOHNSON
PO BOX 1952
BONNERS FERRY ID 83805

RE: Application for Permit No 98-7846

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 August 4 and 11, 2005. 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,

A handwritten signature in cursive script, reading 'Gregory J. Taylor'.

Gregory J. Taylor
Senior Water Resource Agent



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

July 22, 2005

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

FAXED TO MARY 7/22/05
4 pages total

Re: Water Permit Application No. 98-7846

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.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

* We are sending this to you for your comments, and would appreciate receiving your comments by no later than **August 12, 2005**. 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