

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09216

Priority: January 21, 2004

Maximum Diversion Rate: 1.00 CFS

This is to certify, that FORTRESS LLC
850 W IRONWOOD DR SUITE 101
COEUR D ALENE ID 83814

has applied for a permit to appropriate water from:

Source: COEUR D ALENE LAKE **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>
MUNICIPAL	01/01 to 12/31	1.00 CFS

LOCATION OF POINT OF DIVERSION:

COEUR D ALENE LAKE L4 (SE¼SE¼) Sec. 36, Twp 50N, Rge 04W, B.M., KOOTENAI County

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2009**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Place of use is within the area served by the public water supply system of Fortress, LLC. The place of use is generally located within Sections 5, 6, & 8, Township 49N, Range 03W.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
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 13th day of April, 2004.


KARL J DREHER, Director

RECEIVED
MAR 15 2004

Department of Water Resources

71040
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

95-9216
RECEIVED

JAN 21 2004

IDWR/North

To appropriate the public waters of the State of Idaho

1. Name of applicant Fortress LLC Phone 208-665-9664
Post office address 850 W. Ironwood Drive, Suite 101; Coeur d'Alene, ID 83814
2. Source of water supply Coeur d'Alene Lake which is a tributary of Spokane River
3. Location of point of diversion is 1/4 of SE 1/4 of Govt Lot
Sec. 36 Township 50 N Range 4 W B.M. County; additional
points of diversion if any: 2 points of diversion at the same location.
4. Water will be used for the following purposes:
Amount 1 Municipal 01/01 12/31
(cfs or acre/feet per annum) for purposes from to (both dates inclusive)
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) 1 and/or (b)
cubic feet per second acre feet per annum
6. Proposed diverting works: 2 submersible well pumps at 225 gpm each
a. Description of ditches, flumes, pumps, headgates,
etc.

b. Height of storage dam feet; active reservoir capacity acre-feet; total
reserve capacity acre-feet; period of year when water will be diverted to storage:
to Inclusive.
c. Proposed well diameter is 10 inches; proposed depth of well is 20 feet.
d. Is ground water with a temperature of greater than 85° F being sought? no
e. If well is already drilled, when? N/A; Drilling firm
Well was drilled for (well owner)
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
5 years (minimum 1 year).

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

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. Fortress LLC;
Public Water System #

d. Domestic; show number of households. _____

e. Other; describe fully. _____

9. Description of place of use: (See Attached Figure)

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	RANGE	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
49-N	3-W	5					M	M	M	M	M	M	M	M			M		
		5	M			M									M				
		8	M	M		M	M		M	M	M								
PLACE OF USE IS WITHIN THE																			
SERVICE AREA OF FORTRESS LLC.																			

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. See Water Right: 95-9113

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

Fortress LLC

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

Place of Use is area to be served by Fortress LLC

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: show clearly the proposed point of diversion, place of use, section number, township and range number. (See Attached Figure)

[illegible]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

[Signature]

(Applicant)

Received by [Signature] Date 1/21/04 Time 9:50a Preliminary check by _____
Fee \$ 250.00 Received by [Signature] # N016066 Date 1/21/04
Publication prepared by [Signature] Date 2/12/04 Published in COA Press 2/19+26/04
Publication approved [Signature] Date 2/27/04

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 20__.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if 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 any 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.
- e. Other:

Beardslee, Allen

From: Cordes, Steve [scordes@welchcomer.com]
Sent: Thursday, February 05, 2004 4:39 PM
To: 'Beardslee, Allen'
Subject: RE: PWS Number for Fortress

Al,

Their only officer is Robert Malcom

Steve

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

From: Beardslee, Allen [mailto:abeardsl@idwr.state.id.us]
Sent: Thursday, February 05, 2004 1:45 PM
To: 'scordes@welchcomer.com'
Subject: FW: PWS Number for Fortress

Steve,

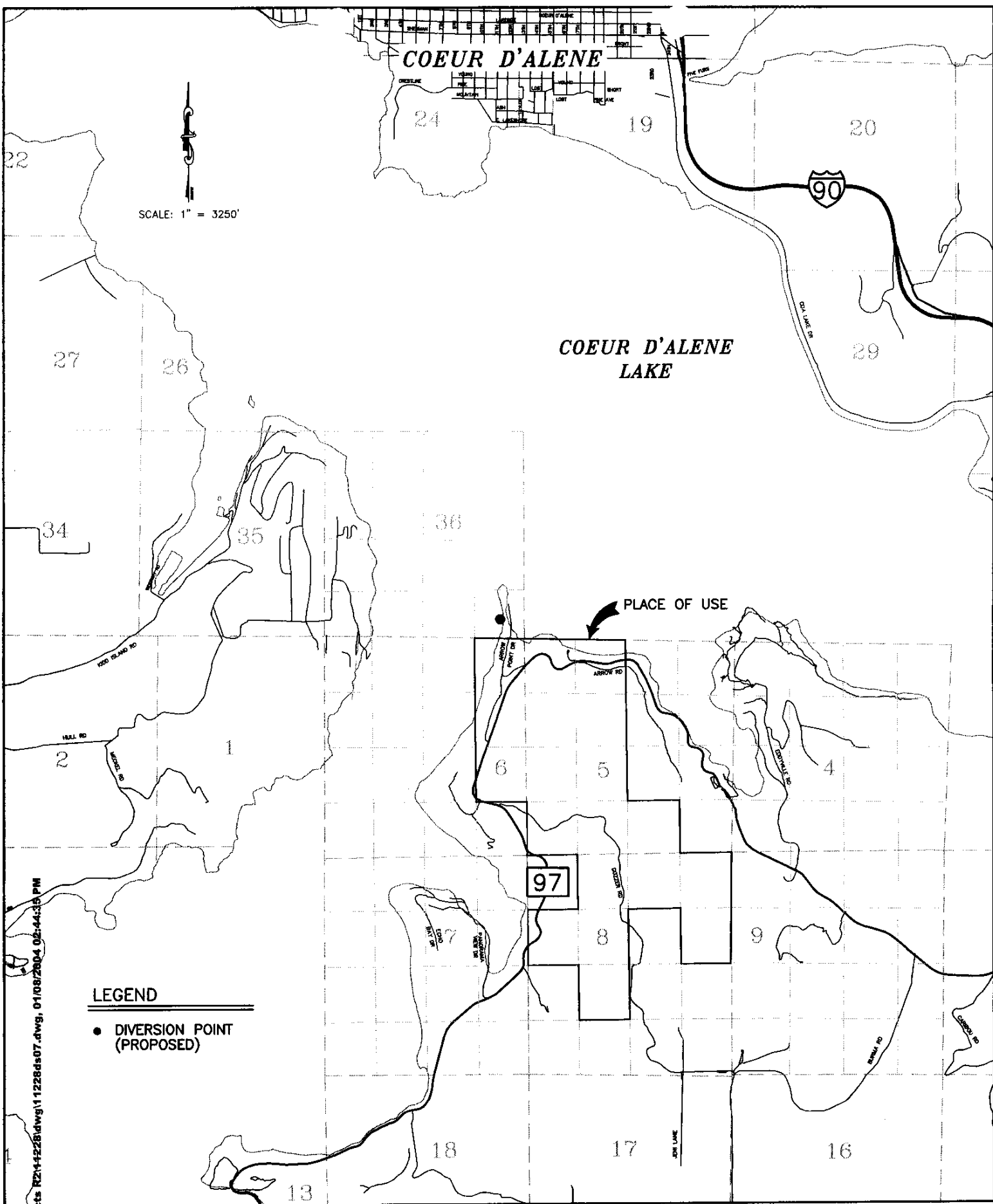
I have added this PWS Number to your new filing and am emailing it to you for your records.

You could email me the list of corp. officers if you would like.

Al

> -----Original Message-----

> **From:** Walker, Kay
> **Sent:** Thursday, February 05, 2004 10:45 AM
> **To:** Beardslee, Allen
> **Subject:** PWS Number for Fortress
>
> The number from file 95-9113 is: PWS #1280299



N:\Land Projects R2\44228d\dwg\11228ds07.dwg, 01/09/2004 02:44:35 PM

LEGEND

- DIVERSION POINT (PROPOSED)

WELCH COMER
& ASSOCIATES, INC.
ENGINEERS & SURVEYORS

11228DS07.DWG, 01-06-03

**ARROW POINT
WATER RIGHTS DISPLAY MAP**

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

April 13, 2004

FORTRESS LLC
850 W IRONWOOD DR SUITE 101
COEUR D ALENE ID 83814

RE: Permit No. 95-9216

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.

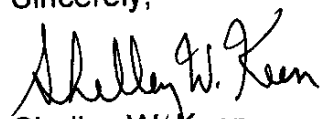
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

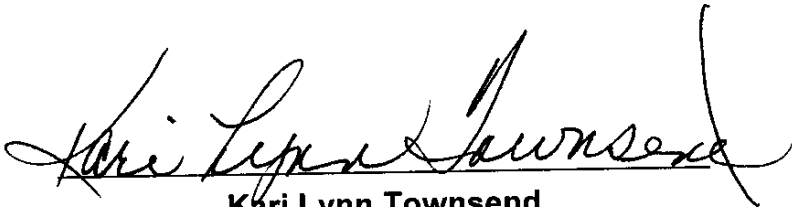
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 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. 95-9216

**FORTRESS LLC
850 W IRONWOOD DR SUITE 101
COEUR D ALENE ID 83814**



**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

95-9216

1. dball 2/5/2004 Legal Notice Remarks

Comment: Municipal use is with service area of applicant.

2. dball 2/5/2004 Comment/Analysis

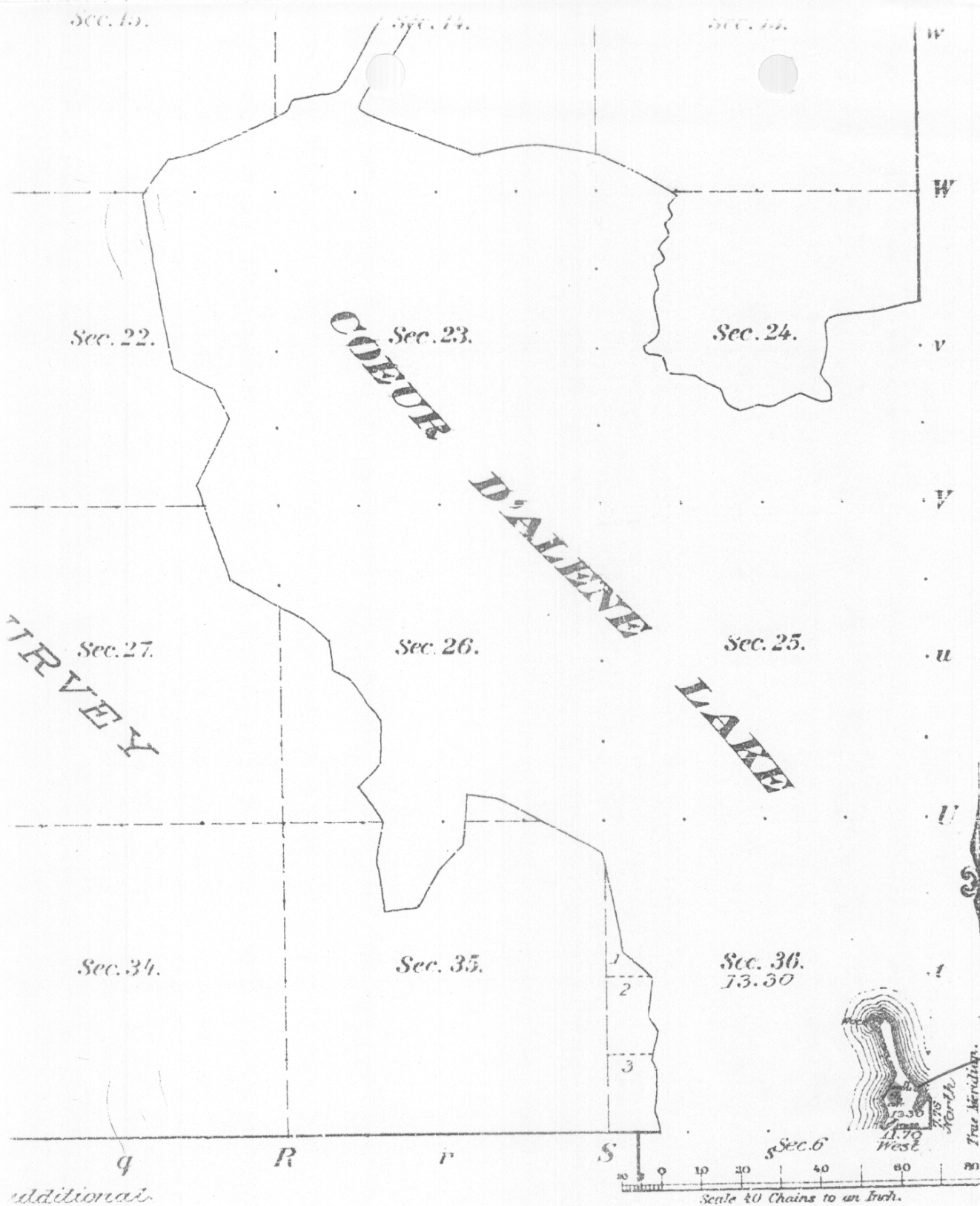
Comment: Two points of diversion at the same location.

POU will be owned by individual lot owners.

PWS Number 1280299.

3. kwalker 4/8/2004 Fish Screen & Velocity

Comment: Although the Dept. of Fish and Game did not respond to our request for comments, I have added the fish screen and velocity conditions since this right will be diverting from Coeur d Alene Lake.



Accepted

Additional
Declination
22°30'E.

Lat. 47°38'N.
Long 116°46'W.

The above Map of Township N. 50 North of Range N. 4
Boise Meridian Idaho is strictly conform-
ant to the notes of the survey thereof on file in this Office which have been exam-

Surveyor General's Office.
Boise City, Idaho,
May 2, 1900.

Joseph Perry
Su

WELCH COMER

& ASSOCIATES, INC.
ENGINEERS & SURVEYORS

1626 LINCOLN WAY
COEUR D'ALENE, IDAHO 83814
(208) 664-9382 • Fax: (208) 664-5946
E-mail: wc@welchcomer.com

F A X

TO: Kay Walker FAX: (208)327-7866
COMPANY: Idaho Department of Water Resources PAGES: 3
CC: Bob Fasnacht FAX: 664-4789
FROM: Steve Cordes, Project Manager DATE: April 7, 2004
PROJECT: PRJ. #: 11550
RE: Re: Water Right Application 95-9216

Message

We have received your March 29 letter regarding the permit application for Fortress LLC. We have been in communication with and have had meetings with Gary Gaffney, P.E. at IDEQ in Coeur d' Alene regarding the proposed public water system.

Enclosed is a copy of a letter to Gary confirming our intent to form a public water system. If you have any questions please contact me at (208) 664-9382.

Sincerely,

SBC

WELCH COMER

& ASSOCIATES, INC.
ENGINEERS & SURVEYORS

IDAHO

1626 Lincoln Way
Coeur d'Alene, ID 83814
208-664-9382
Fax 208-664-5946

WASHINGTON

2310 N. Motor Road
Suite 101
Liberty Lake, WA 99019
509-255-6000
Fax 509-255-6009

Toll free
1-877-615-5672

E-mail
wc@welchcomer.com

April 7, 2004

Gary Gaffney
Idaho Dept. of Environmental Quality
2110 Ironwood Parkway
Coeur d'Alene, Idaho 83814

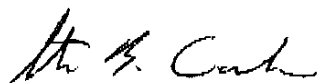
Re: Fortress Water

Dear Gary:

As we have discussed, Fortress LLC is working towards developing a public water system on their property south of Arrow Point. They have applied to IDWR for a municipal water right for the system. IDWR has requested confirmation that IDEQ has been notified regarding the water right application. The intent of this letter is to provide that confirmation.

If you have any questions please contact me at 664-9382.

Sincerely,
Welch Comer & Associates, Inc.



Steven B. Cordes, P.E.
Project Manager

SBC/cs

Enclosure:

cc: Kay Walker, IDWR



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

March 29, 2004

FORTRESS LLC
850 W IRONWOOD DR
SUITE 101
COEUR D ALENE ID 83814

RE: Application for Permit 95-9216

Dear Applicants:

We are in the process of final review of the above referenced application for permit and find that we need additional information from you before we can proceed. We need a copy of correspondence that shows you have been in contact with the Idaho Department of Environmental Quality (IDEQ) regarding this application. Since this application is for municipal purposes we need to know that IDEQ has been notified that this project is being developed and that they are asserting jurisdiction over the well site, and engineering plans. A copy of correspondence between IDEQ and you will be sufficient for us to document our files.

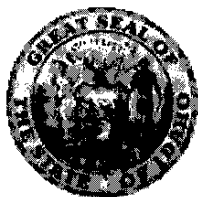
The Department will hold further processing of your application for 30 days to allow submittal of the required information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if adequate information is not received, the Department will issue a permit with a condition requiring submittal of IDEQ documentation at the time proof of beneficial use is submitted.

If you have any questions in regard to this matter, please do not hesitate to contact me at (208)327-7944 or our regional office in Coeur d'Alene.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k
Cc: IDWR, Northern Region



Idaho Secretary of State Viewing Business Entity

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for FORTRESS, L.L.C.](#)]

FORTRESS, L.L.C.

850 W IRONWOOD DR STE 101
COEUR D ALENE, ID 83814

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING, ANREPT SENT 02 Feb 2004

State of Origin: IDAHO

Date of Origination/Authorization: 14 Apr 1997

Current Registered Agent: ROBERT J FASNACHT
850 W IRONWOOD DR STE 101
COEUR D ALENE, ID 83814

File Number: W3872

Date of Last Annual Report: 11 Feb 2004

Amendments:

Amendment filed 11 Jun 1998 NAME CHANGED TO FORTRESS,
L.L.C.

[View Document Online](#)
[Download \(TIFF format\)](#)

Amendment filed 14 Apr 1997 ARTICLES OF ORGANIZATION

[View Document Online](#)
[Download \(TIFF format\)](#)

Annual Reports:

Report for year 2004 ANNUAL REPORT

[View Document Online](#)
[Download \(TIFF format\)](#)

Report for year 2003 ANNUAL REPORT

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Report for year 1997 ANNUAL REPORT

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Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

RECEIVED

FEB 27 2004

AFFIDAVIT OF PUBLICATION

DWR/North

STATE OF IDAHO, }
County of Kootenai, } ss.

Kattie Hory 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 February 2004, and ending on the 26 day of February 2004 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

Personally appeared before me this 26 day of February 2004
Kattie Hory
Regina Mason

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

MY COMMISSION EXPIRES 6/18/09

NOTICE OF APPLICATION FOR WATER RIGHTS

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
95-9215

VINCENT PATRICK HUGHES &
JOAN CATHERINE HUGHES, LIVING TRUST ok
7074 W PRAIRIE AVE
POST FALLS ID 83854
Point(s) of Diversion: NWNE S30 T51N R04W KOOTENAI County
Source: GROUND WATER
Use: IRRIGATION 03/15 To 11/15 2 CFS
Total Diversion: 2 CFS
Date Filed: 01/16/2004
Place Of Use: IRRIGATION T51N R04W S30 NENE NWNE SWNE SENE
Number of Acres 100

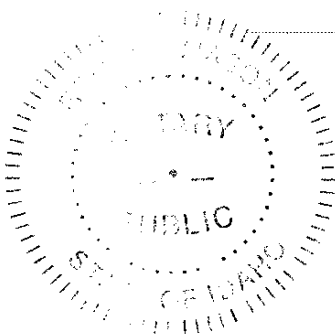
95-9216

FORTRESS LLC
850 W IRONWOOD DR SUITE 101
COEUR D ALENE ID 83814
Point(s) of Diversion: SESE S36 T50N R04W KOOTENAI County
Source: COEUR D ALENE LAKE Tributary To SPOKANE RIVER
Use: MUNICIPAL 01/01 To 12/31 1 CFS
Total Diversion: 1 CFS
Date Filed: 01/21/2004
Remark: Municipal use is with service area of applicant.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 03/08/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Legal 4674
February 19, 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

February 12, 2004

FORTRESS LLC
850 W IRONWOOD DR SUITE 101
COEUR D ALENE ID 83814

RE: Application for Permit No 95-9216

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 February 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,

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) - Receipt No. N016066



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 12, 2004

--PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION

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

e-mailed to legals@cdapress.com

RE: Application for Permit No. 95-9215 and 95-9216

Dear Kattie and Kristy:

Along with this cover letter you will find a legal notice which we wish to have published in your newspaper on the dates indicated, February 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 03/08/2004. Your cooperation is GREATLY appreciated, as always.

Sincerely

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

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, February 12, 2004 9:58 AM
To: Legal Notices-CdA Press (E-mail)
Subject: Legal Notice for publication on February 19 and 26, 2004

Good morning, Kattie and Kristy,



This is to let you know that Spring is just around the corner - even it is frosty and snowy today.

Attached you will find our cover letter requesting publication of a legal notice on February 19 and 26, 2004. Also attached is the legal notice.

If you have ANY questions concerning this legal, please call me at 769-1450.

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

Many thanks - it's a pleasure to work with you.

 *Dianne*

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

2/12/2004

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

95-9215

VINCENT PATRICK HUGHES &
JOAN CATHERINE HUGHES, LIVING TRUST
7074 W PRAIRIE AVE
POST FALLS ID 83854

Point(s) of Diversion NWNE S30 T51N R04W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 2 CFS
Total Diversion: 2 CFS

Date Filed: 01/16/2004

Place Of Use: IRRIGATION T51N R04W S30 NENE NWNE SWNE SENE
Number of Acres 100

95-9216

FORTRESS LLC
850 W IRONWOOD DR SUITE 101
COEUR D ALENE ID 83814

Point(s) of Diversion SESE S36 T50N R04W KOOTENAI County

Source COEUR D ALENE LAKE Tributary To SPOKANE RIVER

Use: MUNICIPAL 01/01 To 12/31 1 CFS
Total Diversion: 1 CFS

Date Filed: 01/21/2004

Remark: Municipal use is with service area of applicant.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 03/08/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on February 19 and 26, 2004

MEMORANDUM

Date: February 05, 2004
To: Water Right File 95-9216
From: Dianne Ball
Re: Comment/Analysis

Two points of diversion at the same location.

POU will be owned by individual lot owners.

PWS Number 1280299.



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

February 05, 2004

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

FAXED TO CHIP CORSI 2/5/04
5 PAGES TOTAL

Application to Permit No. 95-9216

Dear Chip:

Following this cover letter is a copy of the above referenced application. Please review the application, and submit your comments to this office within two weeks of receipt of this request, by February 20th, 2004. You may reply by email to dball@idwr.state.id.us.

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

Sincerely,

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

Dianne Ball
Administrative Assistant

5 pages faxed

RECEIVED
JAN 21 2004
IDWR/North

RECEIVED
JAN 21 2004
IDWR/North
TRANSMITTAL

ATTN.:	Bob Haynes	DATE:	January 20, 2004
TO:	Idaho Department of Water Resources	RE:	Arrow Point
	1910 Northwest Blvd., #210		Application for Permit
	Coeur d'Alene, ID 83814	Proj. #:	11550.00.0

ITEMS TRANSMITTED

☐ MAILED

☒ DELIVERED - Rec'd by: _____ Date _____

COPIES	DATE	DESCRIPTION
1	2004	Application for Permit & Check No. 1608

THESE ARE TRANSMITTED AS CHECKED BELOW:

☐ FOR APPROVAL

☐ NO EXCEPTIONS TAKEN

☐ RETURNED AFTER LOAN TO US

☐ FOR YOUR USE

☐ MAKE CORRECTIONS NOTED

☐ REJECTED - SEE REMARKS

☐ AS REQUESTED

☐ REVISE AND RESUBMIT

☐ RETURN ____ CORRECTED PRINTS

☐ FOR YOUR REVIEW AND COMMENT

☒ RETURN AFTER COMPLETION

REMARKS:

Bob:

Attached please find the above referenced Permit Application.

Thank you.

COPY TO:

FROM: Steve Cordes, P.E.

1626 Lincoln Way, Coeur d'Alene, ID 83814 (208) 664-9382 FAX (208) 664-5946
E-Mail: wc@welchcomer.com