

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 98-07813

Priority: July 11, 2002

Maximum Diversion Rate: 11.80 CFS

This is to certify, that US DEPT OF INTERIOR
FISH & WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND OR 97232-4181 has applied for a permit to appropriate water from:

Source: DEEP CREEK

Tributary: KOOTENAI 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>	<u>ANNUAL VOLUME</u>
WILDLIFE	01/01 to 12/31	11.80 CFS	
WILDLIFE STORAGE	01/01 to 12/31		472.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	11.80 CFS	

LOCATION OF POINT OF DIVERSION:

DEEP CREEK SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, Twp 62N, Rge 01W, B.M., BOUNDARY County

PLACE OF USE: WILDLIFE & WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
62N 01W 25	X	X	X	X	X			X	X				X	X	X	X	
62N 01W 36	X	X															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2009**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The Director retains jurisdiction to require a bypass flow for maintenance of fish, wildlife, riparian and aquatic habitat.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 24th day of July, 2004.


FOR KARL J DREHER, Director

70043

Ident. No. 98-7813

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

NOV 21 2002

Department of Water Resources

1. Name of Applicant U.S. Fish and Wildlife Service Phone 503-231-6251
Mailing address 911 NE 11th Ave, Portland, OR 97232-4181

2. Source of water supply Deep Creek which is a tributary of Kootenai River

3. Location of point of diversion is Township 62N Range 1W Sec. 36 in the SE 1/4,
NE 1/4, NE 1/4, Govt. Lot _____, B.M., _____ Boundary _____ County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 11.8 cfs for Wildlife purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 472 for WILDLIFE STORAGE purposes from Y. to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 11.8 cfs for DIVERSION TO STORAGE purposes from Y. 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)

5. Total quantity to be appropriated is (a) 11.8 and/or (b) 472
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 12" Gator centrifugal trailer pump.
Water diverted through an open ditch to a series of five wetlands

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. _____

7. Time required for completion of works and application of water to proposed beneficial use is 5 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. Volume is based on preliminary estimate to maintain wetland ponds.
Seepage losses are expected to be high.

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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
62N	1W	25	W	W	W	W	W			W	W				W	W	W	W	
		36	W	W															

Total number of acres to be irrigated _____

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

License Water Right No. 98-7004

11. a. Who owns the property at the point of diversion? USFWS

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

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: Propose to increase diversion rate and use additional water to enhance wetland habitat covered under existing water right for this area.

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.

M. B. B., Agent for U.S. Fish and Wildlife Service.
Signature of Applicant (and title, if applicable)

Received by db Date 2/25/02 Time 1:20 P Preliminary check by JB
 Fee \$ 690 Received by db # N013872 Date 8/10/2000
 Publication prepared by db Date 7/24/02 Published in See attached list - 5 papers
 Publication approved _____ Date _____

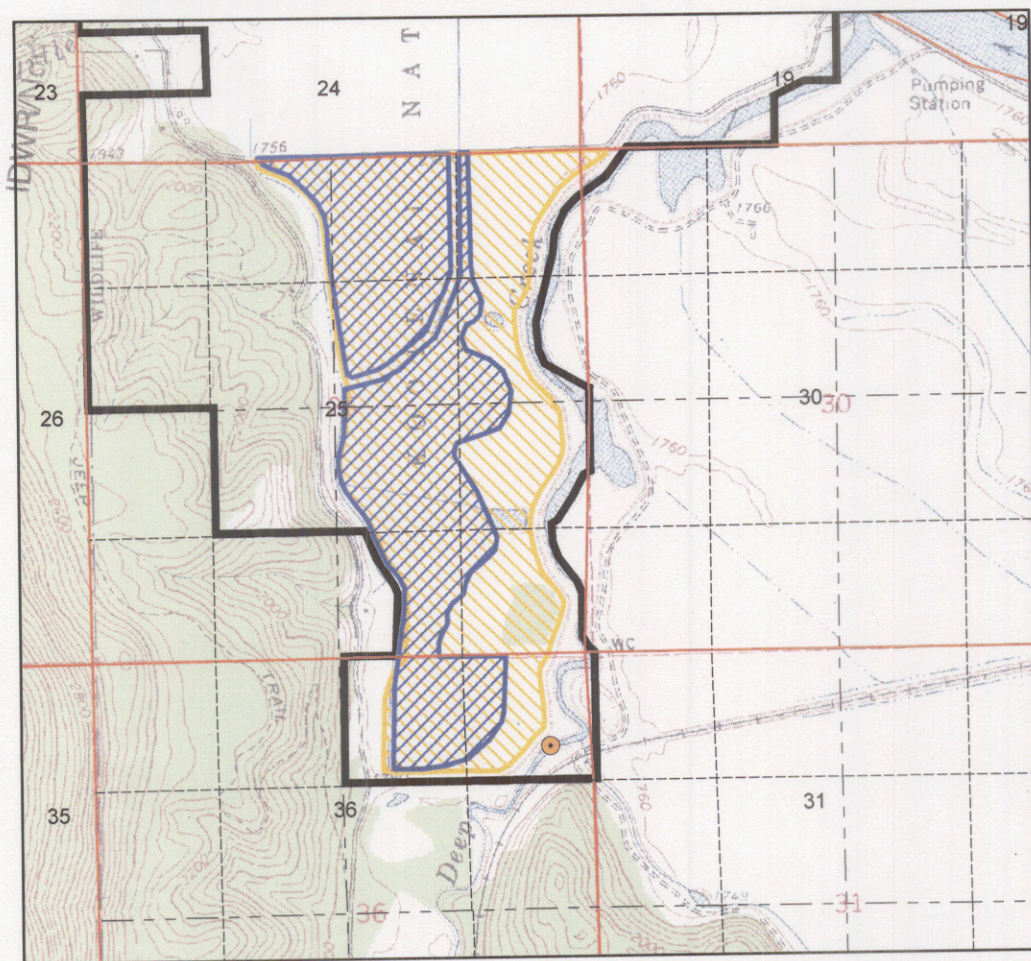
STATEWIDE ADVERTISING

NAME OF NEWSPAPER	Date Published	Date Affidavit Received	Date Publication Approved	Comments
Bonniers Ferry Herald	<u>8/1 + 8/02</u>	<u>9/4</u>	<u>9/6</u> <i>db</i>	_____
Lewiston Tribune	<u>8/1 + 8/02</u>	<u>8/9</u>	<u>8/9</u> <i>db</i>	_____
Times News	<u>8/1 + 8/02</u>	<u>8/12</u>	<u>8/12</u> <i>db</i>	_____
Post Register	<u>8/1 + 8/02</u>	<u>8/23</u>	<u>8/23</u>	_____
Idaho Statesman	<u>8/14 8/02</u>	<u>8/14</u>	<u>8/14</u> <i>db</i>	_____

*Prepared
7/24/02
db*

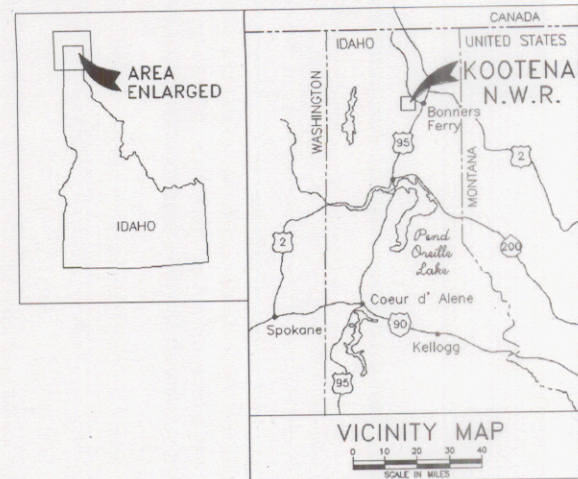
RECEIVED
JUL 22 2002

Sections 25, 30, 36, 31, T. 62 N., R. 1 W., R. 1 E., B.M.



Kootenai NWR

0 1,000 2,000 4,000 Feet



Application Map
License No.98-7004
Kootenai NWR
Boundary County, Idaho

Legend

- Refuge Approved Boundary
- License 98-7004
- Application
- Point of Diversion



LICENSE: No. 98-7004

Owner: U.S. Bureau of Sports Fisheries and Wildlife

Priority: December 4, 1967

Use: Irrigation/Stockwater/Wildlife

Point of Diversion: NE 1/4 NE 1/4, Sec.36, T62N, R1W, B.M.

Diversion Amount: 2.20 cfs, annual volume 828 ac-ft

Period of Use: Irrigation (4-1 thru 11-30) Stock/Wildlife (1-1 thru 12-31)

Source: Deep Creek

Place of Use: Acreage = 288.9 acres

Remarks: 3.0 ac-ft/ac for irrigation and 2.0 ac-ft/year for Stockwater and Wildlife



Application

Owner: U.S. Fish and Wildlife Service

Priority: August 2, 2000

Use: Wildlife

Point of Diversion: SE 1/4 NE 1/4 NE 1/4, Sec.36, T62N, R1W, B.M.

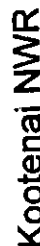
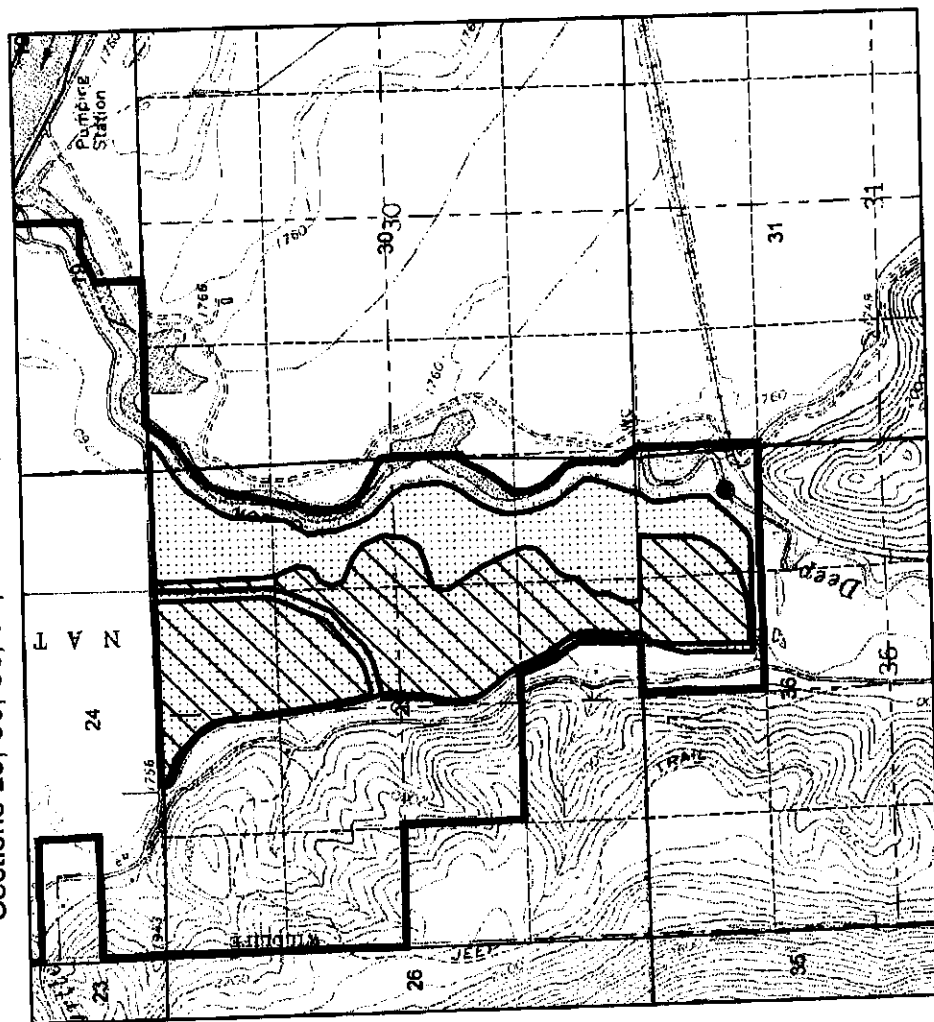
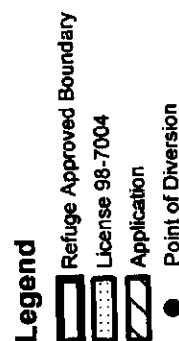
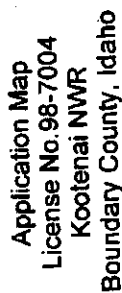
Diversion Amount: 11.8 cfs

Period of Use: Wildlife (1-1 thru 12-31)

Source: Deep Creek

Place of Use: Acreage = 178.5 acres

Remarks: To increase diversion rate and use additional water to enhance wetland habitat covered under existing water right for this area



Application
Owner: U.S. Fish and Wildlife Service
Priority: August 2, 2000
Use: Wildlife
Point of Diversion: SE 1/4 NE 1/4 NE 1
Diversion Amount: 11.8 cfs
Period of Use: Wildlife 1-1 thru 12-31)
Source: Deep Creek
Place of Use: Acreage = 178.5 acres
Remarks: To increase diversion rate and enhance wetland habitat covered under this area

(LICENSE: No. 98-7004
Owner: U.S. Bureau of Sports Fisheries and Wildlife
Priority: December 4, 1967
Use: Irrigation/Stockwater/Wildlife
Point of Diversion: NE 1/4 NE, Sec.36, T62N, R1W, B.M.
Diversion Amount: 2.20 cfs, annual volume 828 ac-ft
Period of Use: Irrigation (4-1 thru 11-30) Stock/Wildlife (1-1
Source: Deep Creek
Place of Use: Acreage = 288.9 acres
Remarks: 3.0 ac-ft/ac for Irrigation and 2.0 ac-ft/year for Stock

KOOTENAI NATIONAL WILDLIFE REFUGE

UNITED STATES
DEPARTMENT OF THE INTERIOR

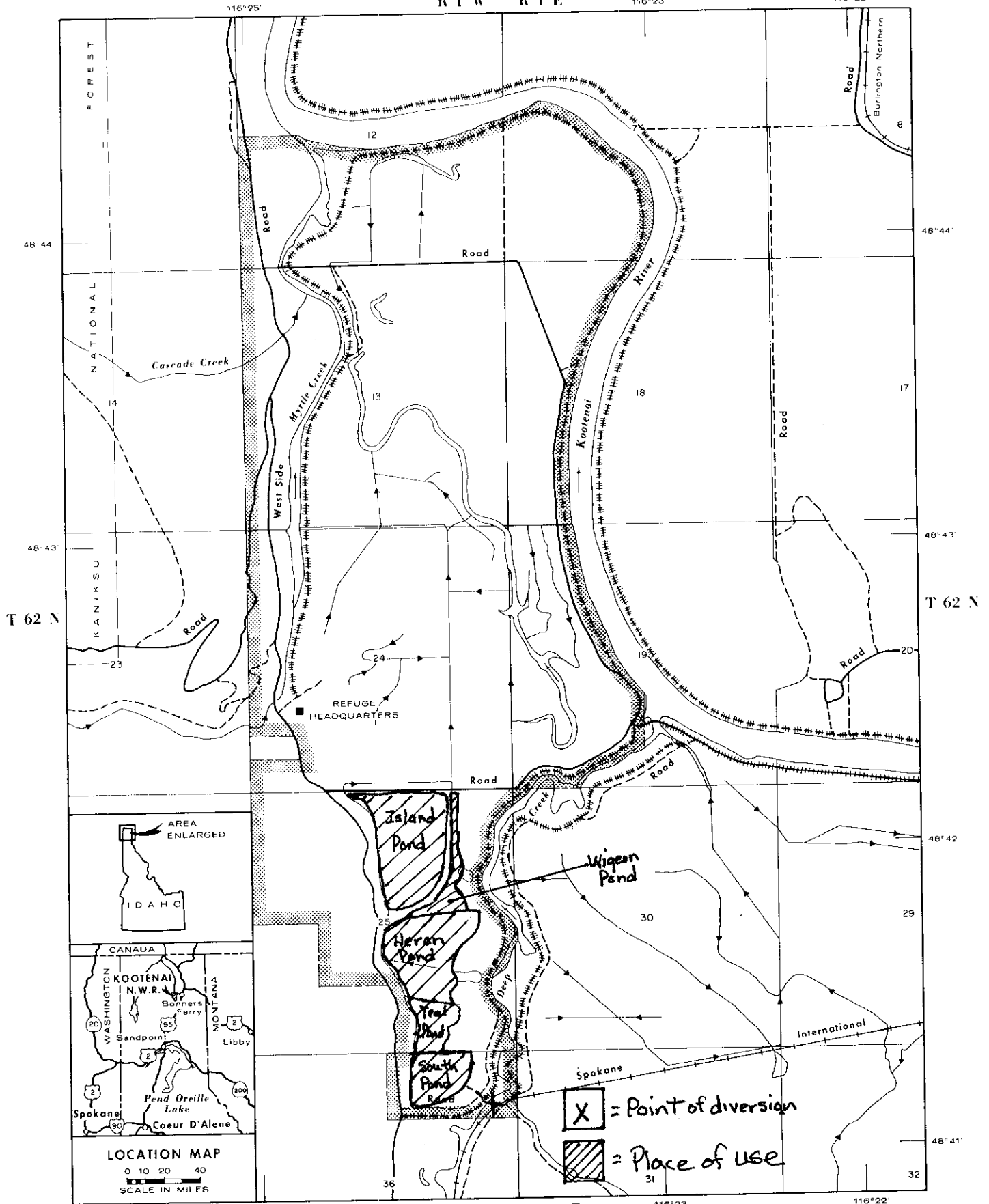
BOUNDARY COUNTY, IDAHO

UNITED STATES
FISH AND WILDLIFE SERVICE

R 1 W R 1 E

116°23'

116°22'

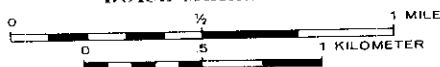


COMPILED IN REALTY FROM
SURVEYS BY USGS, FWS, BLM

PORTLAND, OREGON
REV.

MAY 1980

R 1 W R 1 E
BOISE MERIDIAN



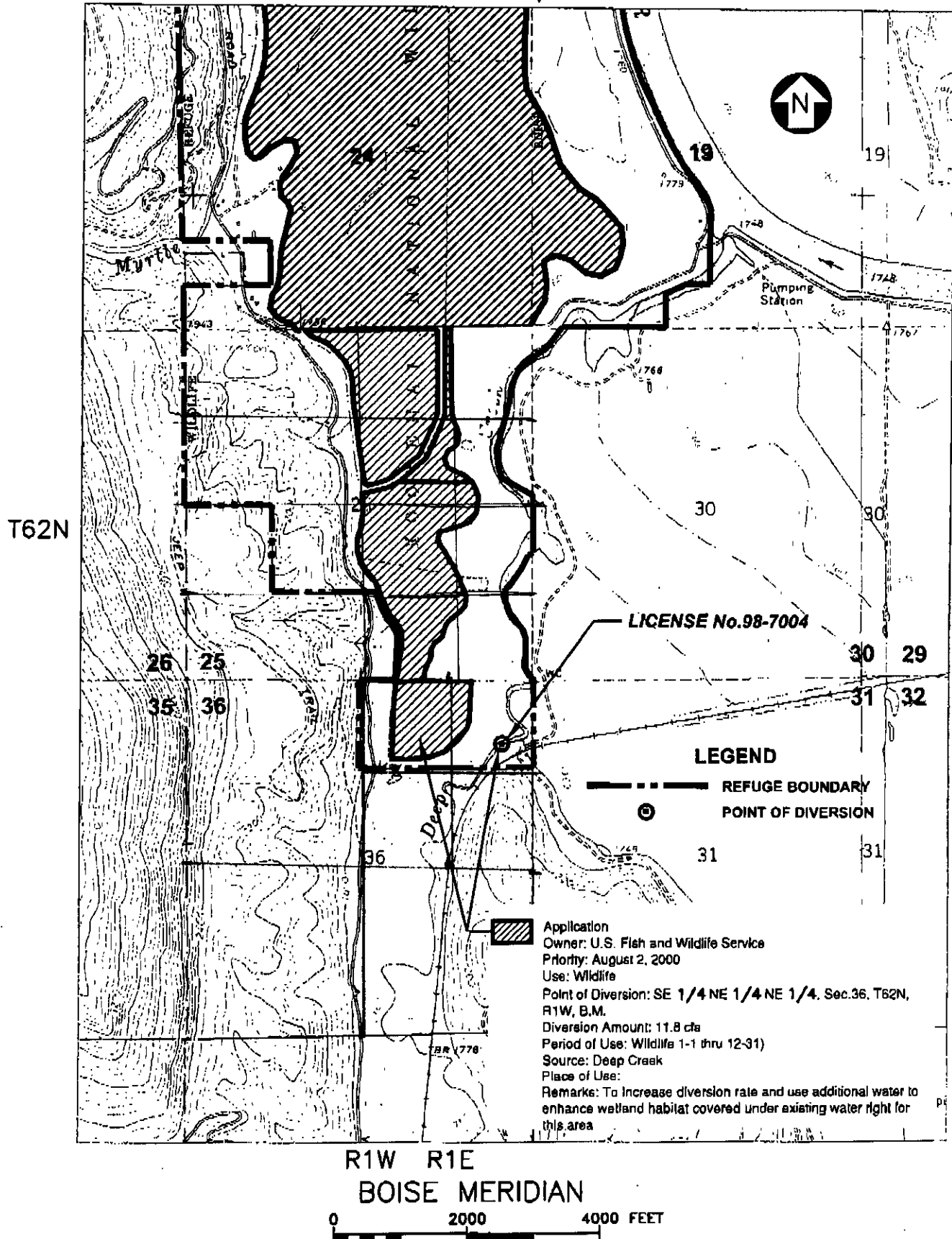
20°45'
MEAN
DECLINATION
1980

1R IDA 679 407

APPLICATION MAP

KOOTENAI NATIONAL WILDLIFE REFUGE

BOUNDARY COUNTY, IDAHO



THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF A WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

**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

July 26, 2004

US DEPT OF INTERIOR
FISH & WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND OR 97232-4181

RE: Permit No. 98-7813

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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,

for Kari Lynn Townsend
Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

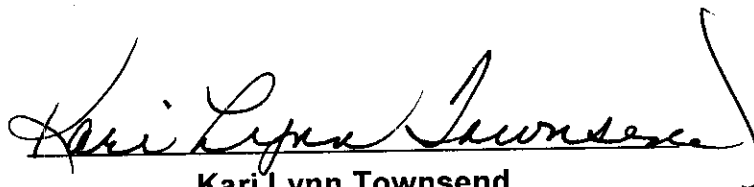
CERTIFICATE OF SERVICE

I hereby certify that on July 26, 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.

98-7813

US DEPT OF INTERIOR
FISH & WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND OR 97232-4181



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.

RECEIVED

JUL 23 2004



United States Department of the Interior

FISH AND WILDLIFE SERVICE

911 NE 11th Avenue
Portland, Oregon 97232-4181



In Reply Refer to:
ABA-WR

July 19, 2004

Mr. Shelley W. Keen, Water Rights Supervisor
Idaho Department of Water Resources
Western Regional Office
1301 North Orchard Street
Boise, Idaho 83706

Dear Mr. Keen:

Re: Water Right Application (No. 98-7813) for the Kootenai National Wildlife Refuge

This letter responds to your request for additional information regarding U.S. Fish and Wildlife Service (Service) Application for Permit No. 98-7813. Your letter dated July 6, 2004, lists three items of information still needed to continue processing the Service's filing to appropriate 11.8 cfs from Deep Creek at the Kootenai National Wildlife Refuge (Refuge). These three items and associated information are as follows:

1. Information regarding the basis for requesting 11.8 cfs for diversion:

11.8 cfs is the capacity of the pump at the point-of-diversion.

2. Information regarding the amount we plan to divert during August of each year and its relation to the daily stream flow data for a USGS stream gage located upstream:

Our diversion from Deep Creek varies throughout the year. Typically, the Refuge diverts water to fill wetland areas during the early Fall months and again during the early Spring. Occasionally, the Refuge diverts water during other months primarily to maintain the wetlands ponds at desired levels. The mean flow for August based on the 44-year period from 1928 to 1971 is 18.7 cfs. The Service shares in your concern for fisheries and therefore, will not divert water from Deep Creek which are critical to fish.

3. Information regarding the basis for requesting 472 acre-feet of storage volume:

This Application seeks to increase the diversion rate and annual volume currently covered under License No. 98-7004. Together, the exiting right in addition to this new permit will allow the Refuge to enhance wetland habitat by providing and maintaining optimum levels in these wetlands without increasing the existing place-or-use. The amount of water requested will cover what is necessary to fill the ponds to optimum levels and occasionally above to control aquatic weeds. It also represents what is necessary to replace losses due to seepage and evaporation.

We hope this proves helpful in processing our Application. If you have questions or need additional information, please feel free to contact me at (503) 231-2057.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Langman", with a long horizontal flourish extending to the right.

David J. Langman
Hydrologist

cc:
Aaron Drew

MEMORANDUM

Date: July 16, 2004
To: Water Right File 98-7813
From: Shelley Keen *SK*
Re: Diversion Rate and Volume

Earlier this afternoon I spoke with David Langman of the USFWS about the diversion rate and volume requested in this application. He told me that the volume of 472 AF is intended to fill the reservoirs and replace seepage and evaporation losses. He also told me that the diversion rate of 11.8 cfs was requested because that is the capacity of the pumps installed to divert water. He assured me that the USFWS would not divert water at times when it could de-water Deep Creek. However, he also promised to send me documentation from the site manager showing the intended operation of the system.



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

July 6, 2004

US FISH AND WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND OR 97232-4181

RE: Application for Permit No. 98-7813

Dear Applicant:

The Department of Water Resources (IDWR) is reviewing your application to appropriate 11.8 cfs of water from Deep Creek, a tributary of the Kootenai River, for wildlife and wildlife storage purposes. Idaho Code § 42-203A(5) requires IDWR to evaluate a number of criteria before acting on an application to appropriate water. For your application, IDWR needs additional information to evaluate the sufficiency of the water supply and the local public interest.

Rule 40.05.c. of the Water Appropriation Rules (IDAPA 37.03.08) authorizes IDWR to request additional information for any filing, as the agency deems necessary. For your application please provide written answers to the following items pursuant to Rule 40.05.d.i. of the Water Appropriation Rules.

- What is the basis for requesting 11.8 cfs for diversion?
- The daily streamflow data you provided shows that the creek flows less than 20 cfs in August. Do you plan to divert up to 11.8 cfs in August, or will your diversions vary throughout the year? If so, when do you plan to divert water each year?
- What is the basis for requesting 472 acre-feet of storage volume? Is the 472 acre-feet only the amount necessary to fill your reservoirs one time, or does it include the amount necessary to fill the reservoirs and to replace evaporation and seepage losses?

In addition, pursuant to Rule 40.05.g. of the Water Appropriation Rules, please seek comment from the Idaho Department of Fish and Game about the potential impact of the operation of your project on the fishery in Deep Creek and provide copies of any comments to IDWR.

Pursuant to Rule 40.05.c. of the Water Appropriation Rules, please provide the required information within 30 days. IDWR may extend the time allowed for your response if you make a request in writing.

If you have any questions, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

MEMORANDUM

TO: File 98-7813

FROM: KAY WALKER

RE: Use of water for wetlands

Date: July 2, 2004

.....

I talked to David Langman of the US Fish and Wildlife Services this morning to find out what the breakdown of the volume requested under this permit would be. Mr. Langman said there is no way of telling what the amount of water being stored is vs. the amount of water needed for seepage losses. He said that the seepage losses would be for the channels leading to the wetlands, not the wetlands themselves. The wetlands usually fill in with fine sediment and therefore not much water is seeping into the ground from the wetland area. Mr. Langman also stated that he was not the person who completed the application for permit but assumes that the statement under item 8.e. on the form is just a generalized statement.

Comment Report

98-7813

1. dball 7/18/2002 Comment/Analysis

Comment: Volume is based on preliminary estimate to maintain wetland ponds. Seepage losses are expected to be high.

2. kwalker 7/1/2004 Permit Review

Comment: Applicant submitted information regarding Rule 4,5,3 on 6/10/04. Found that Rt. 98-7006 also is located on same place of use even though applicant only identified Rt. 98-7004 as being on the property involved. Recommend we approve.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

B911 NE 11th Avenue
Portland, Oregon 97232-4181

In Reply Refer to:
ABA/EN



RECEIVED

JUN 30 2004

DEPARTMENT OF
WATER RESOURCES June 7, 2004

RECEIVED

JUN 10 2004

IDWR/North

Mr. Allen Beardslee
Idaho Department of Water Resources
Northern Regional Office
1910 Northwest Boulevard, Suite # 210
Coeur d' Alene, Idaho 83814-2615

Dear Mr. Beardslee:

Re: Water Right Application (No. 98-7813) for Kootenai National Wildlife Refuge

This letter responds to your request for additional information regarding U.S. Fish and Wildlife Service (Service) Application for Permit No. 98-7813. Your letter dated March 16, 2004, listed eight items of information needed to continue processing the Service's filing to appropriate 11.8 cfs from Deep Creek at the Kootenai National Wildlife Refuge (Refuge). The eight items and associated information are as follows:

1. Information regarding how the Refuge's diversion of water may affect existing water rights on Deep Creek.

Diversion of water from Deep Creek under Permit No. 98-7813 would be the last diversion above its terminus with the Kootenai River and therefore, would have no affect on existing water rights on Deep Creek.

2. Information concerning any design, construction, or operation techniques which will be employed to eliminate, or reduce the impact on other water rights.

There will be no impacts on other water rights for reasons stated above and therefore, no design, construction, or operation techniques will be employed.

3. Information regarding water requirements of the proposed project, including but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.

Information regarding the water requirements is detailed in our Application for Permit which was previously submitted.

4. Information regarding the quantity of water available from the source applied for, including but not limited to, information concerning flow rate for surface water sources available during periods of peak and average project water demand.

The only data available on Deep creek near the location is an old USGS gaging station that was operated approximately 5.0 miles upstream of our proposed POD from 1928 to 1971. According to the stream-flow statistics at the USGS site, the mean of the mean daily values for the period of record range from 16.0 cfs (Aug. 19) to 569 cfs (May 10). The monthly mean stream-flows range from 7.45 cfs (Sept.) to 278 cfs (May). Please see the attached USGS data sheets.

5. Information regarding deeds, leases, easements, or application for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use.

The lands in question are owned by the Service and have been in Federal ownership since 1964. No easements or rights-of-way exists.

6. Information regarding applications for other needed permits, licenses and/or approvals required for the project.

No other permits, licenses, or approvals are required.

7. Information regarding comments and letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.

No construction is required.

8. Information regarding the location, amount, and quality of return flow water, and any water conservation features of the proposed project.

There will be no return flow associated with this diversion.

We hope this proves helpful in processing our Application. If you have questions or need additional information, please feel free to contact me at (503) 231-2057.

Sincerely,



David J. Langman
Hydrologist

cc:
Kootenai NWR



Water Resources

Data Category:

Surface Water

Geographic Area:

Idaho

go

Daily Streamflow Statistics for Idaho

USGS 12311000 DEEP CREEK AT MORAVIA ID

Available data for this site

Surface-water: Daily streamflow statistics

GO

Boundary County, Idaho

Hydrologic Unit Code 17010104

Latitude 48°38'00", Longitude 116°24'00" NAD27

Drainage area 133.00 square miles

Contributing drainage area 133 square miles

Gage datum 1,800. feet above sea level NGVD29

Output formats

HTML table of all data

Tab-separated data

Reselect output format

Day of month	Mean of daily mean values for this day for 44 years of record ¹ , in ft ³ /s											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	96.6	102	116	279	497	336	99.0	22.8	17.6	26.3	46.6	74.3
2	94.5	98.6	113	285	503	336	91.0	22.4	17.9	29.3	46.3	95.2
3	95.5	97.0	110	290	513	329	86.2	22.5	17.4	26.5	49.2	99.5
4	92.1	100	107	293	524	329	82.3	21.8	19.0	26.6	53.4	90.1
5	89.9	96.3	106	308	545	306	79.1	21.5	22.8	27.3	53.1	82.5
6	84.6	91.0	107	327	554	297	74.5	20.6	19.0	27.0	53.2	82.1
7	83.1	89.6	106	338	568	282	70.4	19.8	18.3	25.8	51.1	83.4
8	86.1	93.2	106	336	562	270	65.3	19.7	17.8	26.3	49.6	76.4
9	87.7	93.9	111	356	563	259	63.5	19.0	18.2	30.6	52.8	72.4
10	82.5	106	126	368	569	247	60.4	19.2	18.2	35.6	52.2	77.2
11	79.7	109	117	364	565	231	56.6	18.6	18.8	33.3	53.8	83.0
12	79.2	103	114	374	567	228	54.3	18.3	17.7	36.3	61.8	80.8
13	86.5	97.5	118	403	568	223	51.4	17.9	17.4	36.3	60.8	78.4
14	80.9	95.3	123	429	554	213	48.3	17.9	18.3	35.2	63.8	78.1
15	88.0	99.5	124	449	537	209	45.1	17.1	19.5	39.4	66.9	82.5
16	89.9	98.3	135	451	522	204	43.0	17.1	19.7	37.7	63.2	88.4
17	84.4	98.4	137	455	538	191	40.5	16.5	19.8	36.7	60.0	85.9
18	79.8	97.6	144	480	510	175	38.7	16.4	23.0	39.6	60.8	88.3
19	77.9	94.4	141	490	508	171	37.2	16.0	21.2	43.7	58.0	103
20	83.4	97.1	145	495	529	164	37.0	17.1	22.0	49.7	61.7	116
21	79.7	108	154	489	507	152	34.4	16.5	21.5	49.8	64.7	120
22	82.4	106	161	484	491	148	32.4	16.3	20.3	45.4	62.6	139
23	83.9	100	164	489	487	138	31.1	18.4	21.5	43.8	68.7	138

24	81.9	105	109	497	473	138	30.4	19.2	20.9	43.8	71.5	121
25	89.4	120	182	494	452	130	28.9	18.9	20.3	50.3	85.8	110
26	89.9	130	193	493	444	122	28.5	18.6	20.6	46.4	93.6	101
27	82.9	133	210	496	419	119	27.2	19.0	20.3	47.5	85.0	96.0
28	82.8	123	233	512	397	112	27.9	18.1	21.2	47.2	79.1	93.5
29	86.7	131	241	519	377	106	27.0	18.0	22.1	47.8	76.3	99.0
30	92.6		260	509	367	101	25.5	17.7	23.4	52.0	73.5	107
31	98.0		268		348		24.2	18.2		50.2		103

1 -- Available period of record may be less than value shown for certain days of the year.

Questions about data gs-w-id_NWISWeb_Data_Inquiries@usgs.gov

Feedback on this website gs-w-id_NWISWeb_Maintainer@usgs.gov

Surface Water data for Idaho: Daily Streamflow Statistics

<http://waterdata.usgs.gov/id/nwis/dvstat?>

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Water Resources

Data Category:

Surface Water

Geographic Area:

Idaho

go

Monthly Streamflow Statistics for Idaho

USGS 12311000 DEEP CREEK AT MORAVIA ID

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Boundary County, Idaho

Hydrologic Unit Code 17010104

Latitude 48°38'00", Longitude 116°24'00" NAD27

Drainage area 133.00 square miles

Contributing drainage area 133 square miles

Gage datum 1,800. feet above sea level NGVD29

Output formats

HTML table of all data

Tab-separated data

Reselect output format

YEAR	Monthly mean streamflow, in ft ³ /s											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1928					454	138	57.0	14.0	12.5	65.0	60.0	38.0
1929	32.0	31.0	74.1	113	269	139	30.2	9.71	12.0	15.0	17.0	32.0
1930	21.0	80.0	89.8	277	163	103	33.5	9.48	11.3	21.3	28.0	22.0
1931	45.0	60.0	112	210	222	57.9	19.0	8.65	12.3	20.0	38.0	36.0
1932	35.0	130	209	528	582	246	36.5	12.8	11.6	21.9	92.3	144
1933	98.9	59.5	114	449	565	459	85.9	17.7	18.3	36.0	76.0	341
1934	367	209	242	584	297	79.9	19.3	10.5	11.9	32.6	119	88.5
1935	115	114	161	327	562	263	63.9	17.9	15.4	21.7	29.8	30.2
1936	33.0	32.9	78.0	442	364	92.5	23.2	11.0	19.8	17.5	17.6	38.9
1937	18.4	23.8	55.5	348	419	219	50.8	19.2	22.5	28.0	140	173
1938	198	111	272	617	642	265	51.1	16.3	15.0	27.3	27.8	40.4
1939	69.2	34.0	124	296	279	86.0	30.3	11.7	12.9	19.3	22.9	58.5
1940	36.0	48.4	197	329	244	61.3	13.4	7.81	13.1	20.9	27.5	40.6
1941	38.7	45.0	159	187	214	103	34.3	16.5	41.0	70.2	108	323
1942	89.2	83.1	83.1	257	261	204	85.0	25.7	17.3	19.7	56.2	53.7
1943	40.4	41.1	129	705	435	270	81.8	22.1	15.4	29.7	28.6	48.0
1944	41.5	32.9	39.7	153	181	85.3	21.9	11.4	13.0	16.6	24.6	28.8
1945	47.5	55.8	93.0	176	548	196	27.9	10.4	13.7	17.7	52.9	66.0
1946	71.8	52.7	164	502	568	260	66.1	15.6	18.0	31.7	51.9	106
1947	87.5	196	235	436	412	156	37.9	17.2	21.1	165	135	107
1948	93.4	101	120	452	775	387	105	43.9	25.4	29.0	42.6	38.1
1949	33.4	53.9	124	487	551	131	31.2	14.2	15.6	25.3	69.4	117
1950	61.8	86.7	252	441	736	430	108	35.5	23.9	85.8	138	321

1951	234	337	100	512	537	167	60.0	20.6	27.4	94.2	94.6	154
1952	81.3	103	118	624	549	169	63.7	19.4	17.8	18.4	23.8	35.7
1953	134	167	118	330	582	274	57.5	23.3	18.0	22.7	36.9	49.9
1954	57.1	88.1	165	524	923	358	108	33.4	30.0	33.2	58.7	60.9
1955	47.7	54.4	54.8	256	518	388	110	26.5	22.7	73.9	126	242
1956	203	109	174	732	758	233	52.5	22.3	22.0	43.4	37.0	56.9
1957	31.9	55.3	151	473	667	137	35.9	19.0	19.0	32.4	37.0	56.7
1958	63.5	188	196	435	447	110	28.8	11.0	12.3	18.9	60.8	65.8
1959	171	99.9	144	513	525	258	41.9	17.8	31.8	61.3	98.8	119
1960	90.2	94.0	245	548	534	255	38.3	20.0	21.3	24.5	72.9	44.0
1961	84.4	257	260	414	749	261	39.3	18.8	15.5	30.3	29.5	41.2
1962	37.4	83.9	74.3	476	492	184	33.9	21.4	27.4	51.5	125	194
1963	156	148	165	343	401	120	40.8	18.2	18.7	29.7	58.6	52.4
1964	55.0	51.8	72.1	339	664	291	49.3	27.4	27.2	30.9	50.8	72.4
1965	58.9	115	141	533	552	216	38.5	37.5	29.3	24.4	42.5	43.5
1966	62.5	42.1	172	476	477	193	48.1	16.8	15.1	22.3	51.3	147
1967	164	186	155	239	602	390	44.3	14.2	14.8	39.2	40.5	50.1
1968	53.3	184	309	275	399	157	30.0	26.3	45.6	92.8	146	166
1969	76.0	73.7	175	772	690	186	63.7	19.2	22.9	41.9	51.9	56.8
1970	46.5	93.3	123	299	560	185	32.5	15.9	22.4	36.8	48.6	88.9
1971	124	232	142	563	714	222	57.4	16.7	19.6			
Mean of monthly streamflows	86.2	103	150	418	502	209	49.7	18.7	19.9	38.6	62.7	95.1

Questions about data gs-w-id_NWISWeb_Data_Inquiries@usgs.gov

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March 16, 2004

Mr. Dave Langman
U.S. Fish & Wildlife Service
911 NE 11th Ave
Portland OR 97232-4181

RE: Additional requirements for Application for Permit 98-7813

Dear Mr. Langman:

We have processed the above filing to appropriate 11.8 cfs from Deep Creek, Tributary to the Kootenai River, for Wildlife and Wildlife Storage purposes of 472 acre foot/year. We are writing to notify you that we need additional information before we can approve your filing.

Rule 4,5,3. of the Water Appropriation Rules and Regulations requires submittal of detailed information for all applications which propose diversions of greater than five (5) cfs. Your filing exceeds this threshold. As a result, we request that you submit the following information:

1. Information regarding how your diversion of water will affect existing water rights on Deep Creek. Please include a map identifying the identification number of these rights, locations of points of diversions, places & natures of use and water right ownership.
2. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate, or reduce the impact on other water rights.
3. Information shall be submitted on the water requirements of the proposed project, including but not limited to, the required diversion rate during peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.
4. Information shall be submitted on the quantity of water available from the source applied for, including but not limited to, information concerning flow rated for surface water sources available during periods of peak and average project water demand.
5. The Applicant shall submit copies of deeds, leases, easements, or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use.

6. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.
7. The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and /or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.
8. Information shall be submitted concerning the location, amount and quality of return flow water, and any water conservation features of the proposed project.

Please submit this additional information within 30 days of the date on this letter, or contact our office if additional time is needed.

Feel free to contact me if you have any questions, or if I can be of further assistance.

Sincerely,

Allen Beardslee
Sr. Water Resource Agent

Water Resources

Data Category:

Surface Water

Geographic Area:

Idaho

go

Daily Streamflow Statistics for Idaho

USGS 12311000 DEEP CREEK AT MORAVIA ID

Available data for this site

Surface-water: Daily streamflow statistics

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Boundary County, Idaho

Hydrologic Unit Code 17010104

Latitude 48°38'00", Longitude 116°24'00" NAD27

Drainage area 133.00 square miles

Contributing drainage area 133 square miles

Gage datum 1,800. feet above sea level NGVD29

Output formats

HTML table of all data

Tab-separated data

Reselect output format

Day of month	Mean of daily mean values for this day for 44 years of record ¹ , in ft ³ /s											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	96.6	102	116	279	497	336	99.0	22.8	17.6	26.3	46.6	74.3
2	94.5	98.6	113	285	503	336	91.0	22.4	17.9	29.3	46.3	95.2
3	95.5	97.0	110	290	513	329	86.2	22.5	17.4	26.5	49.2	99.5
4	92.1	100	107	293	524	329	82.3	21.8	19.0	26.6	53.4	90.1
5	89.9	96.3	106	308	545	306	79.1	21.5	22.8	27.3	53.1	82.5
6	84.6	91.0	107	327	554	297	74.5	20.6	19.0	27.0	53.2	82.1
7	83.1	89.6	106	338	568	282	70.4	19.8	18.3	25.8	51.1	83.4
8	86.1	93.2	106	336	562	270	65.3	19.7	17.8	26.3	49.6	76.4
9	87.7	93.9	111	356	563	259	63.5	19.0	18.2	30.6	52.8	72.4
10	82.5	106	126	368	569	247	60.4	19.2	18.2	35.6	52.2	77.2
11	79.7	109	117	364	565	231	56.6	18.6	18.8	33.3	53.8	83.0
12	79.2	103	114	374	567	228	54.3	18.3	17.7	36.3	61.8	80.8
13	86.5	97.5	118	403	568	223	51.4	17.9	17.4	36.3	60.8	78.4
14	80.9	95.3	123	429	554	213	48.3	17.9	18.3	35.2	63.8	78.1
15	88.0	99.5	124	449	537	209	45.1	17.1	19.5	39.4	66.9	82.5
16	89.9	98.3	135	451	522	204	43.0	17.1	19.7	37.7	63.2	88.4
17	84.4	98.4	137	455	538	191	40.5	16.5	19.8	36.7	60.0	85.9
18	79.8	97.6	144	480	510	175	38.7	16.4	23.0	39.6	60.8	88.3
19	77.9	94.4	141	490	508	171	37.2	16.0	21.2	43.7	58.0	103
20	83.4	97.1	145	495	529	164	37.0	17.1	22.0	49.7	61.7	116
21	79.7	108	154	489	507	152	34.4	16.5	21.5	49.8	64.7	120
22	82.4	106	161	484	491	148	32.4	16.3	20.3	45.4	62.6	139
23	83.9	100	164	489	487	138	31.1	18.4	21.5	43.8	68.7	138

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1953	134	167	118	330	582	274	57.5	23.3	18.0	22.7	36.9	49.9
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1955	47.7	54.4	54.8	256	518	388	110	26.5	22.7	73.9	126	242
1956	203	109	174	732	758	233	52.5	22.3	22.0	43.4	37.0	56.9
1957	31.9	55.3	151	473	667	137	35.9	19.0	19.0	32.4	37.0	56.7
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1960	90.2	94.0	245	548	534	255	38.3	20.0	21.3	24.5	72.9	44.0
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1968	53.3	184	309	275	399	157	30.0	26.3	45.6	92.8	146	166
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Curtis, Sharla

From: Beardslee, Allen
Sent: Thursday, June 12, 2003 10:56 AM
To: Curtis, Sharla
Subject: RE: A little bit of everything

I passed the Jacklin Seed Co. one off to Bob, as he has been working with those guys.

Got a call into my Fish and Game contact in Lewiston regarding the Trainor App. I think they are happy now, but we better check to make sure. He won't be in until next week, though

Regarding 96-2032C, the "Groundwater Recharge" is incidental to the irrigation use, however, both applicants felt it was important to have this use listed on their Transfers. Can we further explain it just as above "Groundwater Recharge is incidental to the irrigation use? I'm sorry Sharla, but I forgot about discussing the conveyance losses with you before. I'm going to have to ask for a reminder on that one...(Must be age related)!

How'bout you fax me a copy of the Fish and Wildlife Application. Unless you think there is other information that would help having back here at the Region. I'll let you decide.

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

From: Curtis, Sharla
Sent: Thursday, June 12, 2003 8:19 AM
To: Beardslee, Allen
Subject: A little bit of everything

I'm trying to clean out my call-up drawer and clean off my desk and I have several loose ends for various Northern Region files.

First, I still need a PWS number for 95-8572 (license to be issued to Jacklin Seed Co.) and I need to know if you're ready for me to proceed with getting the licensing amendment. The last time we talked about this one, you said there was still some question about the rate. Did you get that resolved?

Next, do you have any feedback for me on the ground water recharge and conveyance loss issues for the two transfers on 96-2023C? If you need me to send a copy of my original mail message for your review, just let me know.

Have you heard anything back from Russell Trainor (app 81-11887)? That's the one where Fish and Game had concerns that needed to be addressed and I think you put the ball back in Mr. Trainor's court to work out the details with F&G. Is everything between the parties just "peachy" now?

Have you asked the Fish & Wildlife Service for Rule 40.05 "large diversion" info for app 98-7813? Do you need the paper file back?

I'm sorry for hitting you with all of this at once, but whenever you get a chance to work on an item or two, just let me know. Thanks for your help with this stuff Al. I really appreciate it.

Hope you're having a great week! Talk to you soon!!!

MEMORANDUM

To: Al & Bob

From: Sharla *SC*

Date: November 27, 2002

Re: Application Review

Post-it® Fax Note	7671	Date	# of pages ▶ 2
To	Bob/Al	From	Sharla
Co./Dept.		Co.	
Phone #	1/23/03	Phone #	
Fax #		Fax #	

A couple of the applications you sent last week have issues that I wanted to bring to your attention.

First, application 81-11887 contained an email from Jerome Hansen at F&G with concerns, comments and questions that were never addressed by the region after the email was received. I am sending a copy of the email behind this page. If you determine that extra conditions are required, please data enter them into the database so I can include them on the permit document. Also, please either send me a copy of any memo, letter, etc. that you prepare concerning these issues and update the "comments" field in the database. Then let me know when it's ready for me to print the approval document for signature.

Along the same lines, there have been two applications that we processed in the past couple of weeks which had comments from F&G asking for conditions limiting the approach velocity and requiring ¼ inch screen on intake structures and you did not include them in the conditions for approval. I added them, but you need to include conditions X15 and X16 on all permits that F&G request such language.

Next, application 98-7813 proposes a rate of diversion of 11.8 cfs. Anything over 5.0 cfs is considered a large diversion and must have special processing under Water Appropriation Rule 40.05c through 40.05g. The information in the box below is taken from an email Shelley sent to me and Skip in Eastern. If you need the paper file back while you pursue compliance with this rule, let me know.

Skip and Sharla,

I communicated with Glen about the need to obtain the information required under Water Appropriation Rules 40.05.c. through 40.05.g. for new applications. Rule 40.05.c. says the additional information requirement is applicable to "unappropriated water" and to trust water. Moreover, we do review and use the information. Being judicious in what we ask for is a good idea, but it is hard to know beforehand what item will turn out to be relevant. It's true that the analysis of the information rarely results in a decision to deny the application, but sometimes it results in specific conditions being applied to the approval. Also, the information, which is added to the record, is reviewed by protestors and others, not just by IDWR. As for the concerns about the financial information being private, it has been our practice to purge that information from the file after noting that it was received, reviewed, and found to be acceptable. In general, we should obtain the additional information unless we have guidance directing/authorizing us to waive the requirement or we have prepared written justification, item by item, for our choice not to pursue the additional information.

Note -- I have struggled myself, at times, with how to handle the additional information. I would be receptive to additional written suggestions about our procedures for collecting and interpreting the additional information. If there is considerable interest, I'll compile the suggestions and try to arrange for some kind of discussion of the topic.

Finally, I still question the practicality and beneficial use of 0.01 cfs for fish propagation as identified in Michael Needham's application 92-10006 and would like to have seen more explanation of his intentions in the file, but I sent it forward to Glen for signature.

That's it for now. Glen just brought back the signed batch of permits that I sent to him yesterday afternoon after I received them in the mail from you. That backlog is going down, guys – way to go!!!!

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Boundary, Carol Arthur

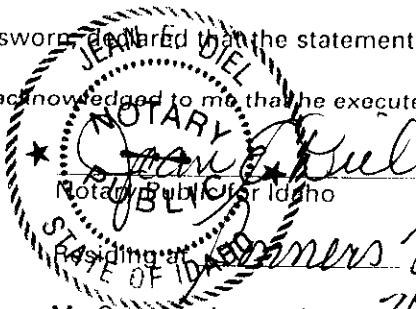
_____ being first duly sworn on oath
deposes and says that he/she is ad manager
of the Bonners Ferry Herald, a newspaper printed and
published at Bonners Ferry, Boundary County, Idaho; that
the said newspaper has been continuously and
uninterruptedly published in said Boundary County during
a period of 12 months prior to the first publication of the
hereto attached notice of publication in the case of:

4843 Water Right

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 1 day of August, 2002
and ending on the 8 day of August, 2002
and that said notice was published in said newspaper.

On this 8 day of August in the year
of 2002, before me, a Notary Public, personally
appeared Carol A. Arthur,

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.



My Commission expires: 7/22/05

RECEIVED

SEP 04 2002

OWB/North

NOTICE OF APPLICATION FOR WATER RIGHT

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

98-7813

US DEPT OF INTERIOR
FISH & WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND OR 97232-4181
Point(s) of Diversion
County

SENENE S36 T62N R01W BOUNDARY

Source DEEP CREEK

Tributary to KOOTENAI RIVER

Use: WILDLIFE

01/01 To 12/31

11.8 CFS

Use: WILDLIFE STORAGE

01/01 To 12/31

472 AFA

11.8 CFS

Use: DIVERSION TO STORAGE

01/01 To 12/31

Total Diversion:

11.8

CFS

Date Filed: 07/11/2002

Place of Use: WILDLIFE and WILDLIFE STORAGE

T62N R01W S25

NENE NWNE SWNE SENE NENW SENW NESW NESE

NWSE SWSE SESE

T62N R01W S36

NENE NWNE

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 08/19/2002. The protestant must also send a copy of the protest to the applicant.

Legal BFH4843
August 1, 8, 2002

KARL J DREHER, Director

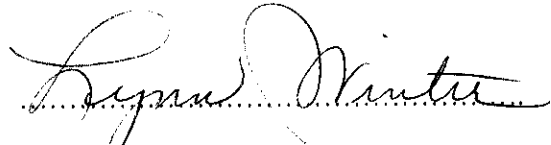
Proof of Publication

The Post Register

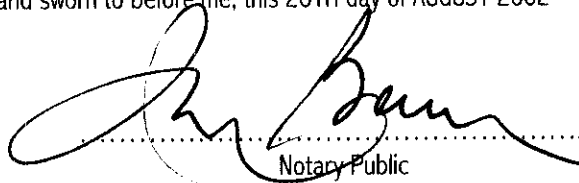
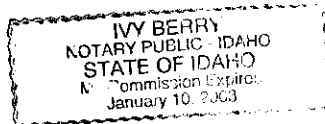
State of Idaho
County of Bonneville

I, Lynn Winter or Danae Jacobsen, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 1ST day of AUGUST 2002, last publication having been made on the 8TH day of AUGUST 2002 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.



Subscribed and sworn to before me, this 20TH day of AUGUST 2002


Notary Public

My commission expires January 10, 2003

RECEIVED
AUG 23 2002
IDWR/North

PUBLIC NOTICE

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

98-7813

US DEPT OF INTERIOR
FISH & WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND OR 97232-4181
Point(s) of Diversion
SENE S36 T62N R01W
BOUNDARY County
Source DEEP CREEK
Tributary To KOOTENAI RIVER

Use: WILDLIFE 11.8 CFS
01/01 To 12/31
Use: WILDLIFE STORAGE 472 AFA
01/01 To 12/31
Use: DIVERSION TO STORAGE 11.8 CFS
01/01 To 12/31
Total Diversion: 11.8 CFS

Date Filed: 07/11/2002
Place Of Use: WILDLIFE and
WILDLIFE STORAGE

T62N R01W S25 NENE NWNE
SWNE SENE NENW SENW NESW
NESE NWSE SWSE SESE

T62N R01W S36 NENE NWNE
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 08/19/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Published: August 1, 8, 2002

RECEIVED
AUG 23 2002
IDWFP/North

PUBLIC NOTICE

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FISH & WILDLIFE SERVICE
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WILDLIFE STORAGE

T62N R01W S25 NENE NWNE
SWNE SENE NENW SENW NESW
NESE NWSE SWSE SESE

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KARL J DREHER, Director
Published: August 1, 8, 2002

The Idaho Statesman

RECEIVED
AUG 14 2002
IDWR/North

P.O. Box 40, Boise, Idaho 83707-0040
LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount
100631	707454	APPLICATION FOR PERMIT NO. 98-7813	\$122.00
Attention:		P.O. #	Run Dates
DIANNE BALL			AUGUST 1, 8, 2002
IDAHO DEPT. WATER RESOURCES NORTH 1910 NORTHWEST BLVD. SUITE 210 COEUR D'ALENE, ID 83814			Number of Lines 2 X 34
			Affidavit 1
			Legal # 14073

LEGAL NOTICE

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

98-7813

US DEPT OF INTERIOR
FISH & WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND OR 97232-4181

Point(s) of Diversion: SENENE S36 T62N R01W BOUNDARY County
Source: DEEP CREEK Tributary To KOOTENAI RIVER
Use: WILDLIFE 01/01 To 12/31 11.8 CFS
Use: WILDLIFE STORAGE 01/01 To 12/31 472 AFA
Use: DIVERSION TO STORAGE 01/01 To 12/31 11.8 CFS
Total Diversion: 11.8 CFS
Date Filed: 07/11/2002
Place Of Use: WILDLIFE and WILDLIFE STORAGE
T62N R01W S25 NENE NWNE SWNE SENE NENW SENW NESW NESE NWSE
SWSE SESE
T62N R01W S36 NENE NWNE

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The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director

Pub. Aug. 1, 8, 2002

14073

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

☒ consecutive weekly ☐ single

☐ consecutive daily ☐ odd skip
insertion(s)

beginning issue of: AUGUST 1, 2002

ending issue of: AUGUST 8, 2002

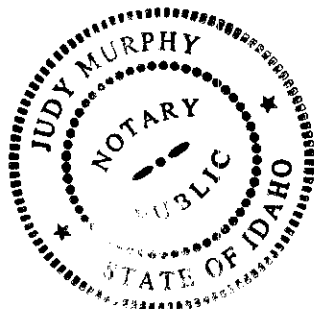
Janice Hildreth

STATE OF IDAHO)

.ss

COUNTY OF ADA)

On this 8 day of AUGUST in the year of 2002
before me, a Notary Public, personally appeared before me
Janice Hildreth 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 she executed the same.



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 11/6/04

Judy Murphy

LEGAL NOTICE

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

98-7813

DEPT OF INTERIOR
FISH & WILDLIFE SERVICE
11 NE 11TH AVE
PORTLAND OR 97232-4181

Point(s) of Diversion SENENE S36 T62N R01W BOUND-
RY County
Source DEEP CREEK

Tributary To KOOTENAI RIVER

Use: WILDLIFE 01/01 To 12/31 11.8 CFS

Use: WILDLIFE STORAGE 01/01 To 12/31 472 AFA

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11.8 CFS

11.8 CFS

Total Diversion:

Date Filed: 07/11/2002

Place of Use: WILDLIFE and WILDLIFE STORAGE

62N R01W S25 NENE NWNE SWNE SENE NENW

ENW NESW NESE NWSE SWSE SESE

62N R01W S36 NENE NWNE

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ARL J. DREHER, Director

PUBLISH: August 1 and 8, 2002

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS

SS.

RECEIVED
AUG 12 2002

North

No 44312

I, Ruby Aydenheide being first duly sworn upon oath, depose and say that I am principal clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated August 1, 2002, and ending with the issue dated August 8, 2002.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO

COUNTY OF TWIN FALLS

On this 8th day of August in the year 2002, before me,

a Notary Public, personally appeared Ruby Aydenheide, 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.

Sinda Capps McQuinn
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5-19-03

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

RECEIVED
AUG 09 2002
IDWR/North

Date 08/08/2002

INVOICE NO. 302163

Account No. 964750

Description 302163 The following ap

Times 2

Lines 26

Tab. Lines _____

LEGAL ADVERTISING INVOICE

\$ 83.72

SOLD TO: ID DEPT. OF WATER RESOURCES
1910 NORTHWEST BLVD. STE 210
COEUR D'ALENE ID 83814

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

The following application(s) have been filed to appropriate the public waters of the State of Idaho: ³⁰²¹⁶³

98-7813

US DEPT OF INTERIOR
FISH & WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND OR 97232-4181

Point(s) of Diversion SENENE S36 T62N R01W BOUNDARY County

Source DEEP CREEK Tributary To KOOTENAI RIVER

Use: WILDLIFE 01/01 To 12/31 11.8 CFS

Use: WILDLIFE STORAGE 01/01 To 12/31 11.8 CFS 472 AFA

Use: DIVERSION TO STORAGE 01/01 To 12/31 11.8 CFS

Total Diversion:

11.8 CFS

Date Filed: 07/11/2002

Place of Use: WILDLIFE and WILDLIFE STORAGE

T62N R01W S25 NENE NWNE SWNE SENE NENW SENW NESW
NESE NWSE SWSE SESE

T62N R01W S36 NENE NWNE

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KARL J DREHER, Director

Published on August 1 and 8/2002

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 302163 The follo attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 08/01, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 08/01/2002, and the last publication thereof being on the 08/08/2002, and said 302163 The follo was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

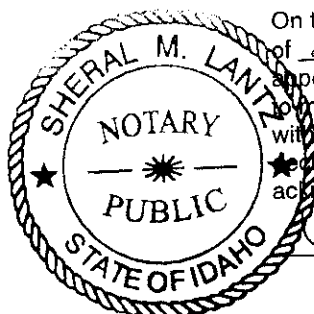
Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 8th day of Aug in the year of 2002, before me, a Notary Public, personally appeared Karen J Lewis, 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.



Sheral M Lantier

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires June 4, 03

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

98-7813

US DEPT OF INTERIOR
FISH & WILDLIFE SERVICE
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Place Of Use: WILDLIFE and WILDLIFE STORAGE

T62N R01W S25 NENE NWNE SWNE SENE NENW SENW NESW NESE NWSE SWSE
SESE
T62N R01W S36 NENE NWNE

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KARL J DREHER, Director

Published on August 1 and 8/2002.



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 **Fax (208) 769-1454**

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 24, 2002

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

E-MAILED TO JANICE HILDRETH
7/24/02

A handwritten signature, likely of Janice Hildreth, in dark ink.

RE: Application for Permit No. 98-7813

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 08/19/2002. Your cooperation is appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, July 24, 2002 10:41 AM
To: Legal Notices-Idaho Statesman (E-mail)
Subject: Legal Notice for publication on 8/1 and 8/2002

Good morning Janice,

Attached you will find a Legal Notice and a cover letter requesting publication of the Legal Notice for Water Right Application 98-7813.

Please enter these for publication on August 1 and 8, 2002.

Please acknowledge receipt of this e-mail, and let me know if you have ANY questions concerning this requested publication, after you have reviewed the attachments.

Thank you very much.

Every day is a gift, treat it kindly and share it with joy....

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

7/24/2002

Ball, Dianne

From: legals [legals@idahostatesman.com]
Sent: Wednesday, July 24, 2002 11:47 AM
To: Ball, Dianne
Subject: Re: Legal Notice for publication on 8/1 and 8/2002

THANKS DIANNE,
IT WILL PUBLISH AUGUST 1 & 8
JANICE

"Ball, Dianne" wrote:

Good morning Janice, Attached you will find a Legal Notice and a cover letter requesting publication of the Legal Notice for Water Right Application 98-7813. Please enter these for publication on August 1 and 8, 2002. Please acknowledge receipt of this e-mail, and let me know if you have ANY questions concerning this requested publication, after you have reviewed the attachments. Thank you very much.

Every day is a gift, treat it kindly and share it with joy....

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

7/24/2002



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 24, 2002

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303

E-MAILED TO RUBY ON 7/24/02

Handwritten initials, possibly 'JD', in cursive.

RE: Application for Permit No. 98-7813

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 08/19/2002. Your cooperation is appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, July 24, 2002 11:00 AM
To: Legal Notices - Times News (E-mail)
Subject: Legal Notice for publication on 8/1 and 8/2002

Good morning, Ruby,

Attached you will find a cover letter and a legal notice for Water Right Application 98-7813. Please enter these for publication on August 1 and 8, 2002.

Please acknowledge receipt of this e-mail, and let me know if you have ANY questions concerning this requested publication, after you have reviewed the attachments.

Every day is a gift, treat it kindly and share it with joy....

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

7/24/2002

Ball, Dianne

From: Legals [legals@magicvalley.com]
Sent: Wednesday, July 24, 2002 12:23 PM
To: Ball, Dianne
Subject: Re: Legal Notice for publication on 8/1 and 8/2002

Dianne,
Received your email. It's a go. Have a good week! Ruby

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

From: Ball, Dianne
To: Legal Notices - Times News (E-mail)
Sent: Wednesday, July 24, 2002 12:59 PM
Subject: Legal Notice for publication on 8/1 and 8/2002

Good morning, Ruby,

Attached you will find a cover letter and a legal notice for Water Right Application 98-7813. Please enter these for publication on August 1 and 8, 2002.

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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

7/24/2002



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 24, 2002

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

FAXED TO JEAN AT 208-267-5523
7/24/02

RE: Application for Permit No. 98-7813

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 08/19/2002. Your cooperation is appreciated.

Sincerely

Dianne Ball
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615

(208) 769-1450

Fax (208) 769-1454

July 24, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGAL NOTICE DEPARTMENT
LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

FAXED TO 208-746-7341
7/24/02

RE: Application for Permit No. 98-7813

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 08/19/2002. Your cooperation is appreciated.

Sincerely

Dianne Ball
Administrative Assistant



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(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 24, 2002

LEGAL NOTICE DEPARTMENT
POST-REGISTER
PO BOX 1800
IDAHO FALLS ID 83402

FAXED TO 208-529-3142
7/24/02

RE: Application for Permit No. 98-7813

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 08/19/2002. Your cooperation is appreciated.

Sincerely

Dianne Ball
Administrative Assistant



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 24, 2002

US DEPT OF INTERIOR
FISH & WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND OR 97232-4181

RE: Application for Permit No 98-7813

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, the Lewiston Tribune, the Times News, the Post Register and the Idaho Statesman on August 1 and 8, 2002. 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, appearing to read 'Allen Beardslee', written in dark ink.

Allen Beardslee
Senior Water Resource Agent



IN REPLY REFER TO:

ABA-EN-WR

United States Department of the Interior

FISH AND WILDLIFE SERVICE
911 NE. 11th Avenue
Portland, Oregon 97232-4181

RECEIVED
JUL 22 2002
ID/WR/WR

July 17, 2002

Mr. Allen Beardslee
Idaho Department of Water Resources
Northern Regional Office
1910 Northwest Boulevard, Suite #210
Coeur d'Alene, Idaho 83814-2615

Per your request, enclosed is a color copy of a map which is to be included with our Application for a Permit to appropriate water from Deep Creek at the Kootenai National Wildlife Refuge. The application, as you are aware, has already been submitted to your office.

Your assistance in this matter is greatly appreciated. If you have questions or need additional information, please feel free to contact me at 503-231-2057.

Sincerely,

David J. Langman
Hydrologist

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 **Fax (208) 769-1454**

July 18, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RAY HENNEKEY
STATE OF IDAHO
DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

Scanned and E-mailed to Ray Hennekey
7/18/02

Application to Permit No. 98-7813 - US Fish & Wildlife Service

Dear Ray:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within two weeks of receipt of this request.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne'.

Dianne Ball
Administrative Assistant

Enclosure(s)



United States Department of the Interior

FISH AND WILDLIFE SERVICE

911 NE 11th Avenue
Portland, Oregon 97232-4181DIVISION OF ENGINEERING
WATER RESOURCES BRANCH*Fax Transmittal Cover Sheet*Number of Pages: 2
(Including Cover Sheet)Date: 7/11/2002
Time: 10:00
Fax Number: (208) 769-1454TO: Al BeardsleeFROM: D. LANGMANSUBJECT: APPLICATION MAY - KOOTENAI NW12

COMMENTS:

*If any of the pages are not transmitted correctly, please call the Division of Engineering,
Water Resources Branch at: (503) 231-6251.*

↑
3-26-02

HOLD FOR
MAP -

6-14-02

Dave said he would verify legal descriptions for place of use with Aaron + get back with me.

6-18-02 - 12:28

Dave - looking again what we need - explained that I wanted a larger scaled map that had 40 acre tract lines + verify At or App.

Dave said Sec. 36 is not included in place of use. His map is color coded but forced copy won't

fill out another map.

6-13-02

SPOKE WITH DAVE L.

ON 6-13-02 2:25pm -

SAID HE WOULD CALL

BACK TOMORROW

MORNING.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

911 NE 11th Avenue
Portland, Oregon 97232-4181**DIVISION OF ENGINEERING
WATER RESOURCES BRANCH***Fax Transmittal Cover Sheet*Number of Pages: 2
(Including Cover Sheet)Date: 5/15/2002
Time: 1420
Fax Number: (503) 769-1454

TO: Al Beardslee

FROM: Dave Langman

SUBJECT: Map for FWS application on Deep Creek at
the Kootenai National Wildlife Refuge.
COMMENTS:

*If any of the pages are not transmitted correctly, please call the Division of Engineering,
Water Resources Branch at: (503) 231-6251.*



IN REPLY REFER TO:

ABA-EN

United States Department of the Interior

FISH AND WILDLIFE SERVICE

911 NE. 11th Avenue
Portland, Oregon 97232-4181

RECEIVED
FEB 25 2002
IDWR/North

February 21, 2002

Mr. Allen Beardslee
Senior Water Resource Agent
Idaho Department of Water Resources
1910 Northwest Blvd.
Cour d' Alene, Idaho 83814

Dear Mr. Beardslee:

Re: Water Right Application for Kootenai National Wildlife Refuge

Per followup of our February 20, 2002 phone conversation, please find the enclosed signed water right application and associated map as a replacement of the original application mailed to your office on August 2, 2000. Along with the original application was a check for \$690.00 which was cashed by your office. The replacement application, as in the original, is for an increased diversion rate and additional volume that will be used to enhance wetland habitat that is currently covered under Idaho Water Right No. 98-7004. No increase in the place of use is sought.

It is our understanding that the original application submitted has been misplaced from your files and cannot be located. We find no evidence that the application was ever returned to us and therefore, request that the enclosed replacement application and associated map be processed with the original priority date of August 2000.

Please ensure that the water right is in the name of the U.S. Fish and Wildlife Service, and not the agent signing the application.

Your assistance in this matter is greatly appreciated. If you have questions or need additional information, please contact me at (503) 231-2057.

Sincerely,

David J. Langman
Acting Regional Engineer

Enclosures