

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 98-07844

Priority: May 11, 2005

Maximum Diversion Rate: 0.07 CFS

This is to certify, that JOSEPH M TAJAN And CYNTHIA N TAJAN
7556 MOHAWK ST
BONNERS FERRY ID 83805

have applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: FALL CREEK

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	0.04 CFS
IRRIGATION	04/15 to 10/31	0.03 CFS

LOCATION OF POINT OF DIVERSION:

UNNAMED STREAM NE¼SE¼ Sec. 5, Twp 60N, Rge 01W, B.M., BOUNDARY 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	
60N 01W 5																	X

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
60N 01W 5																	1.0

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2006**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 14th day of July, 2005.


for KARL J DREHER, Director

71965

ident. No. 98-7844

RECEIVED

JUL 12 2005

DEPARTMENT OF
WATER RESOURCES

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

RECEIVED
MAY 11 2005
IDWR/North

1. Name of Applicant Joseph E. and Cynthia L. TAJAN Phone (208) 290-4049
Mailing address 7556 Mohawk St. Ponnors Ferry ID 83805
2. Source of water supply Creek/Unnamed which is a tributary of Fall Creek
3. Location of point of diversion is Township 60N Range 1W Sec. 5, in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot , B.M., County;
additional points of diversion if any:
4. Water will be used for the following purposes:
Amount .040 cfs for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .005 cfs for irrigation purposes from 4-1 to 10-31 (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) .07 cubic feet per second and/or (b) acre feet per annum
6. Proposed diverting works: PVC intake 2" pipe to cistern
 - a. Describe type and size of devices used to divert water from the source 18" x 2' PVC intake with 2" pipe to 1200 gal. cistern
 - 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? No
 - e. If well is already drilled, when? No; 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. 1 Horse
 - c. Municipal; show name of municipality.
 - d. Domestic; show number of households. One
 - e. Other; describe fully. Irrigation/Domestic

98-7844

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	
60N	1W	5													D				
		5													1				1

Total number of acres to be irrigated 1

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? Tajanb. Who owns the land to be irrigated or place of use? Tajan

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

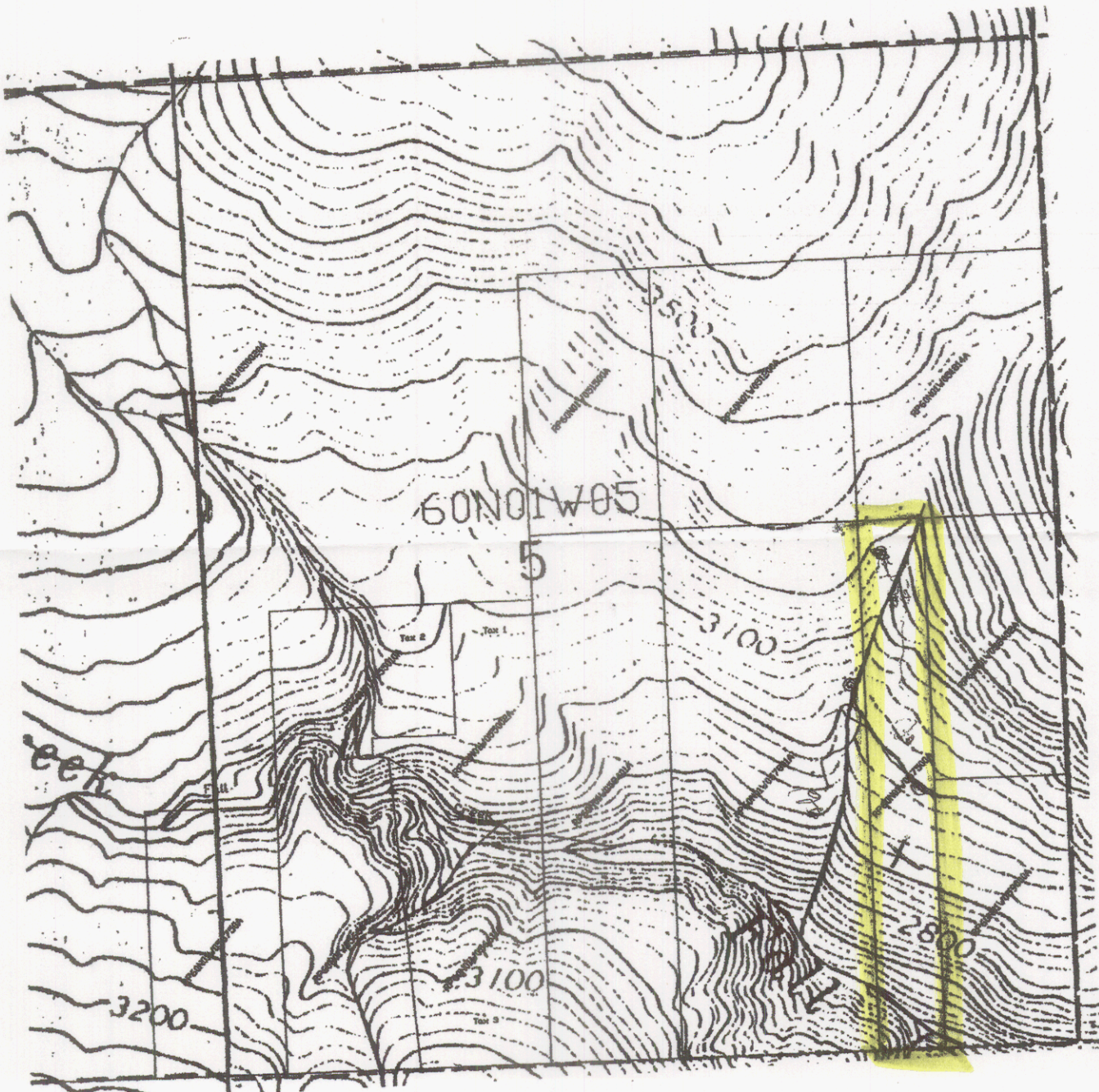
12. Remarks: There is a creek and spring at the top of my property.I would like to divert .07 cfs for domestic/irrigation
purposes.13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy 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.

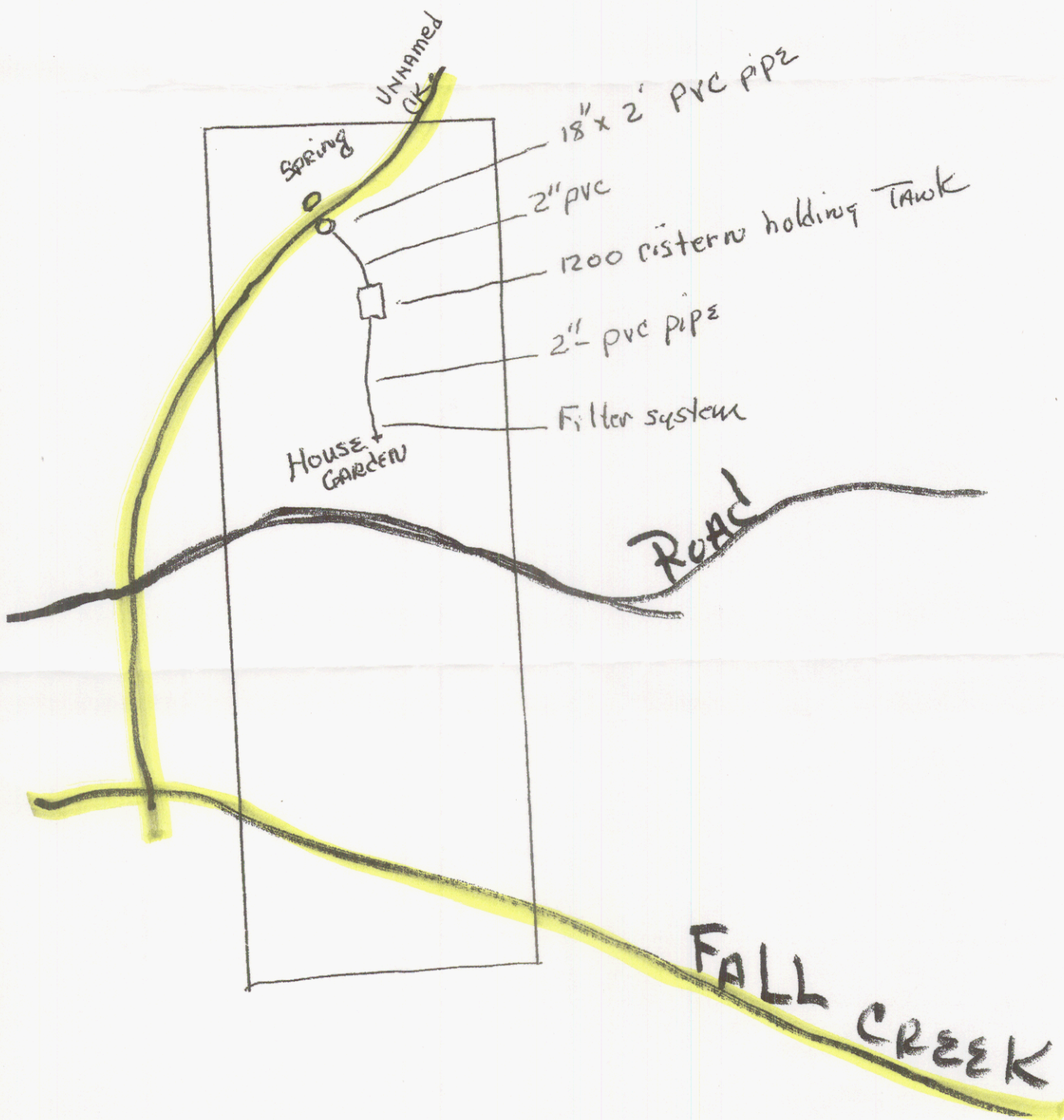
Reph H. Hays Committee Tajan
Signature of Applicant (and title, if applicable)

Received by [Signature] Date 5/11/05 Time 1:20p Preliminary check by _____
 Fee \$ 100.00 Received by [Signature] # N016907 Date 5/11/05
 Publication prepared by [Signature] Date 5/25/05 Published in Bonner Herald 6/2+9/05
 Publication approved [Signature] Date 7/6/05

98-7844



98-7844



98-7844

Sec. 5, Twp. 60 N., R. 1 W., B.M.

Subject

THIS MAP IS TO BE USED FOR REFERENCE PURPOSES ONLY AND THE COUNTY IS NOT RESPONSIBLE FOR ANY DISCREPANCIES WITH RECORDS.



1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32

Assessor's Parcel Map
BOUNDARY COUNTY
IDAHO

REVISIONS

INITIAL	REVISION	DATE

MAP FILE: 010010
DRAWING FILE: 60N01W05.dwg
DOCUMENT FILE: 1014 0001000

NOTES:

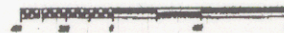
All Sections are plotted from the Bureau of Land Management (BLM) Geographic Coordinate Data Base (GCS). The data was derived from the Public Land Survey System (PLSS) in a digital format.

Features such as ditches, creeks, rivers, lakes, roads, railroads, etc. were digitized over the existing PLSS survey data where more detailed or accurate information is not available.

Individual parcels are plotted from the best available information of record and correlated to the digitized features where necessary.

Records of Survey used:

60/05 DESCRIPTION



SCALE: 1 INCH = 400 FEET

330'

Sec. 5, Twp. 60 N., R. 1 W., B.M.

**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

July 15, 2005

JOSEPH M TAJAN
CYNTHIA N TAJAN
7556 MOHAWK ST
BONNERS FERRY ID 83805

RE: Permit No. 98-7844

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 'SWK', written over the printed name.

for

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

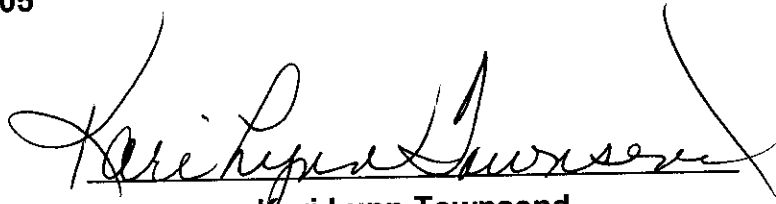
CERTIFICATE OF SERVICE

I hereby certify that on July 15, 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.

98-7844

**CYNTHIA N TAJAN
JOSEPH M TAJAN
7556 MOHAWK ST
BONNERS FERRY ID 83805**



**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

98-7844

1. kwalker 7/14/2005 POD

Comment: Updated shape

2. kwalker 7/14/2005 POU

Comment: Updated Shape

3. kwalker 7/14/2005 POU

Comment: Updated Shape

4. dball 5/17/2005 Legal Notice Remarks

Comment: Domestic use is for 1 home.

5. kwalker 7/14/2005 Permit Review

Comment: Application does not fall within any problem areas. Changed irrigation season of use to standard for the area. Recommend approval.

AFFIDAVIT OF PUBLICATION

State of Idaho

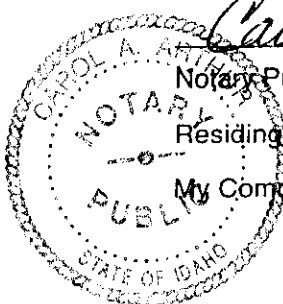
ss

County of Boundary, Kellie Neff
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:

#5581 Application to
Appropriate the public waters
as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 2 day of June, 2005
and ending on the 9 day of June, 2005
and that said notice was published in said newspaper.

Kellie Neff
SUBSCRIBED AND SWORN to before me, this
9th day of June, 2005.

Carol A. Arthur
Notary Public-State of Idaho
Residing at: Bonners Ferry
My Commission Expires: 2-25-11



RECEIVED
JUL 06 2005
IDWR/North

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

98-7844

CYNTHIA N TAJAN
JOSEPH M TAJAN
7556 MOHAWK ST
BONNERS FERRY ID 83805
Point(s) of Diversion NESE S5 T60N R01W BOUNDARY County

Source UNNAMED STREAM Tributary To FALL CREEK
Use: IRRIGATION 04/01 To 10/31 0.03 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion 0.07 CFS

Date Filed: 05/11/2005
Place Of Use: DOMESTIC
T60N R01W S5 NESE
Place Of Use: IRRIGATION
T60N R01W S5 NESE
Number of Acres 1
Remark: Domestic use is for 1 home.

98-7845

WALTER DINNING
PO BOX 1387
BONNERS FERRY ID 83805
Point(s) of Diversion SWNE S28 T64N R01E BOUNDARY County

Source GROUND WATER
Use: IRRIGATION 05/01 To 10/01 0.2 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.2 CFS

Date Filed: 05/13/2005
Place Of Use: DOMESTIC & STOCKWATER T64N R01E S28 SWNE SENW
Place Of Use: IRRIGATION T64N R01W S28 SWNE
Number of Acres 10
Remark: Domestic use is for one home.
Stockwater use is for 15 horses

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

Legal BFH5581
June 2 and 9, 2005

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

98-7844

CYNTHIA N TAJAN
JOSEPH M TAJAN
7556 MOHAWK ST
BONNERS FERRY ID 83805

Point(s) of Diversion NESE S5 T60N R01W BOUNDARY County
Source UNNAMED STREAM Tributary To FALL CREEK
Use: IRRIGATION 04/01 To 10/31 0.03 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.07 CFS

Date Filed: 05/11/2005

Place Of Use: DOMESTIC

T60N R01W S5 NESE

Place Of Use: IRRIGATION

T60N R01W S5 NESE

Number of Acres 1

Remark: Domestic use is for 1 home.

98-7845

WALTER DINNING
PO BOX 1387
BONNERS FERRY ID 83805

Point(s) of Diversion SWNE S28 T64N R01E BOUNDARY County
Source GROUND WATER
Use: IRRIGATION 05/01 To 10/01 0.2 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.2 CFS

Date Filed: 05/13/2005

Place Of Use: DOMESTIC & STOCKWATER T64N R01E S28 SWNE SENW

Place Of Use: IRRIGATION T64N R01W S28 SWNE

Number of Acres 10

Remark: Domestic use is for one home.

Stockwater use is for 15 horses

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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 25, 2005

PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION.

Thanks, *Dianne*

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

RE: Application for Permit No. 98-7844

Dear Carol and Kellie:

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 VERY appreciated. It's 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 4:28 PM
To: Legal Notices-BFHerald (E-mail)
Subject: Legal notice for publication on June 2 and 9, 2005.

Good afternoon, Carol and Kellie,

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.

And as ALWAYS, it is 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



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

May 25, 2005

CYNTHIA N TAJAN
JOSEPH M TAJAN
7556 MOHAWK ST
BONNERS FERRY ID 83805

RE: Application for Permit No 98-7844

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 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,

Robert G. Haynes, P.E.
Regional Manager

Enclosure(s) - Receipt No. N016907



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

May 17, 2005

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

FAXED TO MARY 5/17/05
6 pages total

Application to Permit No. 98-7844

STATE OF IDAHO :

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 3, 2005**.

We will assume you have no comments, concerns, conditions you want applied, or objections to the issuance of this permit if we do not hear from you by that date.

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

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure(s)