

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 98-07839

Priority: November 30, 2004

Maximum Diversion Rate: 0.40 CFS

This is to certify, that JOHN DRIEDGER
HCR 60 BOX 30Z
BONNERS FERRY ID 83805

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: BANE 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>
IRRIGATION	04/01 to 10/31	0.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SE¼SW¼ Sec. 35, Twp 63N, Rge 01E, B.M. BOUNDARY 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	
63N 01E 35								40.0									40.0

Total Acres: 40

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 1, 2006**.
2. Subject to all prior water rights.
3. 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.
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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 14th day of March, 2005.


for KARL J DREHER, Director

RECEIVED

MAR 30 2004

71589

Ident. No.

98-7839

RECEIVED
MAR 01 2004
AUG 13 2004
IDWR/North

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 12 2004
IDWR/North

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant John Driedger Phone 208-267-5305
Mailing address HR 60 Box 302 Bonanza Ferry ID 83805
2. Source of water supply Flemming Creek which is a tributary of Kootenai River
3. Location of point of diversion is Township 63N Range 01E Sec. 35 in the SE 1/4, SW 1/4, Govt. Lot Boundary, B.M., Boundary County: Boundary
additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount .40 for Irrigation purposes from 04-01 to 11-15 (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) .40 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works: In Place RT-7148

- a. Describe type and size of devices used to divert water from the source 50 HP electric pump, 4"
buried PVC then above ground PVC along S. boundary of described property
- 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. _____
- e. Other; describe fully. _____

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	
63	1E	35								X									

Total number of acres to be irrigated 40

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? John Driedger

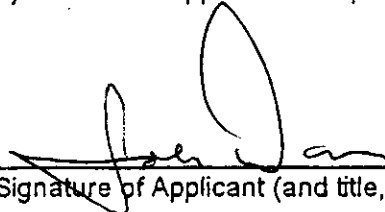
b. Who owns the land to be irrigated or place of use? John Driedger

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

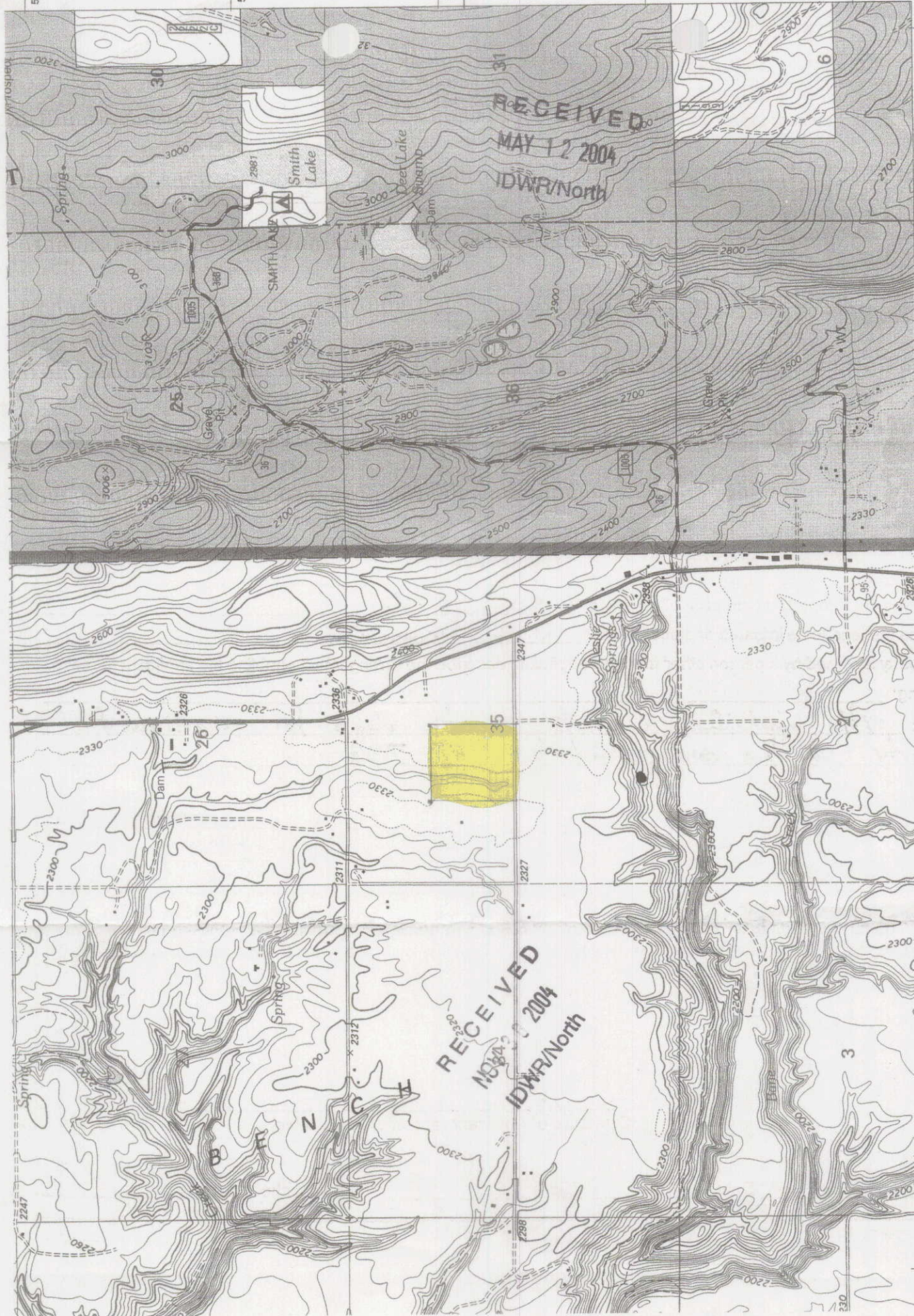
12. Remarks: This application requests irrigation rights for an adjacent property to the one covered by RT987148

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.


Signature of Applicant (and title, if applicable)

Received by [Signature] Date 8/13/04 Time 1:25P Preliminary check by _____
 Fee \$ 250.00 Received by [Signature] # 11016491 Date 8/13/04
 Publication prepared by [Signature] Date 11/14/04 Published in Banner-Terrace 1/20 & 27/05
 Publication approved [Signature] Date 2/3/05



RECEIVED
NOV 12 2004
IDWR/North

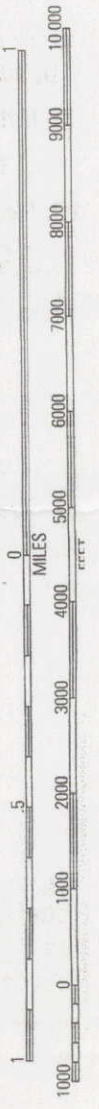
RECEIVED
MAY 12 2004
IDWR/North

SCALE 1:24 000

Twp 63

Page 1E

Sec 36



553000mE

R1E R2E

INTERIOR GEOLOGICAL SURVEY, RESTON VIRGINIA 1999
HIGHWAYS

Interstate.....
11 S

IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 98-7148

WATER RIGHT NUMBER: 98-7148

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN DRIEDGER HCR 60 BOX 30 Z BONNERS FERRY, ID 83805 (208)267-5305
Original Owner	LESLIE H LEVIG HCR 60 BOX 31 KINGS ROW BONNERS FERRY, ID 83805 (208)267-2176

Priority Date: 08/14/1975

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	BANE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/15	0.300 CFS	45.00 AF
<u>Total Diversion:</u>		0.300 CFS	45.00 AF

Location of Point(s) of Diversion

UNNAMED STREAM	SE1/4SW1/4	Sec. 35, Twp 63N, Rge 01E, B.M.
BOUNDARY 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	
63N	01E	35									5.0			10.0					15.0

Total Acres: 15

Conditions of Approval:

1. 016 See remarks for additional conditions of approval.

Remarks:

1. General THIS RT. WHEN COMBINED WITH RT 98-7170 SHALL NOT EXCEED 0.48 CFS.

Comments:



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

JOHN DRIEDGER
HCR 60 BOX 30Z
BONNERS FERRY ID 83805

RE: Permit No. 98-7839

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.

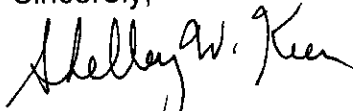
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

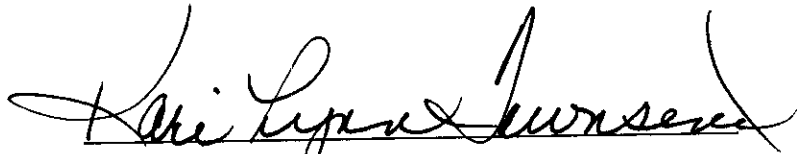
CERTIFICATE OF SERVICE

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.

98-7839

**JOHN DRIEDGER
HCR 60 BOX 30Z
BONNERS FERRY ID 83805**

A handwritten signature in black ink, reading "Karl Lynn Townsend", written over a horizontal line.

**Karl Lynn Townsend
Secretary**

**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 14, 2005
To: Water Right File 98-7839
From: Shelley Keen *SK*
Re: Application Review

SOURCE AND OVERLAPPING POINTS OF DIVERSION

The USGS topographic map does not name the stream from which the applicant proposes to divert water. It appears to conjoin with Bane Creek to form a tributary of Fleming Creek. Three other water rights (98-7148, 98-7170, and 98-7688) are all diverted from the same stream at the same point of diversion. All of them call it an unnamed stream tributary to Bane Creek. For consistency purposes, I recommend that this permit also call the source an unnamed tributary of Bane Creek. This change should be treated as a clarification of the source's name, not as a source change.

SEASON OF USE

The applicant applied for a season of use from 4/1 to 11/15. The approval will carry the standard season of 4/1 to 10/31 for the area.

PRIORITY DATE

The application was initially received on 8/13/2004, but with deficiencies. The application was returned to the applicant, who re-submitted the completed application to IDWR on 11/30/2004.

**IDaho DEPARTMENT OF WATER RESOURCES
APF PRIATION APPLICATION ANALYSIS IEET**

W.R. # 98-1839

APPLICATION ID # 71589
INITIAL REVIEW

ENT. 10/21/04 BCA 10/21 OK to Publish 10/21

APPLICANT: DAN DRIEDGER BY: [Signature] DATE: 10/22/04

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
5. ☒ Nature of Proposed Use
6. ☒ Period of Use
7. ☒ Total Quantity
8. ☒ Description of diverting works
9. ☒ Time required for b/u
10. ☒ Proposed use
11. ☒ Place of use or acres irrigated
12. ☒ Other water Rights
13. ☒ Ownership
14. ☒ Map
15. ☒ Signature
16. ☒ Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y() N()

ADDITIONAL INFORMATION

(Yes)(No)

 Shape File Created Date By:

 Field check: by

 Field report attached

 Analysis Supp. attached(>5cfs/500af)

 Water delivered by water master? Water District #

PROCESSING

(Yes)(No) PRIORITY DATE: 11/30/04

 X (Include Moratorium Remark) add'l info

 X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af) Per A

ADVERTISE IN: BOUNDARY County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information

() Power Information () Other: N/A

INFORMATION RECEIVED:

() Dam Information () Fish Information

() Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
<u> </u>	<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y() N()
<u> </u>	<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y() N()
<u> </u>	<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y() N()

 Groundwater management area

 Critical ground water area

 Well Drilling Permit required

 Well Drilling Application and Fees received

 Well Drilling Application approved?

Remarks:

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

 Notice of pending void order issued. Final order response date: / /

 Further information required from applicant

2/13 Affidavit of publication received

2/13 Application published correctly. If not, record action taken:

1/18 Publication dates and paper recorded on application

 Protests received, Final protest date: 2/7/05

 Measuring device required

 Measuring port required

 Special conditions:

 Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: Date: / /

AFFIDAVIT OF PUBLICATION

State of Idaho

ss

County of Boundary, Kellie Neff

being first duly sworn on oath deposes and says that

he/she is Office Manager

of the Bonners Ferry Herald, a newspaper printed and

published at Bonners Ferry, Boundary County, Idaho;

that the said newspaper has been continuously and

uninterruptedly published in said Boundary County during

a period of 12 months prior to the first publication of the

hereto attached notice of publication in the case of:

5467 Application
for Permit

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

said paper for a period of 2 consecutive weeks,commencing on 20th day of Jan., 2005and ending on the 27th day of Jan., 2005

and that said notice was published in said newspaper.

On the 27th day of January in the yearof 2005, before me, a Notary Public, personallyappeared Kellie Neff,

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 he executed the same.

Jean E. Diehl
Notary Public for IdahoResiding at Bonners FerryMy Commission expires: 1/20/2008

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

98-7837
US DEPT OF INTERIOR
FISH & WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND OR 97232-4181
Point(s) of Diversion SENW S13 T62N R01W BOUNDARY County
Source MYRTLE CREEK Tributary To KOOTENAI RIVER
Use: WILDLIFE 01/01 To 12/31 7.8 CFS
Use: WILDLIFE STORAGE 01/01 To 12/31 212 AFA
Use: DIVERSION TO STORAGE 01/01 To 12/31 7.8 CFS
Total Diversion: 7.8 CFS
Date Filed: 07/27/2004
Place Of Use: WILDLIFE
T62N R01E S19 NWNW SWNW NWSW SWSW
T62N R01W S12 SESW SWSE SESE
T62N R01W S13 SWNE NENW SENW NESW NESE NWSE SESE
T62N R01W S24 NENE SENE NESE SESE
T62N R01W S25 NENE SWNE SENE NESE NWSE SWSE SESE
T62N R01W S36 NWNE
Place Of Use: WILDLIFE STORAGE
Same as Wildlife

98-7839
JOHN DRIEDGER
HCR 60 BOX 302
BONNERS FERRY ID 83805
Point(s) of Diversion SESW S35 T63N R01E BOUNDARY County
Source FLEMING CREEK Tributary To KOOTENAI RIVER
Use: IRRIGATION 04/01 To 11/15 0.4 CFS
Total Diversion: 0.4 CFS
Date Filed: 11/30/2004
Place Of Use: IRRIGATION T63N R01E S35 SENW
Number of Acres 40

98-7840
PATRICK GARDINER
HCR 60 BOX 228
PORTHILL ID 83853
Point(s) of Diversion NENW S21 T65N R01W BOUNDARY County
Source GROUND WATER
Use: IRRIGATION 03/15 To 11/15 0.12 CFS
Use: STOCKWATER 01/01 To 12/31 0.12 CFS
Total Diversion: 0.12 CFS
Date Filed: 08/16/2004
Place Of Use: STOCKWATER and IRRIGATION T65N R01W S21 NENW
Number of Acres 30
Remark: Stockwater use is for 65 head of range stock (angus)

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 02/07/2005. The protestant must also send a copy of the protest to the applicant.

Legal BFH5467
January 20 and 27, 2005

KARL J DREHER, Director

RECEIVED
FEB 03 2005
IDWR/North

ID 'O DEPARTMENT OF WATER RESO' CES
API OPRIATION APPLICATION ANALYSIS HEET

W.R. # 98-1839

APPLICATION ID # 71589
INITIAL REVIEW

ENT. 10/14/04 BCA 10/21/04 OK to Publish 10/21/04

APPLICANT: Driedger BY: RJA DATE: 10/21/04

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
☒ Nature of Proposed Use
☒ Period of Use
5. ☒ Total Quantity
6. ☒ Description of diverting works
7. ☒ Time required for b/u
8. ☒ Proposed use
9. ☒ Place of use or acres irrigated
10. ☒ Other water Rights
11. ☒ Ownership
12. ☒ Map
☒ Signature
☒ Fee (Amt, receipt, acknowledgement)

PROCESSING

(Yes)(No)

PRIORITY DATE: 8/13/04

(Include Moratorium Remark)

Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: Baumbach County

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
() Power Information () Other: _____

INFORMATION RECEIVED:

() Dam Information () Fish Information

() Power Information () Other: _____

ADDITIONAL INFORMATION

(Yes)(No)

Shape File Created Date _____ By: _____
Field check: by _____
Field report attached _____
Analysis Supp. attached(>5cfs/500af) _____
Water delivered by water master? Water District # _____

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()

- _____ Groundwater management area
_____ Critical ground water area
_____ Well Drilling Permit required
_____ Well Drilling Application and Fees received
_____ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- _____ Notice of pending void order issued. Final order response date: ____/____/____
_____ Further information required from applicant
_____ Affidavit of publication received
_____ Application published correctly. If not, record action taken: _____

_____ Publication dates and paper recorded on application Sr. Agent initial _____
_____ Protests received, Final protest date: ____/____/____
_____ Measuring device required
_____ Measuring port required
_____ Special conditions: _____
_____ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: _____ Date: ____/____/____

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

98-7837

US DEPT OF INTERIOR
FISH & WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND OR 97232-4181

Point(s) of Diversion SENW S13 T62N R01W BOUNDARY County
Source MYRTLE CREEK Tributary To KOOTENAI RIVER

Use: WILDLIFE	01/01 To 12/31	7.8 CFS	
Use: WILDLIFE STORAGE	01/01 To 12/31		212 AFA
Use: DIVERSION TO STORAGE	01/01 To 12/31	7.8 CFS	
Total Diversion:		7.8 CFS	

Date Filed: 07/27/2004

Place Of Use: WILDLIFE

T62N R01E S19 NWNW SWNW NWSW SWSW
T62N R01W S12 SESW SWSE SESE
T62N R01W S13 SWNE NENW SENW NESW NESE NWSE SESE
T62N R01W S24 NENE SENE NESE SESE
T62N R01W S25 NENE SWNE SENE NESE NWSE SWSE SESE
T62N R01W S36 NWNE

Place Of Use: WILDLIFE STORAGE - same as WILDLIFE

98-7839

JOHN DRIEDGER
HCR 60 BOX 30Z
BONNERS FERRY ID 83805

Point(s) of Diversion SESW S35 T63N R01E BOUNDARY County
Source FLEMING CREEK Tributary To KOOTENAI RIVER

Use: IRRIGATION	04/01 To 11/15	0.4 CFS
Total Diversion:		0.4 CFS

Date Filed: 11/30/04

Place Of Use: IRRIGATION T63N R01E S35 SENW
Number of Acres 40

98-7840

PATRICK GARDINER
HCR 60 BOX 228
PORTHILL ID 83853

Point(s) of Diversion NENW S21 T65N R01W BOUNDARY County
Source GROUND WATER

Use: IRRIGATION	03/15 To 11/15	0.12 CFS
Use: STOCKWATER	01/01 To 12/31	0.12 CFS
Total Diversion:		0.12 CFS

Date Filed: 08/16/2004

Place Of Use: STOCKWATER and IRRIGATION T65N R01W S21 NENW
Number of Acres 30

Remark: Stockwater use is for 65 head of range stock (angus)

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 02/07/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on January 20 and 27, 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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 14, 2005

JEAN DIEL &/or CAROL ARTHUR
LEGAL NOTICE DEPARTMENT
BONNERS FERRY HERALD
PO BOX 539
BONNERS FERRY ID 83805

e-mailed to bfherald @cdapress.com

RE: Application for Permit No. 98-7837, 98-7839 and 98-7840

Dear Jean &/or Carol:

I'm back off of 2+ months of medical leave and in need of publication of a legal notice.

Enclosed you will find a legal notice that we wish to have published in your newspaper on the dates indicated, January 20 and 27, 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 02/07/2005. Your cooperation is GREATLY appreciated, as always.

Sincerely

A handwritten signature in black ink, appearing to be 'Dianne Ball'.

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Friday, January 14, 2005 3:00 PM
To: Legal Notices-BFHerald (E-mail)
Subject: Legal notice for publication on January 20 and 27, 2005

A very good afternoon to you, Jean and Carol,

I am attaching a cover letter requesting publication of a legal notice on January 20 and 27, 2005. The legal notice is also attached.

I trust you can copy and paste because this one is fairly long and hopefully you don't have to type it out.

I would appreciate a **PROOF PRIOR TO PUBLICATION** so I can do a last minute check on how things transfer to the paper setup. Sometimes tabs do crazy things.

Looking forward to working with you again after being off for a couple months.

Blessings and many thanks - it's always a pleasure working with you.

Dianne

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

1/14/2005



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 14, 2005

JOHN DRIEDGER
HCR 60 BOX 30Z
BONNERS FERRY ID 83805

RE: Application for Permit No 98-7839

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 Bonners Ferry Herald on January 20 and 27, 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,

A handwritten signature in cursive script that reads "Allen Beardslee".

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) - Receipt No. N016491 for your file.



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

October 22, 2004

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

FAXED to Mary 10/22/04
4 pages

Application to Permit No. 98-7839

STATE OF IDAHO :

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

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

You may comment by e-mail PRIOR TO OCTOBER 27, 2004 to dball@idwr.state.id.us, or if AFTER OCTOBER 27, 2004 to bhaynes@idwr.state.id.us, as I will be on medical leave.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne', is written over a horizontal line.

Dianne Ball
Administrative Assistant

Enclosure(s)



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

October 22, 2004

JOHN DRIEDGER
HCR 60 BOX 30 Z
BONNERS FERRY ID 83805

RE: Application for Permit

Dear Mr. Driedger:

After further review of your application, we find we are in need of some additional information.

Would you please mark on your map the location where you expect to install your pump.

Also in item 9a, "Description of place of use", it appears from your map that the land is actually in Section 35, not in Section 36. If this is the case, please change the section number to reflect that location.

Please make the necessary notations and corrections and return the application and map to me. If you have any questions, please call me at 208-769-1450.

Sincerely

A handwritten signature in black ink, appearing to read 'Robert G. Haynes'.

Robert G. Haynes, P.E.
Regional Manager

RGH:db

Enclosures - application and map



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 5, 2004

John Driedges
HCR 60, Box 30Z
Bonners Ferry, ID 83805

RE: Application for Permit Filing

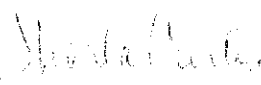
Dear Mr. Driedges:

We received your application for permit to appropriate water from Flemming Creek. The application is being returned to you for the following reasons.

1. Item 3 is missing the $\frac{1}{4}$ $\frac{1}{4}$ descriptions and the County.
2. Please describe the means by which you will divert water under Item 6A.
3. Indicate in Item 7 the number of years you think you need to develop this water system (minimum is 1 year, maximum is 5 years).
4. The filing fee for 0.40 cfs is \$250.00.

After you have made the changes listed above, please return the application to us for processing. Please call if you have questions.

Sincerely,


Al Beardslee
Sr. Water Resource Agent

Enclosure

RECEIVED
AUG 13 2004
IDWR/North

*Funds received
8/13/04
B*