

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 92-10014

Priority: October 18, 2004

Maximum Diversion Rate: 0.08 CFS

This is to certify, that CLINTON FULLMER And ELAINE FULLMER
PO BOX 737
ST MARIES ID 83861

have applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: THORN CREEK

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>
DOMESTIC	01/01 to 12/31	0.04 CFS
COMMERCIAL	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, Twp 45N, Rge 01W, B.M. BENEWAH County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
45N 01W 22	X				

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE	NW	SW	SE	Totals
45N 01W 22	X				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 1, 2006**.
2. Subject to all prior water rights.
3. Commercial use is for bottling water.
4. Water shall not be diverted under this right when flows in the St. Maries River are below established minimum flow amounts.
5. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 15th day of March, 2005.


for KAREL J DREHER, Director

RECEIVED

MAR 03 2005

DEPARTMENT OF
WATER RESOURCES

71726

Ident. No. 92-10014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

OCT 18 2004

IDWR/North

To appropriate the public waters of the State of Idaho

1. Name of Applicant Clinton and Elaine Fullmer Phone 208-659-3183 cell
208-659-7768
 Mailing address P.O. Box 737 St. Maries, ID 83861 3040 Pettis Peak Road
 2. Source of water supply Thorn Creek which is a tributary of St Joe River Maries
 3. Location of point of diversion is Township 45 N Range 1 W Sec. 22, in the SW $\frac{1}{4}$,
SE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot _____, B.M., Benewah County;
 additional points of diversion if any:

4. Water will be used for the following purposes:

Amount .04 for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount .04 for Commercial purposes from Jan 1 to Dec 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)
- .04 .08
- 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 3 inch pipe, filters,
dry well - surface collection 1/2 hp 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? No
 e. If well is already drilled, when? N/A; Drilling firm We will not need a drilled well.
 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 home
 e. Other; describe fully. Gravity feed to storage tanks, filter water,
then put in bottles and/or have bottling company fill their
water trucks from storage tank and sell commercially.

SCANNED

9. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
45N	1W	22	DC																
			Map ENCLOSED																

Total number of acres to be irrigated _____

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? CLINTON C. and ELAINE C. Fuller
- b. Who owns the land to be irrigated or place of use? same
- 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.

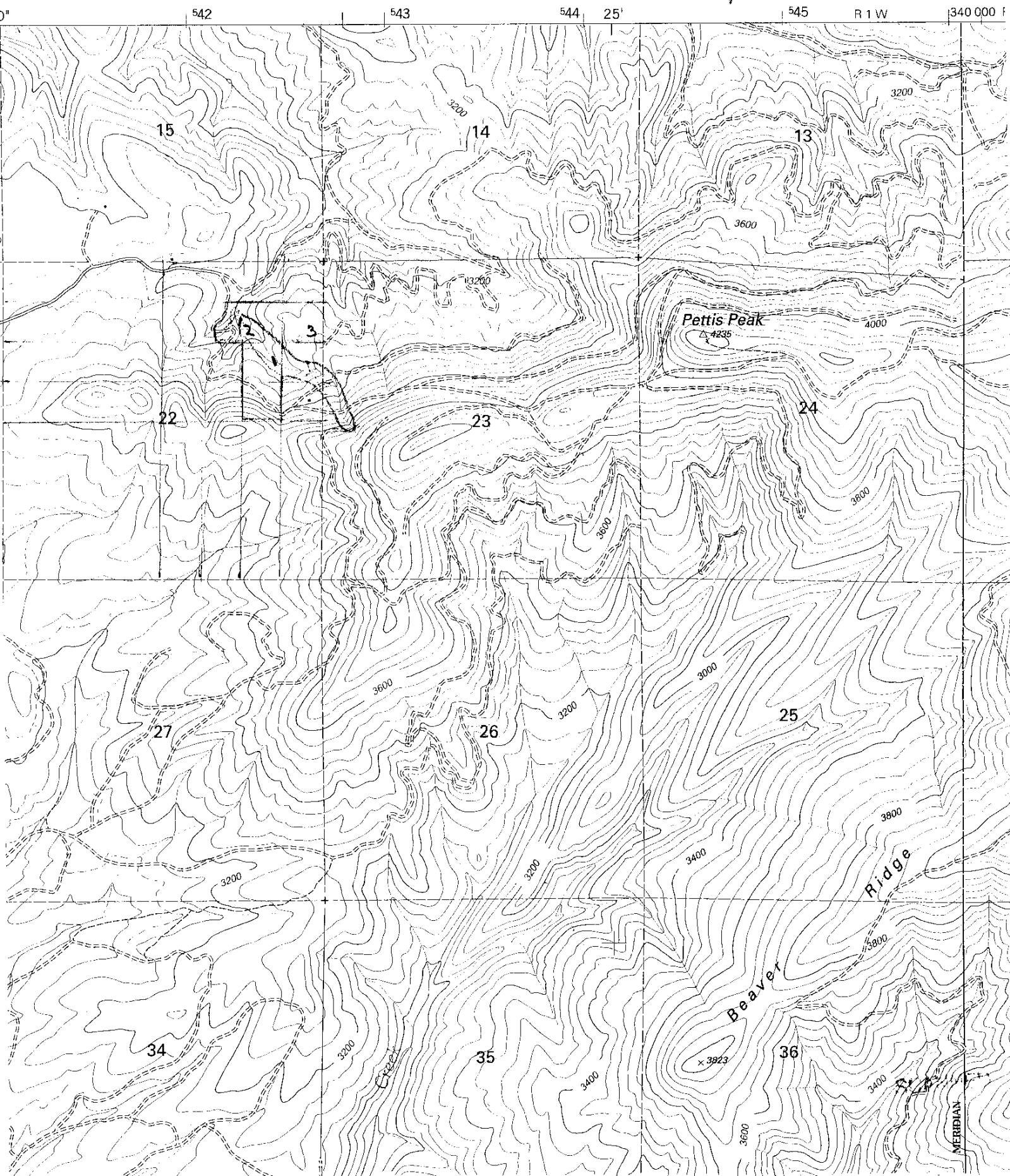
Clinton C. Fuller
C. Elaine Fuller 9-27-04
 Signature of Applicant (and title, if applicable)

Received by db Date 10/18/04 Time 11:55a Preliminary check by _____
 Fee \$ 100.00 Received by db # N016595 Date 10/18/04
 Publication prepared by db Date 11/26/05 Published in Smaries Bayette 0/2 + 9/05
 Publication approved db Date 2/11/05

SCANNED

UNITED STATES
DEPARTMENT OF AGRICULTURE
FOREST SERVICE

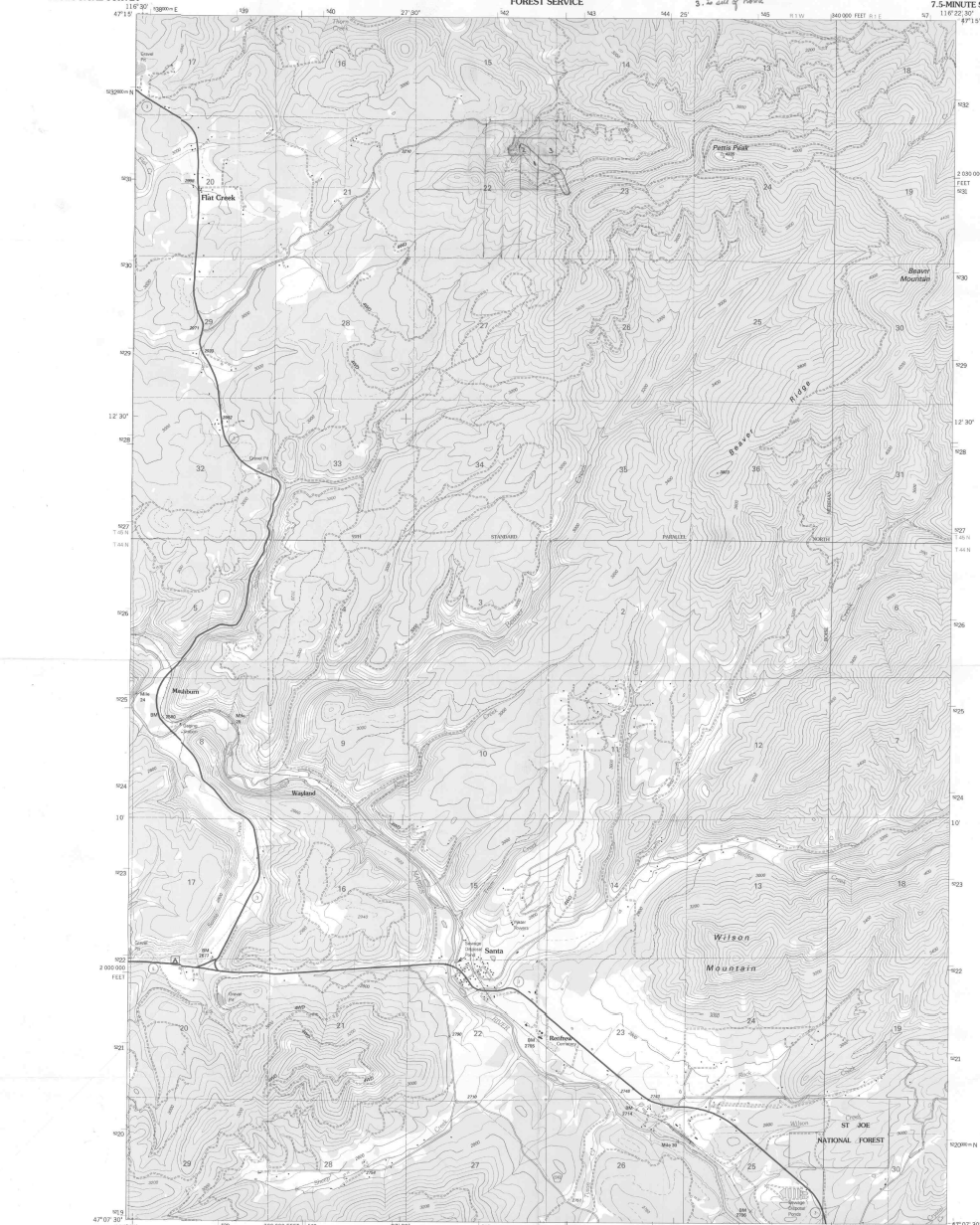
Note¹ Site # The red area is land owned by app
1. is site of water diversion
2. is site of water storage tank
3. is site of home



Note Site #s The red area is land owned by applicants.

1. is site of water diversion
2. is site of water storage tank
3. is site of house

Clint Fullmer
208-659-7768



THE UNIVERSITY OF CHICAGO PRESS

ADRIANO F. QUARANTA

DPA 2

278 E. NW - SEPTILES V893

278 E. NW - SEALS V893



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 17, 2005

CLINTON FULLMER
ELAINE FULLMER
PO BOX 737
ST MARIES ID 83861

RE: Permit No. 92-10014

Permit Approval Notice

Dear Permit Holder:

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

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

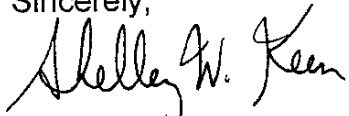
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

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

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive, flowing style.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

SCANNED

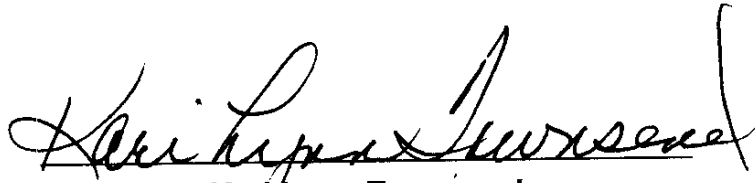
CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

92-10014

**CLINTON FULLMER
ELAINE FULLMER
PO BOX 737
ST MARIES ID 83861**



**Karl Lynn Townsend
Secretary**

SC 92-10014

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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 Idaho Water Resource Board (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: March 15, 2005
To: Water Right File 92-10014
From: Shelley Keen *(SK)*
Re: Application Review

The applicant described the source of water as Thorn Creek, a tributary of the St. Maries River. According to the USGS topographic quadrangle, the source is actually an unnamed tributary of Thorn Creek. This change should be considered a clarification of the source name, not a change in source.

Because Thorn Creek is tributary to the St. Maries River within its minimum stream flow reach, the permit will carry the condition requiring the right holder to cease diverting when the flow is below the minimum.

SCANNED

Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of two issues, the first publication being on the 2 day of February 2005 and the last on the 9 day of February 2005.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

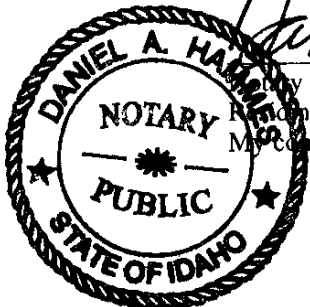
Dated this 9 day of February, 2005

Cynthia Ann Hammes

STATE OF IDAHO

COUNTY OF BENEWAH

On this 9 day of February, in the year of 2005 before me, a Notary Public, personally appeared Cynthia Ann Hammes, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Daniel A. Hammes
Notary Public for Idaho
Residing at St. Maries, Idaho
My commission expires: 07-3-2007

RECEIVED
FEB 11 2005
IDWR/North

Water use application

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

92-10014

CLINTON FULLMER

ELAINE FULLMER

PO BOX 737

ST MARIES ID 83861

Point(s) of Diversion SENE S22 T45N R01W BENEWAH County

Source THORN CREEK Tributary To ST MARIES RIVER

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

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

Total Diversion: 0.08 CFS

Date Filed: 10/18/2004

Place Of Use: DOMESTIC T45N R01W S22 NENE

Place Of Use: COMMERCIAL same as DOMESTIC

Remark: Domestic use is for 1 home.

Commercial use is for water bottling company.

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 02/21/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

6058 Feb. 2-Feb. 9

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

92-10014

CLINTON FULLMER
ELAINE FULLMER
PO BOX 737
ST MARIES ID 83861

Point(s) of Diversion SENE S22 T45N R01W BENEWAH County

Source THORN CREEK Tributary To ST MARIES RIVER

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

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

Total Diversion: 0.08 CFS

Date Filed: 10/18/2004

Place Of Use: DOMESTIC T45N R01W S22 NENE

Place Of Use: COMMERCIAL same as DOMESTIC

Remark: Domestic use is for 1 home.

Commercial use is for water bottling company.

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 02/21/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on February 2 and 9, 2005

PLANNED



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

January 26, 2005

KAISIE BREDE
LEGAL NOTICE DEPARTMENT
ST MARIES GAZETTE RECORD
610 MAIN AVE
ST MARIES ID 83861-1838

RE: Application for Permit No. 92-10014 - Fullmer

Dear Kaisie:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, February 2 and 9, 2005, (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 02/21/2005. Your cooperation is GREATLY appreciated. It is always a pleasure to work with you.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

SCANNED

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, January 26, 2005 10:58 AM
To: Legal Notices-SMGazette (E-mail)
Subject: Legal Notice for 92-10014 for publication on 2/2 & 2/9/05

Good day to you, Kaisie,

Attached is a copy of our cover letter requesting publication of the attached legal notice on February 2 and 9, 2005.

If you have ANY questions, please call me at 208-769-1450 or e-mail me.

PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION. MANY THANKS!!

 *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

SCANNED

1/26/2005



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

January 26, 2005

CLINTON FULLMER
ELAINE FULLMER
PO BOX 737
ST MARIES ID 83861

RE: Application for Permit No 92-10014

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 St Maries Gazette on February 2 and 9, 2005. 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,

Robert G. Haynes, P.E.
Regional Manager



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

January 24, 2005

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

FAXED TO MARY 1/24/05
4 pages total

Application to Permit No. 92-10014

Mary:

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

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

You may comment by e-mail to Dianne.Ball@idwr.idaho.gov

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

Sincerely,

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

Dianne Ball
Administrative Assistant

Enclosure(s)

RECEIVED
JAN 27 2005