

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 94-07395

Priority: April 7, 2004

Maximum Diversion Rate: 3.62 CFS

This is to certify, that FRANK B FRUTCHEY
14246 S TAMARACK RIDGE RD
CATALDO ID 83810

has applied for a permit to appropriate water from:

Source: COEUR D ALENE RIVER **Tributary:** COEUR D ALENE 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>
IRRIGATION	03/15 to 10/31	3.62 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

COEUR D ALENE RIVER L8 (SE $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 1, Twp 48N, Rge 01W, B.M. KOOTENAI County
COEUR D ALENE RIVER L3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 1, Twp 48N, Rge 01W, B.M. KOOTENAI County
COEUR D ALENE RIVER L2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 1, Twp 48N, Rge 01W, B.M. KOOTENAI County
COEUR D ALENE RIVER L6 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 6, Twp 48N, Rge 01E, B.M. KOOTENAI County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
48N 01E 6					5.0 L 4	25.0 L 5	36.5 L 6	5.0 L 7									71.5
48N 01W 1	36.5 L 1	30.0 L 2		30.0 L 8	25.0 L 3												121.5
49N 01W 36											3.0 L 1	10.0					13.0

Total Acres: 206

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
48N 01E 6					X L 4	X L 5	X L 6	X L 7									
48N 01W 1	X L 1	X L 2		X L 8	X L 3												
49N 01W 36											X L 1	X					

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 94-07395

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 1, 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 the permit holder had no control.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. Stockwater use is for 50 range cows with calves.
6. 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.
7. During any part of the irrigation season that slack water resulting from the operation of the hydroelectric dam at Post Falls does not extend upstream past the authorized points of diversion, the right holder shall be responsible for monitoring the daily flow of the Coeur d'Alene River at Cataldo using real-time data published on the Internet by the U. S. Geological Survey and shall cease diverting water when flows in the Coeur d'Alene River are below established minimum instream flow amounts.
8. Failure of the right holder to comply with any condition of approval is cause for the Director to void this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 24th day of August, 2004.


For KARL J DREHER, Director

140 ACRES X 0.02 CFS / ACRE 2.8 CFS = 1256 GPM

FORM 202
12/99

Ident. No. 94-7395

RECEIVED
JUN 15 2004

71224
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
APR 07 2004
IDWR/North

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of Applicant FRANK R. FAUTCHER Phone 208-682-2077

Mailing address 18246 S. TAMMACK RIDGE RD CATALDO ID 83810

2. Source of water supply CDA RIVER which is a tributary TO CDA LAKE

3. Location of point of diversion is Township 48N Range 1W Sec. 1, in the SE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot 8, B.M., KOOTENAI County;

additional points of diversion if any: T. 48N., R. 1W., SEC. 1 NW 1/4 NE 1/4 - GOVT. LOT 6
T. 48N., R. 1W., SEC. 1 NE 1/4 NW 1/4 - GOVT. LOT 3

4. Water will be used for the following purposes:

Amount 3.62 for IRRIGATION purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.04 for SADDLE LAKES purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 3.62 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works: _____

a. Describe type and size of devices used to divert water from the source _____

b. Height of storage dam N/A 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? 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 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. No

b. Stockwatering; list number and kind of livestock. 50 cows & calves

c. Municipal; show name of municipality. No

d. Domestic; show number of households. No

e. Other; describe fully. IRRIGATION OF FIELD FOR GRASS, OATS, BRASSICAS

ETC

ADDITIONAL P.O.D.'S - T. 48N., R. 1W. SEC. 1 NE 1/4 NW 1/4 6.L.3
NW 1/4 NE 1/4 6.L.2

9. Description of place of use:

(SEE ATTACHED)

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	
49N	1W	36											3	10					13
48N	1W	1	36.5	30		20	25												121.5
48N	1E	6					5	25	62.6	42.7			36.5	5					44.5

Total number of acres to be irrigated 286

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

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

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

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

12. Remarks:

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.

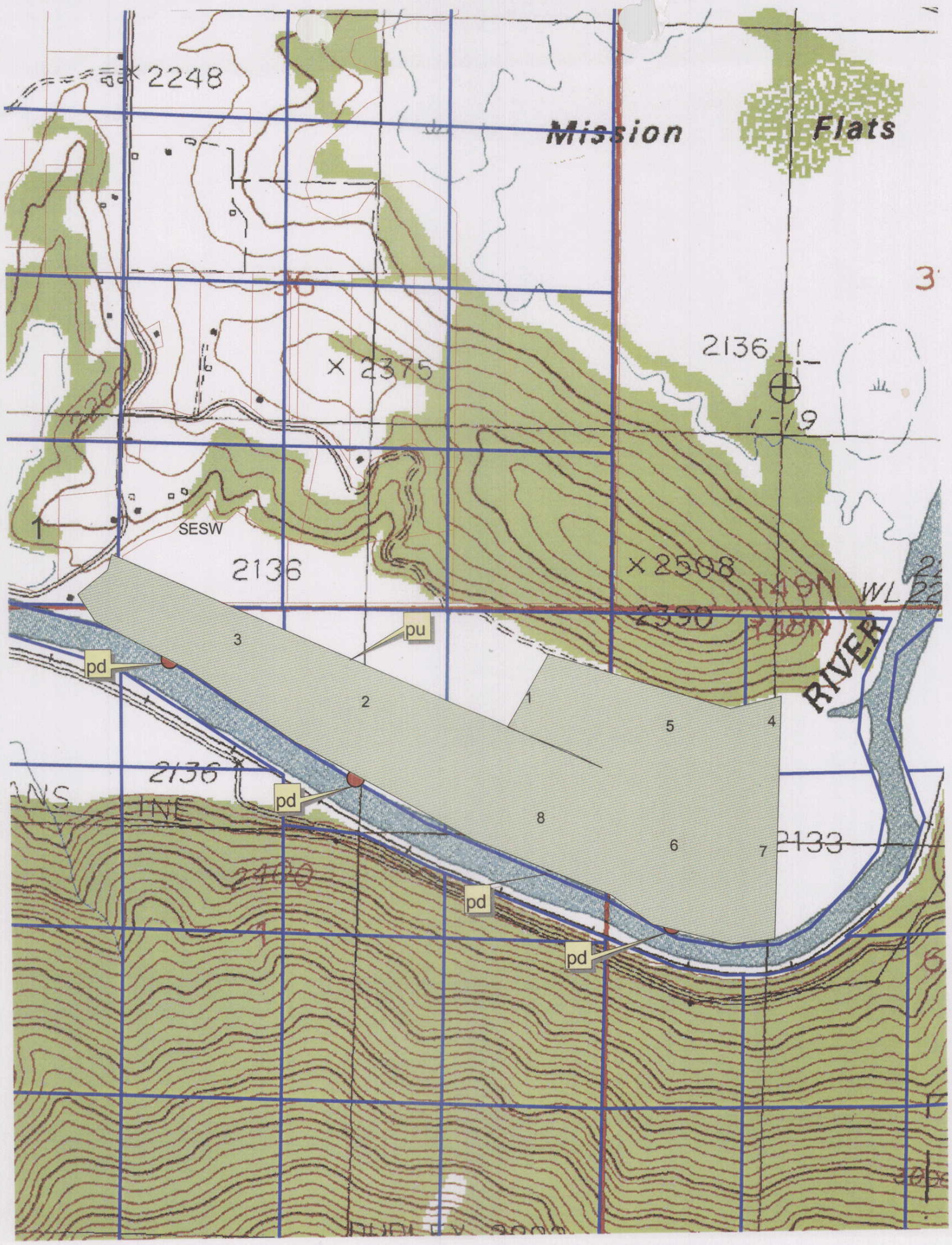
X Bon A. Fentley (B-Guano)
Signature of Applicant (and title, if applicable)

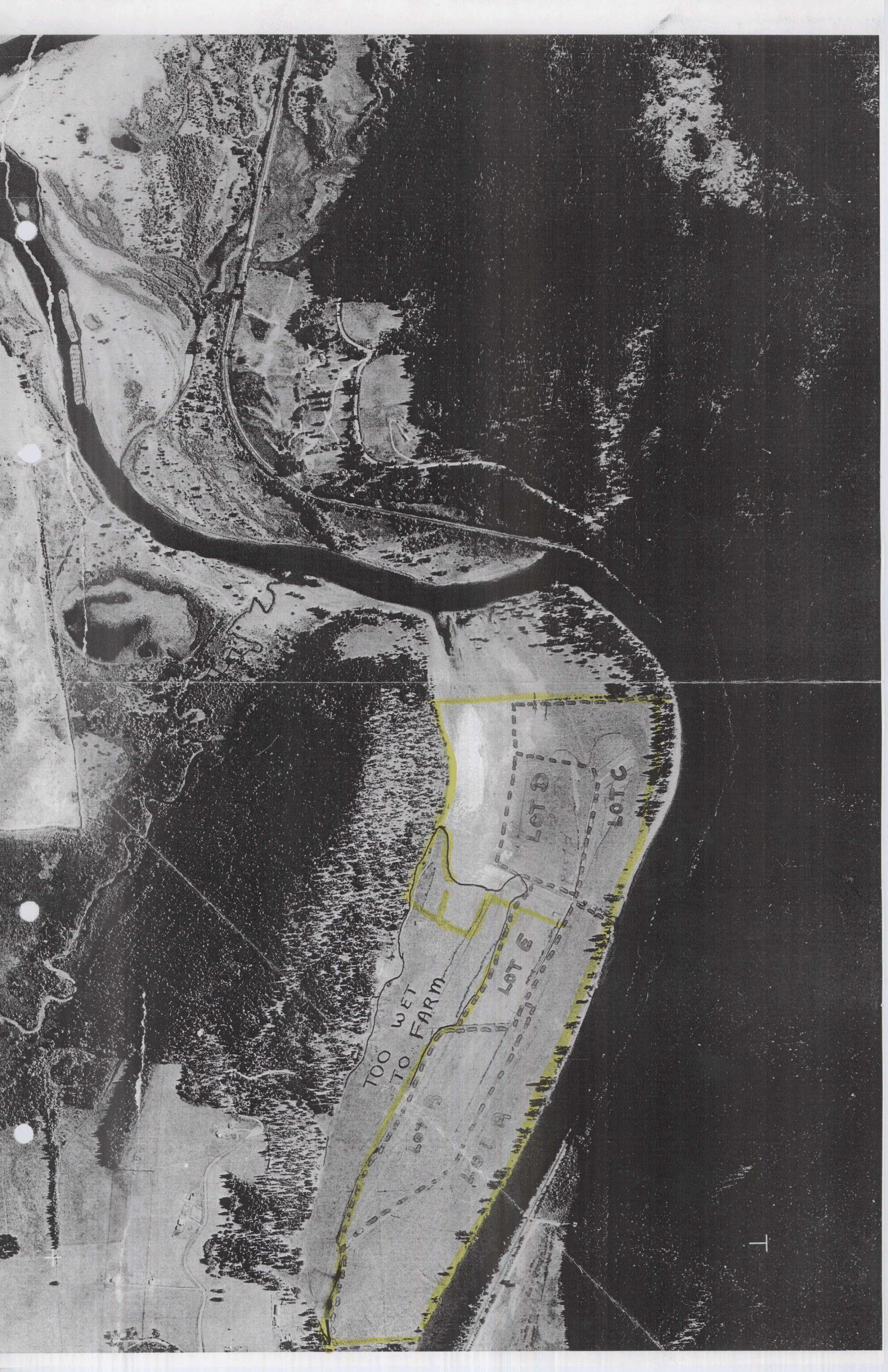
Received by AB Date 04-07-04 Time 10:50 Preliminary check by AB
Fee \$ 370 Receipted by AB # 1016162 Date 04-07-04
Publication prepared by AB Date 5/12/04 Published in CEG PAPER 5/20 + 27/04
Publication approved AB Date 6/2/04

ATTACHMENT TO GRUTCHAM APPLICATION FOR PERMIT
04-07-04 94-7395

TWP	RGE	SEC	NE			NW			SW			SE			TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
49N.	16E.	36													
48N.	1W.	1	6.6.5 30.5	6.6.2 30.5		6.6.8 30.5	6.6.3 25.5					6.6.1 3.5			13
48N.	1E.	6					6.6.4 5.5	6.6.5 25.5	6.6.6 36.5	6.6.7 5.5					121.5
															71.5

Total number of acres to be irrigated 206





Now
Starting
Right Side
of file.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 25, 2004

FRANK B FRUTCHEY
14246 S TAMARACK RIDGE RD
CATALDO ID 83810

RE: Permit No. 94-7395

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.

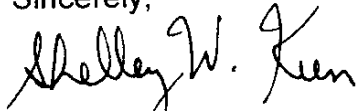
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 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)

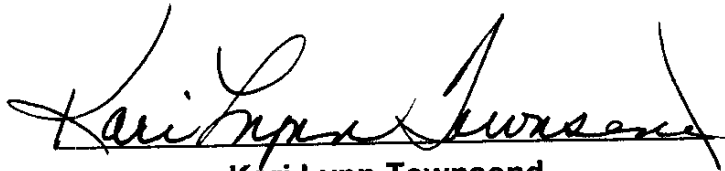
CERTIFICATE OF SERVICE

I hereby certify that on August 25, 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.

94-7395

**FRANK B FRUTCHEY
14246 S TAMARACK RIDGE RD
CATALDO ID 83810**

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.

MEMORANDUM

DATE: August 20, 2004

TO: Water Right File 94-7395

FROM: Shelley W. Keen 

RE: Availability of water at the proposed points of diversion

This morning I spoke with Dave Leopard, Dam Safety Engineer in IDWR's northern regional office, about the extent of slack water up the Coeur d'Alene River. He confirmed that operation of the dam at Post Falls to maintain a pool elevation of 2128 feet results in slack water all the way up to the Cataldo mission, which is upstream from the proposed points of diversion. Avista, the dam operator, does not begin drawing down the reservoir below 2128 feet until the first part of September each year. Because the slack water extends past the proposed points of diversion for most of the irrigation season, diversion of water as proposed in the application will not interfere with the minimum instream flow on the Coeur d'Alene River during most of the irrigation season.

A related question is whether the proposed diversion of water from the slack-water reach of the river should be viewed as depleting water stored by Avista for power generation. Maintenance of the water level at 2128 feet during the summer recreation period requires Avista to operate the spillgates at the Post Falls dam so that outflow to the Spokane River equals the flow into Lake Coeur d'Alene. In other words, during the summer the dam is being operated as a run-of-the-river project and is, therefore, using only natural flow, not storage. Diversion of water as proposed in the application will result in the need for Avista to adjust the spillgates at Post Falls in response to the reduction of water in Lake Coeur d'Alene, but its right to use the natural flow will not be injured because the use of natural flow for power generation is subordinate to all other uses.

I recommend approving the application with a condition requiring the applicant to cease diverting water during those times of the irrigation season that Avista is drafting Lake Coeur d'Alene, i. e. reducing the level of water in the reservoir, and the minimum instream flow is not being maintained at the U.S.G.S. gage at Cataldo. In many years this will end the applicant's irrigation season about Labor Day.

Water Resources

Data Category:

Real-time

Geographic Area:

Idaho

go

USGS 12413500 COEUR D ALENE RIVER NR CATALDO ID

PROVISIONAL DATA SUBJECT TO REVISION

Available data for this site

Real-time

GO

LOCATION.--Lat 47°17", long 116°26", in NW1/4 SE1/4 NW1/4 sec.34, T.49 N., R.1 E., Kootenai County, Hydrologic Unit 17010303, Cataldo quadrangle, on left bank at Cataldo, downstream side of abandoned railroad bridge, 0.9 mi upstream from Interstate Highway 90, 1.5 mi downstream from old gage site, 3.4 mi upstream from Latour Creek, about 2 mi upstream from Coeur d'Alene Lake backwater, 4.9 mi downstream from South Fork, and at mile 162.9.

DRAINAGE AREA.--1,223 mi², approximately.

PERIOD OF RECORD.--April 1911 to December 1912, July 1920 to September 1972, October 1986 to current year. Miscellaneous measurements made at this site 1972-80, published as 12413600.

GAGE.--Gage readings have been reduced to datum of gage at 2,100.00 ft above National Geodetic Vertical Datum of 1929. Sea level datum is 3.67 ft higher, based on National Geodetic Survey adjustment in 1991. Apr. 25, 1911 to Dec. 31, 1911 nonrecording gage at site 1.4 mi upstream at different datum. July 29, 1920 to Oct. 10, 1925, nonrecording gage, Oct. 11, 1925 to Sept. 30, 1972, recording gage at site 1.5 mi upstream at datum 2.84 ft lower and Aug. 22, 1986 to Feb. 3, 1997 at site 50 ft upstream at same datum.

EXTREMES FOR PERIOD OF RECORD.--Maximum discharge, 70,000 ft³/s Feb. 9, 1996, gage height, 51.62 ft, from rating curve extended above 30,000 ft³/s, on basis of runoff comparisons with upstream stations; maximum gage height, 56.90 ft, datum then in use, Dec. 22 or 23, 1933, (from floodmark); minimum discharge, 122 ft³/s Dec. 4, 1929; minimum gage height, 32.89 ft, Oct. 1-7, 1994.

EXTREMES OUTSIDE PERIOD OF RECORD.--Flood of Jan. 16, 1974 reached a discharge of 79,000 ft³/s, by indirect computation.

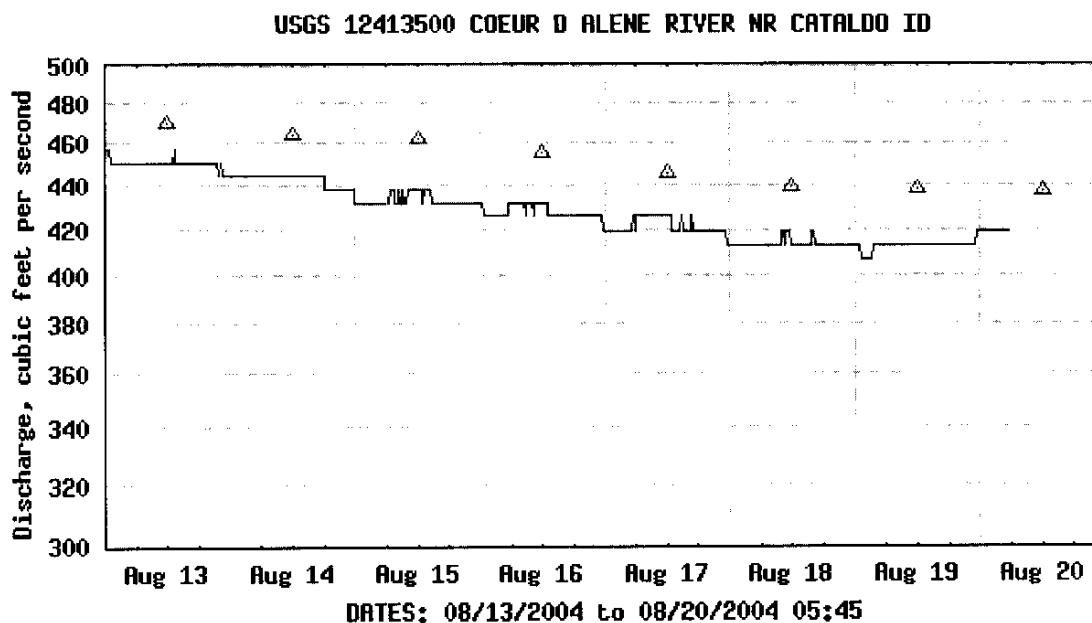
Station operated with funding provided by the U.S. Geological Survey National Streamflow Information Program (NSIP).

This station managed by the Post Falls Office. rbacks@usgs.gov; 208 773-4938.

Available Parameters	Output format	Days	get data
All 2 parameters available at this site	Graph	7	
00060 Discharge (DD 02)		(1-31)	
00065 Gage height (DD 03)			

Discharge, cubic feet per second

Most recent value: 419 08-20-2004 05:45

**EXPLANATION**

— DISCHARGE

△ MEDIAN DAILY STREAMFLOW BASED ON 72 YEARS OF RECORD

[Download a presentation-quality graph](#)

Parameter Code 00060; DD 02

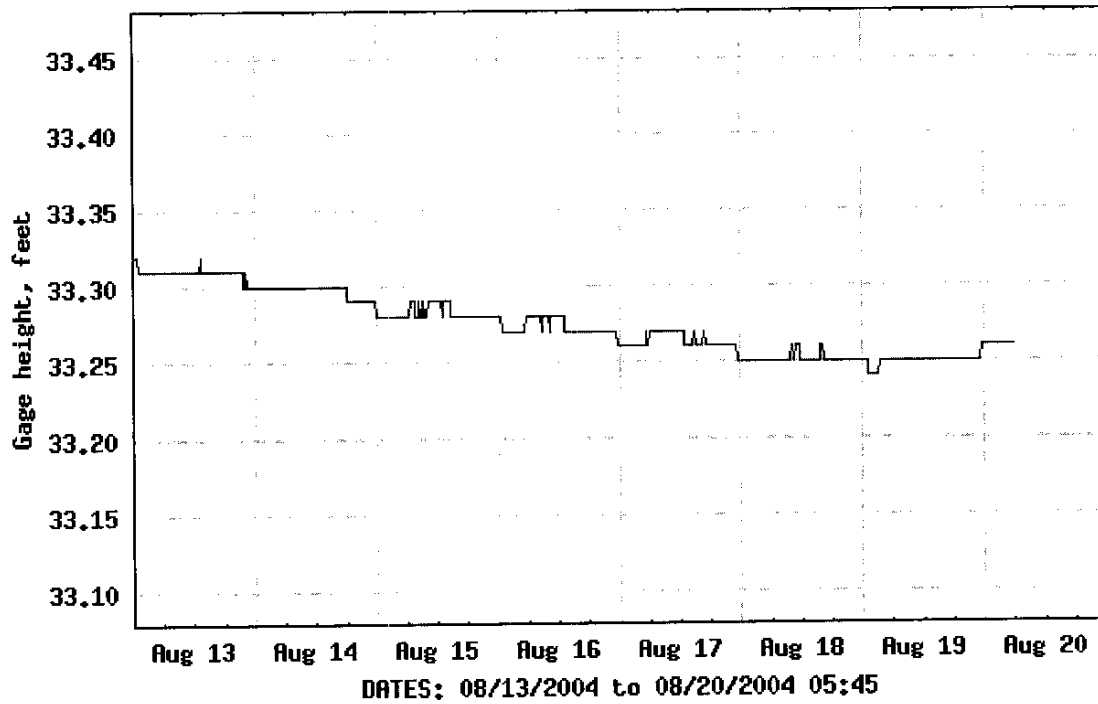
Daily mean flow statistics for 8/20 based on 72 years of record in ft³/sec

Current Flow	Minimum	Mean	Maximum	80 percent exceedance	50 percent exceedance	20 percent exceedance
419	250	455	885	338	437	548
Percent exceedance means that 80, 50, or 20 percent of all daily mean flows for 8/20 have been greater than the value shown.						

Gage height, feet

Most recent value: 33.26 08-20-2004 05:45

USGS 12413500 COEUR D ALENE RIVER NR CATALDO ID

[Download a presentation-quality graph](#)

Parameter Code 00065; DD 03

[Questions about data](#) [Idaho NWISWeb Data Inquiries](#)[Feedback on this website](#) [Idaho NWISWeb Maintainer](#)[Real-time Data for Idaho](#)<http://waterdata.usgs.gov/id/nwis/uv?>

Retrieved on 2004-08-20 10:06:55 EDT

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[Top](#)[Explanation of terms](#)

NORMAL OPERATING PROCEDURES

Seasonal Operation

The forebay level (Coeur d' Alene Lake) is maintained at 2128' through the summer recreation season. In the month of September the draft of Coeur d' Alene Lake is initiated and continues at a rate of approximately two feet per month through January. Minimum lake elevation usually occurs in late January. This level is normally 2122'. Dry years, however, can cause a minimum lake elevation of 2120'. After the natural high water level subsides below summer level (2128'), Washington Water Power begins to control the water surface by closing spillgates. When all spillgates are closed, the generation level is adjusted as necessary to maintain summer level.

EMERGENCY OPERATING PROCEDURES

With the loss of station service and alternative station service, emergency power to all spillgates can be provided by a portable 50 KW diesel generator. The generator is stored at the Post Street substation in Spokane, which is approximately a forty five minute drive from Post Falls. The portable generator is tested on site at Post Falls at least once a year. For further information regarding emergency operating procedures, see State of Idaho copy of the Emergency Action Plan for the Post Falls project.

EMERGENCY ACTION PLAN

Washington Water Power has an Emergency Action Plan for the Post Falls facility. The EAP consists of notification, operation, and evacuation procedures and is updated annually. A map which shows the size of inundation area is included in the EAP. The EAP is tested annually to measure the state of readiness of key personnel. The test involves a drill simulating an actual emergency. The test is varied yearly to focus on different aspects of the plan. The scheduled time of the test varies on an annual basis so that the effectiveness of the test can be monitored under a variety of seasonal conditions.

*"This page was photocopied from the July 1994
Operation Plan for Post Falls Hydroelectric Development."
S. Keen
8/20/2004*

RECEIVED
AUG 18 2004
DEPARTMENT OF
WATER RESOURCES

August 16.2004

Shelley W. Keen
Water Rights Supervisor
Dept of Water Resources
State of Idaho
1301 N Orchard St.
Boise, Id 83706

RE: Application for Permit No. 94-7395

Dear Mr. Keen:

Thank you for responding to our water right application. Our application for a water right is for supplemental irrigation use of 3.62 cfs . The 206 Acres is located about 1.5 –2.0 MILES WEST OF THE CATALDO MISSION. BACKWATER FROM THE POST FALLS DAM STARTS AT THE CATALDO MISSION. The Post Falls Dam holds water at a constant 2128 ft above sea level throughout the summer. The annual draw down of 1 to 1.5 feet per month begins at the end of 1st week in September.

The back water pool held in front of our ranch is 30 ft deep. Even tho we have had an unusually dry and hot summer, the total inflows today into Lake Coeur d Alene include 432 cfs from this river , 506 cfs from the St Joe River plus numerous other smaller streams. This allows AVISTA to spill 1030 cfs (August 16.2004 Spokesman Review weather page.) into the Spokane River. Minimum stream flows according to Avista website www.avistautilities.com are 300 cfs or inflow into the system. The draw down of the lake starts in less than 20 days. A huge amount of water will flow over the dam out of which 3-4 cfs would not be visible.

We will not be irrigating after the growing season or frost and freezing temperatures.

If you have further questions, please contact us by phone at 1-208-682-2077 or by e-mail at frankfrutche@direcway.com.

Sincerely,


Frank B Frutchey

UV Index

Spokane today

9 a.m. Noon 3 p.m. 6 p.m.

3 6 5 1

0-2: Minimal
3-4: Low
4-6: Moderate
7-9: High
10+: Very High

Almanac

Statistics through 6 p.m. Sunday

Temperatures

	High	Low
Spokane	92°	70°
Coeur d'Alene	93°	61°

Spokane today

Normal	83°	55°
Record	100° (1967)	41° (1935)

Washington Extremes Sunday

High	103° Pasco
Low	55° Friday Harbor

Idaho Extremes Sunday

High	95° Caldwell
Low	44° Stanley

Precipitation for Spokane

24 hours through 6 p.m. Sunday

Sunday	0.00"
Month to date	0.99"
Year to date	9.91"
Normal year to date	10.03"

Wind for Spokane

Through 6 p.m. Sunday

Highest wind speed	13 mph
Highest wind direction	ENE (61)
Highest gust speed	10 mph
Highest gust direction	SSE (120)
Average wind speed	6.3

Air quality for Spokane

Main offender: Particulate matter
Sunday 48, good

Source: Spokane County Air Pollution
Control Agency

Pollen for Spokane

Main offender: Not available
Sunday N of available

Source: Spokane Allergy and Asthma
Clinic

Rivers

Sunday's flows at 7 a.m. in cubic feet per second

Spokane	1030
Pend Oreille	10990
Priest	984
Coeur d'Alene at Cataldo	432
St. Joe	506

Lakes

Sunday's elevations at 7 a.m. in feet

Coeur d'Alene	2127.9
Pend Oreille	2062.1
Spokane	1535.8
Roosevelt	1280.1

Sun and moon

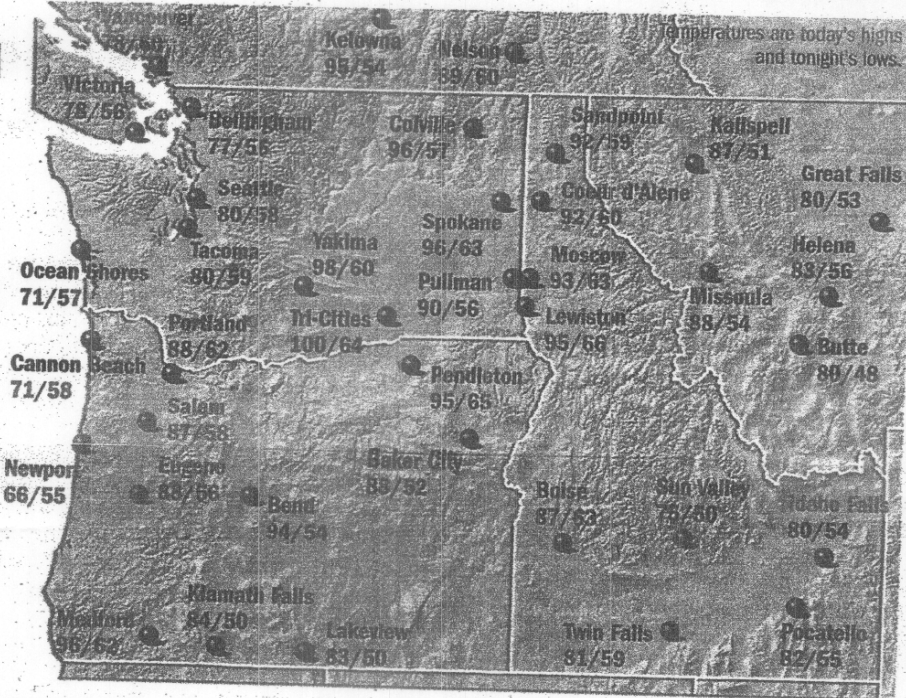
Sunset today	8:00 p.m.
Sunrise Tuesday	5:49 a.m.
Moonrise today	6:11 a.m.
Moonset today	8:46 p.m.

First	Full	Last	New
Aug 23	Aug 29	Sept 6	Sept 14

All forecasts and maps provided by

North forecast

AccuWeather.com



East of the Cascades

Mainly sunny and very warm to hot again today; any afternoon thunderstorm activity that does occur will be confined to the mountains. Mainly clear tonight.

City	Sun			Today			Tue		
	Hi	Lo	Prec	Hi	Lo	W	Hi	Lo	W
Spokane Int'l	92	70	0.00	96	83	s	96	61	s
Colville	90	66	0.00	96	57	s	97	54	s
Ephrata	99	69	trace	100	67	s	98	67	s
Moses Lake	99	67	0.00	100	63	s	98	62	s
Nelson, BC	92	61	0.00	99	60	pc	92	59	pc
Pullman	89	58	0.00	90	56	s	91	53	s
T1-Cities	102	68	trace	100	61	s	102	64	s
Walla Walla	102	73	0.00	96	68	s	98	67	s
Wenatchee	98	72	0.00	98	67	s	98	66	s
Yakima	98	57	trace	98	60	s	97	58	s

Idaho

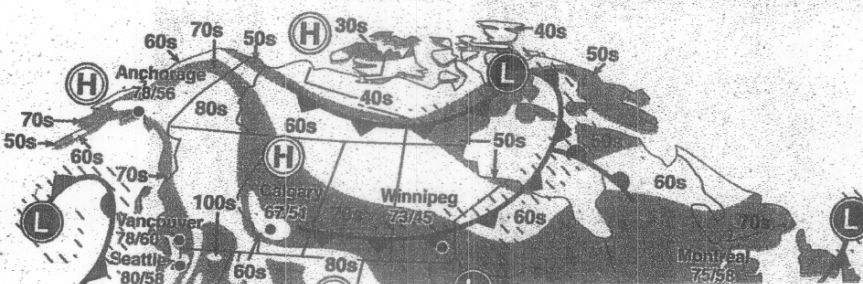
Sunny to partly cloudy today with a thunderstorm in one or two mountain spots this afternoon, mainly in the south. Highs in the 70s in the mountains to the upper 90s in the lower elevations.

City	Sun			Today			Tue		
	Hi	Lo	Prec	Hi	Lo	W	Hi	Lo	W
Boise	93	67	0.00	87	63	s	90	62	s
Coeur d'Alene	91	61	0.00	92	60	s	94	57	s
Idaho Falls	88	54	0.00	80	54	pc	80	50	t
Lewiston	95	73	0.00	95	66	s	98	64	s
Moscow	89	58	0.00	93	63	s	98	61	s
Pocatello	93	53	0.00	82	55	pc	82	50	t
Sandpoint	90	55	0.02	92	59	pc	94	56	s

Weather (W): s-sunny, pc-partly cloudy, c-cloudy, sh-showers, t-thunderstorms, r-rain, sf-snow flurries, sn-snow, l-ice.

National forecast today

Shown are noon positions of weather systems and precipitation. Temperature bands are today's highs for the day. Forecast high/low temperatures are given for selected cities.



Associated Press

REDDING, Calif. through an old mine mountains Sunday, 300 residents to flee,

The day-old blaze about 10 percent contained.

Nearly 100 homes in French Gulch, above

"It didn't take long are very erratic and go

van, spokeswoman fire

stry and Fire Protection

About 1,550 people buildings - including

school - had been saved

The cause was still unknown

Firefighters were put

Wednesday when a lava

ting off a blaze that cut

of Shasta Lake, about

By early Sunday, 11

acres and destroyed 8

hicles. It was 95 percent

full containment by M

Rumsfeld on troop

U.S. expected to meet from Cold War allies

By John J. Lumpkin
Associated Press

WASHINGTON

Secretary Donald Rumsfeld's Russian counterpart ended on U.S. plans to station around the cases potentially bring

er to Russia's border

Rumsfeld and De

Sergei Ivanov met over

riod in St. Petersburg

security issues, including

plans to reorient its focus

its Cold War alignment

one aimed at fighting

Islamic terrorist groups

President Bush is expected

his plans for the

speech today in Cincinnati

Rumsfeld said in the

forces will be leaving

the worldwide security

units will return

States, while the United

pected to sign accords

with new allies in

where. Some new

only a small regular

ence, but can be expanded

a crisis.

But any plans are

Rumsfeld told reporters


[Spokane River
Relicensing Home](#)
[The Relicensing
Process](#)
[Work Groups](#)

[Relicensing
Calendar](#)
[Search the
Spokane River
Site](#)


Post Falls Hydroelectric Development



Capable of meeting the average energy needs of approximately 6,000 homes, the Post Falls Hydroelectric Development (HED) was constructed at the confluence of the Spokane River branches into three separate channels. The project consists of three dams - one in each channel!

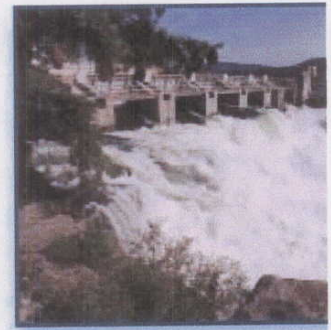
Adjacent to the L-shaped North Channel Dam, is Falls Park.

Dedicated in June 1993, the park offers paved trails, a viewpoint with a universally-accessible ramp, playground equipment, a picnic shelter, and a series of interpretive signs describing the early history of the immediate area. The North and South channel dams are spillway dams only; they do not directly produce any hydroelectric power.



Middle Channel

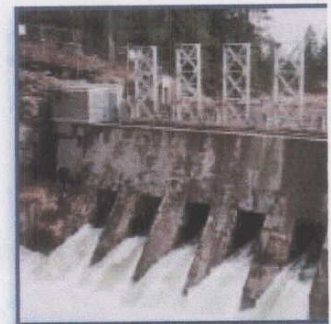
The Middle Channel Dam includes a powerhouse which contains six generating units. Five of these units were operational by 1908; the sixth was



North Channel

Q'Emiln Riverside Park, which contains a picnic area, swimming and boat launching facilities, and an extensive system of trails for public hiking. Q'Emiln's "Riverside Trail" allows visitors a close-up view of the South Channel Dam. Both Falls Park and Q'Emiln Riverside Park are operated by the City of Post Falls, primarily on land leased from Avista at essentially no cost to the City.

Post Falls HED is located nine miles below the mouth of the beautiful Coeur d' Alene Lake, a natural lake that also serves as the primary storage reservoir for Post Falls and the other Spokane River Project developments.



South Channel

Development Information

- Location: On Spokane River in Post Falls, ID. Approximately nine river miles downstream of Coeur d' Alene Lake
- Initial Operation: 1906
- Generating Units: 6 Francis turbines
- Generating Capacity: 14.75 megawatts
- Length of Spillway (North Channel): 43 feet

- Height Of Dam (North Channel): 31 feet
- Spillgates (North Channel): Eight tainter gates and one rolling sector gate
- Normal Summer Reservoir Elevation: Near 2128 feet (Avista datum)
- Storage: 225,000 acre feet
- Minimum Flow: 300 cfs or inflow into the system

back to top

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Privacy Policy

MEMORANDUM

DATE: August 18, 2004

TO: Water Right File 94-7395

FROM: Shelley W. Keen ^{SWK}

RE: Conflict with minimum instream flow

On August 16, 2004, Rose Frutchey called to discuss the letter I sent Frank Frutchey about the possibility that the diversion proposed in Application 94-7395 would interfere with the minimum instream flow established on the Coeur D'Alene River. According to Mrs. Frutchey, slack water from Lake Coeur D'Alene extends past the proposed point of diversion all year. The web site for Avista, the corporation that operates the hydroelectric dam at Post Falls, indicates that the normal summer reservoir elevation is 2128 feet. On the USGS 7.5 minute topographic quadrangle, Frutchey's proposed point of diversion is somewhere between 2120 and 2160 feet in elevation.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 10, 2004

FRANK B FRUTCHEY
14246 S TAMARACK RIDGE RD
CATALDO ID 83810

RE: Application for Permit No. 94-7395

Dear Mr. Frutchev:

IDWR is reviewing the application you submitted for a right to divert 3.62 cfs from the Coeur D'Alene River for the irrigation of 206 acres near Cataldo. Idaho Code § 42-203A(5) requires IDWR to ensure that the use of water proposed in an application will not "reduce the quantity of water under existing rights." The Idaho Water Resource Board holds Water Right 94-7341, which establishes a minimum instream flow in the Coeur D'Alene River from the confluence with the south fork downstream to Coeur D'Alene Lake. The minimum instream flow amount is 1018.0 cfs from November 1 to June 30 and 413.0 cfs from July 1 to October 31. A copy of the minimum instream flow license is enclosed.

IDWR is concerned that the diversion and use of water as proposed in your application will reduce the quantity of water available to maintain the minimum instream flow established by Water Right 94-7341. Data collected by the U. S. Geological Survey at the gaging station located on the Coeur D'Alene River at Cataldo from 2000 through 2003 show that the flow of the river falls below the minimum instream flow by late summer in most years and that it falls below the minimum instream flow for part of June in some years. For your reference, I have enclosed charts comparing actual river flows to the minimum instream flow during the 2000 – 2003 irrigation seasons. The stream flow data was collected from the U. S. Geological Survey's Internet site at <http://id.water.usgs.gov/public/h2odata.html>.

If your application is approved, it will be issued with a condition requiring you to cease diverting water or to mitigate for your diversions during those periods that the flow of the Coeur D'Alene River falls below the minimum instream flow established in Water Right 94-7341. To be acceptable, a mitigation plan must offset the depletion of water in one source by replenishing it with water from another source. If your application is approved, you will be responsible for monitoring the flow in the Coeur D'Alene River on the USGS Internet site (<http://waterdata.usgs.gov/id/nwis/current/?type=flow>) and curtailing your diversion or mitigating when the flow is below the minimum instream flow amount. If you cannot provide a source of mitigation water, it is likely that you will not be authorized to irrigate during significant portions of many irrigation seasons.

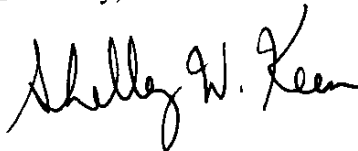
Frank B. Frutchey
August 10, 2004
Page 2

Pursuant to Idaho Code § 42-1702, the penalty for the illegal diversion of water for irrigation purposes can be up to \$300 per acre irrigated per year. IDWR can also cancel permits pursuant to Idaho Code § 42-311 if the permit holder does not comply with the conditions of the permit.

After considering the impact of the minimum instream flow on your proposed project, please notify me in writing in 30 days if you still want IDWR to approve your application. If you are no longer interested in your application, please complete the enclosed withdrawal form and return it to me within 30 days. If IDWR does not receive a response within 30 days, IDWR will assume that you have no further interest in your application, and it will be voided.

If you have any questions, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,

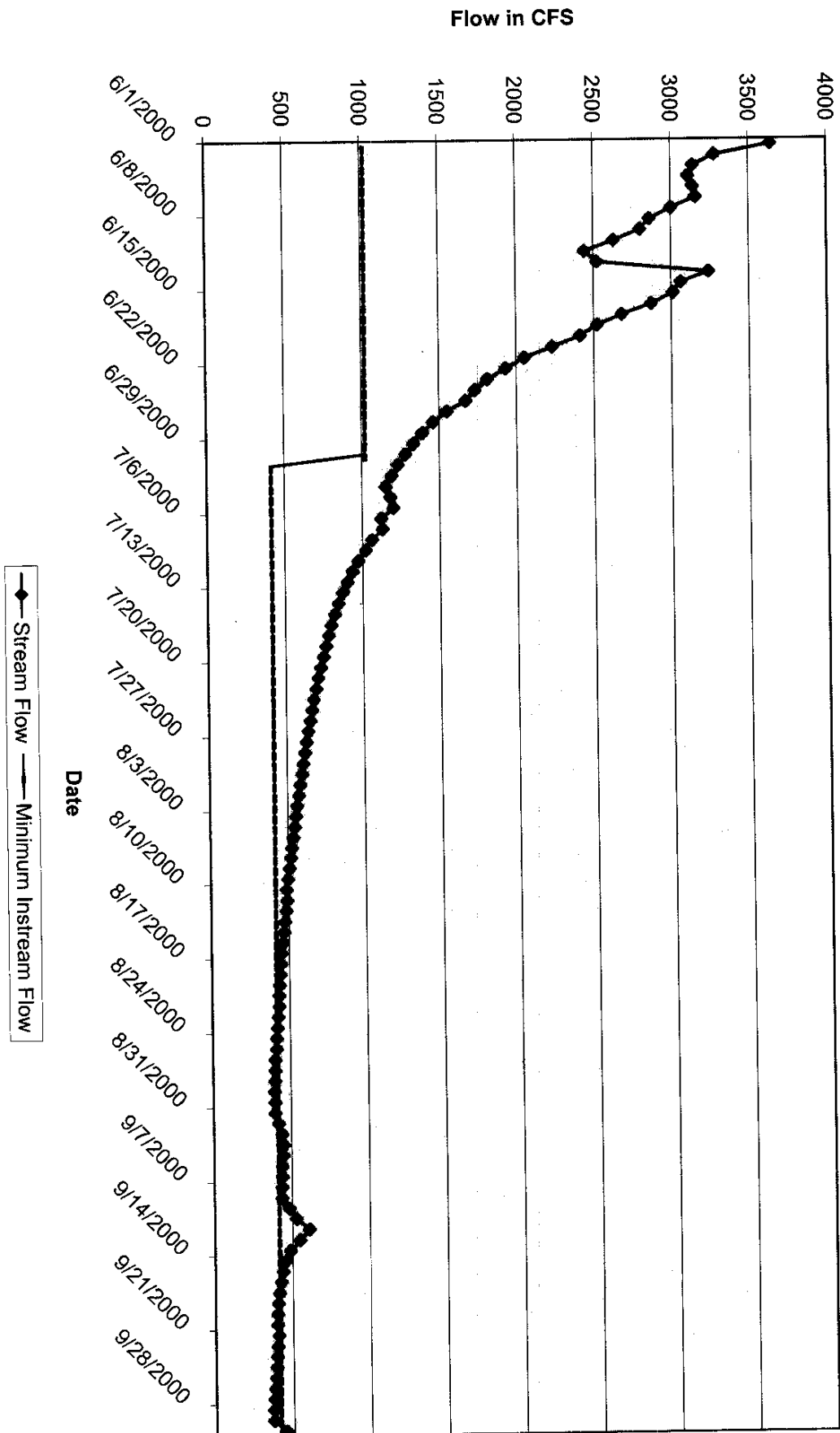
A handwritten signature in black ink that reads "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen
Water Rights Supervisor

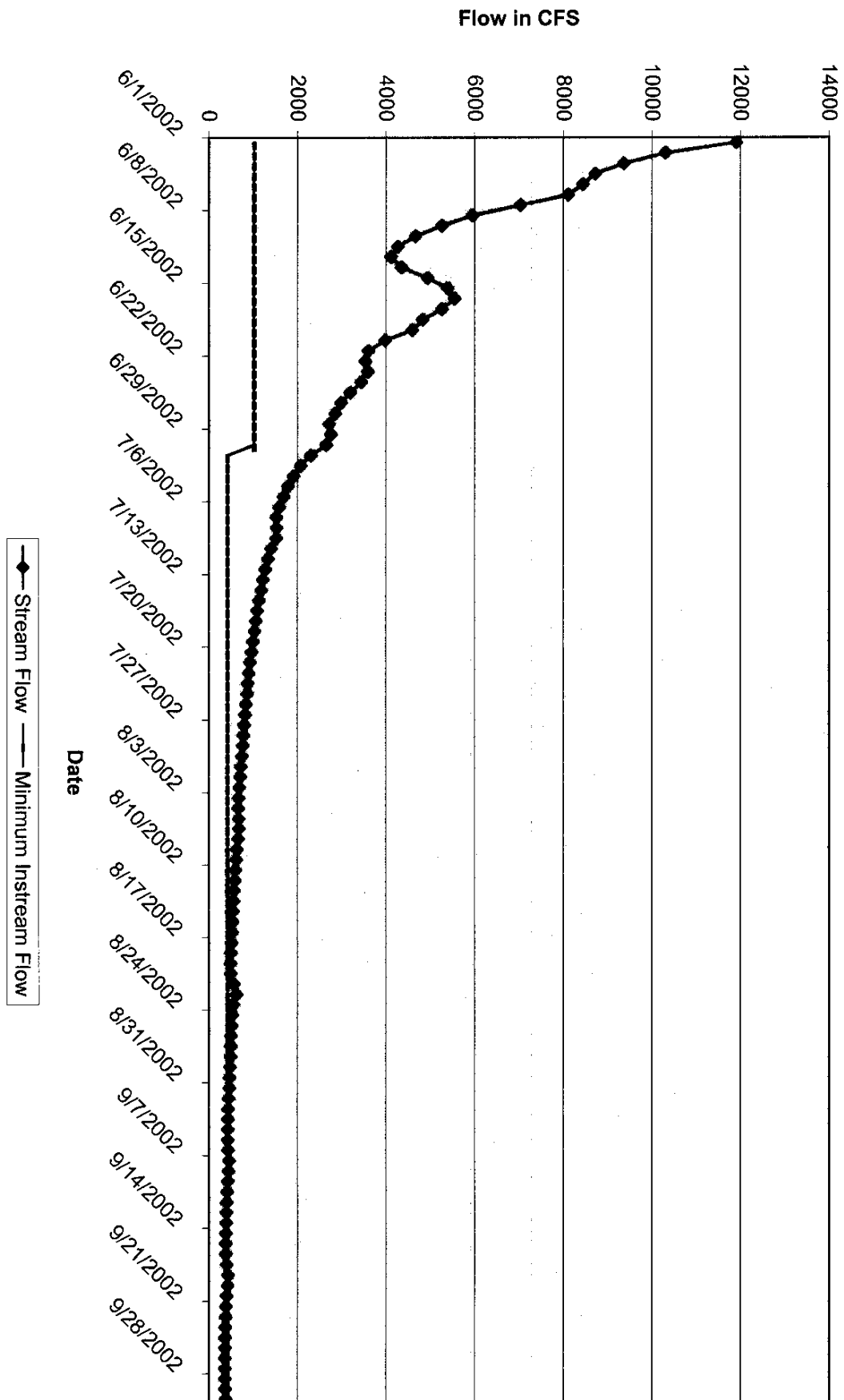
Enclosures

Cc: Bob Haynes, IDWR Northern Region

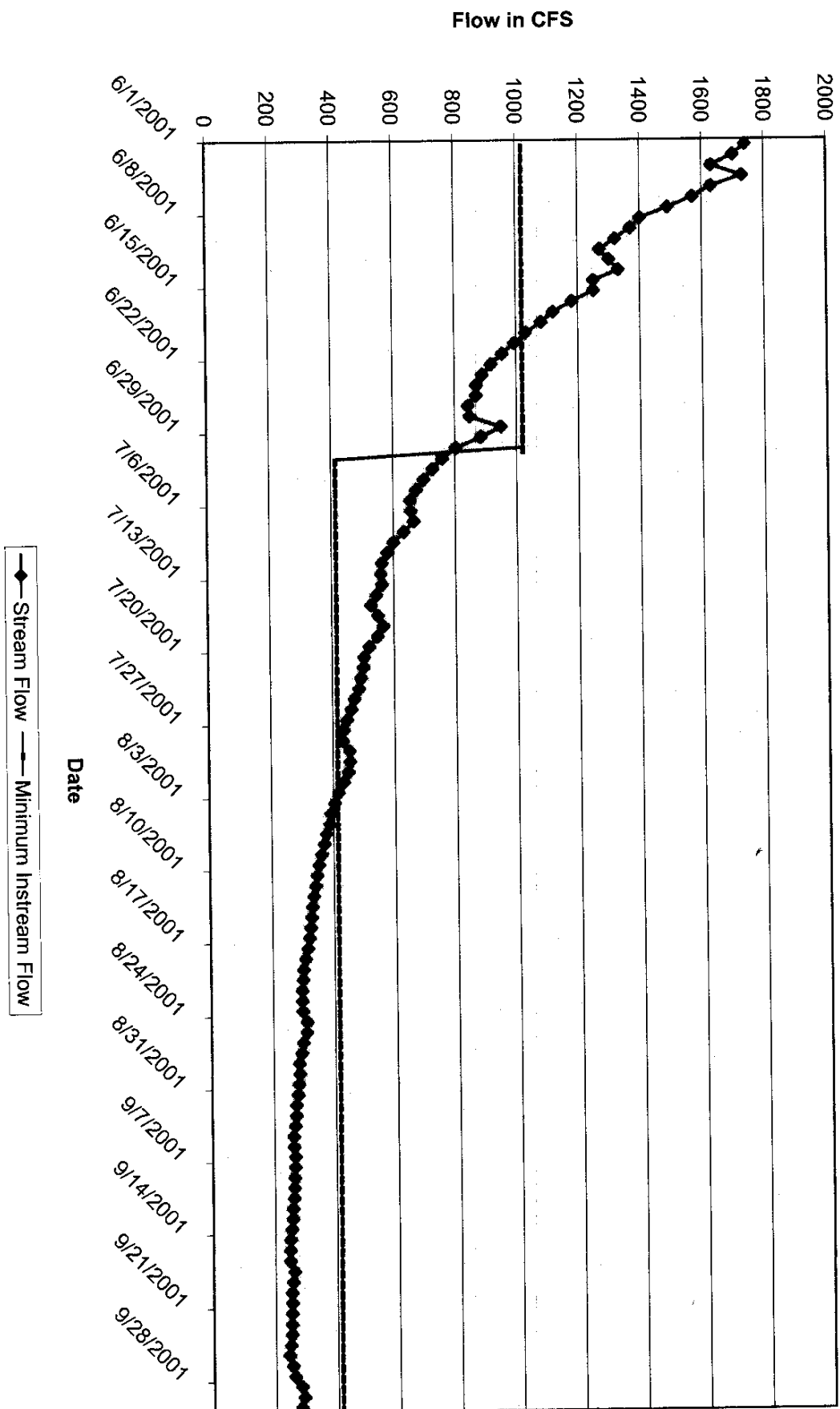
CDA River Flows at Cataldo vs. MIF in 2000
(USGS Gage 12413500)



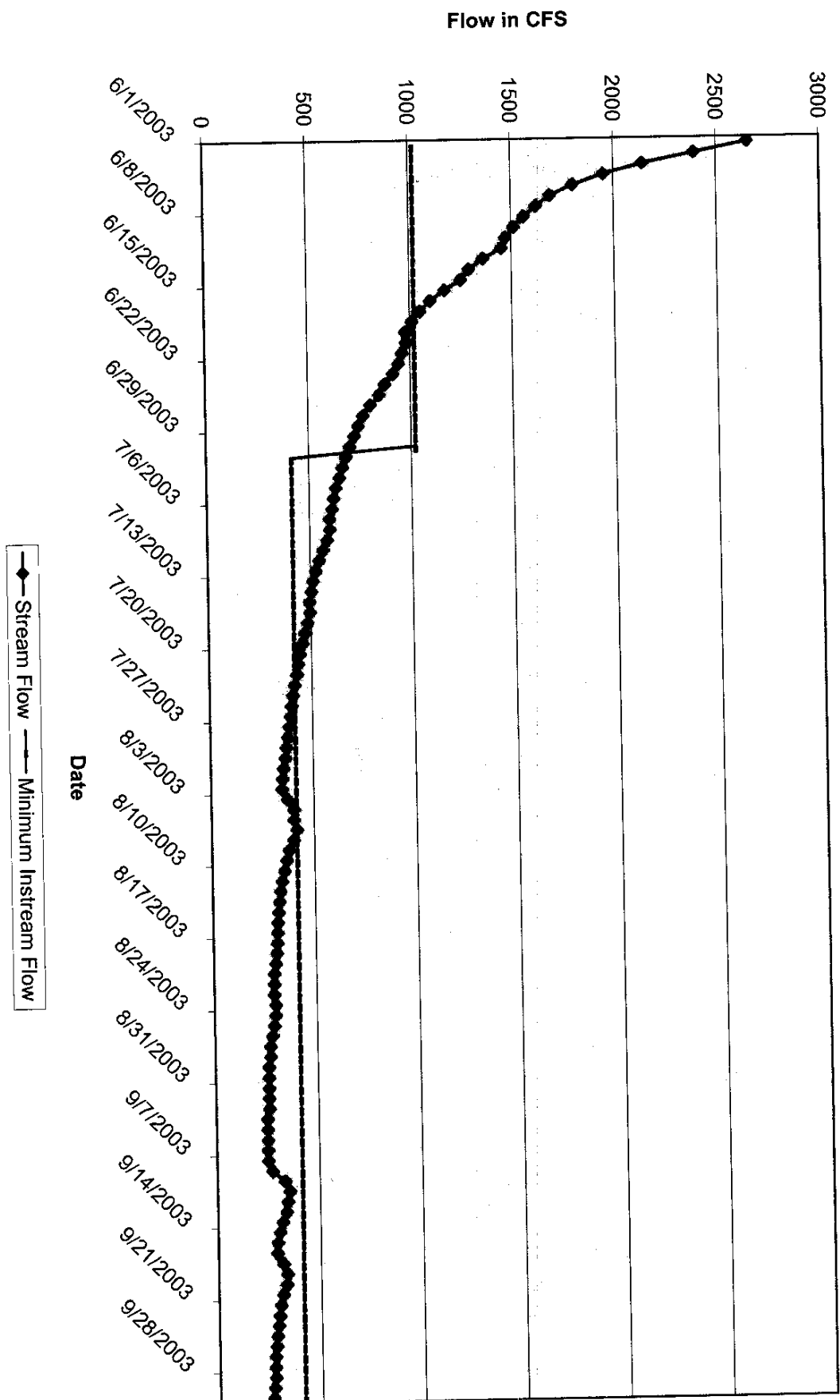
CDA River Flows at Cataldo vs. MILF in 2002
(USGS Gage 12413500)



CDA River Flows at Cataldo vs. MIF in 2001
(USGS Gage 12413500)



CDA River Flows at Cataldo vs. MIF in 2003
(USGS Gage 12413500)



Walker, Kay

From: Walker, Kay
Sent: Tuesday, June 22, 2004 12:00 PM
To: Beardslee, Allen
Cc: Walker, Kay
Subject: Application for Permit 94-7395

Hey Al... I just talked to Bill Graham about this application and his thoughts are to recommend the permit be denied unless the applicant can demonstrate availability of adequate water supply. What kind of discussions have you had with the applicant regarding the minimum stream flow on the Coeur d'Alene? Let me know, please & thanks. Kay

Walker, Kay

From: Walker, Kay
Sent: Tuesday, June 22, 2004 11:45 AM
To: Beardslee, Allen
Cc: Walker, Kay
Subject: Application for Permit 94-7395

Hey, Al: This is the application I called you about last Tuesday. The application is for the irrigation of 206 acres from the Coeur d'Alene River. When I prepared the draft permit I found Minimum Streamflow 94-7341 is on the same stretch of the Coeur d'Alene. Have you discussed the MSF with the applicant? I am going to route it up to the planning section for review today. Let me know if you and Bob have had time to discuss yet. Thanks. Kay

6-22-04

Kay -
Recommended this be
denied unless applicant
can demonstrate
availability of adequate
water supply.

Thh - Bill G.

Comment Report

94-7395

1. dball 5/11/2004 Legal Notice Remarks

Comment: Stockwater use is for 50 head of range stock

2. kwalker 6/16/2004 Application Review

Comment: The place of use under this application has no p/u overlaps. The season of use has been changed to our standard for this area. This application is in the area of minimum streamflow 94-7341.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

RECEIVED

JUN 01 2004

} ss.

Kattie Hoy

IDWR/North 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 *20* day of *May*, 20*04*, and ending on the *27* day of *May*, 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

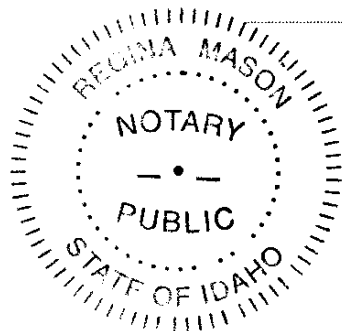
Kattie Hoy

Personally appeared before me this *27* day of *May*, 20*04*

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:

94-7395

FRANK B FRUTCHEY

14246 S TAMARACK RIDGE RD
CATALDO ID 83810

Point(s) of Diversion L8 (SENE) S1 T48N R01W KOOTENAI County
Point(s) of Diversion L3 (NENW) S1 T48N R01W KOOTENAI County
Point(s) of Diversion L2 (NWNE) S1 T48N R01W KOOTENAI County
Point(s) of Diversion L6 (SWNW) S6 T48N R01E KOOTENAI County
Source of all is COEUR D ALENE RIVER Tributary To COEUR D ALENE LAKE

Use: IRRIGATION 03/15 To 11/15 3.62 CFS
Use: STOCKWATER 01/01 To 12/31 0.04 CFS
Total Diversion: 3.62 CFS

Date Filed: 04/07/2004

Place Of Use: IRRIGATION

T48N R01E S6NENW Lot 4 NWNW Lot 5 SWNW Lot 6 SENW Lot 7
T48N R01W S1 NENE Lot 1 NWNE Lot 2 SENE Lot 8 NENW Lot 3
T49N R01W S36 SWSW Lot 1 SESW

Number of Acres 206

Place Of Use: STOCKWATER same as IRRIGATION

Remark: Stockwater use is for 50 head of range stock

95-9225

JANICE M CARR

8139 W TWIN LAKES RD

RATHDRUM ID 83858

Point(s) of Diversion L6 (SESW) S31 T53N R04W KOOTENAI County
Source TWIN LAKES Tributary To RATHDRUM CREEK

Use: DOMESTIC 01/01 To 12/31 0.02 CFS
Total Diversion: 0.02 CFS

Date Filed: 05/07/2004

Place Of Use: DOMESTIC

Remark: Domestic use is for one home. T53N R04W S31 SESW Lot 6

96-9177

GEORGE INNESS

PO BOX 431

ATHOL ID 83801

Point(s) of Diversion NESW S10 T53N R03W KOOTENAI County
Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.2 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.2 CFS

Date Filed: 05/10/2004

Place Of Use: DOMESTIC

Place Of Use: IRRIGATION - same as DOMESTIC

Number of Acres 10

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 06/07/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal 5169

May 20, 27, 2004

FAX

May 27, 2004

To: Dianne Ball - IDWR - Northern Regional Office / Fax # (208) 769-1454

From: Lin Buck - BLM - Idaho State Office / Fax # (208) 373-3839

Re: Application for Permit No. 94-07395 for Frank B. Frutchey

Hi Dianne:

Our office reviewed the above water right application for permit from the IDWR New Water Rights filing report dated May 17/24, 2004 (copy attached).

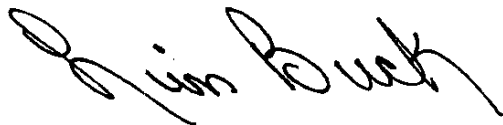
Our MTP (copy attached) shows there may be missing lot numbers on the following:

POU (stockwater):	T48N R01E S6	NENW	NWNW	SWNW	SENW
	T48N R01W S1	NENE	NWNE	SENE	NENW

BLM does not have a problem with this claim; we are just providing this for your information.

Thank you.

Have a nice day!



*Entered
on computer
5/27/04*

of Pages: 6 (includes cover sheet)

cc: Craig Johnson - Cottonwood FO / FAX: (208) 962-3275



SPRING IS HERE!!!!

IDAHO DEPARTMENT OF WATER RESOURCES NEW WATER RIGHT FILINGS

DATE: 05/24/04

Application for Permit No. 94-7395

Name: FRANK B FRUTCHEY

Diversion Pt L8 SENE	Sec 1 T 48N R 01W KOOTENAI County	Source COEUR D ALENE RIVER
Diversion Pt L3 NENW	Sec 1 T 48N R 01W KOOTENAI County	Source COEUR D ALENE RIVER
Diversion Pt L2 NWNE	Sec 1 T 48N R 01W KOOTENAI County	Source COEUR D ALENE RIVER
Diversion Pt L6 SWNW	Sec 6 T 48N R 01E KOOTENAI County	Source COEUR D ALENE RIVER
Use: IRRIGATION	03/15 To 11/15 3.62 CFS	
Use: STOCKWATER	01/01 To 12/31 0.04 CFS	

Total Diversion: 3.62 CFS

Date Filed: 04/07/2004

Place Of Use: IRRIGATION

T48N R01E S6 NENW Lot 4 NWNW Lot 5 SWNW Lot 6 SENW Lot 7

T48N R01W S1 NENE Lot 1 NWNE Lot 2 SENE Lot 8 NENW Lot 3

T49N R01W S36 SWSW Lot 1 SESW

Number of Acres 206

Place Of Use: STOCKWATER

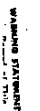
T48N R01E S6 NENW⁴ NWNW⁵ SWNW⁶ SENW⁷

T48N R01W S1 NENE¹ NWNE² SENE⁸ NENW³

T49N R01W S36 SWSW¹ SESW

Remarks: Stockwater use is for 50 head of range stock

COCEAN E-MALME DISTRICT	
055	079
KDOTENAI COUNTY	SHOSHONE COUNTY



Lat. $47^{\circ}27'23.5''$ N
Long. $116^{\circ}15'54.5''$

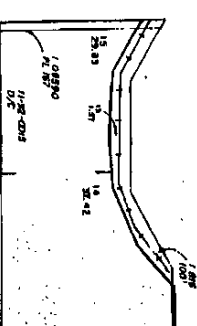
MT PLAT

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completed 9/20/1960 All PD surfsheet sent by R.

I. 07/5T Det R. M. Lett of Conv 7/23/1935
completed 3/20/1961 All PD surfsheet sent by R.

No 30610 P. M. to BLM OE on 7/10/1967
Sr: 17- 4246

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ENLARGED DIAGRAM
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FOR ORDERS EFFECTING DISPOSAL ON USE OF
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MISCELLANEOUS DOCUMENTS.

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KOOTENAI COUNTY 055
COEUR D'ALENE DISTRICTSTATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

INDEX TO SEGREGATED TRACTS

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1 015107 Envt to US
Secs 13, 14, 27, 30, 35: #18

1 016602 Envt to US
Sec 22: #18

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ENLARGED DIAGRAM "A"

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INCIDENTS (ANDS REFER TO INDEX OF

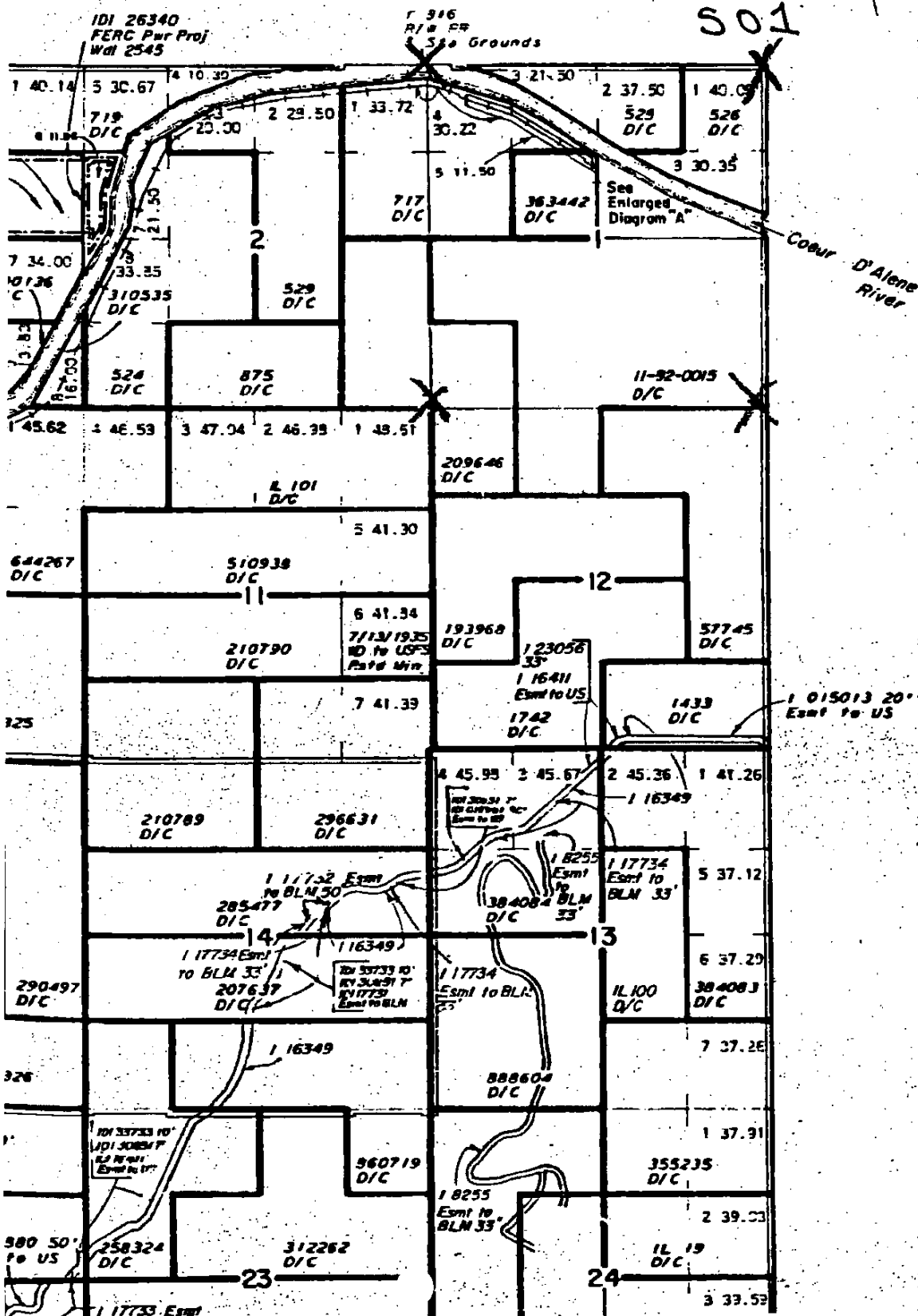
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NOT BE THE EFFECTIVE DATE. SEE
THE DATE OF THE ORIGINAL WITH-

T48N
R01W
S01

MT PLAT

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Sec 4: Lots 3, 4, 5, 14
Sec 5: Lots 1, 2, SE $\frac{1}{4}$
Sec 8: N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
Sec 9: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$
Sec 11: NE $\frac{1}{4}$ SE $\frac{1}{4}$
Sec 19: SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$
Sec 27: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
Sec 29: SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$
Sec 30: SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$

1 CB590 Let PL 167 (Act
completed 9/28/1960. All

1 C15107 Esmt to US
Secs 13, 14, 27, 34, 35:

1 C16562 Esmt to US
Sec 22: USR



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

PLEASE FAX PROOF PRIOR TO PUBLICATION

To: 769-1454

May 12, 2004

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

RE: Application for Permit No. 94-7395, 95-9225 and 96-9177

Dear Kattie and/or Kristy:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, May 20 and 27, 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 06/07/2004. Your cooperation is GREATLY appreciated, as always.

Have a simply wonderful day.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, May 12, 2004 12:02 PM
To: Legal Notices-CdA Press (E-mail)
Subject: Legal Notice for publication on May 20 and 27, 2004

Dear Katie and Kristy,

Attached you will find a copy of our cover letter requesting publication of a legal notice, also attached.

Please reply to this e-mail to acknowledge receipt.

If you have **ANY** questions concerning publication of this legal, PLEASE CALL ME at 769-1450.

☐ PLEASE FAX PROOF PRIOR TO PUBLICATION

To: 769-1454
Thanks, and have a marvelous 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

5/12/2004

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

94-7395

FRANK B FRUTCHEY

14246 S TAMARACK RIDGE RD
CATALDO ID 83810

Point(s) of Diversion	L8 (SENE) S1	T48N R01W	KOOTENAI County
Point(s) of Diversion	L3 (NENW) S1	T48N R01W	KOOTENAI County
Point(s) of Diversion	L2 (NWNE) S1	T48N R01W	KOOTENAI County
Point(s) of Diversion	L6 (SWNW) S6	T48N R01E	KOOTENAI County

Source of all is COEUR D ALENE RIVER Tributary To COEUR D ALENE LAKE

Use: IRRIGATION 03/15 To 11/15 3.62 CFS

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

Total Diversion: 3.62 CFS

Date Filed: 04/07/2004

Place Of Use: IRRIGATION

T48N R01E S6 NENW Lot 4 NWNW Lot 5 SWNW Lot 6 SENW Lot 7

T48N R01W S1 NENE Lot 1 NWNE Lot 2 SENE Lot 8 NENW Lot 3

T49N R01W S36 SWSW Lot 1 SESW

Number of Acres 206

Place Of Use: STOCKWATER same as IRRIGATION

Remark: Stockwater use is for 50 head of range stock

95-9225

JANICE M CARR

8139 W TWIN LAKES RD
RATHDRUM ID 83858

Point(s) of Diversion L6 (SESW) S31 T53N R04W KOOTENAI County

Source TWIN LAKES Tributary To RATHDRUM CREEK

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

Total Diversion: 0.02 CFS

Date Filed: 05/07/2004

Place Of Use: DOMESTIC T53N R04W S31 SESW Lot 6

Remark: Domestic use is for one home.

96-9177

GEORGE INNESS

PO BOX 431
ATHOL ID 83801

Point(s) of Diversion NESW S10 T53N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.2 CFS

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

Total Diversion: 0.2 CFS

Date Filed: 05/10/2004

Place Of Use: DOMESTIC T53N R03W S10 NESW

Place Of Use: IRRIGATION - same as DOMESTIC

Number of Acres 10

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 06/07/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on May 20 and 27, 2004.



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
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May 12, 2004

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

FRANK B FRUTCHEY
114246 S TAMARACK RIDGE RD
CATALDO ID 83810

RE: Application for Permit No 94-7395

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 May 20 and 27, 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 ten 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 11, 2004

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

FAXED TO MARY 5/11/04

Application to Permit No. 94-7395 FRUTCHEY

Mary:

Enclosed 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 May 26, 2004. You may reply by e-mail 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', is written over a horizontal line.

Dianne Ball
Administrative Assistant

Enclosure(s)