

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09179

Priority: March 08, 2004

Maximum Diversion Rate: 0.02 CFS

This is to certify, that WILLARD SPENCER JOHNSTON JR
7 RUE DU RIVOLI PLACE
HENDERSON NV 89011

has applied for a permit to appropriate water from:

Source: LAKE PEND OREILLE **Tributary:** PEND OREILLE 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>
IRRIGATION	03/15 to 11/15	0.02 CFS

LOCATION OF POINT OF DIVERSION:

LAKE PEND OREILLE L1 (NE¼NE¼) Sec. 12, Twp 57N, Rge 02W, B.M., BONNER 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	
57N 02W 12	.5																.5
	L 1																

Total Acres: 0.5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2005**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. This right when combined with all other rights shall provide no more than 0.02 cfs nor more than 3.0 afa at the field headgate for irrigation of the land described above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 9th day of August, 2004.


for KARE J DREHER, Director

RECEIVED
JUL 13 2004

12/09

Department of Water Resources

71247

Ident. No. 96-9179 RECEIVED

MAR 08 2004

IDWR/North

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant: Willard Spence Johnston, JR Phone 702 568-0428
Mailing address 7 Rue Du Rivoli Place Henderson NV 89011
2. Source of water supply Lake Pend Oreille which is a tributary of Pend Oreille River
3. Location of point of diversion is Township 57N Range 2W Sec. 12 in the NE ¼,
NE ¼, ¼, Govt. Lot one (1) B.M. Banner County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 04 for irrigation purposes from 4/1 to 10/30 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.04 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source one half (.5) H. P.
submersible pump

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

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

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

e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

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

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

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households one (1)
e. Other; describe fully. _____

3. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N	2W	12	✓																

Total number of acres to be irrigated .5

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? Willard Spencer Johnston JR Trust

b. Who owns the land to be irrigated or place of use? Willard Spencer Johnston JR TRUST

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: for irrigation of grass, landscape, fruit trees

please call me or Lana of Bonner County assessors
assessors office if you have questions

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.

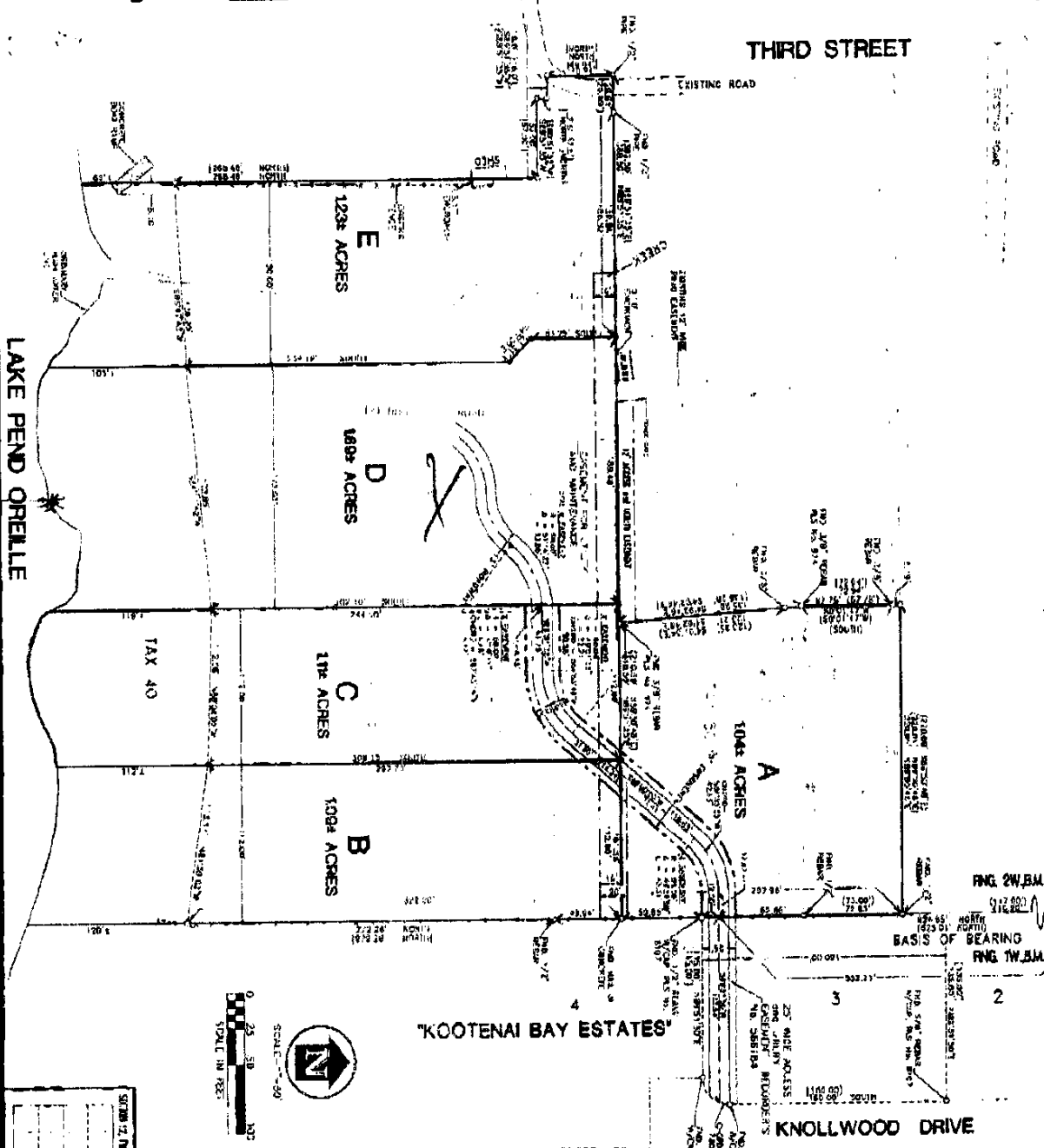
Willard Spencer Johnston, Jr.
Signature of Applicant (and title, if applicable)

Received by db Date 3/8/04 Time 1:30 p Preliminary check by db
Fee \$ 100.00 Received by db # NO 16110 Date 3/8/04
Publication prepared by db Date 5/26/04 Published in Bonner Co Daily Bee 6/13+10/04
Publication approved db Date 7/6/04

SECTION 12, TWP. 57N, RNG. 2W, B.M. BONNER COUNTY, IDAHO

LAKE PEND OREILLE

river side
point



"KOOTENAI BAY ESTATES"

COUNTY RECORDER'S CERTIFICATE

THIS MAP BEING RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF BONNER COUNTY, IDAHO, ON OCTOBER 13, 2003, AT 1:14 PM, AND THE RECORDING FEE BEING \$7.40.

RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF BONNER COUNTY, IDAHO, ON OCTOBER 13, 2003, AT 1:14 PM, AND THE RECORDING FEE BEING \$7.40.

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified and licensed Surveyor under the laws of the State of Idaho, do hereby certify that the foregoing is a true and correct copy of the original survey map as filed in my office, and that the same has been duly recorded in the Office of the County Recorder of Bonner County, Idaho, on October 13, 2003, at 1:14 PM, and the recording fee being \$7.40.

WITNESSED my hand and the seal of my office this 13th day of October, 2003.



NOTE

THIS RECORD OF SURVEY ALSO SERVES AS A SUBORDINARY LIE ADJUSTMENT IN COMPLIANCE WITH BONNER COUNTY CERTIFICATE OF COMPLIANCE NO. 10-03.

SURVEYOR'S NOTE

THE SURVEY WAS PERFORMED USING A TOTAL STATION AND A GPS RECEIVER. THE SURVEY WAS PERFORMED ON THE 13TH DAY OF OCTOBER, 2003, AT 1:14 PM. THE SURVEY WAS PERFORMED IN COMPLIANCE WITH BONNER COUNTY CERTIFICATE OF COMPLIANCE NO. 10-03.

LEGEND

- 1. SURVEYED AND ADJUSTED CORNER NO. 5019.
- 2. SURVEYED AND ADJUSTED CORNER NO. 5018.
- 3. SURVEYED AND ADJUSTED CORNER NO. 5017.
- 4. SURVEYED AND ADJUSTED CORNER NO. 5016.
- 5. SURVEYED AND ADJUSTED CORNER NO. 5015.
- 6. SURVEYED AND ADJUSTED CORNER NO. 5014.
- 7. SURVEYED AND ADJUSTED CORNER NO. 5013.
- 8. SURVEYED AND ADJUSTED CORNER NO. 5012.
- 9. SURVEYED AND ADJUSTED CORNER NO. 5011.
- 10. SURVEYED AND ADJUSTED CORNER NO. 5010.
- 11. SURVEYED AND ADJUSTED CORNER NO. 5009.
- 12. SURVEYED AND ADJUSTED CORNER NO. 5008.
- 13. SURVEYED AND ADJUSTED CORNER NO. 5007.
- 14. SURVEYED AND ADJUSTED CORNER NO. 5006.
- 15. SURVEYED AND ADJUSTED CORNER NO. 5005.
- 16. SURVEYED AND ADJUSTED CORNER NO. 5004.
- 17. SURVEYED AND ADJUSTED CORNER NO. 5003.
- 18. SURVEYED AND ADJUSTED CORNER NO. 5002.
- 19. SURVEYED AND ADJUSTED CORNER NO. 5001.
- 20. SURVEYED AND ADJUSTED CORNER NO. 5000.

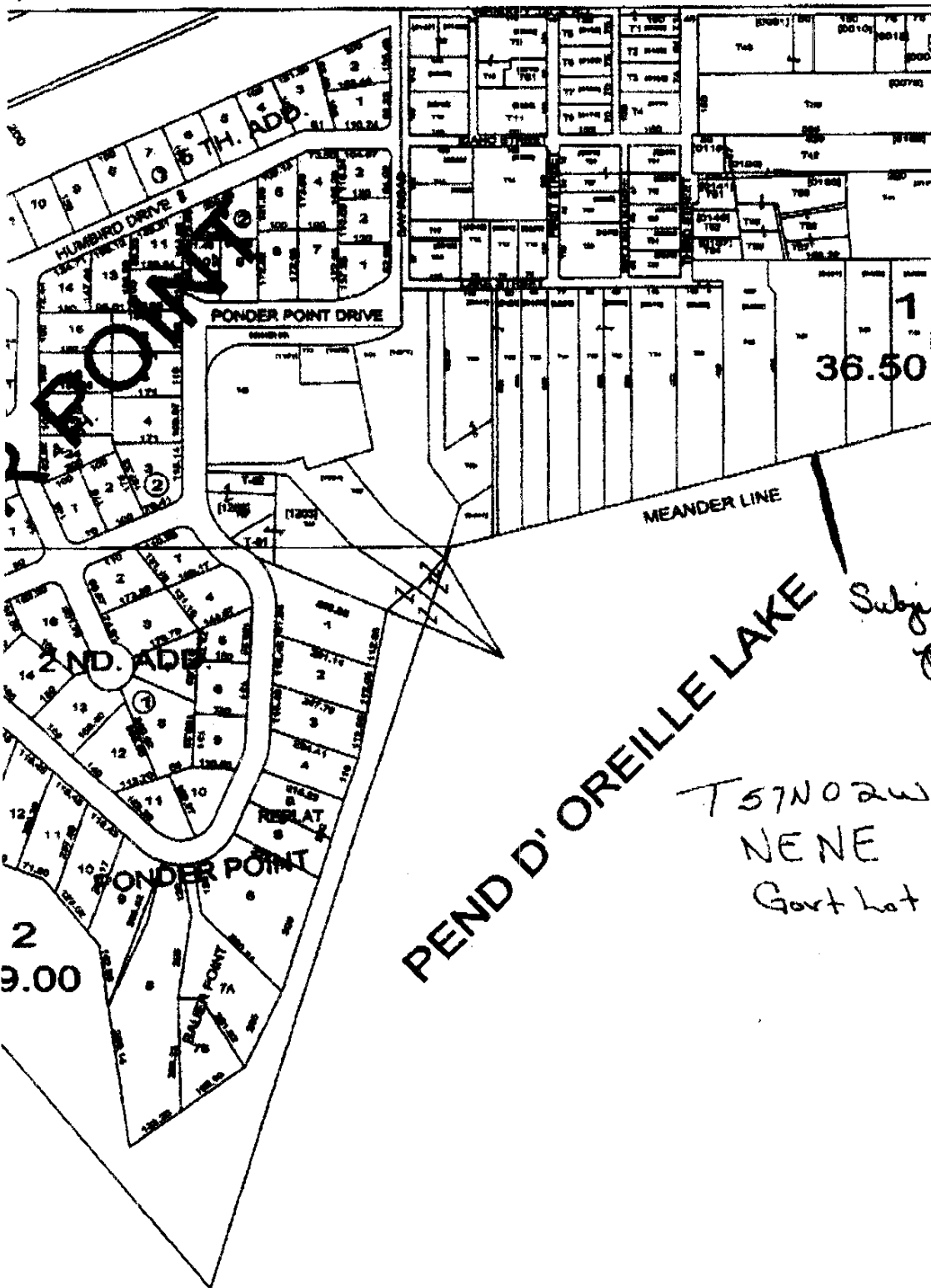
BASIS OF BEARING

GROUND OF SURVEY BEING ADJUSTED TO THE SURVEYED AND ADJUSTED CORNER NO. 5019. THE SURVEY WAS PERFORMED IN COMPLIANCE WITH BONNER COUNTY CERTIFICATE OF COMPLIANCE NO. 10-03.

James A. Sewell and Associates
CONSULTING ENGINEERS
MINNETONKA, MINNESOTA 55345 (952) 835-5000

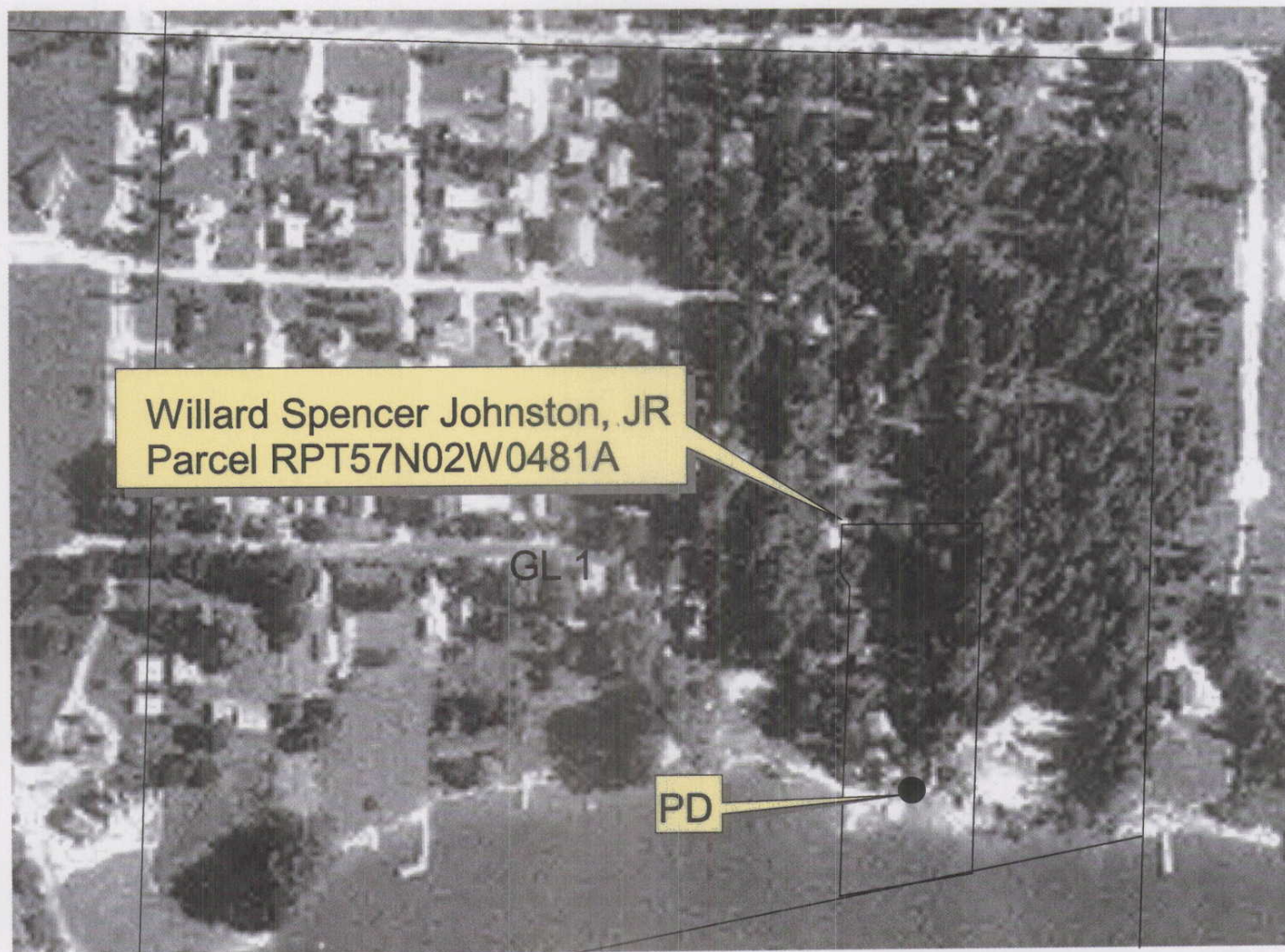
James A. Sewell and Associates
CONSULTING ENGINEERS
MINNETONKA, MINNESOTA 55345 (952) 835-5000

1, R2W SEC12

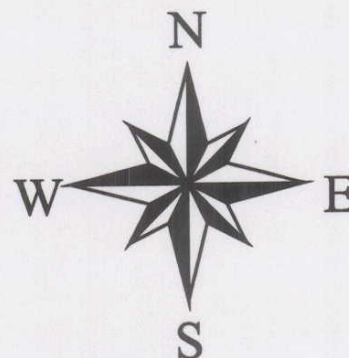


Subject property

T57N02W-12
NENE
Govt Lot 1



Unknown Units: View1



 T57n02w.shp

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 10, 2004

WILLARD SPENCER JOHNSTON JR
7 RUE DU RIVOLI PLACE
HENDERSON NV 89011

RE: Permit No. 96-9179

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.

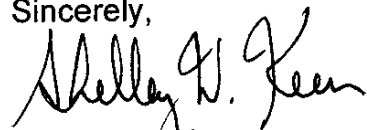
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 208-327-7946.

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

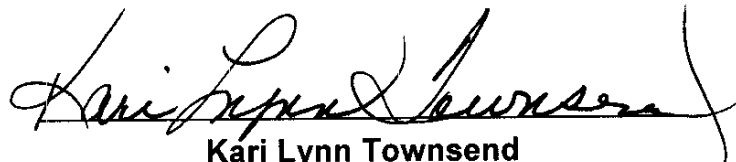
CERTIFICATE OF SERVICE

I hereby certify that on August 10, 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.

96-9179

**WILLARD SPENCER JOHNSTON JR
7 RUE DU RIVOLI PLACE
HENDERSON NV 89011**



**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.

M E M O R A N D U M

Date: August 02, 2004
To: Water Right File 96-9179
From: E Retelle
Re: telephone conversation

Mr. Willard called at 11am today to thank us for the information provided him in the letter dated July 21st. He also wanted to clarify how many gallons per day he would be authorized to use if he did not submit further evidence necessary to increase his diversion rate. I informed him and he stated that that amount would be sufficient. He also seemed to indicate he would not be persuing ownership of a part of the water right determined to have existed on his property.



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

July 21, 2004

WILLARD SPENCER JOHNSTON JR
7 RUE DU RIVOLI PLACE
HENDERSON NV 89011

RE: Application for Water Appropriation Permit 96-9179

Dear Mr. Johnston:

During review of your Application for Permit to appropriate water, it was found additional information is required before your application can be processed.

Section 42-202(6), *Idaho Code* states:

...no one shall be authorized to divert for irrigation purposes more than one (1) cubic foot of water per second of the normal flow for each fifty (50) acres of land to be so irrigated ... unless it can be shown to the satisfaction of the department of water resources that a greater amount is necessary.

In your case, this amounts to 0.01 cfs (4.5 gal/min) for the irrigation of ½ acre. In order to receive more than 0.01 cfs, you will need to submit information supporting your need for a greater amount. If this information is not received within 30 days, your Permit will be issued for less than you requested.

Additionally, in the process of reviewing your Application for Permit (96-9179) authorizing you to establish a right to divert 0.04 cfs (18 gpm) of water from Lake Pend Oreille for the irrigation of ½ acre in Bonner County, a search through existing water right records revealed that a water right license issued in 1970 might already cover some of your water use.

Water Right License 96-7044 was issued to Joseph Hamm for the diversion of 0.08 cfs (36 gpm) from Lake Pend Oreille for the irrigation of four acres. I have enclosed a copy of License 96-7044 for you to review. Just as with your application for permit, the authorized point of diversion and the authorized place of use under Right 96-7044 are in the NE¼NE¼, Section 12, Township 57 North, Range 2 West, B. M. Upon examination of maps, aerial photography, GIS information and Water Right files, it appears that Water Right 96-7044 may have been established on the parcel of land you now own a portion of.

Because a water right is appurtenant to the land on which it is used, ownership of a water right usually goes with the ownership of the land unless otherwise stated in the contract of sale or

deed. Therefore, you may be entitled to assert ownership of part of Water Right 96-7044. Ownership of the older right may be important to you because when water diversions are regulated in a time of shortage, senior (older) water rights are filled before junior (newer) water rights. (Section 42-106, *Idaho Code*, says, "As between appropriators, the first in time is first in right.")

The amount of water allocated under Water Right 96-7044 may not be sufficient to meet your needs. The irrigation season runs July 1 – September 15 (the standard irrigation season in your area is April 1 – October 31) and the flow rate is .08 cfs (36 gpm) for 4 acres, of which, we understand, you own only a portion. Statute dictates that a water right cannot be enlarged, so if this volume of water and length of irrigation season will not be sufficient, continuing the application process for Permit 96-9179 concurrently may be necessary.

If, after looking into this matter, you believe you are the owner of Water Right 96-7044, please complete the enclosed Notice of Change in Water Right Ownership form and return it to IDWR with documentation showing that you do, in fact, own a portion of the parcel where Joseph Hamm established the water right. If you do not own Water Right 96-7044, or if you think that Right 96-7044 may have been forfeited through five years of non-use prior to your acquisition of the property, then please notify me in writing.

If I have not received a response from you within 30 days, I will assume you have no interest in Right 96-7044. If you have any questions, please call me at 208-327-5452, or email me at eretelle@idwr.state.id.us.

Sincerely,

A handwritten signature in black ink, appearing to read "ERetelle", with a stylized, flowing script.

Erin Retelle
Water Resource Agent

Enclosure(s): 4

COPY

State of Idaho
Department of Water Administration
LICENSE OF WATER RIGHT

License of Water Right No. 96-7044 Priority Feb. 2, 1970 Amount 0.08 cfs

THIS IS TO CERTIFY, that JOSEPH E. HAMM
of San Gabriel, California, has complied with the terms and conditions of Permit
No. 96-7044 issued pursuant to Application for Permit dated February 2, 1970,
and has submitted proof to the Department of Water Administration on August 24, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.08 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Lake Pend Orielle
tributary of _____ is hereby confirmed in the following amounts:

Amount 0.08 cfs for Irrigation from July 1 to Sept. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.08 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12, Twp. 57 N, Rge. 2 W, B. M.
in the county of Bonner, and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed One acre feet per year ~~xx~~

~~One acre feet per year~~

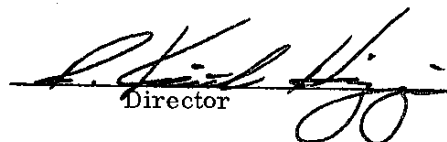
Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
57 N	2 W	12	4																4

Total number of acres irrigated 4

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10 day of
September, 19 73.


Director

96 7044

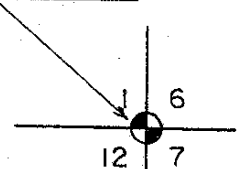
Part of Sec. 12, Twp. 57N., R. 2W. B. M.

COPY

Scale 1" = 100'



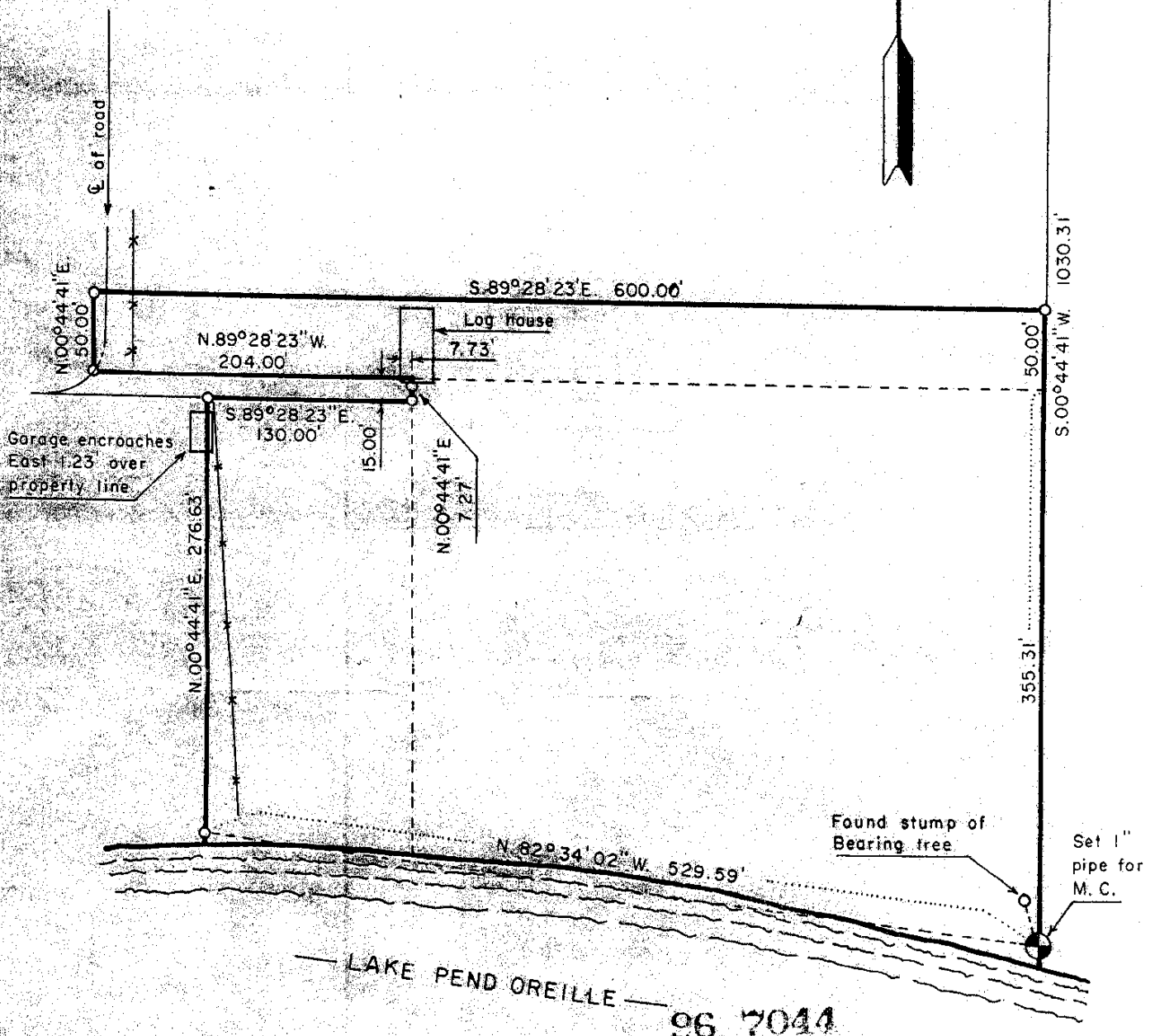
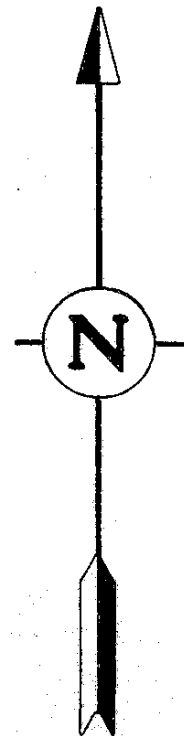
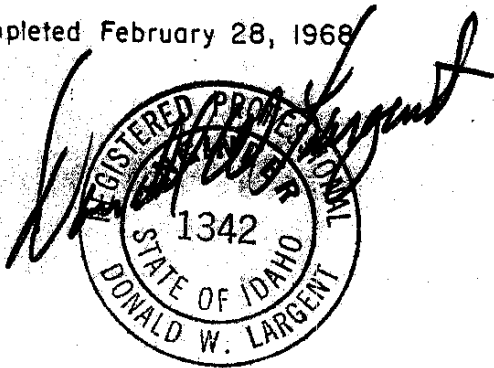
1" x 24" pipe, 1 foot
below road surface
for Sec. Cor.



o = 1/2" x 24" pipe set except as noted

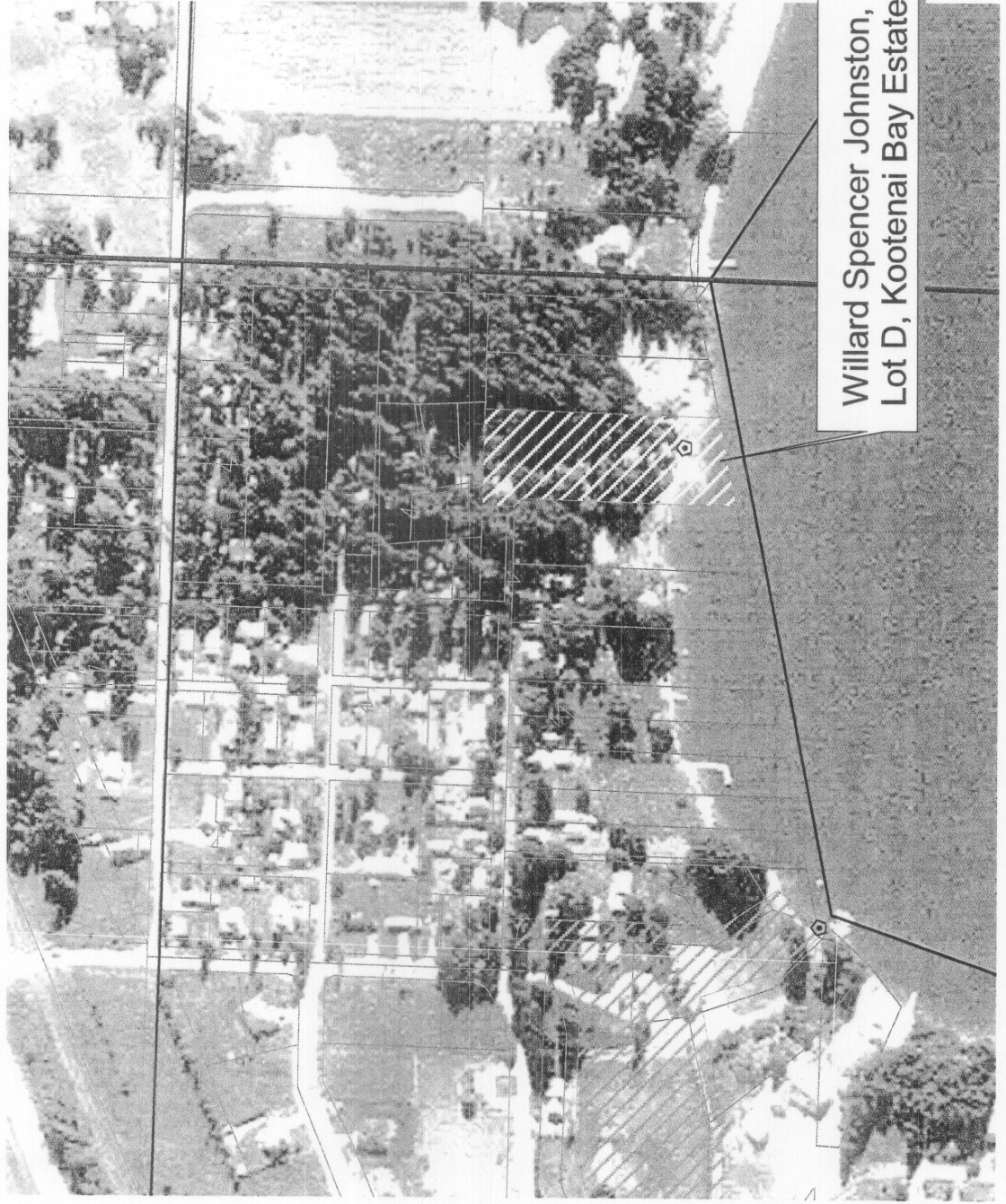
I certify that this plat truly represents a survey of part
of Gov't. Lot 1 of Sec. 12, Twp. 57N., R. 2W. B. M. in
Bonner County, Idaho.

Survey completed February 28, 1968

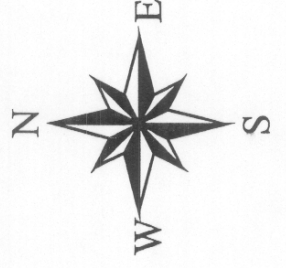


96 7044

Lot 1 (NE NE), Section 12, T57N, R2W



- Administrative BasinsAdminbas.shp
- Township/Range
- Sections
- QQ
- Permit POD
- Permit POU
- Tax lots



0.1 0.2 Miles

0

0.1

0.2

Comment Report

96-9179

1. E Retelle 7/20/2004 Permit Application review

Comment: Recommend approval as suggested by IDWR Northern. See correspondence regarding overlap of right 96-7044.

RECEIVED

State of Idaho

JUL 06 2004

ss.

IDWR/North

County of Bonner, Sherilyn Jones

being first duly sworn on oath

deposes and says that he/she is Bookkeeper

of the Bonner County Daily Bee, a newspaper printed and

published at Sandpoint, Bonner County, Idaho; that the

said newspaper has been continuously and uninterruptedly

published in said Bonner County during a period of 12

months prior to the first publication of the hereto attached

notice of publication in the case of:

Notice of App.

as it was published in the regular and entire issue of the

said paper for a period of 2 consecutive weeks,

commencing on 3 day of Jun, 20 04

and ending on the 10 day of Jun, 20 04

and that said notice was published in said newspaper.

On this 10 day of June in the year

of 2004, before me, a Notary Public, personally

appeared Sherilyn Jones,

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me

first duly sworn and declared that the statements therein are

true and acknowledged to me that he executed the same.

Sherilyn H. Jones
Notary Public for Idaho

Residing at Sandpoint

My Commission expires: 8/06

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

96-9179

WILLARD SPENCER JOHNSTON JR
7 RUE DU RIVOLI PLACE
HENDERSON NV 89011
Point(s) of Diversion L1 (NENE) S12 T57N R02W BONNER County
Source LAKE PEND OREILLE Tributary To PEND OREILLE RIVER
Use: IRRIGATION 03/15 To 11/15 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 03/08/2004
Place Of Use: IRRIGATION T57N R02W S12 NENE Lot 1
Number of Acres 0.5

96-9180

DON A WIGGINS
BONNIE L WIGGINS
23030 MARKET ST
NEWHALL CA 91321
Point(s) of Diversion SWNE S29 T55N R03E BONNER County
Source GROUND WATER
Use: DOMESTIC 01/01 To 12/31 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 12/11/2003
Place Of Use: DOMESTIC T55N R03E S29 SWNE
Remark: Domestic use is for 2 homes.

96-9181

BOYD W BAKER
LOIS I NETTLEINGHAM-JENSEN
PO BOX 186
COLBURN ID 83865
Points (2) Diversion L7 (SENESEW) S6 T58N R01W BONNER County
Source SPRINGS Tributary To COLBURN CREEK
Use: IRRIGATION 03/15 To 11/15 0.2 CFS
Use: IRRIGATION STORAGE 03/15 To 11/15 1.2 AFA
Use: IRRIGATION FROM STORAGE 03/15 To 11/15 1.2 AFA
Use: WILDLIFE STORAGE 01/01 To 12/31 1.2 AFA
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Use: RECREATION STORAGE 01/01 To 12/31 1.2 AFA
Use: FIRE PROTECTION 01/01 To 12/31 0.2 CFS
Use: DIVERSION TO STORAGE 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 05/25/2004
Place Of Use: DOMESTIC T58N R01W S6 NWSW SESW
Place Of Use: FIRE PROTECTION T58N R01W S6 NESW NWSW SESW
Place Of Use: RECREATION STORAGE T58N R01W S6 NESW
Place Of Use: WILDLIFE STORAGE T58N R01W S6 NESW
Place Of Use: IRRIGATION STORAGE T58N R01W S6 NESW
Place Of Use: IRRIGATION T58N R01W S6 NESW NWSW SESW
Place Of Use: IRRIGATION FROM STORAGE - same as IRRIGATION
Number of Acres 15
Remark: Domestic use is for 3 homes.

Recreation storage use is for swimming and fishing.
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 06/21/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Legal SNP#5221
June 3, 10, 2004

5221



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

May 26, 2004

-PLEASE FAX PROOF PRIOR TO PUBLICATION-

SHERI JONES
LEGAL NOTICE DEPARTMENT
BONNER COUNTY DAILY BEE
PO BOX 159
SANDPOINT ID 83864

e-mailed to sjones@bonnercountydailybee.com

RE: Application for Permit No. 96-9179, 96-9180 and 96-9181

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates Indicated, June 3 and 10, 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 06/21/2004. Your cooperation is VERY GREATLY appreciated, as always.

Have a super-marvelous day!!

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, May 26, 2004 4:47 PM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal Notice for publication on June 3 and 10, 2004

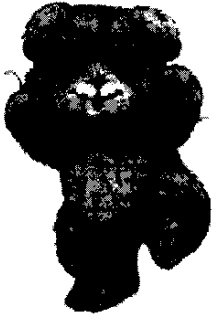
Good day to you, Sheri,

Attached you will find a cover letter, and a legal notice which we request you publish on June 3 and 10, 2004.

If you have ANY questions concerning this request, please call me at 208-769-1450.

Please **FAX ME A COPY OF A PROOF PRIOR TO PUBLICATION.**

Thanks, and have a VERY happy 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

5/26/2004

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

96-9179

WILLARD SPENCER JOHNSTON JR
7 RUE DU RIVOLI PLACE
HENDERSON NV 89011

Point(s) of Diversion L1 (NENE) S12 T57N R02W BONNER County
Source LAKE PEND OREILLE Tributary To PEND OREILLE RIVER

Use: IRRIGATION 03/15 To 11/15 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 03/08/2004

Place Of Use: IRRIGATION T57N R02W S12 NENE Lot 1
Number of Acres 0.5

96-9180

DON A WIGGINS
BONNIE L WIGGINS
23030 MARKET ST
NEWHALL CA 91321

Point(s) of Diversion SWNE S29 T55N R03E BONNER County
Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 12/11/2003

Place Of Use: DOMESTIC T55N R03E S29 SWNE
Remark: Domestic use is for 2 homes.

96-9181

BOYD W BAKER
LOIS I NETTLEINGHAM-JENSEN
PO BOX 186
COLBURN ID 83865

Points (2) Diversion L7 (SENE SW) S6 T58N R01W BONNER County
Source SPRINGS Tributary To COLBURN CREEK

Use: IRRIGATION	03/15 To 11/15	0.2 CFS
Use: IRRIGATION STORAGE	03/15 To 11/15	1.2 AFA
Use: IRRIGATION FROM STORAGE	03/15 To 11/15	1.2 AFA
Use: WILDLIFE STORAGE	01/01 To 12/31	1.2 AFA
Use: DOMESTIC	01/01 To 12/31	0.04 CFS
Use: RECREATION STORAGE	01/01 To 12/31	1.2 AFA
Use: FIRE PROTECTION	01/01 To 12/31	0.2 CFS
Use: DIVERSION TO STORAGE	01/01 To 12/31	0.2 CFS
Total Diversion:		0.2 CFS

Date Filed: 05/25/2004

Place Of Use: DOMESTIC	T58N R01W S6	NWSW SESW
Place Of Use: FIRE PROTECTION	T58N R01W S6	NESW NWSW SESW
Place Of Use: RECREATION STORAGE	T58N R01W S6	NESW
Place Of Use: WILDLIFE STORAGE	T58N R01W S6	NESW
Place Of Use: IRRIGATION STORAGE	T58N R01W S6	NESW
Place Of Use: IRRIGATION	T58N R01W S6	NESW NWSW SESW
Place Of Use: IRRIGATION FROM STORAGE - same as IRRIGATION		
Number of Acres	15	

Remark: Domestic use is for 3 homes.
Recreation storage use is for swimming and fishing.

--CONTINUED ON PAGE TWO--

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 06/21/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on June 3 and 10, 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

Fax (208) 769-1454

May 26, 2004

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLARD SPENCER JOHNSTON JR
7 RUE DU RIVOLI PLACE
HENDERSON NV 89011

RE: Application for Permit No 96-9179

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 Bonner County Daily Bee on June 3 and 10, 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

Enclosure(s) - Receipt No. N016110



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 20, 2004

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

Faxed - 6 pages total

Application to Permit No. 96-9179

Dear Mary:

Enclosed is a copy of the above referenced application. Please review the application, and submit your comments to this office within two weeks from date of receipt of this request, by June 4, 2004. You may send your comments by e-mail to dball@idwr.state.id.us, if you prefer.

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

Enclosure(s)