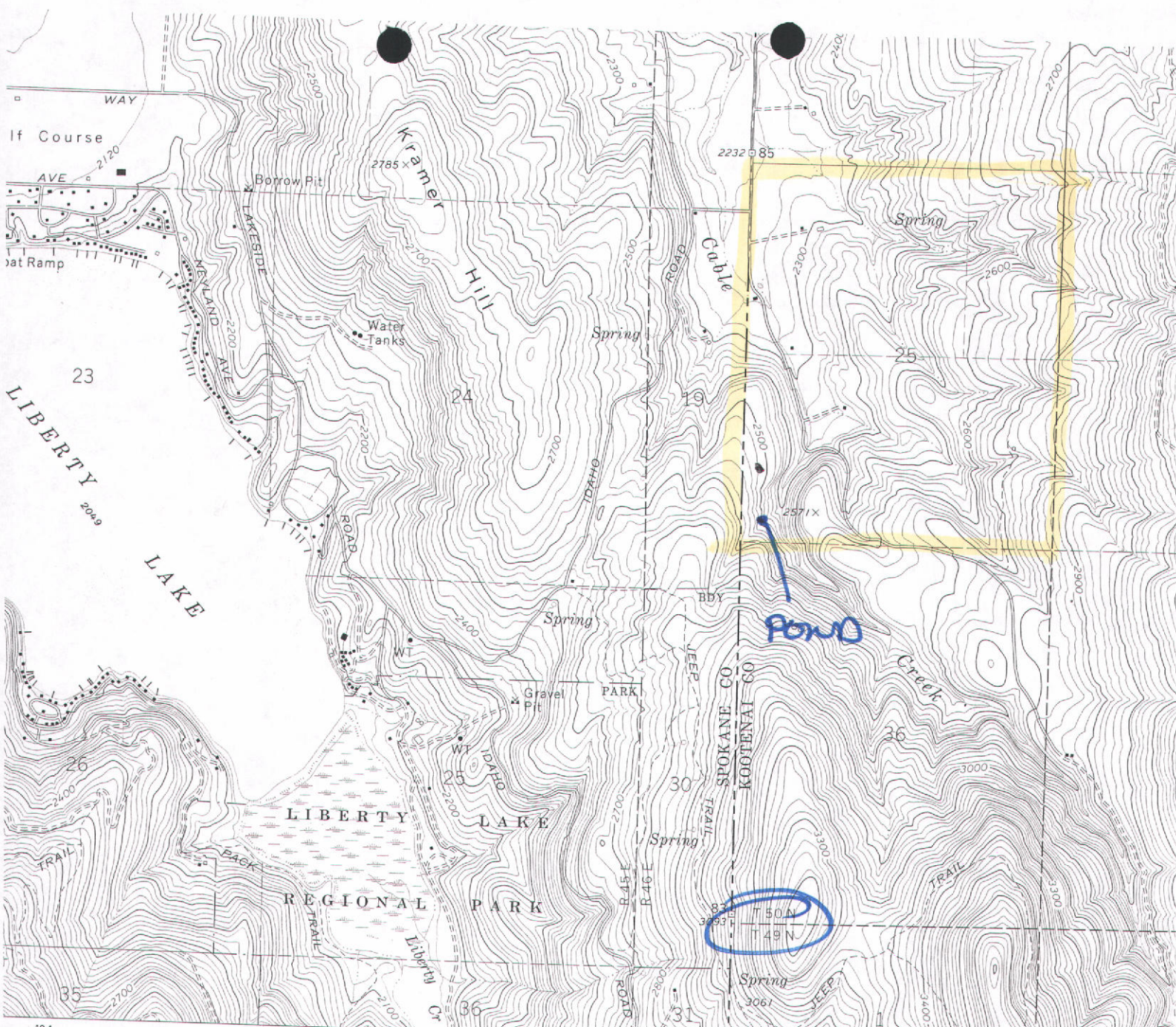
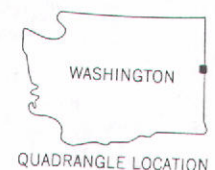


SCALE 1:24 000
CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 10-FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929



- ROAD CLASSIFICATION
- Primary highway, hard surface
 - Secondary highway, hard surface
 - Interstate Route

LIBERTY L.
NE/4 GRE
N473

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
PUBLISHED BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



IDAHO FISH AND GAME

2750 Kathleen Avenue
Coeur d'Alene, Idaho 83815

Dirk Kempthorne/Governor
Steven Huffaker/Director

June 13, 2005

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

*Comments
E on
Computer
6/13/05
db*

Via email to Dianne Ball:

REFERENCE: 95-9274; JOHN CAROTHERS

We have reviewed the above listed application to install a dam on an unnamed creek that is a tributary to Cable Creek for aesthetic storage.

We have no objection to issuing the water right; however, we recommend against permitting construction of a dam to impound the unnamed stream. An in-stream impoundment may contribute to elevated stream temperatures and have other potentially adverse impacts on water quality and stream function. The applicant should be required either to withdraw water from the creek as needed or install off-stream storage.

If the dam is permitted, the applicant should be made aware that a dam must be designed, installed and maintained to allow fish passage per Idaho Code 36-906. No dam design or details were provided in the application information; therefore we anticipate that we will have an opportunity to review and comment on a stream alteration permit application detailing the design and construction plans for a dam, if that option is considered for obtaining water for this water right.

F & G

Additionally, we recommend that the applicant be required to install lines beneath the pond or streambed. In-stream installation should occur during low water periods when underwater excavation will be minimized. Dug materials should be sidecast to only one side and the bottom contour and substrate restored. Any unburied sections of the line should be anchored on the bottom. It would be preferable to place pumps on land rather than in the water. Water intakes should be screened to prevent entrainment or impingement of fish. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.

If you have any questions or would like assistance please contact Mary Terra-Berns, of my staff, at 208-769-1414.

Thank you for the opportunity to comment.

Mary Terra-Berns
Environmental Staff Biologist

C: IDFG NRPB, Boise; File

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09274

Priority: May 20, 2005

Maximum Diversion Volume: 1.0 AF

This is to certify, that JOHN W CAROTHERS
5830 S STATELINE RD
POST FALLS ID 83854

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM **Tributary:** CABLE CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31	1.0 AF
WILDLIFE STORAGE	01/01 to 12/31	1.0 AF

LOCATION OF POINT OF DIVERSION:

UNNAMED STREAM L4 (SW¼ SW¼) Sec. 25, Twp 50N, Rge 06W, B.M. KOOTENAI County

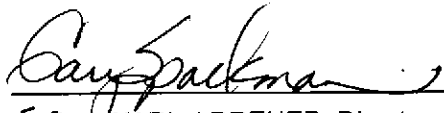
PLACE OF USE: AESTHETIC and WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
50N 06W 25											X						
							L 4										

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. Wildlife and aesthetic storage uses are for a pond.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 22nd day of November, 2005.


FOR KARL J DREHER, Director

RECEIVED

Ident. No. 95-9274

RECEIVED

JUL 11 2005

Department of Water Resources

NOV 9 2005

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

MAY 20 2005

IDWR/North

457-1973

818-1256 (cell)

1. Name of Applicant John W. Carothers Phone 818-1256 (cell)

Mailing address 5830 So. Stateline Rd. Post Falls, Id. 83854

2. Source of water supply unnamed stream which is a tributary of Ham Creek

3. Location of point of diversion is Township 50 N Range 6 W Sec. 25 in the SW SW $\frac{1}{4}$, Govt. Lot SW $\frac{1}{4}$, B.M., Kootenai County;

additional points of diversion if any: (Tract 1)

4. Water will be used for the following purposes:

Amount 1 acre foot for Wildlife benefit purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1 for ABSTHETIC 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)

5. Total quantity to be appropriated is (a) and/or (b) one
cubic feet per second acre feet per annum

6. Proposed diverting works: 6' dam with spillway

a. Describe type and size of devices used to divert water from the source DOZER

b. Height of storage dam 6' feet; active reservoir capacity one acre-feet; total reservoir capacity one acre-feet

c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet

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

e. If well is already drilled, when? N/A; 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):

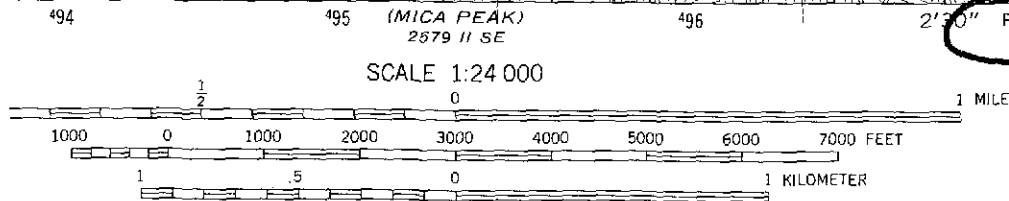
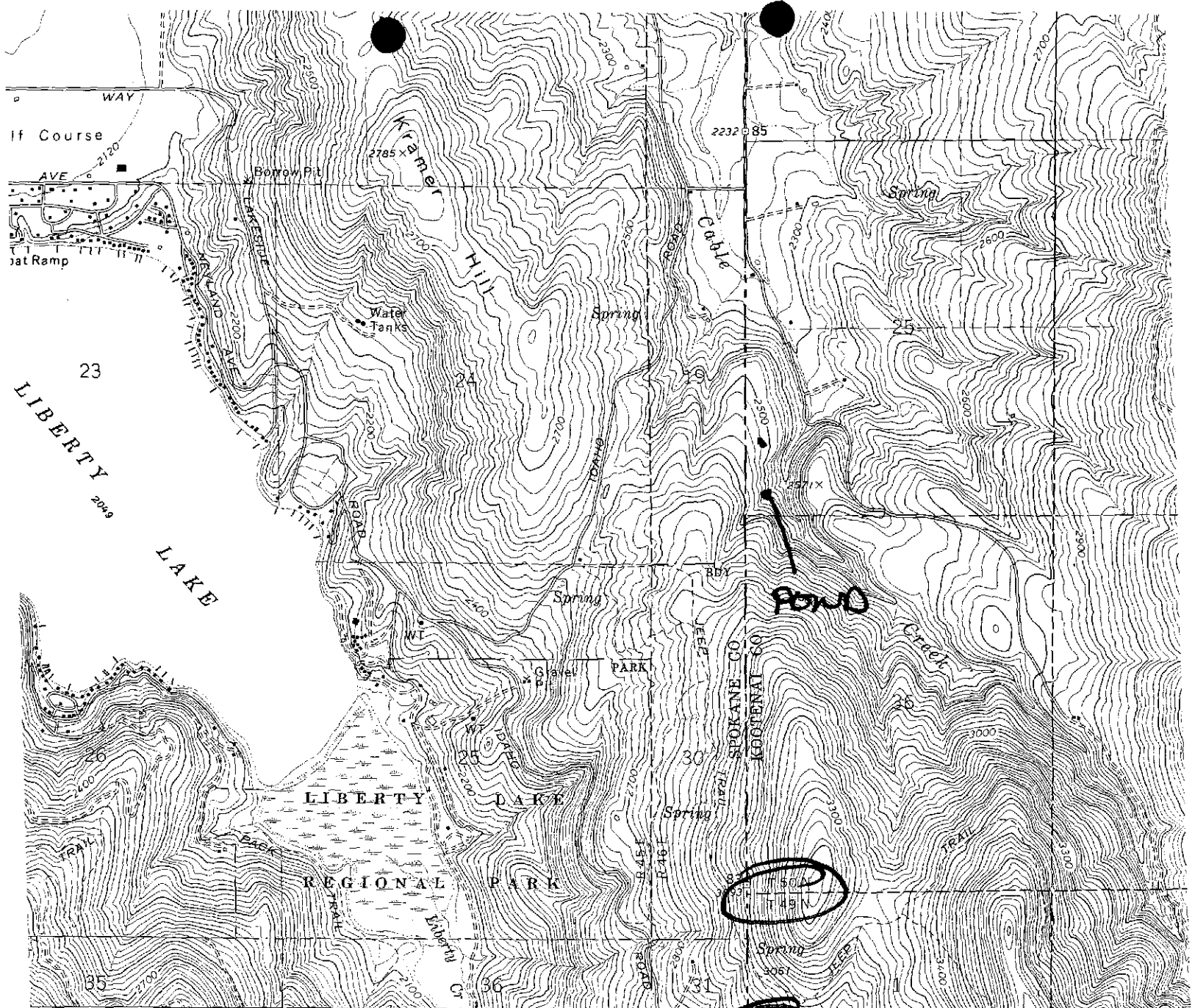
a. Hydropower; show total feet of head and proposed capacity in kW.

b. Stockwatering; list number and kind of livestock.

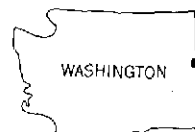
c. Municipal; show name of municipality.

d. Domestic; show number of households.

e. Other; describe fully. wildlife benefit & viewing enjoyment.



CONTOUR INTERVAL 20 FEET
 DOTTED LINES REPRESENT 10-FOOT CONTOURS
 NATIONAL GEODETIC VERTICAL DATUM OF 1929



WASHINGTON
 QUADRANGLE LOCATION

Primary highway,
 hard surface. ———
 Secondary highway,
 hard surface. ———
 Interstate Route

LIBERTY L.
 NE/4 GRE
 N473

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

AMS 257



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 23, 2005

JOHN W CAROTHERS
5830 S STATELINE RD
POST FALLS ID 83854

RE: Permit No. 95-9274

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.

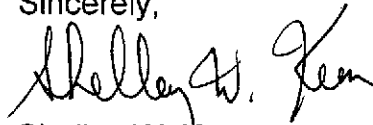
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

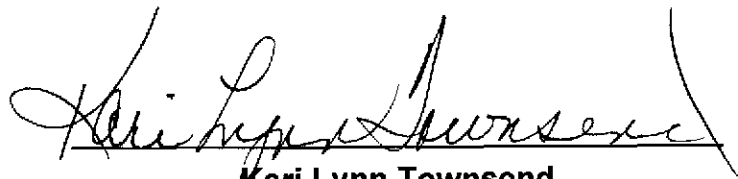
CERTIFICATE OF SERVICE

I hereby certify that on November 23, 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.

95-9274

**JOHN W CAROTHERS
5830 S STATELINE RD
POST FALLS ID 83854**



**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: November 10, 2005
To: Water Right File 95-9274
From: eretelle
Re: permit review

No WD or moratorium.

No overlap or protest (F&G comment addressed)

No Wild & Scenic or Min St flow (cable creek joins spokane River in Washington)

Recommend approval as suggested by IDWR Northern.

MEMORANDUM

RECEIVED

NOV 08 2005

Department of Water Resources

To: File 95-9274
From: Bob Haynes
Subj: Fish & Game Comments
Date: September 9, 2005

The comment letter from Fish and Game articulates their opposition to on-stream storage. This project involves a small intermittent stream with a watershed of about 40 acres. Impacts to the fishery should be minimal. This application should be approved.

There is also only 1/2 acres of drainage above p.d., the pond will be less than 1/2 acre; surface area, and, a spillway will be constructed to allow flows during runoff.

A.T.

10-31-05

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

W.R. # 95-9274

APPLICATION ID # 71990
INITIAL REVIEW

ENT. 5/24/05 BCA 5/24 OK to Publish 5/24

APPLICANT: CAROTHERS BY: A.T. DATE: 5/20/05

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes)(No)

- ☒ **Shape File Created** Date 7/5/05 By: AT
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. attached(>5cfs/500af)
- ☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 5/20/2005

(Include Moratorium Remark)

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

ADVERTISE IN:

KOOTENAI 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: AG Comments
entered on computer
6/13/05

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: _____

- 5/25 Publication dates and paper recorded on application
- ☐ Protests received, Final protest date: 6/20/05
- ☐ Measuring device required
- ☐ Measuring port required
- ☐ Special conditions: _____
- ☐ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by:

A. T. Taylor

Date: 7/5/05

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

JUN 14 2005
IDWR/North

upon oath deposes and says:

being first duly sworn

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

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

3. The

Legal Notice

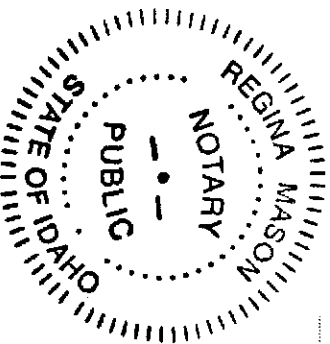
of which the annexed is a printed copy, was published in the regular issue of said newspaper for 2 consecutive weeks commencing on the 2 day of June 2005, and ending on the 4 day of June 2005, and such publication was made as often during said period as said newspaper was regularly issued.

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

On this 4 day of June in the year of 2005, before me, a Notary Public, personally appeared Katie Hay, 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.

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

MY COMMISSION EXPIRES 6/18/09



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

95-9272

TRAILS END PROPERTY OWNERS ASSN INC
C/O EDWARD E TREEND
2532 S STATELINE RD
POST FALLS ID 83854-6744

Point(s) of Diversion: SWNE, SENW, I2 (SWNW), S24 T50N R06W
KOOTENAI County

Source: GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 05/06/2005

Place Of Use: MUNICIPAL

Remark: Municipal use is within the service area of the applicant.
95-9273

JERRY L HANSON

9235 S TALL PINES RD
COEUR D'ALENE ID 83814

Point(s) of Diversion (2) NWSWSW S9 T49N R04W KOOTENAI County

Point(s) of Diversion SWNWSW S9 T49N R04W KOOTENAI County

Source: SPRINGS - Tributary To MICA CREEK
Use: IRRIGATION 03/15 To 11/15 0.06 CFS

Use: IRRIGATION STORAGE 03/15 To 11/15 1.4 AFA

Use: IRRIGATION FROM STORAGE 03/15 To 11/15 1.4 AFA

Use: WILDLIFE 01/01 To 12/31 0.2 CFS

Use: WILDLIFE STORAGE 01/01 To 12/31 1.4 AFA

Use: RECREATION 01/01 To 12/31 0.2 CFS

Use: RECREATION STORAGE 01/01 To 12/31 1.4 AFA

Use: DIVERSION TO STORAGE 01/01 To 12/31 0.2 CFS

Date Filed: 05/02/2005

Place Of Use: IRRIGATION, IRRIGATION STORAGE, & IRRIGATION FROM STORAGE - T49N R04W S9 - NWSW SWSW

Number of Acres - 2

Place Of Use: - RECREATION, RECREATION STORAGE, WILDLIFE & WILDLIFE STORAGE - same as IRRIGATION

Remark: Recreation storage is for fish.
95-9274

JOHN W CAROTHERS

5830 S STATELINE RD
POST FALLS ID 83854

Point(s) of Diversion SWSW S25 T50N R06W KOOTENAI County

Source: UNNAMED STREAM - Tributary To CABLE CREEK
Use: WILDLIFE STORAGE 01/01 To 12/31 1 AFA

Use: AESTHETIC STORAGE 01/01 To 12/31 1 AFA

Total Diversion: 1 AFA

Date Filed: 05/20/2005

Place Of Use: AESTHETIC STORAGE & WILDLIFE STORAGE

T50N R06W S25 SWSW

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 06/20/2005.

The protest must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 7299

June 2, 9, 2005



IDAHO FISH AND GAME

2750 Kathleen Avenue
Coeur d'Alene, Idaho 83815

Dirk Kempthorne/Governor
Steven Huffaker/Director

June 13, 2005

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

*Comments
E on
Computer
6/13/05
db*

Via email to Dianne Ball:

REFERENCE: 95-9274; JOHN CAROTHERS

We have reviewed the above listed application to install a dam on an unnamed creek that is a tributary to Cable Creek for aesthetic storage.

We have no objection to issuing the water right; however, we recommend against permitting construction of a dam to impound the unnamed stream. An in-stream impoundment may contribute to elevated stream temperatures and have other potentially adverse impacts on water quality and stream function. The applicant should be required either to withdraw water from the creek as needed or install off-stream storage.

If the dam is permitted, the applicant should be made aware that a dam must be designed, installed and maintained to allow fish passage per Idaho Code 36-906. No dam design or details were provided in the application information; therefore we anticipate that we will have an opportunity to review and comment on a stream alteration permit application detailing the design and construction plans for a dam, if that option is considered for obtaining water for this water right.

Additionally, we recommend that the applicant be required to install lines beneath the pond or streambed. In-stream installation should occur during low water periods when underwater excavation will be minimized. Dug materials should be sidecast to only one side and the bottom contour and substrate restored. Any unburied sections of the line should be anchored on the bottom. It would be preferable to place pumps on land rather than in the water. Water intakes should be screened to prevent entrainment or impingement of fish. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.

If you have any questions or would like assistance please contact Mary Terra-Berns, of my staff, at 208-769-1414.

Thank you for the opportunity to comment.

Mary Terra-Berns
Environmental Staff Biologist

C: IDFG NRPB, Boise; File



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

May 25, 2005

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN W CAROTHERS
5830 S STATELINE RD
POST FALLS ID 83854

RE: Application for Permit No 95-9274

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Coeur d'Alene Press on June 2 and 9, 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



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

May 25, 2005

PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION

Thanks, *Dianne*

KATTIE HOY & SANDY KIBLER
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

RE: Application for Permit No. 95-9272, 95-9273 AND 95-9274

Dear Kattie & Sandy:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, June 2 and 9, 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 06/20/2005. Your cooperation is appreciated. It is always a pleasure to work with you.

Thank you,

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne

Sent: Wednesday, May 25, 2005 2:17 PM

To: Legal Notices-CdA Press (E-mail); Legal Notices-CdA Press-Sandy Kibler- (E-mail)

Good afternoon, Kattie and Sandy.

Attached is our cover letter requesting publication on June 2 and 9, 2005 of a legal notice, also attached.

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

PLEASE FAX A PROOF COPY TO ME PRIOR TO PUBLICATION, AT 208-769-1454.

It is ALWAYS a pleasure to work with you.

Thanks very much and have a marvelous day.

 *Dianne*

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

5/25/2005

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

95-9272

TRAILS END PROPERTY OWNERS ASSN INC
C/O EDWARD E TREEND
2532 S STATELINE RD
POST FALLS ID 83854-6744

Point(s) of Diversion - SWNE, SENW, L2 (SWNW), S24 T50N R06W
KOOTENAI County

Source GROUND WATER

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

Date Filed: 05/06/2005

Place Of Use: MUNICIPAL

Remark: Municipal use is within the service area of the applicant.

95-9273

JERRY L HANSON
9295 S TALL PINES RD
COEUR D'ALENE ID 83814

Point(s) of Diversion (2) NWSWSW S9 T49N R04W KOOTENAI County

Point(s) of Diversion SWNWSW S9 T49N R04W KOOTENAI County

Source SPRINGS - Tributary To MICA CREEK

Use: IRRIGATION	03/15 To 11/15	0.06 CFS	
Use: IRRIGATION STORAGE	03/15 To 11/15		1.4 AFA
Use: IRRIGATION FROM STORAGE	03/15 To 11/15		1.4 AFA
Use: WILDLIFE	01/01 To 12/31	0.2 CFS	
Use: WILDLIFE STORAGE	01/01 To 12/31		1.4 AFA
Use: RECREATION	01/01 To 12/31	0.2 CFS	
Use: RECREATION STORAGE	01/01 To 12/31		1.4 AFA
Use: DIVERSION TO STORAGE	01/01 To 12/31	0.2 CFS	
Total Diversion:		0.2 CFS	

Date Filed: 05/02/2005

Place Of Use: - IRRIGATION, IRRIGATION STORAGE, & IRRIGATION FROM STORAGE - T49N R04W S9 - NWSW SWSW

Number of Acres - 2

Place Of Use: - RECREATION, RECREATION STORAGE, WILDLIFE & WILDLIFE STORAGE - same as IRRIGATION

Remark: Recreation storage is for fish.

95-9274

JOHN W CAROTHERS
5830 S STATELINE RD
POST FALLS ID 83854

Point(s) of Diversion SWSW S25 T50N R06W KOOTENAI County

Source UNNAMED STREAM - Tributary To CABLE CREEK

Use: WILDLIFE STORAGE	01/01 To 12/31	1 AFA
Use: AESTHETIC STORAGE	01/01 To 12/31	1 AFA
Total Diversion:		1 AFA

Date Filed: 05/20/2005

Place Of Use: AESTHETIC STORAGE & WILDLIFE STORAGE
T50N R06W S25 SWSW

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 06/20/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on June 2 and 9, 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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 24, 2005

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

FAXED TO MARY 5/24/05
4 pages total

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.

You may comment by FAX to 769-1454 or by e-mail to Dianne.Ball@idwr.idaho.gov. Please respond by or before **June 10, 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.

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

Sincerely,

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

Dianne Ball
Administrative Assistant

Enclosure(s)