

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09235

Priority: July 21, 2004

Maximum Diversion Rate: 0.02 CFS

This is to certify, that TERRY FERRIS And DIANNE CHRISTENSEN
5278 E UPPER HAYDEN LAKE RD
HAYDEN ID 83835

have applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: HAYDEN LAKE

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>
RECREATION STORAGE	01/01 to 12/31		0.1 AF
IRRIGATION	03/15 to 11/15	0.02 CFS	
IRRIGATION STORAGE	03/15 to 11/15		0.1 AF
IRRIGATION FROM STORAGE	01/01 to 12/31		0.1 AF

LOCATION OF POINT OF DIVERSION:

UNNAMED STREAM NE¼SE¼ Sec. 20, Twp 51N, Rge 03W, B.M., KOOTENAI County

PLACE OF USE: IRRIGATION & IRRIGATION FROM 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	
51N	03W	20													.5				.5
Total Acres: 0.5																			

PLACE OF USE: IRRIGATION STORAGE & RECREATION 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	
51N	03W	20													X				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2006**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.02 cfs nor more than 1.5 afa at the field headgate for irrigation of the land described above.
4. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. Recreation storage use is for swimming and fishing.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-09235

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 January, 2005.


for KARL J DREHER, Director

Ident. No. 95-9235

RECEIVED

SEP 13 2004

71428

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

RECEIVED

JUL 21 2004

IDWR/North

Department of Water Resources

To appropriate the public waters of the State of Idaho

- Name of Applicant TERRY FERRIS + DIANNE CHRISTENSEN Phone 762 3437
- Mailing address 5278 E UPPER HAYDEN LAKE RD - HAYDEN, ID 83835
- Source of water supply UNNAMED STREAM which is a tributary of HAYDEN LAKE
- Location of point of diversion is Township 51N Range 3W Sec. 20, in the N NE SE 1/4, Govt. Lot 8350, B.M., KOOTENAI County;

additional points of diversion if any:

4. Water will be used for the following purposes:

- | | |
|--|---|
| Computer adjusted
0.1
0.1
0.1 | Amount <u>.01</u> for <u>RECREATION STORAGE</u> purposes from <u>4/1</u> to <u>12/31</u> (both dates inclusive) |
| | Amount <u>.02</u> for <u>IRRIGATION</u> purposes from <u>3/15</u> to <u>4/15</u> (both dates inclusive) |
| | Amount <u>.01</u> for <u>IRRIGATION STORAGE</u> purposes from <u>3/15</u> to <u>4/15</u> (both dates inclusive) |
| | Amount <u>.01</u> for <u>IRR. from STORAGE</u> purposes from <u>3/15</u> to <u>4/15</u> (both dates inclusive) |
| | Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| | Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |

5. Total quantity to be appropriated is (a) .02 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works: POND 20'X10'X2' = 0.01 AF

a. Describe type and size of devices used to divert water from the source NO DIVERSION
CREEK TO REMAIN AS IS 1 HP PUMP FOR IRRIGATION

b. Height of storage dam 1 1/2 feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet

c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? N/A

e. If well is already drilled, when? N/A; Drilling firm _____

Well was drilled for (well owner) N/A; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. IRRIGATION

1 HP PUMP FOR IRRIGATION

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
51N	36E	20													.5				
															*				

Total number of acres to be irrigated 11/2 .5

* = STORAGE FOR REG.
IRR. STORAGE
IRR. FROM STORAGE

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? TERRY FERRIS / DIANNE CHRISTENSEN

b. Who owns the land to be irrigated or place of use? DIANNE CHRISTENSEN SPOUSE

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

12. Remarks: THIS IS AN EXISTING SMALL CREEK, VARIABLE RATE OF FLOW ON APPLICANTS' PROPERTY.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"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.

Terry H. Ferris
Signature of Applicant (and title, if applicable)
Dianne Christensen

Received by AB Date 07-21-04 Time 2:46 Preliminary check by AB
Fee \$ 100 Received by AB # ND16435 Date 07-21-04
Publication prepared by CD Date 8/11/04 Published in IDA Press 8/19+26/04
Publication approved _____ Date _____



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

January 13, 2005

TERRY FERRIS
DIANNE CHRISTENSEN
5278 E UPPER HAYDEN LAKE RD
HAYDEN ID 83835

RE: Permit No. 95-9235

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

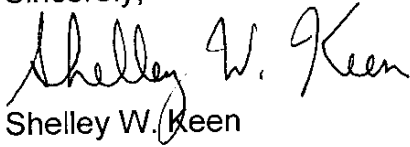
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed 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)

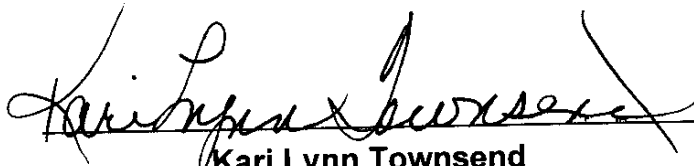
CERTIFICATE OF SERVICE

I hereby certify that on January 13, 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.

95-9235

**DIANNE CHRISTENSEN
TERRY FERRIS
5278 E UPPER HAYDEN LAKE RD
HAYDEN ID 83835**



**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.



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

December 29, 2004

Terry Ferris
Dianne Christensen
5278 E. Upper Hayden Lake Rd.
Hayden, ID 83835

RE: Application for Permit No 95-9235

Dear Mr. Terry Ferris:

Please find enclosed a copy of a letter dated August 23, 2004, from Idaho Fish and Game, which we received regarding your water right filing.

We understand that you are working with Mary Terra-Berns on the development of your pond and Fish & Game concerns.

Your water right filing has been forwarded to our State Office for approval.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Haynes".

Robert G. Haynes, P.E.
Regional Manager

Memorandum

To: Keen

From: Haynes, Beardslee



Date: December 28, 2004

Re: 95-9235

RECEIVED

JAN - 4 2005

DEPARTMENT OF WATER RESOURCES

We advised Mr. Ferris to contact Mary Terra-Berns, of Fish and Game to discuss her letter, dated August 23, 2004.

Mary called our office last week and said that she had spoken with Mr. Ferris and at this time was okay with the approval of this filing. She said that Mr. Farris explained to her that there were no fish in the reach of stream where his pond is located due to down stream road culverts which had been placed high enough to create fish impasses. I asked her to send me an email memo regarding our conversation, however, we have not received one at this time.

Northern Region recommends approval of this water right Permit.

MEMORANDUM

DATE: September 17, 2004

TO: Water Right File 95-9235

FROM: Shelley W. Keen 

RE: Department of Fish & Game Recommendation

This morning I spoke with Al Beardslee in Northern Region about IDF&G's recommendation that IDWR not approve onstream storage in connection with Application 95-9235. Al said he would confer with IDF&G and/or the applicant to determine how to proceed.

MEMORANDUM

To: File 95-9235

From: KAY

Date: September 14, 2004

Re: Fish & Game Comments

The IDFG representative who submitted comments has recommended adding conditions regarding the underwater excavation and pump/pipeline placements in the stream bed. These issues go beyond the scope of the water right application and fall instead under the jurisdiction of the Stream Channel Alteration section of this department and/or Dept. of Lands via an encroachment permit.

The standard conditions regarding the approach velocity and mesh screening will be placed on the permit, but the other issues above will not be addressed by the water right permit.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Kootenai,

AUG 27 2004
IDWR/North

Kattie Hoy

being first duly sworn
upon oath deposes and says:

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 Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 19 day of August 20 04, and ending on the 26 day of August 20 04, and such publication was made as often during said period as said Daily 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

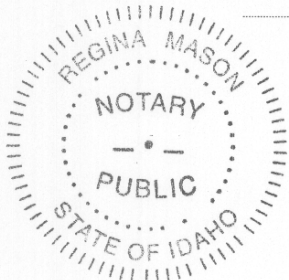
Kattie Hoy

Personally appeared before me this 26 day of August 20 04

Regina Mason

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

MY COMMISSION EXPIRES 6/18/09



ok
per Bob
Haynes

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
95-9234

TRACEY RAGAN
LANCE RAGAN
PO BOX 505
RATHDRUM ID 83858
Point(s) of Diversion SESE S3 T51N R05W KOOTENAI County
Source GROUNDWATER
Use: IRRIGATION 03/15 To 11/15 0.06 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS
Total Diversion: 0.06 CFS

Date Filed: 07/21/2004
Place of Use: STOCKWATER T51N R05W S3 SESE
Use: IRRIGATION same as STOCKWATER
Number of Acres 5
Remark: Stockwater use is for 6 head of mixed stock.

95-9253 95-9235

TERRY FERRIS
DIANNE CHRISTENSEN
5278 E UPPER HAYDEN LAKE RD
HAYDEN ID 83835
Point(s) of Diversion NESE S20 T51N R03W KOOTENAI County
Source UNNAMED STREAM Tributary to HAYDEN LAKE
Use: IRRIGATION 03/15 To 11/15 0.02 CFS
Use: IRRIGATION STORAGE 03/15 To 12/15 0.1 AFA
Use: IRRIGATION FROM STORAGE 03/15 To 11/15 0.1 AFA
Use: RECREATION STORAGE 01/01 To 12/31 0.1 AFA
Total Diversion: 0.02 CFS

Date Filed: 07/21/2004
Place of Use: IRRIGATION T51N R03W S20 NESE
Place of Use: ALL OTHER USES same location as IRRIGATION
Number of Acres 0.5
Remark: Recreation storage is for swimming and fishing.

95-9236

ELLEN C MAITRE
THOMAS O MAITRE
3525 S STACH RD
COEUR D'ALENE ID 83814
Point(s) of Diversion L1 (NWNW) S30 T50N R04W KOOTENAI County
Source GROUNDWATER
Use: IRRIGATION 03/15 To 11/15 0.06 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.10 CFS

Date Filed: 07/30/2004
Place of Use: STOCKWATER T51N R05W S3 SESE
Use: IRRIGATION T50N R04W S30 NWNW Lot 1
Number of Acres 2
Remark: Domestic use is for one home.

95-9237

ROBERT A BROWN
5026 UPPER HAYDEN LK RD
HAYDEN ID 83835
Point(s) of Diversion NWSE SWSE SESE NESE S20 T51N R03W KOOTENAI County
Source for all Points of Diversion UNNAMED STREAM Tributary to HAYDEN LAKE
Use: IRRIGATION 03/15 To 11/15 0.03 CFS
Use: DIVERSION TO STORAGE 01/01 To 12/31 0.20 CFS
Use: RECREATION STORAGE 01/01 To 12/31 6 AFA
Total Diversion: 0.20 CFS

Date Filed: 08/02/2004
Place of Use: IRRIGATION T51N R03W S20 NWSE
Number of Acres 1
Place of Use: RECREATION STORAGE same as IRRIGATION
Remark: Recreation storage is for swimming and fishing

96-9193

THOMAS G WELLS
1412 W BELLWOOD
SPOKANE WA 99218
Point(s) of Diversion L1 (SENE) S36 T54N R02W KOOTENAI County
Source PEND ORIELLE LAKE Tributary to PEND ORIELLE RIVER
Use: IRRIGATION 03/15 To 11/15 0.02 CFS
Total Diversion: 0.02 CFS

Date Filed: 07/27/2004
Place of Use: IRRIGATION T54N R02W S36 SENE Lot 1
Number of Acres 0.25

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 09/06/2004. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
Legal 5711
August 19, 26, 2004



IDAHO FISH AND GAME

2750 Kathleen Avenue
Coeur d'Alene, Idaho 83815

Dirk Kempthorne/Governor
Steven Huffaker/Director

August 23, 2004

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

Via email to Diane Ball:

REFERENCE: Water Right Application 95-9235 – FERRIS-CHRISTENSON

We have reviewed the above listed application to create a pond on an unnamed stream that is a tributary to Hayden Lake for the purpose of irrigation, irrigation storage, and recreation storage.

We have no objection to issuing the 0.2 cfs water right; 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.

If IDWR does permit an in-stream impoundment, the applicants should be made aware that a dam must be designed, installed and maintained to allow fish passage per Idaho Code 36-906. No dam design or details were provided in the application information; therefore we anticipate that we will have an opportunity to review and comment on a stream alteration permit application detailing the design and construction plans for a dam, if that option is considered for obtaining water for this water right.

Additionally, we recommend that the applicant be required to install lines beneath the pond or streambed. In-stream installation should occur during low water periods when underwater excavation will be minimized. Dug materials should be sidecast to only one side and the bottom contour and substrate restored. Any unburied sections of the line should be anchored on the bottom. It would be preferable to place pumps on land rather than in the water. 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.

Finally, we note that the applicant intends to create recreational storage, we assume this is for fish. The applicant should be informed that a permit is required prior to stocking private ponds with fish. 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
File: IDWR Ferris-Christenson 95-9235 EMAIL

Ball, Dianne

From: Terra-Berns, Mary [mterrabe@IDFG.STATE.ID.US]
Sent: Friday, August 20, 2004 4:46 PM
To: Dianne Ball (E-mail)
Subject: question

Hi Dianne,
I am looking at permit request (95-9235) I can't read some of the first page-kind of weird some of it is bold and clear and some is too fuzzy and light to read. I can't read the name or location (other than Hayden Lake), but I can read the request and it is somewhat confusing; the applicant notes .02cfs is the total quantity to be appropriated but above lists more than .02 in the above section on how the water will be used. So, maybe you could refax???? even though the due date is today?????

Mary Terra-Berns
Environmental Staff Biologist
2750 Kathleen Ave.
Coeur d'Alene, ID 83815
208.769.1414 208.769.1418 fax
mterrabe@idfg.state.id.us

*On stream pond ? F+G say
NO*

*off stream -
needs diversion to pond rate.*



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

August 11, 2004

TERRY FERRIS
DIANNE CHRISTENSEN
5278 E UPPER HAYDEN LAKE RD
HAYDEN ID 83835

RE: Application for Permit No 95-9235

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 August 19 and 26, 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

August 11, 2004

~PLEASE FAX PROOF PRIOR TO PUBLICATION~
Thank You!

Kattie Hoy and Kristy Peak
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

e-mailed to Kattie and Kristy 8/11/04

RE: Applications for Permits No. 95-9234, 95-9235, 95-9236, 95-9237, 96-9193

Dear Kattie and Kristy:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, August 19 and 26, 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 09/06/2004. Your cooperation is always greatly appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, August 11, 2004 4:00 PM
To: Legal Notices-CdA Press (E-mail); Kristy Peak (E-mail)
Subject: Legal notice for publication on August 19 and 26, 2004

Good afternoon Kattie and Kristy,

I'm attaching a copy of my cover letter requesting publication of a legal notice on August 19 and 26, 2004. The legal notice is also attached, and I'm sorry to say this is a rather long one.

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

PLEASE FAX ME A PROOF PRIOR TO PUBLICATION. I know that sometimes tabs do crazy things when you copy or cut and paste. We can check layout that way before publication.

As always, thanks for all your help, and I hope you have a great day.

Dianne

Dianne Ball, Administrative Assistant
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone 208-769-1450 FAX 208-769-1454

8/11/2004

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

95-9234

TRACEY RAGAN

LANCE RAGAN

PO BOX 505

RATHDRUM ID 83858

Point(s) of Diversion SESE S3 T51N R05W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.06 CFS

Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Total Diversion: 0.06 CFS

Date Filed: 07/21/2004

Place Of Use: STOCKWATER T51N R05W S3 SESE

Place Of Use: IRRIGATION same as STOCKWATER

Number of Acres 5

Remark: Stockwater use is for 6 head of mixed stock.

95-9235

TERRY FERRIS

DIANNE CHRISTENSEN

5278 E UPPER HAYDEN LAKE RD

HAYDEN ID 83835

Point(s) of Diversion NESE S20 T51N R03W KOOTENAI County

Source UNNAMED STREAM Tributary To HAYDEN LAKE

Use: IRRIGATION 03/15 To 11/15 0.02 CFS

Use: IRRIGATION STORAGE 03/15 To 11/15 0.1 AFA

Use: IRRIGATION FROM STORAGE 03/15 To 11/15 0.1 AFA

Use: RECREATION STORAGE 01/01 To 12/31 0.1 AFA

Total Diversion: 0.02 CFS

Date Filed: 07/21/2004

Place Of Use: IRRIGATION T51N R03W S20 NESE

Place Of Use: ALL OTHER USES same location as IRRIGATION:

Number of Acres 0.5

Remark: Recreation storage is for swimming and fishing.

95-9236

ELLEN C MAITRE

THOMAS O MAITRE

3525 S STACH RD

COEUR D ALENE ID 83814

Point(s) of Diversion L1 (NWNW) S30 T50N R04W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.06 CFS

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

Total Diversion: 0.10 CFS

Date Filed: 07/30/2004

Place Of Use: IRRIGATION T50N R04W S30 NWNW Lot 1

Number of Acres 2

Place Of Use: DOMESTIC same as IRRIGATION

Remark: Domestic use is for one home.

CONTINUED ON FOLLOWING PAGE

95-9237

ROBERT A BROWN
5026 UPPER HAYDEN LK RD
HAYDEN ID 83835

Point(s) of Diversion NWSE SWSE SESE NESE S20 T51N R03W KOOTENAI County

Source for all Points of Diversion UNNAMED STREAM Tributary To HAYDEN LAKE

Use: IRRIGATION	03/15 To 11/15	0.03 CFS	
Use: DIVERSION TO STORAGE	01/01 To 12/31	0.20 CFS	
Use: RECREATION STORAGE	01/01 To 12/31		6 AFA
Total Diversion:		0.20 CFS	

Date Filed: 08/02/2004

Place Of Use: IRRIGATION T51N R03W S20 NWSE

Number of Acres 1

Place Of Use: RECREATION STORAGE same as IRRIGATION

Remark: Recreation storage is for swimming and fishing

96-9193

THOMAS G WELLS
1412 W BELLWOOD
SPOKANE WA 99218

Point(s) of Diversion L1 (SENE) S36 T54N R02W KOOTENAI County

Source PEND OREILLE LAKE Tributary To PEND OREILLE RIVER

Use: IRRIGATION	03/15 To 11/15	0.02 CFS
Total Diversion:		0.02 CFS

Date Filed: 07/27/2004

Place Of Use: IRRIGATION T54N R02W S36 SENE Lot 1

Number of Acres 0.25

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 09/06/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on August 19 and 26, 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

August 03, 2004

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

FAXED TO MARY 8/3/04
4 PAGES TOTAL

Application to Permit No. 95-9235

STATE OF IDAHO :

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

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. If you are not protesting this application you may send your comments by e-mail to dball@idwr.state.id.us. Please respond by August 20, 2004.

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)