

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 98-07841

Priority: December 17, 2004

Maximum Diversion Volume: 5.0 AF

This is to certify, that SCOTT CRANE And
LORI CRANE
HCR 61 BOX 154BB
BONNERS FERRY ID 83805

has applied for a permit to appropriate water from:

Source: UNNAMED SPRINGS **Tributary:** SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31	5.0 AF
FIRE PROTECTION STORAGE	01/01 to 12/31	5.0 AF
STOCKWATER STORAGE	01/01 to 12/31	5.0 AF

LOCATION OF POINT OF DIVERSION:

UNNAMED SPRINGS SW¼ NW¼ SE¼ Sec. 25, Twp 65N, Rge 01E, B.M. BOUNDARY County

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
65N 01E 25														X			

PLACE OF USE: FIRE PROTECTION STORAGE, same as WILDLIFE STORAGE use

PLACE OF USE: STOCKWATER STORAGE, same as WILDLIFE STORAGE use

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2008**.
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 the permit holder had no control.
4. Stockwater use is for 10 head mixed stock.
5. Water shall not be diverted from storage for fire protection use under this right except to fight or repel an existing fire.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 28th day of March, 20 05.


for KARL DREHER, Director

Ident. No. 98-1841

71762

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
DEC 17 2004
IDWR/North

To appropriate the public waters of the State of Idaho

1. Name of Applicant Scott & Lori Crane Phone (208) 267-4168
Mailing address HCR 61 Box 154B3 Bonners Ferry ID 83805
2. Source of water supply Unnamed Springs which is a tributary of Sinks
3. Location of point of diversion is Township 65N Range 1E Sec. 25, in the NW $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot Boundary, B.M., Boundary County;

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 5 AF for Storage Fire Prot purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 5 AF for Storage for Wildlife purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 5 AF for Storage for Stock purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) _____ and/or (b) 5 ^{cubic feet per second} _{acre feet per annum}

6. Proposed diverting works: Excavated Pond

- a. Describe type and size of devices used to divert water from the source _____
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 3 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. 10 head mixed horses, goats & cattle
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

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	
65N	1E	25														X			

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? App 1

b. Who owns the land to be irrigated or place of use? App 1

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

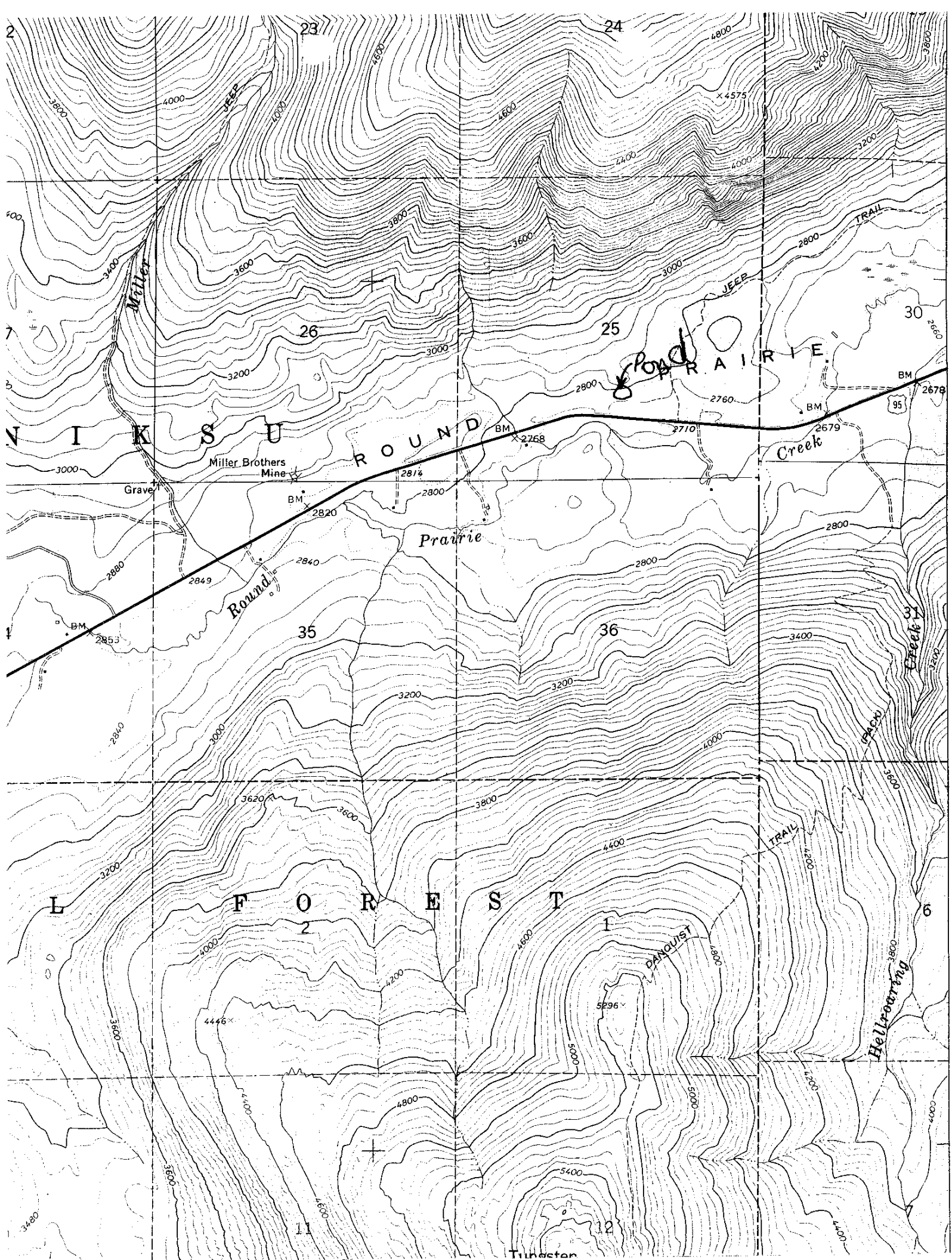
12. Remarks: _____

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.

Scott Crane Loni Crane
Signature of Applicant (and title, if applicable)

Received by RMA Date 12/17/04 Time 12:50 PM Preliminary check by _____
 Fee \$ 100.00 Receipted by RMA # N16673 Date 12/17/04
 Publication prepared by CP Date 2/9/05 Published in Bonanza Ferry Herald 2/17+24/05
 Publication approved CP Date 3/4/05



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

March 29, 2005

SCOTT CRANE
LORI CRANE
HCR 61 BOX 154BB
BONNERS FERRY ID 83805

RE: Permit No. 98-7841

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.

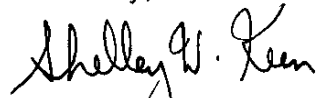
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 208-287-4947.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

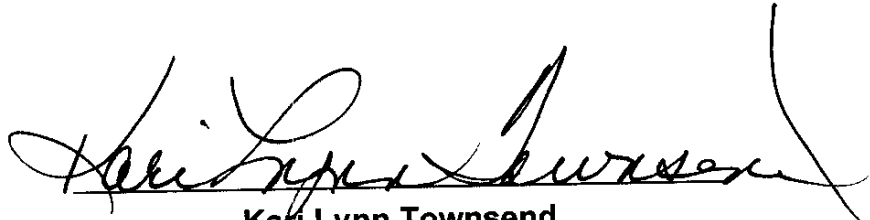
CERTIFICATE OF SERVICE

I hereby certify that on March 29, 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.

98-7841

**LORI CRANE
SCOTT CRANE
HCR 61 BOX 154BB
BONNERS FERRY ID 83805**

A handwritten signature in black ink, appearing to read 'Karl Lynn Townsend', written over a horizontal line.

**Karl Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Comment Report

98-7841

1. dball 2/4/2005 Legal Notice Remarks

Comment: Stockwater storage is for 10 head of mixed stock.

2. eretelle 3/25/2005 permit review

Comment: No WD, min stream flow, Wild & Scenic river or moratorium.

No protests or overlap.

QQQ added as SW as displayed on application map.

Recommend approval as suggested by IDWR Northern.

AFFIDAVIT OF PUBLICATION

State of Idaho

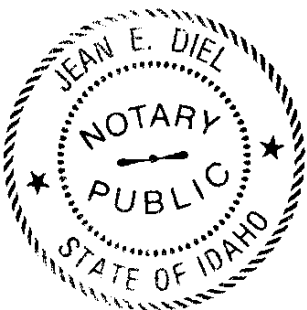
ss

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:

#5485 Application for
Appropriation 98-7841
as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 17th day of Feb, 20 05
and ending on the 24th day of Feb, 20 05
and that said notice was published in said newspaper.

On the 24th day of February in the year
of 2005, before me, a Notary Public, personally
appeared Kellie Neff,
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.

Jean E. Diel
Notary Public for Idaho
Residing at Bonners Ferry
My Commission expires: 7/27/2008



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

98-7841

SCOTT CRANE
LORI CRANE
HCR 61 BOX 154BB
BONNERS FERRY ID 83805
Point(s) of Diversion NWSE S25 T65N R01E BOUND-
ARY County
Source UNNAMED SPRINGS Tributary To SINKS
Use: STOCKWATER STORAGE 01/01 To 12/31 5 AFA
Use: WILDLIFE STORAGE 01/01 To 12/31 5 AFA
Use: FIRE PROTECTION STORAGE 01/01 To 12/31 5 AFA

Total Diversion:
Date Filed: 12/17/2004
Place Of Use: FIRE PROTECTION STORAGE T65N R01E S25 NWSE
Place Of Use: WILDLIFE STORAGE and STOCKWATER STORAGE same as
FIRE PROTECTION STORAGE

Remark: Stockwater storage is for 10 head of mixed stock.
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 appli-
cation on or before 03/07/2005. The protestant must also send a copy of the
protest to the applicant.

KARL J DREHER, Director

Legal BFH5485
February 17, 24, 2005

RECEIVED
MAR 04 2005
IDWR/North

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

98-7841

SCOTT CRANE

LORI CRANE

HCR 61 BOX 154BB

BONNERS FERRY ID 83805

Point(s) of Diversion NWSE S25 T65N R01E BOUNDARY County

Source UNNAMED SPRINGS Tributary To SINKS

Use: STOCKWATER STORAGE 01/01 To 12/31 5 AFA

Use: WILDLIFE STORAGE 01/01 To 12/31 5 AFA

Use: FIRE PROTECTION STORAGE 01/01 To 12/31 5 AFA

Total Diversion: 5 AFA

Date Filed: 12/17/2004

Place Of Use: FIRE PROTECTION STORAGE T65N R01E S25 NWSE

Place Of Use: WILDLIFE STORAGE and STOCKWATER STORAGE same as FIRE
PROTECTION STORAGE

Remark: Stockwater storage is for 10 head of mixed stock.

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 03/07/2005. The protestant must also
send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on February 17 and 24, 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

February 09, 2005

CAROL ARTHUR &/OR KELLY NEFF
LEGAL NOTICE DEPARTMENT

BONNERS FERRY HERALD

PO BOX 539

BONNERS FERRY ID 83805

RE: Application for Permit No. 98-7841

Dear Carol and/or Kelly:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, February 17 and 24, 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 03/07/2005. Your cooperation is, as always, GREATLY appreciated. It's a pleasure to work with you.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, February 09, 2005 3:56 PM
To: Legal Notices-BFHerald (E-mail)
Subject: Legal Notice for WR No. 98-7841 for publication on February 17 and 24, 2005

Good afternoon to you, Carol and Kelly,

Attached is our cover letter requesting publication on February 17 and 24, 2005 of the legal notice, also attached.

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

Also, **PLEASE FAX A PROOF COPY TO ME PRIOR TO PUBLICATION.**

Thank you very much. It is ALWAYS a pleasure to work with you.

 *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

2/9/2005



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

February 09, 2005

SCOTT CRANE
LORI CRANE
HCR 61 BOX 154BB
BONNERS FERRY ID 83805

RE: Application for Permit No 98-7841

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 February 17 and 24, 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,

A handwritten signature in black ink that reads "Robert G. Haynes". The signature is written in a cursive, flowing style.

Robert G. Haynes, P.E.
Regional Manager



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

February 04, 2005

MARY TERRA-BERNS
Dept of Environmental Quality
DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

FAXED TO MARY 2/4/05
4 pages total

Application to Permit No. 98-7841

Dear Mary:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application follows for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

You may comment by e-mail to Dianne.Ball@idwr.idaho.gov.

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

Sincerely,

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

Dianne Ball
Administrative Assistant

Enclosure(s)