

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09321

Priority: December 05, 2005

Maximum Diversion Rate: 0.01 CFS

This is to certify, that THOMAS F FUDGE JR
5751 S MARY AVE
HARRISON ID 83833

has applied for a permit to appropriate water from:

Source: COEUR D ALENE LAKE **Tributary:** SPOKANE 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>
AESTHETIC	03/15 to 11/15	0.01 CFS
DOMESTIC	03/15 to 11/15	0.01 CFS

LOCATION OF POINT OF DIVERSION:

COEUR D ALENE LAKE NE¼SE¼ Sec. 5, Twp 49N, Rge 03W, B.M., KOOTENAI County

PLACE OF USE: AESTHETIC & DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
49N 03W 5													X				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2007.**
2. Subject to all prior water rights.
3. Aesthetic use is for a water feature.
4. Domestic use is for watering landscape for 1 home.
5. This right does not grant any right-of-way or easement across the land of another.
6. Point of diversion and place of use are located within Lot 1, Hilby's Addition to Squaw Bay.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of January, 2006.


for KARL J DREHER, Director

RECEIVED

JAN 18 2006

DEPARTMENT OF WATER RESOURCES

72461
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 95-9321

RECEIVED

DEC 05 2005

IDWR/North

1. Name of Applicant THOMAS F. FUDGE JR Phone 208 755 2836Mailing address 5751 S. MARY AVE. HARRISON, ID 838332. Source of water supply LAKE COEUR D'ALENE which is a tributary of SPOKANE RIVER3. Location of point of diversion is Township 49 N Range 3 W Sec. 45, in the NE 1/4, SE 1/4, Govt. Lot 5, B.M., KOOTENAI County;

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 0.0045 cfs for AESTHETIC purposes from 3-15 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)Amount 0.01 for DOMESTIC 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)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)5. Total quantity to be appropriated is (a) 0.0045 0.01 and/or (b) _____
cubic feet per second acre feet per annum6. Proposed diverting works: SUBMERSIBLE PUMP HOUSED IN 6" & PVC PIPE ON LAKE BEDa. Describe type and size of devices used to divert water from the source 1 HP, 18 GPM CAPACITY, 230 V
SINGLE PHASE SUBMERSIBLE PUMP IN 6" & PVC HOUSING WITH 12" RISERb. Height of storage dam n/a feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feetc. Proposed well diameter is n/a inches; proposed depth of well is _____ feetd. Is ground water with a temperature of greater than 85°F being sought? n/ae. 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. 1e. Other; describe fully. LANDSCAPE WATERING & AESTHETIC (WATER FEATURE MAKE-UP)ESTIMATE TO REQUIRE APPROX. 1 GPM (0.0045 CFS) ON AVERAGE

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
49N	3W	5									~~3/4~~				5/10				

Total number of acres to be irrigated n/a

10. Describe any other water rights used for the same purposes as described above. NONE

- Who owns the property at the point of diversion? THOMAS F. FUDGE JR
- Who owns the land to be irrigated or place of use? THOMAS F. FUDGE JR
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

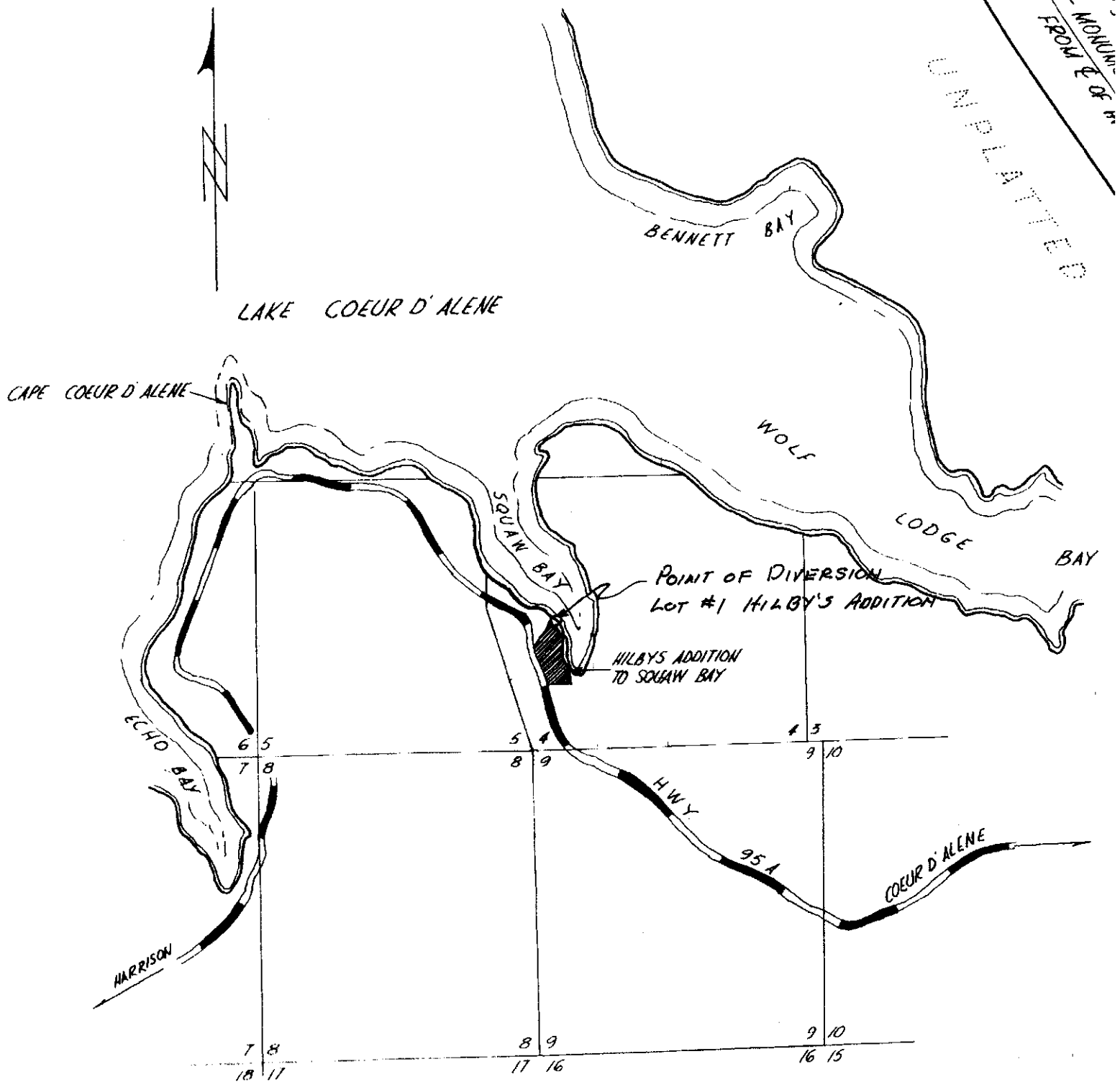
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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



 Signature of Applicant (and title, if applicable)

Received by MS Date 12-5-05 Time 11:40 P Preliminary check by _____
 Fee \$ 100.00 Receipted by MS # NO 17287 Date 12-5-05
 Publication prepared by CD Date 12/6/05 Published in IDAHO NEWS 12/15/05
 Publication approved CD Date 12/27/05



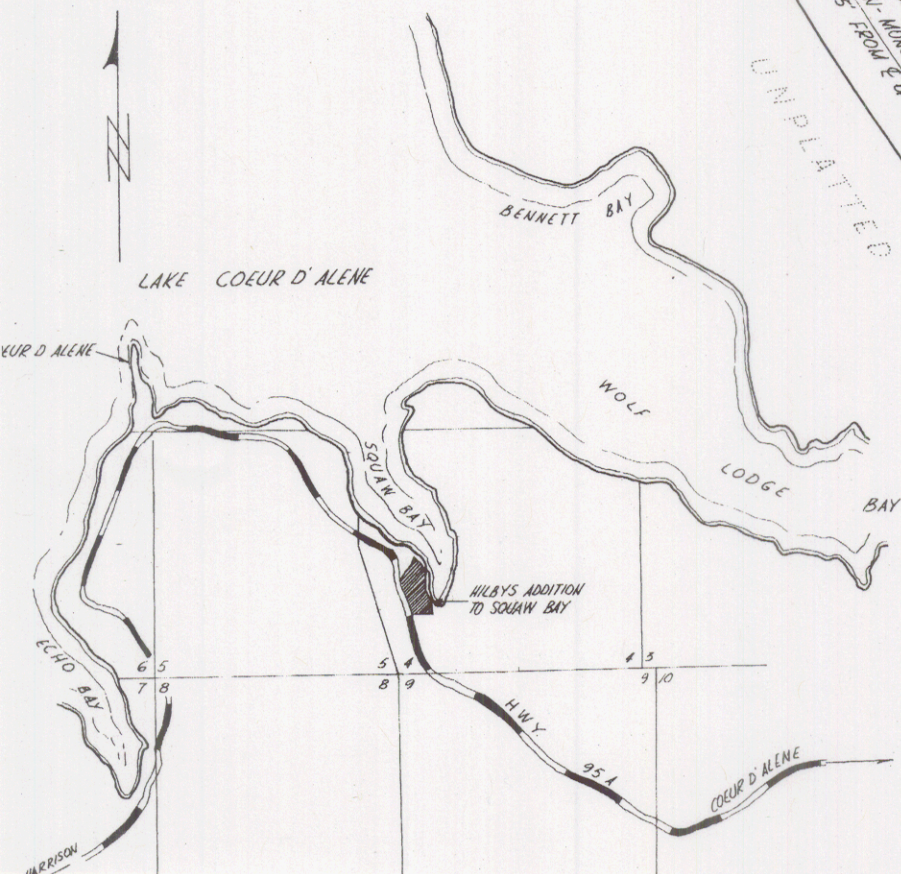
MAP 1 of 2
T. FUDGE
SEPT. 11, 2005

WEST 1/4 COR. SEC. 4
existing 1 1/2" iron pipe
with brass cap.

W.E. ELLIS
BK 196, PG. 319

POINT OF
DIVERSION

HILBY'S ADDITION
TO SQUAW BAY
LOCATED IN GOVERNMENT
LOT 5, OF SECTION 4,
T49N, RBW B.M. PLOT
FILED AND APPROVED
AUGUST 1973 IN KOOTENAI
COUNTY



MAP 2 OF 2
T. FUDGE
SEPT. 11, 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 23, 2006

THOMAS F FUDGE JR
5751 S MARY AVE
HARRISON ID 83833

RE: Permit No. 95-9321

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.

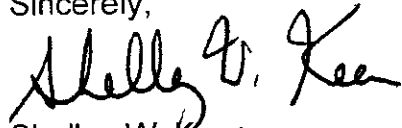
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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)

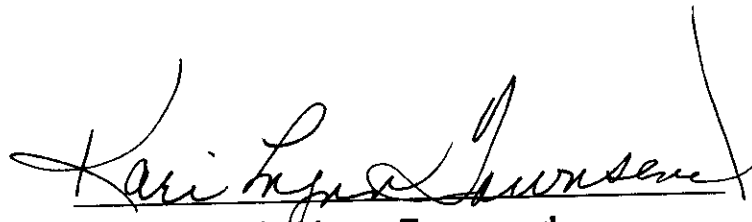
CERTIFICATE OF SERVICE

I hereby certify that on January 23, 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.

95-9321

**THOMAS F FUDGE JR
5751 S MARY AVE
HARRISON ID 83833**



**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.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

Kattie Hoy

being first duly sworn

upon oath deposes and says:

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

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

3. The

Legal Notice

of which the annexed is a printed copy, was published in the regular *Thursday* issue of said newspaper for *2* consecutive *weeks* commencing on the *15* day of *December*, 20*05*, and ending on the *22* day of *December*, 20*05*, and such publication was made as often during said period as said *Daily* newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice *Kattie Hoy*. On this *22* day of *December*, in the year of *2005*, before me, a Notary Public, personally appeared *Kattie Hoy*, 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

RECEIVED
DEC 23 2005
IDWR/North

NOTICE

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

95-9321

THOMAS F FUDGE JR

5751 S MARY AVE

HARRISON ID 83833

Point(s) of Diversion NESE S5 T49N R03W KOOTENAI County
Source COEUR D ALENE LAKE Tributary To SPOKANE RIVER

Use: DOMESTIC 03/15 To 11/15 0.01 CFS

Use: AESTHETIC 03/15 To 11/15 0.01 CFS

Total Diversion: 0.01 CFS

Date Filed: 12/05/2005.

Place Of Use: AESTHETIC - T49N R03W S5 - NESE

Place Of Use: DOMESTIC - same as AESTHETIC

Remark: Domestic use is for 1 home.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 01/03/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 8380

December 15, 22, 2005

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

December 06, 2005

3 pages total

→ KATTIE HOY &/OR GLENDA JEFFERSON
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

Please FAX proof copy before publication, to 208-769-1454
Thanks, Dianne

RE: Application for Permit No. 95-9321

Dear Kattie and Glenda:

◁ THIS LETTER IS BEING SENT BY E-MAIL AS WELL AS FAX, ~ FYI. ▷

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates Indicated, December 15 and 22, 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 01/03/2006. Your cooperation is GREATLY appreciated.

Thank you,
Sincerely

Dianne

Dianne Ball
Administrative Assistant

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95-9321

THOMAS F FUDGE JR
5751 S MARY AVE
HARRISON ID 83833

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Remark: Domestic use is for 1 home.

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KARL J DREHER, Director - Published December 15 and 22, 2005

*See next page
enlarged for
clarity sake.*

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95-9321

THOMAS F FUDGE JR
5751 S MARY AVE
HARRISON ID 83833

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Total Diversion: 0.01 CFS

Date Filed: 12/05/2005

Place Of Use: AESTHETIC - T49N R03W S5 - NESE

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KARL J DREHER, Director - Published December 15 and 22, 2005

*Enlarged
for clarity -
Should run @ 8 pt
& fit 2 column
Dianne*

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, December 06, 2005 4:30 PM
To: Legal Notices-CdA Press (E-mail); Legal Notices-CdA Press2 Glenda Jefferson (E-mail)
Subject: Legal Notice for publication on December 15 and 22, 2005
Importance: High

**TO WHOM IT MAY CONCERN - PLEASE SEE THAT THIS E-MAIL GETS TO GLEND
JEFFERSON AND KATTIE HOY!!**

Good day to you Kattie and Glenda:

Attached you will find our cover letter requesting publication of a legal notice on December 15 and 22, 2005. Also attached is the legal notice.

Both of these attachments are **standard MS WORD documents** and should easily be able to be opened.

This information is also being **FAXED** due to it's importance!!

PLEASE FAX A PROOF COPY TO ME BEFORE PUBLICATION SO WE CAN CHECK LAYOUT, ETC.
- FAX 769-1454

IF YOU CANNOT PUBLISH ON THE DATES REQUESTED, PLEASE CONTACT ME IMMEDIATELY AT 769-1450.

If you have ANY questions, please call me.

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



CoverLetter
2-06-05 CdA e-mai.



LegalNotice
2-06-05 CdA 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

December 06, 2005

THOMAS F FUDGE JR
5751 S MARY AVE
HARRISON ID 83833

RE: Application for Permit No 95-9321

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 December 15 and 22, 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

Enclosure(s) – Receipt No. N017287 for your records.



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

December 6, 2005

JIM BRADY
IDAHO DEPARTMENT OF LANDS
3706 INDUSTRIAL AVE S
COEUR D'ALENE, ID 83815

FAXED TO JIM 12/6/05
5 pages total

Re: Water Permit Application No. 95-9321

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 **January 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.

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

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

December 6, 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 12/6/05
5 pages total

Re: Water Permit Application No. 95-9321

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 **January 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.

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

Sincerely,

Dianne Ball
Administrative Assistant