State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 95-18098

Priority: May 18, 2021 **Maximum Diversion Rate:** 0.04 CFS

This is to certify that

KELSEY R BUSH
PO BOX 276
RATHDRUM, ID 83858-0276

AND / OR

ROBERT T BUSH
PO BOX 276
RATHDRUM, ID 83858-0276

have 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 NW¼, NE¼, Sec. 21, Twp 52N, Rge 04W, B.M., KOOTENAI 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	
52N	04W	21		X															

Conditions of Approval:
1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2026.**
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. The following rights are diverted through point(s) of diversion described above: 95-11201, 95-18098.
8. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the RPGWMA management plan approved by the director, including its conservation goals.
9. Place of use is located within Lot 2, Blk. 1, Diagonal Split subdivision.

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

Signed this 8th day of July, 2021.

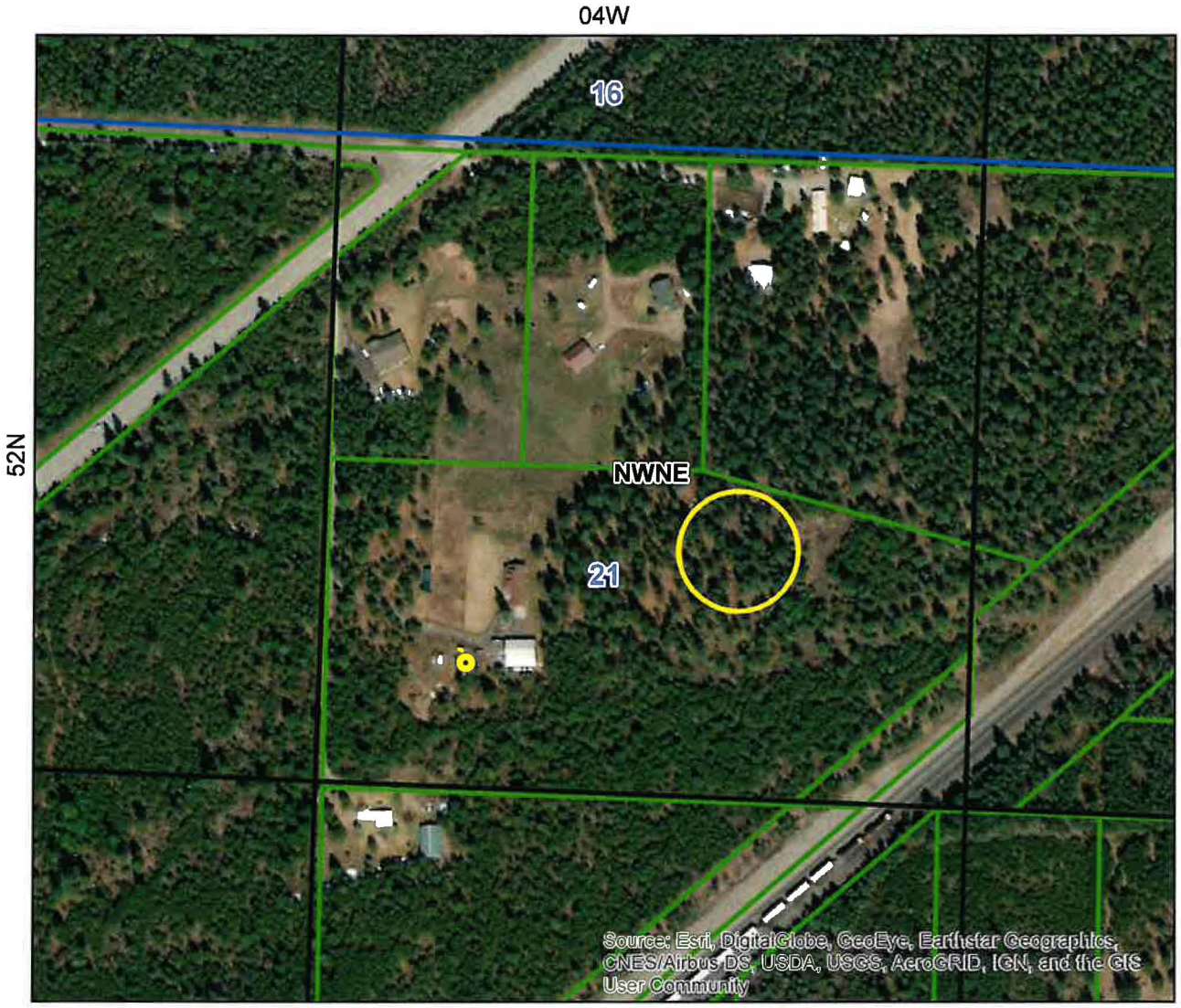
ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-18098

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.



- Point of Diversion
- Place Of Use Boundary
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.045 0.09 0.18 Miles

N

Tax parcel information provided by Kootenai County.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Northern Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763
Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 08, 2021

ROBERT T BUSH
KELSEY R BUSH
PO BOX 276
RATHDRUM ID 83858-0276

RE: Permit No. 95-18098

Permit Approval Notice

Dear Permit Holders:

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 July 08, 2021, I served a true and correct copy of Permit to Appropriate Water No. 95-18098 by U.S. Mail, postage prepaid, to the following:

ROBERT T BUSH (Current Owner)
PO BOX 276
RATHDRUM ID 83858-0276

KELSEY R BUSH (Current Owner)
PO BOX 276
RATHDRUM ID 83858-0276

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

RECEIVED
JUL 0 1 2021
IDWR / NORTH

STATE OF IDAHO)
) ss.
County of Kootenai)

Shaila Maciosek, being first duly sworn upon oath, deposes and states:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press", a newspaper printed and published daily in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal notice of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 3 day of June, 2021, and ending on the 10 day of June, 2021, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Shaila Maciosek.

On this 10 day of June in the year of 2021 before me, a Notary Public, personally appeared Shaila Maciosek, 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.

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

Katrina George
Notary Public for the State of Idaho
Residing in Coeur d'Alene, Idaho

My Commission Expires 8/29/23

PUBLIC NOTICE

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

95-17502
HATCH FAMILY HERITAGE LLC
C/O ALLAN D KYLE
25249 N HATCH RD
ATHOL, ID 83801-8683
Point of Diversion SENE
S35 T53N R03W
KOOTENAI County
Source SAGE CREEK
Tributary SINKS
Point of Diversion SWNE
S35 T53N R03W
KOOTENAI County
Source SAGE CREEK
Tributary SINKS
Use: IRRIGATION
04/01 to 10/31 0.5 CFS
Total Diversion: 0.5 CFS
Date Filed: 04-09-2018
Place Of Use: IRRIGATION
T53N R03W S35
NENE,SWNE,SENE,NWSE
Total Acres: 83

95-17953
HENKOSKI FAMILY TRUST
PO BOX 750
ATHOL, ID 83801-0750
Point of Diversion SENE
S36 T53N R03W
KOOTENAI County
Source UNNAMED STREAM
Tributary SAGE CREEK
Use: IRRIGATION
04/01 to 10/31

Total Diversion: 0.12 CFS
Date Filed: 06-03-2020
Place Of Use: IRRIGATION
T53N R03W S36
NENE,SWNE,SENE
Total Acres: 6.2

95-18093
TC HAYDEN PROPERTIES LLC
9030 N HESS ST # 481
HAYDEN, ID 83835-9827
Point of Diversion SENE
S33 T52N R03W
KOOTENAI County
Source HAYDEN LAKE
Tributary SINKS
Use: IRRIGATION
03/15 to 11/15
Total Diversion: 0.15 CFS
Date Filed: 05-11-2021
Place Of Use: IRRIGATION
T52N R03W S33
NESE,SWNE,L1(SENE)
Total Acres: 21

95-18095
MILES J DUNNE
ANGELA M DUNNE
1717 W 8TH PL
KENNEWICK, WA 99336-5233
Point of Diversion NWNW
S3 T51N R03W
KOOTENAI County
Source HAYDEN LAKE
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 05-11-2021
Place Of Use: DOMESTIC
T51N R03W S3
NWNW,L3(NWNW)

95-18098
ROBERT T BUSH
KELSEY R BUSH
PO BOX 276
RATHDRUM, ID 83858-0276
Point of Diversion NWNE
S21 T52N R04W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 05-18-2021
Place Of Use: DOMESTIC
T52N R04W S21 NWNE

95-18099
YOUNG FAMILY TRUST
5144 S SEEWEEWANA CT
HARRISON, ID 83833-6051
Point of Diversion NENE
S4 T49N R03W
KOOTENAI County
Source COEUR D ALENE LAKE
Tributary SPOKANE RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 05-19-2021
Place Of Use: DOMESTIC
T49N R03W S4
NENE,L1(NENE)

95-18101
STEVEN HORSLEY
682 E WAR EAGLE AVE
ATHOL, ID 83801-8508
Point of Diversion SENW
S 24 T53N R04W
KOOTENAI County
Source GROUND WATER
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: 05-20-2021

Place Of Use: DOMESTIC, IRRIGATION, STOCKWATER
T53N R04W S24 SENW
Total Acres: 10

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 6/21/2021. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
CDA LEGAL 5564
AD#460751
JUNE 3, 10, 2021