

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 85-15442

Priority: April 13, 2004

Maximum Diversion Rate: 0.04 CFS

This is to certify, that KEVIN OVERALL
114 N GARDEN CT
LEWISTON ID 83501

has applied for a permit to appropriate water from:

Source: SPRINGS **Tributary:** UNNAMED STREAM
UNNAMED STREAM CLEARWATER 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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINTS OF DIVERSION:

UNNAMED STREAM	NW¼SE¼NE¼	Sec. 26, Twp 37N, Rge 03W, B.M., NEZ PERCE County
SPRINGS	NW¼SE¼NE¼	Sec. 26, Twp 37N, Rge 03W, B.M., NEZ PERCE County
SPRINGS	NW¼SE¼NE¼	Sec. 26, Twp 37N, Rge 03W, B.M., NEZ PERCE County

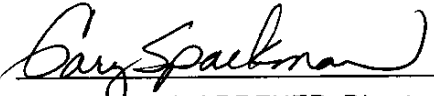
PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
37N 03W 26	X			X													

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2006**.
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. Domestic use is for external use for 1 home and shall not exceed 1/2 acre of tree irrigation.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
6. A fish screen of ¼ inch or smaller mesh shall be installed and maintained at the point of diversion.
7. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12th day of August, 2004.


KARL J DREHER, Director

RECEIVED
AUG 02 2004
DEPARTMENT OF
WATER RESOURCES

71298

Ident. No. 85-15442

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
APR 13 2004
IDWR/North

To appropriate the public waters of the State of Idaho

1. Name of Applicant Kevin Overall Phone (208) 743-8176
Mailing address 114 N Garden St Lewiston ID 83501
2. Source of water supply Unnamed Stream, Springs which is a tributary of Springs trib to unnamed stream
3. Location of point of diversion is Township 37N Range 3W Sec. 26, in the NW $\frac{1}{4}$, Stream is SE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot _____, B.M., NEZ PERCE County; trib. to Clearwater River
additional points of diversion if any: 3 points in NWSENE S. 26
4. Water will be used for the following purposes:
Amount .04 for DOMESTIC purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .04 and/or (b) _____
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 PUMP FROM POOL @ DOWNSTREAM
END OF ROAD CULVERT, DEVELOP SPRING TO GRAVITY FEED TO POOL @ CULVERT.
 - 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 2 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. Irrigating trees
 - e. Other; describe fully. _____

3. 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	
37N	3W	26	D			D													

Total number of acres to be irrigated _____

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

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

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

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: This right is limited to 22500 gpd

The water is used for a drip irrigation system to water trees only.

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.

Kevin Overall
Signature of Applicant (and title, if applicable)

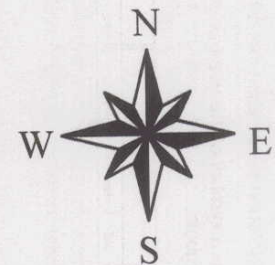
Received by [Signature] Date 4/13/04 Time 1:15P Preliminary check by _____
Fee \$ 100.00 Received by [Signature] # N 216185 Date 4/13/04
Publication prepared by [Signature] Date 6/22/04 Published in Idaho State Water Review Date 7/11/04
Publication approved [Signature] Date 7/16/04

Overall App. for Permit



T37N R03W
Section 26

● Point of Diversion
□ Place of Use



0 700 1400 2100 2800 Feet

A horizontal scale bar with alternating black and white segments. The segments are labeled with the numbers 0, 700, 1400, 2100, and 2800, followed by the word "Feet".

Keep yellow copy

Now

Starting

Right Side

of file.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 16, 2004

KEVIN OVERALL
114 N GARDEN CT
LEWISTON ID 83501

RE: Permit No. 85-15442

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.

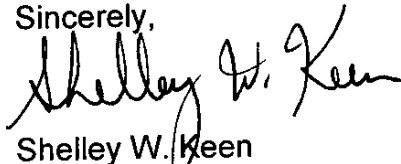
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

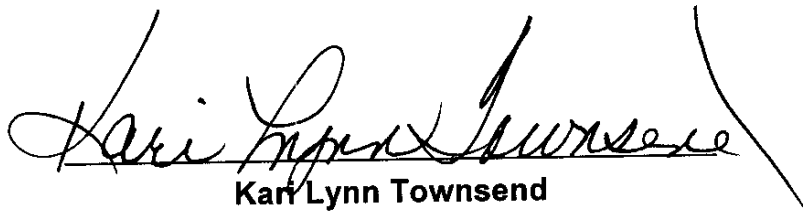
CERTIFICATE OF SERVICE

I hereby certify that on August 16, 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.

85-15442

**KEVIN OVERALL
114 N GARDEN CT
LEWISTON ID 83501**



**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

85-15442

1. dball 6/11/2004 Legal Notice Remarks

Comment: Water will be used for a drip system to water trees only.

2. dball 6/22/2004 3:43:31 PM Comment Letter Notes

Comment: WHO: IDF&G - Cal Groen

RESPONSE: Conditional Recommendation

DATE RECEIVED: 6/22/2004

No objection if IDWR calculations indicate withdrawal will not reduce tributary stream volume or flows below those needed to support fish and other aquatic species and support riparian habitat.

HOWEVER, requested appropriation may exceed water needed to drip irrigate trees. Application does not indicate acreage involved or number of trees. To protect wildlife and habitat values in unnamed stream in question, we recommend appropriation be limited only to amount of water required to irrigate applicants trees.

Diversion intakes should have screen mesh size of 0.25 inches and approach velocities not to exceed 0.5 ft per second to prevent losses of juvenile fish.

3. kwalker 8/9/2004 Permit Review

Comment: Application falls within Salmon-Clearwater moratorium area. Domestic use is for watering trees - have limited the use to 1/2 acre and 13,000 gpd. Also added fish screen and velocity restrictions per request of Fish and Game. Recommend approval.

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

LEGAL ADVERTISING
INVOICE

RECEIVED
JUL 13 2004
IDWR/North

Date 07/08/2004 INVOICE NO. 361422
Account No. 964750
Description 361422The following ap
Times 2 Lines 47
Tab. Lines _____
\$ 140.53

SOLD TO: ID DEPT. OF WATER RESOURCES
1910 NORTHWEST BLVD. STE 210
COEUR D AL 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: ³⁶¹⁴²²
85-15441

KARL CREA
1508 TAMMANY CREEK RD
LEWISTON ID 83501
Point(s) of Diversion SESW S22 T35N R05W NEZ PERCE County
Source GROUND WATER
Use: IRRIGATION 02/15 To 11/30 0.08 CFS
Total Diversion: 0.08 CFS
Date Filed: 02/17/2004
Place Of Use: IRRIGATION T35N R05W S22 SESW
Number of Acres 2.5
85-15442

KEVIN OVERALL
114 N GARDEN CT
LEWISTON ID 83501
Point(s) of Diversion NWSENE S26 T37N R03W NEZ PERCE County
Source UNNAMED STREAM Tributary To CLEARWATER RIVER
Point(s) of Diversion (2) NWSENE S26 T37N R03W NEZ PERCE County
Source SPRINGS Tributary To UNNAMED STREAM
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 04/13/2004
Place Of Use: DOMESTIC T37N R03W S26 NENE SENE
Remark: Water will be used for a drip system to water trees only.
85-15443

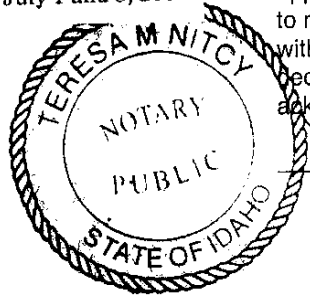
STEVE KIRKHAM
KAREN KIRKHAM
29868 US HWY 12
JULIAETTA ID 83535
Point(s) of Diversion SWSESW S34 T37N R03W NEZ PERCE County
Source GROUND WATER
Use: IRRIGATION 03/15 To 10/30 0.14 CFS
Total Diversion: 0.14 CFS
Date Filed: 04/28/2004
Place Of Use: IRRIGATION T37N R03W S34
NESW Lot 8 SESW Lot 8 NESE Lot 7 SWSE
Number of Acres 7
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 07/19/2004. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director
Published on July 1 and 8, 2004.

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 and under and by virtue of the laws of the State of Washington, paper 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 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 361422The 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 07/01, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 07/01/2004, and the last publication thereof being on the 07/08/2004, and said 361422The 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 9 day of July in the year of 2004, 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.



Teresa M Nitty
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 1/23/2010



IDAHO FISH & GAME

CLEARWATER REGION
1540 Warner Avenue
Lewiston, Idaho 83501-5699

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

June 17, 2004

RECEIVED
JUN 22 2004
IDWR/North

*Entered in
Database 6/22
b*

Mr. Robert Haynes
Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd, S 210
Coeur d'Alene, ID 83814

Dear Mr. Haynes:

REFERENCE: #85-15442 OVERALL WATER RIGHT APPLICATION

Kevin Overall has requested 0.04 acre-feet per annum from an unnamed stream and springs tributary to Clearwater River for irrigation. We have no objection to issuing a water right if your calculations indicate that the withdrawal will not reduce tributary stream volume or flows below those needed to support fish and other aquatic species and to support riparian habitat.

However, the requested appropriation may exceed the water needed to drip irrigate trees, the use identified on the application. The application does not indicate the acreage involved or number of trees to be irrigated. Many of our local streams already suffer from low flows that adversely affect support of fish, wildlife and habitat, especially during the irrigation season. To protect wildlife and habitat values in the unnamed stream in question, we recommend that the appropriation be limited only to the amount of water required to irrigate the applicant's trees.

Water intakes for a diversion should be screened to prevent entrainment or impingement of fish. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.

Thank you for the opportunity to comment.

Sincerely,

Cal Groen
Clearwater Regional Supervisor

CG/rh/ss

c: Tracey Trent
Kevin Overall



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 22, 2004

KEVIN OVERALL
114 N GARDEN CT
LEWISTON ID 83501

RE: Application for Permit No 85-15442

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 Lewiston Morning Tribune on July 1 and 8, 2004. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

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

Sincerely,

A handwritten signature in cursive script that reads "Allen Beardslee".

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) = Receipt No. N016185

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

- PLEASE FAX PROOF PRIOR TO PUBLICATION -
- also please reply to e-mail acknowledging receipt -
THANKS!! *Dianne*

June 22, 2004

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

e-mailed to Karen 6/22/04

RE: Application for Permit No. 85-15441, 85-15442 and 85-15443

Dear Karen:

Following you will find a legal notice which we wish to have published in your newspaper on the dates indicated, July 1 and 8, 2004, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 07/19/2004. Your cooperation is **always greatly appreciated.**

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

85-15441

KARL CREA

1508 TAMMANY CREEK RD

LEWISTON ID 83501

Point(s) of Diversion SESW S22 T35N R05W NEZ PERCE County

Source GROUND WATER

Use: IRRIGATION 02/15 To 11/30 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 02/17/2004

Place Of Use: IRRIGATION T35N R05W S22 SESW

Number of Acres 2.5

85-15442

KEVIN OVERALL

114 N GARDEN CT

LEWISTON ID 83501

Point(s) of Diversion NWSENE S26 T37N R03W NEZ PERCE County

Source UNNAMED STREAM Tributary To CLEARWATER RIVER

Point(s) of Diversion (2) NWSENE S26 T37N R03W NEZ PERCE County

Source SPRINGS Tributary To UNNAMED STREAM

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 04/13/2004

Place Of Use: DOMESTIC T37N R03W S26 NENE SENE

Remark: Water will be used for a drip system to water trees only.

85-15443

STEVE KIRKHAM

KAREN KIRKHAM

29868 US HWY 12

JULIAETTA ID 83535

Point(s) of Diversion SWSESW S34 T37N R03W NEZ PERCE County

Source GROUND WATER

Use: IRRIGATION 03/15 To 10/30 0.14 CFS

Total Diversion: 0.14 CFS

Date Filed: 04/28/2004

Place Of Use: IRRIGATION T37N R03W S34 NESW Lot 8 SESW Lot 8 NESE Lot 7 SWSE

Number of Acres 7

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 07/19/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on July 1 and 8, 2004.

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, June 22, 2004 4:47 PM
To: Legal Notices-Lewiston Morning Tribune (E-mail)
Subject: Legal notice for publication on July 1 and 8, 2004.

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

- PLEASE FAX PROOF PRIOR TO PUBLICATION -
- also please reply to e-mail acknowledging receipt -
THANKS!! *Dianne*

June 22, 2004

KAREN LEWIS e-mailed to Karen 6/22/04
LEGAL NOTICE DEPARTMENT
LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

RE: Application for Permit No. 85-15441, 85-15442 and 85-15443

Dear Karen:

Following you will find a legal notice which we wish to have published in your newspaper on the dates indicated, July 1 and 8, 2004, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 07/19/2004. Your cooperation is **always greatly appreciated.**

Sincerely

Dianne

Dianne Ball
Administrative Assistant

6/22/2004

DEPARTMENT OF WATER RESOURCES

The following application(s) have been filed appropriate the public waters of the State of Ida.

85-15441

KARL CREA
1508 TAMMANY CREEK RD
LEWISTON ID 83501
Point(s) of Diversion SESW S22 T35N R05W NEZ PERCE County
Source GROUND WATER
Use: IRRIGATION 02/15 To 11/30 0.08 CFS
Total Diversion: 0.08 CFS
Date Filed: 02/17/2004
Place Of Use: IRRIGATION T35N R05W S22 SESW
Number of Acres 2.5

85-15442

KEVIN OVERALL
114 N GARDEN CT
LEWISTON ID 83501
Point(s) of Diversion NWSENE S26 T37N R03W NEZ PERCE County
Source UNNAMED STREAM Tributary To CLEARWATER RIVER
Point(s) of Diversion (2) NWSENE S26 T37N R03W NEZ PERCE County
Source SPRINGS Tributary To UNNAMED STREAM
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 04/13/2004
Place Of Use: DOMESTIC T37N R03W S26 NENE SENE
Remark: Water will be used for a drip system to water trees only.

85-15443

STEVE KIRKHAM
KAREN KIRKHAM
29868 US HWY 12
JULIAETTA ID 83535
Point(s) of Diversion SWSESW S34 T37N R03W NEZ PERCE County
Source GROUND WATER
Use: IRRIGATION 03/15 To 10/30 0.14 CFS
Total Diversion: 0.14 CFS
Date Filed: 04/28/2004
Place Of Use: IRRIGATION T37N R03W S34 NESW Lot 8 SESW Lot 8 NESE Lot 7 SWSE
Number of Acres 7

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 07/19/2004. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director Published on July 1 and 8, 2004.

6/22/2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 11, 2004

RAY HENNEKEY
STATE OF IDAHO
DEPT OF FISH & GAME
1540 WARNER AVE
LEWISTON, ID 83501

FAXED TO RAY 6/11/04
4 PAGES TOTAL

Application to Permit No. 85-15442 - OVERALL

Dear Ray:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. Please reply by June 25, 2004. A copy of the application follows for your reference.

You can reply by e-mail by sending your comments to dball@idwr.state.id.us.

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

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

Sincerely, —

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

Dianne Ball
Administrative Assistant

Enclosure(s)