

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 94-07397

Priority: June 22, 2004

Maximum Diversion Rate: 0.02 CFS

This is to certify, that RANDALL A KINSEY
8854 N FINUCANE DR
HAYDEN ID 83835

has applied for a permit to appropriate water from:

Source: COEUR D ALENE RIVER **Tributary:** COEUR D ALENE LAKE

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:

COEUR D ALENE RIVER NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, Twp 49N, Rge 02E, B.M., SHOSHONE County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
49N 02E 30										X							

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2005**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. This right does not grant any right-of-way or easement across the land of another.
5. Water shall not be diverted under this right when flows in the Coeur d Alene River are below established minimum flow amounts.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 9th day of August, 2004.


for KARI DREHER, Director

RECEIVED

AUG 02 2004

DEPARTMENT OF
WATER RESOURCES

71352

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 94-7397

RECEIVED

JUN 22 2004

IDWR/North

- Name of Applicant Randall A. Kinsey Phone 762-3336
Mailing address 8854 N. Finucane Dr., Hayden, ID 83835
- Source of water supply CDA River which is a tributary of CDA Lake
- Location of point of diversion is Township 19 N Range 2 E Sec. 30, in the NE 1/4, SW 1/4, Govt. Lot , B.M., Shoshone County;

additional points of diversion if any:

- Water will be used for the following purposes:

Amount .02 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

- Total quantity to be appropriated is (a) .02 and/or (b)
cubic feet per second acre feet per annum

- Proposed diverting works: Pump & Pipeline

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

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

c. Proposed well diameter is 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.

- Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

- 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. 1

e. Other; describe fully. RV site

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
49N	2E	30									D								

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? Appl State of Idaho

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

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

12. Remarks: Will be using a submersible 7.5 gallon/minute pump with 1/8" screen.

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 PH/d Date 6/23/04 Time 2:13 p Preliminary check by _____
 Fee \$ 100.00 Receipted by ds # N016367 Date 6/23/04
 Publication prepared by ds Date 6/23/04 Published in Shoshone & Arden Press July 19, 2004
 Publication approved ds Date 7/15/04

#	RADIUS	DELTA	LENGTH	CH. BEARING	DISTANCE	TANGENT
C1	70.00'	91°37'37"	111.94'	S78°53'57"E	100.39'	72.02'

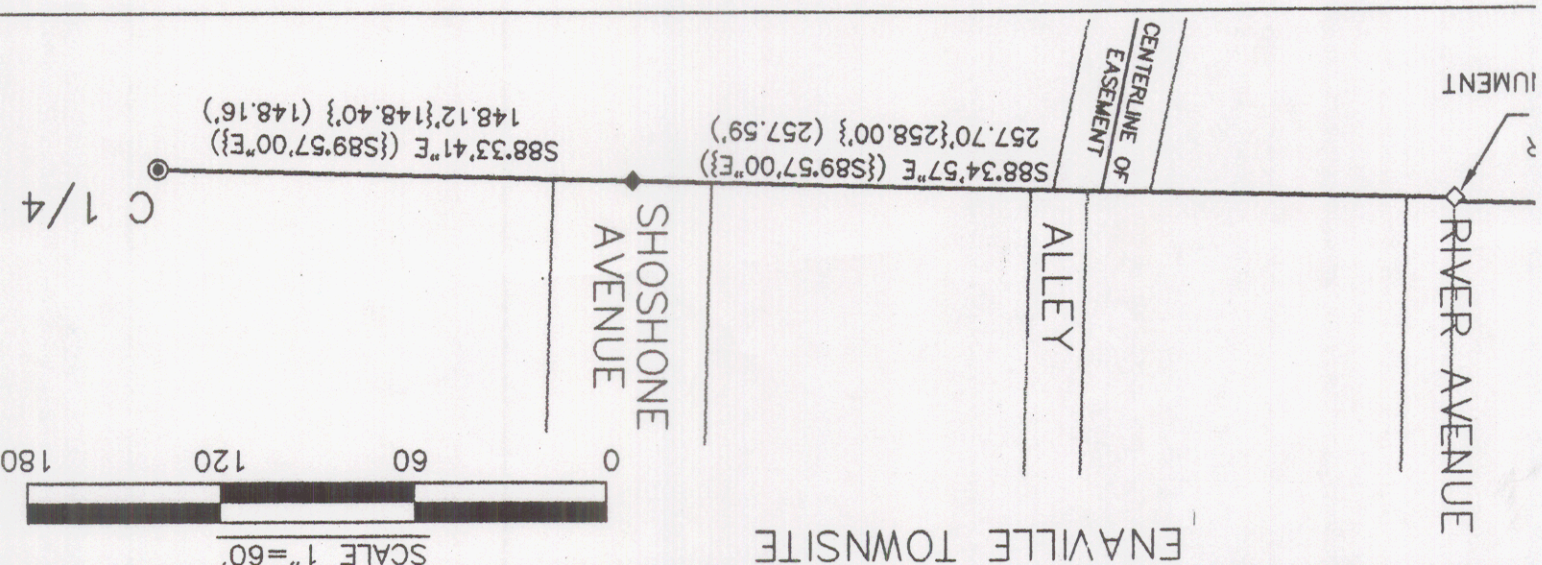
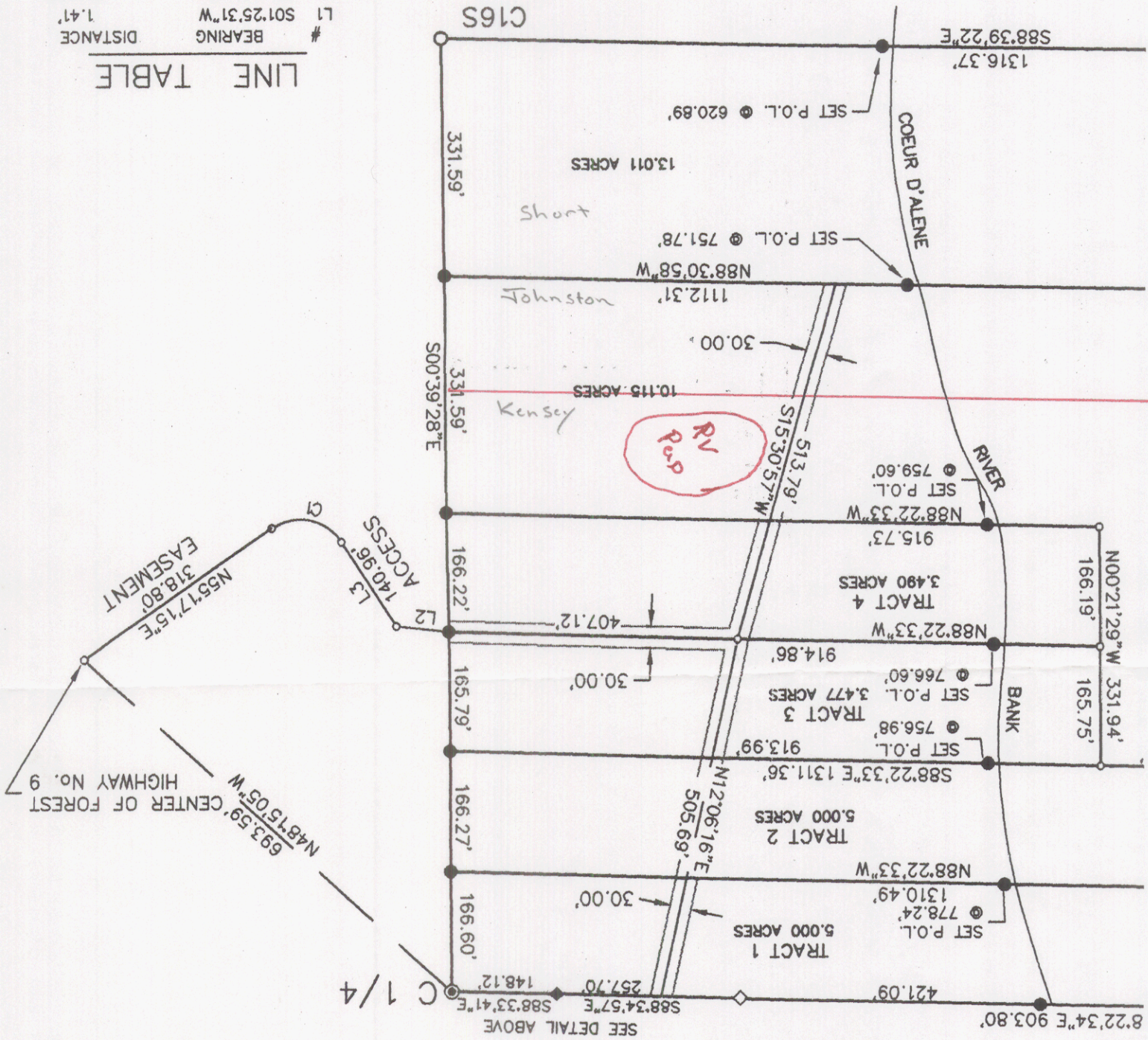
600 400

E 1"=200'

DRAFT

#	BEARING	DISTANCE
L1	S01°25'31"W	1.41'
L2	S84°22'02"E	74.59'
L3	S33°05'08"E	140.96'

LINE TABLE



**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 10, 2004

RANDALL A KINSEY
8854 N FINUCANE DR
HAYDEN ID 83835

RE: Permit No. 94-7397

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.

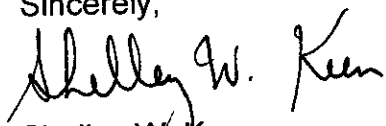
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 a 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 208-327-7946.

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

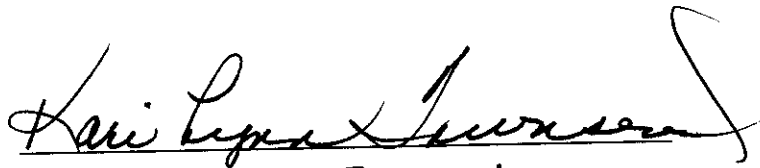
CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2004 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.

94-7397

**RANDALL A KINSEY
8854 N FINUCANE DR
HAYDEN ID 83835**

A handwritten signature in black ink, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Comment Report

94-7397

1. dball 6/23/2004 Legal Notice Remarks

Comment: Domestic use is for one home.

2. kwalker 8/9/2004 Permit Review

Comment: Application not located in any restricted areas. The Coeur d Alene River has a minimum stream flow on it but this application is not within the MSF reach.

Recommend approval.

ok

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

94-7396

JIM JOHNSTON
DEBBIE JOHNSTON
3168 N 9TH ST
COEUR D'ALENE, ID 83815

Point(s) of Diversion NESW S30 T49N R02E SHOSHONE County
Source COEUR D'ALENE RIVER Tributary To COEUR D'ALENE LAKE
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 06/08/2004
Place Of Use: DOMESTIC T49N R02E S30 NESW
Remark: Domestic use is for one home.

94-7397

RANDALL A KINSEY
8854 N FINUCANE DR
HAYDEN, ID 83835

Point(s) of Diversion NESW S30 T49N R02E SHOSHONE County
Source COEUR D'ALENE RIVER Tributary To COEUR D'ALENE LAKE
Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS

Date Filed: 06/22/2004
Place Of Use: DOMESTIC T49N R02E S30 NESW
Remark: Domestic use is for one 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 07/19/2004. The protestant must also send a copy of
the protest to the applicant.

KARL J. DREHER, Director Published on July 1 and 8, 2004
Legal #SHO303
2x7-1/8/2004

*See reverse
for affidavit*

PROOF OF PUBLICATION

) IDAHO DEPT. OF WATER RESOURCES
) 1910 NORTHWEST BLVD.
) COEUR D' ALENE, ID 83814
)

RECEIVED

JUL 13 2004

IDWR/North

s/ Daniel C. Drewry, being first duly sworn deposes and says:
SHOSHONE NEWS-PRESS, a daily newspaper of general circulation in said
county, published in the city of Kellogg, in the County of Shoshone and
the State of Idaho, and which has been published continuously in said
county for a period of 78 weeks immediately prior to the publication of this
notice hereinafter described, and that the

LEGAL NOTICE

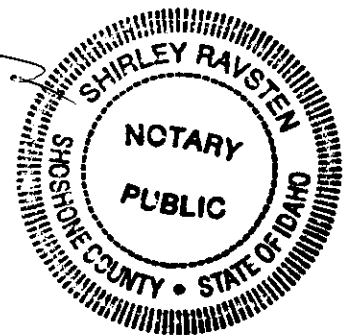
303

of which the annexed is a true copy, was published in each regular
weekly/daily issue of said newspaper, and not in supplement thereto, for
a period of Two (2) consecutive weeks/days, the first
publication thereof being in the issue dated 7/1, 8/04

STATE OF IDAHO

COUNTY OF

Shoshone



On this 9th day of July in the year of 2004,
before me a Notary Public, personally appeared Daniel C. Drewry known or
identified to me to be the person whose name subscribed to the within
instrument, and being by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he executed the same.



Notary Public for Idaho
Residing in Kellogg, Idaho
My Commission expires:
09/14/07

*See reverse for
legal*

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

94-7396

JIM JOHNSTON
DEBBIE JOHNSTON
3168 N 9TH ST
COEUR D ALENE ID 83815

Point(s) of Diversion NESW S30 T49N R02E SHOSHONE County

Source COEUR D ALENE RIVER Tributary To COEUR D ALENE LAKE

Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS

Date Filed: 06/08/2004

Place Of Use: DOMESTIC T49N R02E S30 NESW

Remark: Domestic use is for one home.

94-7397

RANDALL A KINSEY
8854 N FINUCANE DR
HAYDEN ID 83835

Point(s) of Diversion NESW S30 T49N R02E SHOSHONE County Source
COEUR D ALENE RIVER Tributary To COEUR D ALENE LAKE

Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS

Date Filed: 06/22/2004

Place Of Use: DOMESTIC T49N R02E S30 NESW

Remark: Domestic use is for one 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 07/19/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on July 1 and 8, 2004



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

- PLEASE FAX PROOF PRIOR TO PUBLICATION -

THANK YOU. *Dianne*

June 23, 2004

NIKKI ROSS
LEGAL NOTICE DEPARTMENT
SHOSHONE COUNTY NEWS PRESS
PO BOX 149
KELLOGG ID 83837

e-mailed to Nikki 6/23/04

RE: Application for Permit No. 94-7396 and 94-7397

Dear Nikki:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, July 1 and 8, 2004, (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 07/19/2004. Your cooperation is greatly appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, June 23, 2004 11:14 AM
To: Legal Notices-Shoshone Co NP (E-mail)
Subject: Legal notice for publication on July 1 and 8, 2004

Good morning, Nikki,

Attached is a copy of our cover letter requesting publication of a legal notice which is also attached.

PLEASE FAX A PROOF TO ME PRIOR TO PUBLICATION to 208-769-1454. THANK YOU VERY MUCH.

I hope you will have a happy day,

Too blessed to be stressed....

✿ 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

6/23/2004



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

June 23, 2004

RANDALL A KINSEY
8854 N FINUCANE DR
HAYDEN ID 83835

RE: Application for Permit No 94-7397

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 Shoshone County News Press on July 1 and 8, 2004. 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 that reads "Allen Beardslee".

Allen Beardslee
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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 23, 2004

MARY TERRA-BERNS
STATE OF IDAHO
DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

FAXED TO MARY 6/23/04

Application to Permit No. 94-7397 - Kinsey

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.

Please contact this office if you have any questions regarding the application. If you will not be protesting the application, you can reply by e-mail to dball@idwr.state.id.us.

Sincerely,

A handwritten signature in cursive script that reads 'Dianne'.

Dianne Ball
Administrative Assistant

Enclosure(s) - Application for Permit