

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09241

Priority: August 26, 2004

Maximum Diversion Rate: 0.20 CFS

This is to certify, that GARY A SPENCE And ANNE A SPENCE
2020 S MELLECK RD
POST FALLS ID 83854

have applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: SPOKANE 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>
POWER	01/01 to 12/31	0.20 CFS	
DOMESTIC	01/01 to 12/31	0.04 CFS	
POWER STORAGE	01/01 to 12/31		0.1 AF
DOMESTIC STORAGE	01/01 to 12/31		0.1 AF

LOCATION OF POINT OF DIVERSION:

UNNAMED STREAM L2 (NW¼SW¼) Sec. 15, Twp 50N, Rge 05W, B.M., KOOTENAI County

PLACE OF USE: POWER, DOMESTIC, POWER STORAGE & DOMESTIC 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
50N	05W	15										X							
												L 2							

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2007**.
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. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
5. This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.

State of Idaho
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6. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
7. The right holder shall install a measuring device that can be used to determine the instantaneous rate of flow of water through the system, or the right holder shall provide to the department a flow rate measurement or computation made by a certified water right examiner in accordance with actual system design and operation.
8. Domestic use is for 1 home.
9. A fish screen of ¼ inch or smaller mesh shall be installed and maintained at the point of diversion.
10. 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 15th day of February, 20 05.


FOR KARL J DREHER, Director

Revised 7/24/03
Letter sent to Karl Ker (Director) indicating (1) not to sell power used for ONE RESIDENT in two years.
71514

RECEIVED

JAN 31 2005

Ident. No. 95-9241

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Gary A. & Anne A. Spence Phone (503) 646-9416
Mailing address 2020 S. Mellick Rd. Post Falls, ID. 83854
2. Source of water supply BLOSSOM MT. MANIPULATED which is a tributary of NO-NAME CREEK
3. Location of point of diversion is Township 50N Range 25W Sec. 15, in the SE 1/4, NW 1/4, SW 1/4, Govt. Lot 2, B.M., Kootenai County;
additional points of diversion if any: Future; North 200 ft from SE corner Govt. Lot #2 at East Creek.
4. Water will be used for the following purposes:
Amount 0.80 for HYDROELECTRIC purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.84 for Domestic purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for IRRIGATION purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.07 for STORAGE FOR POWER purposes from Y. to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.07 for STORAGE FOR DOMESTIC 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)
5. Total quantity to be appropriated is (a) 0.22 cubic feet per second and/or (b) 0.07 0.1 acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source Small Log Dam to separate silt from for all above uses. 20' x 30' x 5' high - HYDRO 4 HOMES
b. Height of storage dam 3 feet feet; active reservoir capacity 0.0007 acre-feet;
total reservoir capacity 0.0007 acre-feet
c. Proposed well diameter is NA inches; proposed depth of well is NA feet
d. Is ground water with a temperature of greater than 85°F being sought? NO
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. 148 ft 0.3 kW
b. Stockwatering; list number and kind of livestock. NONE
c. Municipal; show name of municipality. NONE
d. Domestic; show number of households. ONE
e. Other; describe fully. IRRIGATE vegetable garden greenhouse and water pond for animals to drink.

Computer rounds up to 0.1

Get proof of IDAHO Resident to CDL water Resource Board before this will proceed, (6/03) Then 90 days to process.

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	
50N	25W	15										P							1.1
50N	25W	15										D							1.1
50N	25W	25										~~SW~~							1.1
												D							
												STORAGE							

Total number of acres to be irrigated 2.2

10. Describe any other water rights used for the same purposes as described above. NONE

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: _____

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.

Stanley A. Spence (OWNER)
Signature of Applicant (and title, if applicable)

Received by am Date 08-26-04 Time 1:29 pm Preliminary check by JB
Fee \$ 100.00 Received by am # N015184 Date 08-26-04
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AFFIDAVIT

Permit No. _____

for
Water Rights to be used for Power Purposes

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or individual Members of a Partnership:

I, GARY ALLAN SPENCE of 2020 S. Mellick Rd. Post Falls
(name) (city)
County of Kootenai State of Idaho, being duly sworn, do
hereby certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, _____ of _____
(name) (city)
County of _____, State of Idaho, being duly sworn, depose and say: That
I am the designated registered agent of the _____: That as such
(name of corporation)
I am in charge of the registered office of the said corporation as required by Section
30-1-12, Idaho Code, at _____, Idaho, wherein are kept the corporate
(city)
records required by Section 30-1-52, Idaho Code: and that _____
(name of corporation)
is a corporation qualified to do business in the State of Idaho under the laws of the
State of Idaho.

B. Ownership of Facilities:

The hydropower facility to be developed pursuant to the attached Appropriation Application:
☒ Will utilize existing man-made irrigation facilities such as a dam or a canal, and
permission of the owner is documented in an affidavit attached hereto.
☒ Will utilize existing man-made irrigation facilities such as a dam or a canal, and
the owner of the facilities is the signee of this affidavit.
_____ Will not utilize existing man-made irrigation facilities such as a dam or a canal.

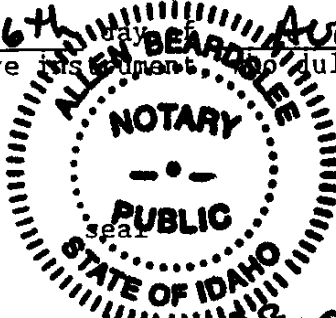
C. Purpose:

☒ The power to be produced pursuant to the attached Appropriation Application is for my own
personal use and will not to be offered for sale.
_____ The power to be produced pursuant to the attached Appropriation Application is to be
offered for sale.

State of Idaho)
County of KOOTENAI)
ss.

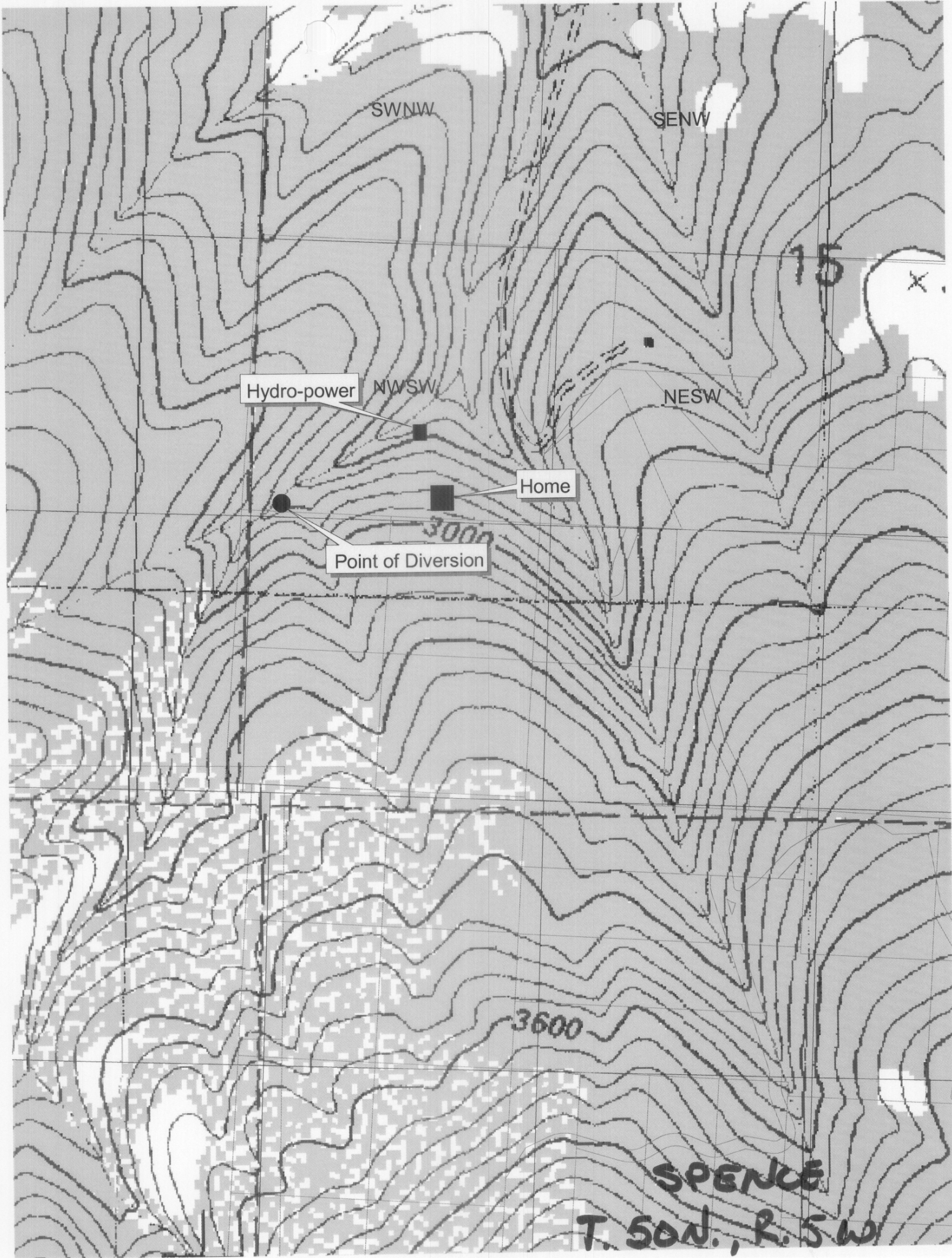
Gary A. Spence
Applicant

On this 26th day of AUGUST, 2008, personally appeared before me the signer(s)
of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Allen Beardslee
Notary Public residing at
ad 7

My commission expires 08-08-06



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

February 15, 2005

GARY A SPENCE
ANNE A SPENCE
2020 S MELLECK RD
POST FALLS ID 83854

RE: Permit No. 95-9241

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.

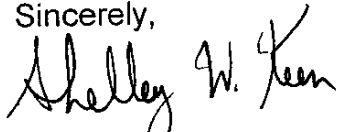
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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)

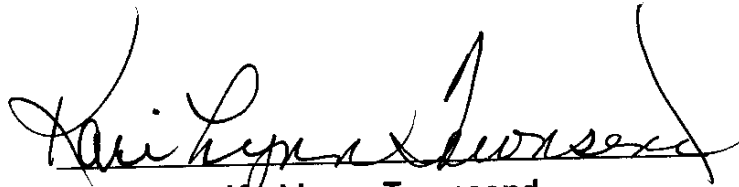
CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

95-9241

**ANNE A SPENCE
GARY A SPENCE
2020 S MELLECK RD
POST FALLS ID 83854**

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

**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Comment Report

95-9241

1. dball 9/2/2004 Legal Notice Remarks

Comment: Domestic use is for 1 home.

2. dball 9/28/2004 3:33:08 PM Comment Letter Notes

Comment: WHO: IDF&G Mary Terra-Berns, Environmental staff Biologist

RESPONSE: Conditional Recommendation

DATE RECEIVED: 9/28/2004

Recommend against permitting construction of on-stream pond. Small perennial and intermittent streams serve many important biological functions that deserve protection. Instream impoundment may contribute to elevated stream temperatures, impede migrations of amphibians and have other potentially adverse impacts on water quality and stream function.

We recommend applicant be required either to withdraw water from creek on as-needed basis or install storage off-stream.

Water intakes should be screened with maximum mesh size of 0.25 inches to prevent entrainment of fish; approach velocities not to exceed 0.5 ft per second to prevent losses of juvenile fish.

Applicant indicates a 3 ft dam to be constructed. Dam at this height may potentially create fish barrier; therefore, if IDWR does permit in-stream impoundment, applicants should be made aware that any structure intended to impound water must be designed, installed and maintained to allow fish passage per Idaho code 36-906. No dm designs, including fish passage structures, were provided.

A permit is required prior to stocking private ponds with fish. Unless fish to be stocked are delivered by a commercial hatchery (required for trout) applicant must acquire a fish transport permit to bring fish to pond. Both permits readily available from IDF&G.

3. kwalker 2/3/2005 Permit Review

Comment: Application does not fall within any problem areas. There are no place of use overlaps for this property. Domestic use is for one home with lawn/garden.

Recommend approval.

Memorandum

Date: January 26, 2005

To: Keen

From: Haynes & Beardslee

RE: Application for Permit 95-9241

RECEIVED

JAN 31 2005

Department of Water Resources

Northern Region has reviewed Idaho Fish and Game's letter regarding the above Application for Permit and respond as follows:

Mr. Spence was contacted and the items of the letter were discussed. He said that he has never seen fish in the unnamed stream that he is filing for water rights on. Furthermore, he speculated that due to the elevation of his property and the distance from the Spokane River that there could be natural, or man made fish impasses that keep fish from migrating to his property.

IDWR suggested to Fish and Game that they contact Mr. Spence to discuss specific issues regarding their concerns. While Mary Terra-Burns letter did not support "in-stream" storage, it was not a protest against the filing.

Northern Region recommends that this filing be approved.



IDAHO FISH AND GAME

2750 Kathleen Avenue
Coeur d'Alene, Idaho 83815

Dirk Kempthorne/Governor
Steven Huffaker/Director

September 28, 2004

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

*Entirely
computer
9/28/04
D*

Via email to Dianne Ball:

REFERENCE: #95-9241 GARY & ANNE SPENCE

We have reviewed the above named application to withdraw 2.0 cfs from an unnamed stream, which is a tributary to the Spokane River, for hydro power, domestic use, and storage.

We have no objection to issuing the 0.04 cfs for domestic use; however we recommend against permitting construction of a pond on the stream. Small perennial and intermittent streams serve many important biological functions that deserve protection. An in-stream impoundment may contribute to elevated stream temperatures, impede migrations of amphibians and have other potentially adverse impacts on water quality and stream function. We recommend that the applicant should be required either to withdraw water from the creek on an as-needed basis or install storage off-stream. Water intakes 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.

The application indicates that a three foot dam would be constructed. A dam at this height may potentially create a fish barrier; therefore, if IDWR does permit an in-stream impoundment, the applicants should be made aware that any structure intended to impound water must be designed, installed and maintained to allow fish passage per Idaho Code 36-906. No dam designs, including fish passage structure(s), were provided with the enclosed material; consequently we are unable to comment on fish passage design.

Finally, if the applicant intends to stock the pond with fish, a permit is required prior to stocking. In addition, unless the fish to be stocked are delivered by a commercial hatchery (required for trout), the applicant must acquire a fish transport permit to bring fish to the pond. Both permits are available from Idaho Department of Fish and Game.

Thank you for the opportunity to comment.

Mary Terra-Berns
Environmental Staff Biologist

C: IDFG NRPB, Boise; File

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO,
County of Kootenai, } ss.

upon oath deposes and says: *Kathie Hay* being first duly sworn

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

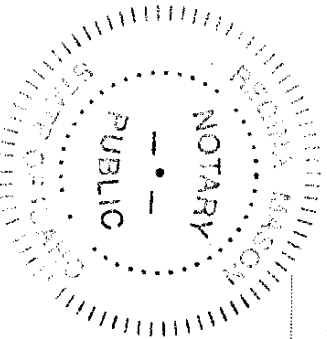
3. The *People's Notice*

of which the annexed is a printed copy, was published in the regular *Thursday* issue of said newspaper for *16* consecutive *16* days of *September* 20*04*, and ending on the *23* day of *September* 20*04* and such publication was made as often during said period as said newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Personally appeared before me this *23* day of *September* 20*04* *Kathie Hay*

Regina Mason
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.



MY COMMISSION EXPIRES 6/18/09

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

95-9240

WESTVIEW PROPERTY OWNERS ASSOCIATION
12875 S FLICKER LN
HARRISON ID 83833
Point(s) of Diversion: NENW S31 T49N R03W KOOTENAI County
Source: GROUND WATER
Use: IRRIGATION
Date Filed: 05/21/2004
Place Of Use: DOMESTIC
Place Of Use: IRRIGATION same as DOMESTIC
Number of Acres: 30
Remark: Domestic use is for 21 homes.

GARY A SPENCE
ANNE A SPENCE
2020 S MELLECK RD
POST FALLS ID 83854
Point(s) of Diversion: L2 (NWSW) S15 T50N R05W KOOTENAI County
Source: UNNAMED STREAM Tributary To SPOKANE RIVER
Use: POWER
Use: POWER STORAGE
Use: DOMESTIC
Use: DOMESTIC STORAGE
Date Filed: 08/26/2004
Place Of Use: POWER
Place Of Use: DOMESTIC and all other uses same as POWER
Remark: Domestic use is for 1 home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.
Any protest against the approval of this application must be filed with the Director, Dept of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur d'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 10/04/2004. The protestant must also send a copy of the protest to the applicant.

Legal 5909
Sept. 16, 23, 2004
KARL J DREHER, Director



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

September 08, 2004

GARY A SPENCE
ANNE A SPENCE
2020 S MELLECK RD
POST FALLS ID 83854

RE: Application for Permit No 95-9241

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 Coeur d'Alene Press on September 16 and 23, 2004. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

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

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

Sincerely,

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

Allen Beardslee
Senior Water Resource Agent



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 08, 2004

KATTIE HOY & KRISTY PEAK
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

RE: Application for Permit No. 95-9240 and 95-9241

Dear Kattie and Kristy:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, September 16 and 23, 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 10/04/2004. Your cooperation is, as always, GREATLY appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, September 08, 2004 4:06 PM
To: Legal Notices-CdA Press (E-mail); Kristy Peak (E-mail)
Subject: Legal notice for publication September 16 and 23, 2004

Good afternoon, ladies,

Attached is our cover letter requesting publication of a legal notice on September 16 and 23, 2004. Also attached is the legal notice.

Any problems, please call me at 769-1450.

PLEASE FAX PROOF PRIOR TO PUBLICATION. I know that TABS often do crazy things when doing "copy and paste", but "copy and paste" at least keeps you from having to re-type the legal from scratch.

Thanks for all your help, and have a glorious day and evening.

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

9/8/2004

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

95-9240

WESTVIEW PROPERTY OWNERS ASSOCIATION
12875 S FLICKER LN
HARRISON ID 83833

Point(s) of Diversion NENW S31 T49N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION	03/15 To 11/15	0.4 CFS
Use: DOMESTIC	01/01 To 12/31	0.6 CFS
Total Diversion:		1.0 CFS

Date Filed: 05/21/2004

Place Of Use: DOMESTIC T49N R03W S31 NENW NWNW

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres 30

Remark: Domestic use is for 21 homes.

95-9241

GARY A SPENCE
ANNE A SPENCE
2020 S MELLECK RD
POST FALLS ID 83854

Point(s) of Diversion L2 (NWSW) S15 T50N R05W KOOTENAI County

Source UNNAMED STREAM Tributary To SPOKANE RIVER

Use: POWER	01/01 To 12/31	0.20 CFS	
Use: POWER STORAGE	01/01 To 12/31		0.1 AFA
Use: DOMESTIC	01/01 To 12/31	0.04 CFS	
Use: DOMESTIC STORAGE	01/01 To 12/31		0.1 AFA
Total Diversion:		0.20 CFS	

Date Filed: 08/26/2004

Place Of Use: POWER T50N R05W S15 NWSW Lot 2

Place Of Use: DOMESTIC and all other uses same as POWER

Remark: Domestic use is for 1 home.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 10/04/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on September 16 and 23, 2004.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 02, 2004

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

Attached 5 pages total (1)

Application to Permit No. 95-9241

Dear Mary:

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

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

Please respond by September 15, 2004. You may comment to dball@idwr.state.id.us if you are not protesting this application.

Please 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)