**State of Idaho**
**Department of Water Resources**

# Permit to Appropriate Water

**NO. 95-18215**

**Priority**: December 01, 2021 **Maximum Diversion Rate:** 0.04 CFS

This is to certify that

RODNEY K ROSACKER
23 BARN OWL DR
SPIRIT LAKE, ID 83869-1900

AND/OR

DEBRA A ROSACKER
23 BARN OWL DR
SPIRIT LAKE, ID 83869-1900

has applied for a permit to appropriate water from:

**Source :** GROUND WATER

and a permit is APPROVED for development of water as follows:

| Beneficial Use | Period of Use | Rate of Diversion |
|---|---|---|
| DOMESTIC | 01/01 to 12/31 | 0.04 CFS |

**Location of Point(s) of Diversion**
GROUND WATER NE¼, SW¼, Sec. 21, Twp 54N, Rge 04W, B.M., BONNER County

**Place of Use:** DOMESTIC

| Twp | Rng | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 54N | 04W | 21 | | | | | | | | | X | | | | | | | | |

**Conditions of Approval:**

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2023.**
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. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
5. Domestic use is for 1 home.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. Place of use is located within Lot 3A, Blk. 2, Quail Ridge 1st Addition subdivision.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 13th day of January, 2022.

ADAM FREDERICK
Water Rights Supervisor

**State of Idaho**
**Department of Water Resources**

# Attachment to Permit to Appropriate Water

**95-18215**

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

04W

54N

Point of Diversion

Place Of Use Boundary

PLS Sections

Quarter Quarters

Taxlots

0 0.02 0.04 0.08 Miles

N

Tax parcel information provided by Bonner County.

IDAHO DEPARTMENT OF
**WATER RESOURCES**

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

**Governor Brad Little** **Director Gary Spackman**

January 14, 2022

DEBRA A ROSACKER
RODNEY K ROSACKER
23 BARN OWL DR
SPIRIT LAKE ID 83869-1900

RE: Permit No. 95-18215

**Permit Approval Notice**

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

**Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.**

If you have any questions concerning the enclosed information, please contact the Northern Region Office at (208) 762-2800.

Sincerely,

Adam Frederick

Adam Frederick
Water Rights Supervisor

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2022, I served a true and correct copy of Permit to Appropriate Water No. 95-18215 by U.S. Mail, postage prepaid, to the following:

DEBRA A ROSACKER (Current Owner)
23 BARN OWL DR
SPIRIT LAKE ID 83869-1900

RODNEY K ROSACKER (Current Owner)
23 BARN OWL DR
SPIRIT LAKE ID 83869-1900

Tammy Alleman
Administrative Assistant 1

# 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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 service date 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.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )
) ss.
County of Bonner )

Danielle Ruhmshottel, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Public Notice.
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 15 day of December, 2021, and ending on the 22 day of December, 2021.

Danielle Ruhmshottel

State of Idaho, county of Bonner ss.
On this 22 day of December, in the year of 2021, before me, Katrina George, Notary Public, personally appeared Danielle Ruhmshottel known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

RECEIVED
JAN 10 2022
IDWR NORTH

Katrina George
Notary Public
Residing at: Kootenai County

**My Commission Expires 8/29/23**

KATRINA GEORGE NOTARY PUBLIC COMM. NO. 58374 STATE OF IDAHO

**PUBLIC NOTICE**

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

**95-18207**
JEFFREY E JONES
TAMMY J JONES
326 SONGBIRD WAY
SPIRIT LAKE, ID 83869
Point of Diversion NWSE
S21 T54N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.06 CFS
Date Filed: 11-24-2021
Place Of Use:
DOMESTIC,STOCKWATER
T54N R04W S21 NWSE

**95-18215**
RODNEY K ROSACKER
DEBRA A ROSACKER
23 BARN OWL DR
SPIRIT LAKE, ID 83869-1900
Point of Diversion NESW
S21 T54N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 12-01-2021
Place Of Use: DOMESTIC
T54N R04W S21 NESW

**96-10075**
JANICE DAUGHERTY
84 CEDAR VIEW ESTATES RD
BLANCHARD, ID 83804-9582
Point of Diversion L2(SWNW)
S31 T55N R05W
BONNER County
Source GROUND WATER
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: IRRIGATION
04/01 to 10/31 0.12 CFS
Total Diversion: 0.14 CFS
Date Filed: 12-07-2021
Place Of Use:
IRRIGATION,STOCKWATER
T55N R05W S31
L1(NWNW),L2(SWNW)
Total Acres: 4

**97-7691**
CHAD WHITNEY
PO BOX 666
DEER PARK, WA 99006-0666
Point of Diversion NESE
S18 T61N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.02 CFS
Date Filed: 09-15-2021
Place Of Use: DOMESTIC
T61N R04W S18
NESE,NWSE

**97-8030**
FRANK KIRITZ
3025 W ROSEWOOD AVE
SPOKANE, WA 99208
Point of Diversion L3(NESE)
S17 T60N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 11-24-2021
Place Of Use: DOMESTIC
T60N R04W S17 L3(NESE)

**97-8068**
BRADLEY HOYT
1324 N LIBERTY LAKE RD
# 102
LIBERTY LAKE, WA
99019-8523
Point of Diversion SWNW
S15 T59N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 11-24-2021
Place Of Use: DOMESTIC
T59N R04W S15 SWNW

**97-8082**
DAVID L KLUTZZ & BONNIE G KLUTZZ REVOCABLE TRUST
78 EAST RIVER SPUR
PRIEST RIVER, ID
83856-9701
Point of Diversion NWNW
S23 T58N R04W
BONNER County
Source EAST RIVER
Tributary PRIEST RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.13 CFS
Date Filed: 12-03-2021
Place Of Use: IRRIGATION
T58N R04W S23 NWNW
Total Acres: 6.5

**97-8115**
DAVID L KLUTZZ & BONNIE G KLUTZZ REVOCABLE TRUST
78 EAST RIVER SPUR
PRIEST RIVER, ID
83856-9701
Point of Diversion SESWSW
S14 T58N R04W
BONNER County
Source SPRING
Tributary SINKS
Point of Diversion SWSWSW
S14 T58N R04W
BONNER County
Source SPRING
Tributary SINKS
Use: DIVERSION TO STORAGE
01/01 to 12/31 0.15 CFS
Use: AESTHETIC STORAGE
01/01 to 12/31 2.2 AF
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 2.2 AF
Use: RECREATION STORAGE
01/01 to 12/31 2.2 AF
Total Diversion: 0.15 CFS
Date Filed: 11-26-2021
Place Of Use: AESTHETIC STORAGE,DIVERSION TO STORAGE,DIVERSION TO STORAGE,FIRE PROTECTION STORAGE, RECREATION STORAGE
T58N R04W S14 SWSW
Total Acres: 6.5

**97-8118**
GLENDA PAIGE WISER
PO BOX 2398
PRIEST RIVER, ID
83856-2398
Point of Diversion SWNESE
S26 T57N R05W
BONNER County
Source SPRING
Tributary LOWER WEST BRANCH PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 11-29-2021
Place Of Use: DOMESTIC
T57N R05W S26 NESE

**97-8119**
DAWN NOLAN
CALVIN NOLAN
PO BOX 54
BAYVIEW, ID 83803-0054
Point of Diversion SESE
S9 T58N R04W
BONNER County
Source GROUND WATER
Tributary PRIEST RIVER
Point of Diversion SESE
S9 T58N R04W
BONNER County
Source UNNAMED STREAM
Tributary PRIEST RIVER
Use: WILDLIFE STORAGE
01/01 to 12/31 22 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 30 AF
Use: DIVERSION TO STORAGE
01/01 to 12/31 0.2 CFS
Use: WILDLIFE
01/01 to 12/31 0.2 CFS
Use: IRRIGATION FROM STORAGE
01/01 to 12/31 30 AF
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 22 AF
Total Diversion: 0.2 CFS, 52 AF
Date Filed: 11-30-2021
Place Of Use: DIVERSION TO STORAGE, FIRE PROTECTION STORAGE, IRRIGATION FROM STORAGE,IRRIGATION STORAGE,WILDLIFE, WILDLIFE STORAGE
T58N R04W S9
SWSE,SESE
Total Acres: 10

**97-8120**
DAWN NOLAN
CALVIN NOLAN
PO BOX 54
BAYVIEW, ID 83803-0054
Point of Diversion SESE
S9 T58N R04W
BONNER County
Source GROUND WATER T
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: IRRIGATION
04/01 to 10/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 11-30-2021
Place Of Use: DOMESTIC,IRRIGATION, STOCKWATER
T58N R04W S9
NESE,NWSE,SWSE,SESE
Total Acres: 15

**97-8131**
CURTIS EVANENKO
CHERYL EVANENKO
147 HORIZON VIEW LN
WALLA WALLA, WA
99362-7197
Point of Diversion SESENW
S13 T56N R05W
BONNER County
Source SPRING
Tributary PRIEST RIVER
Point of Diversion SESENW
S13 T56N R05W
BONNER County
Source SPRING
Tributary PRIEST RIVER
Point of Diversion SESENW
S13 T56N R05W
BONNER County
Source SPRING Tributary PRIEST RIVER
Use: DIVERSION TO STORAGE
01/01 to 12/31 0.2 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: STOCKWATER STORAGE
01/01 to 12/31 0.1 AF
Use: STOCKWATER FROM STORAGE
01/01 to 12/31 0.1 AF
Use: IRRIGATION
04/01 to 10/31 0.03 CFS
Use: IRRIGATION STORAGE
04/01 to 10/31 3 AF
Use: IRRIGATION FROM STORAGE
04/01 to 10/31 3 AF
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 2 AF
Use: RECREATION STORAGE
01/01 to 12/31 2 AF
Total Diversion: 0.2 CFS
Date Filed: 12-03-2021
Place Of Use: FIRE PROTECTION STORAGE, IRRIGATION, IRRIGATION FROM STORAGE,IRRIGATION STORAGE,RECREATION STORAGE, STOCKWATER, STOCKWATER FROM STORAGE,STOCKWATER STORAGE
T56N R05W S13 SENW
Total Acres: 1

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of $25.00 for each application on or before 1/3/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
SNP LEGAL 1081
AD#502461
DECEMBER 15, 22, 2021