

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 95-17602

Priority: June 22, 2020

Maximum Diversion Rate: 0.15 CFS

This is to certify that

SETH ESTATES WATER ASSOCIATION 2964 E OBADIAH CT ATHOL ID 83801-7201

has applied for a permit to appropriate water from:

Source : GROUND WATER

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>
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.13 CFS

Location of Point(s) of Diversion

GROUND WATER NE¼ NE¼, Sec. 30, Twp 53N, Rge 03W, B.M. KOOTENAI County

Place of Use: DOMESTIC and STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		No QQ
53N	03W	30	X	X																

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2021**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. 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.
5. When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Idaho Code § 42-701, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.
6. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
7. Point of diversion is located within Lot 1, Blk. 1, 1st Addition Seth Estates Subdivision.
8. Place of use is located within Lots 1-3, Blk. 1; 1st Addition Seth Estates Subdivision and Lot 1-4, Blk. 1; Prairie Pines Subdivision.
9. Domestic use is for 7 homes.
10. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.

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11. Stockwater use is for 50 head of cattle.
12. This right does not grant any right-of-way or easement across the land of another.

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

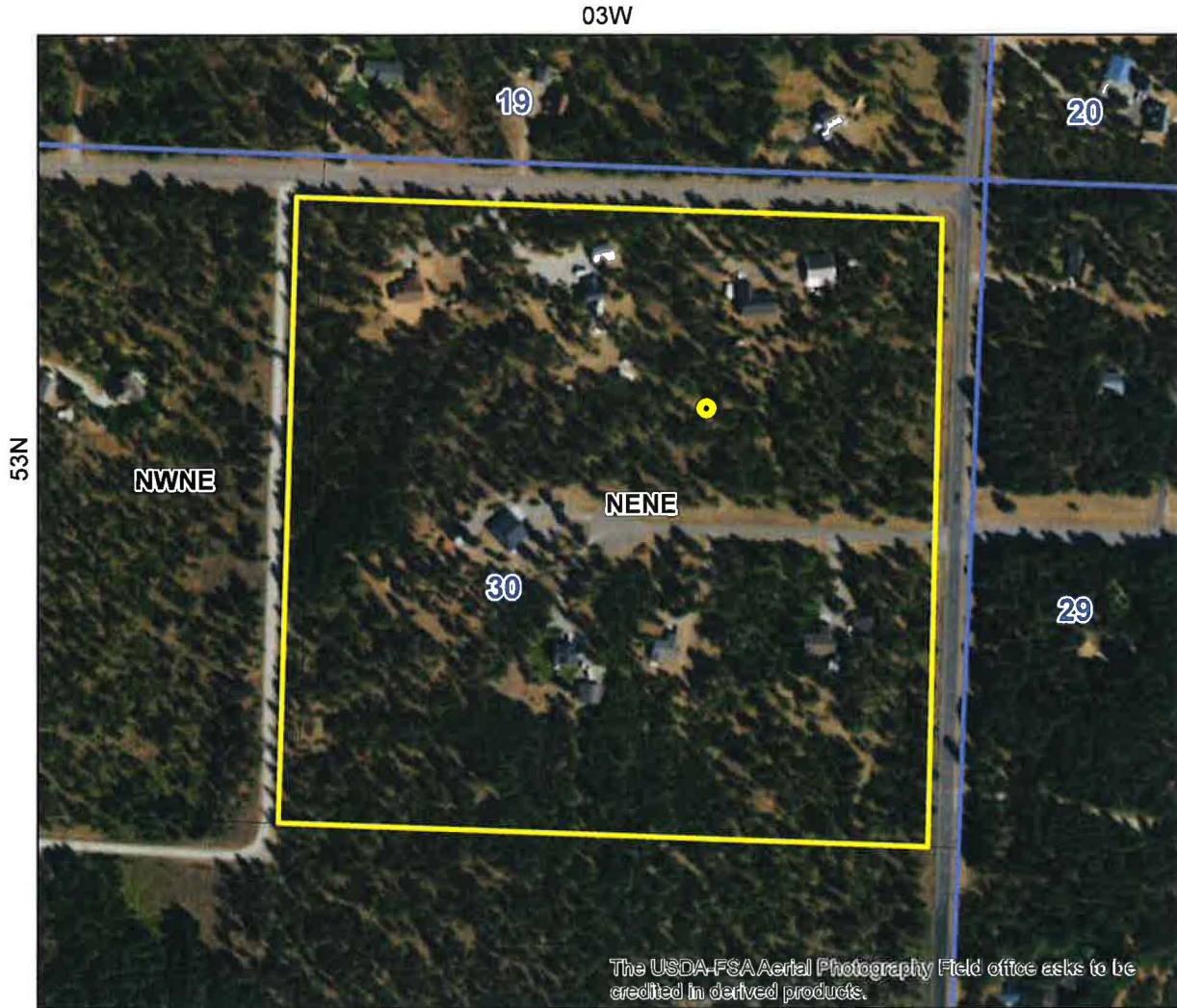
Signed this 7th day of August, 2020.



ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
95-17602

This map depicts the DOMESTIC and STOCKWATER 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
- Townships
- PLS Sections
- Quarter Quarters

0 0.0425 0.085 0.17 Miles





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

August 07, 2020

SETH ESTATES WATER ASSOCIATION
2964 E OBADIAH CT
ATHOL ID 83801-7201

RE: Permit No. 95-17602

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* ("Proof") 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. If you have already diverted and used water to the full extent intended, you may complete and submit the enclosed Proof form immediately.

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.

Also, please note that permit holders are required to report any change of 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. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

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

Sincerely,



Adam Frederick
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 07, 2020, I served a true and correct copy of Permit to Appropriate Water No. 95-17602 by U.S. Mail, postage prepaid, to the following:

SETH ESTATES WATER ASSOCIATION (Current Owner)
2964 E OBADIAH CT
ATHOL ID 83801-7201

WESLEY JOSEPH SCOTT (Representative)
PO BOX 217
ATHOL ID 83801-0217



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.

MEMORANDUM

To: Water Right Permit 95-17602

From: Luke Bates



Date: 8/7/2020

Re: Permit for Licensing to Appropriate Water within the State of Idaho.

An application for permit for domestic and stockwater uses in the name of Seth Estates Water Assn was received on 7/23/2018. During processing review, IDWR staff initiated the application process, assigning 7/23/2018 as the application priority date. During processing review, it was found that the application was incomplete, and not eligible for finalization for advertising review.

The original application received on 7/23/2018 was superseded, as an updated and complete application for same applicant was received on 6/22/2020. As the original application had been initiated in ADHOC by IDWR staff when first received in July 2018, correcting the priority date to reflect the advanced date was not changed prior to advertising review, and application 95-17602 was advertised with the original priority date of 7/23/2018.

During permit processing, the priority date error was identified, and the superseded application priority date of 7/23/2018 was advanced to reflect updated application with submission date of 6/22/2020. The priority date at time of permit approval reflects the advanced priority date of 6/22/2020 for water right 95-17602.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Kootenai)

Mary Moore, 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 16 day of July, 2020, and ending on the 23 day of July, 2020, 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 Mary Moore.

On this 23 day of July in the year of 2020 before me, a Notary Public, personally appeared Mary Moore, 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 for the State of Idaho
Residing in Coeur d'Alene, Idaho

My Commission Expires 8/29/23

RECEIVED
JUL 31 2020
IDWR / NORTH

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 84200**

GEM STATE WATER CO LLC
PO BOX 3388, COEUR D
ALENE, ID 83816 has filed Ap-
plication No. 84200 for
changes to the following water
right within KOOTENAI Coun-
ty: Right No. 95-10068; to see
a full description of these
rights and the proposed trans-
fer, please see [https://research
.idwr.idaho.gov/apps/waterrights/
querynewtransfers](https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers). The pur-
pose of the transfer is to
change a portion of the above
rights as follows:

**The applicant proposes to
move a point of diversion
from L4(NWNW) of Section
3, Twp 51N, Rge 04W to
L2(NWNE) of Section 3,
Twp 51N, Rge 04W.**

For additional information con-
cerning the property location,
contact Northern Region office
at (208)762-2800. Protests
may be submitted based on
the criteria of Idaho Code Sec.
42-222. Any protest against
the proposed change must be
filed with the Department 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
8/3/2020. The protestant must
also send a copy of the protest
to the applicant.

The following applications
have been filed to appropriate
the public waters of the State
of Idaho:

95-17602

SETH ESTATES WATER AS
SOCIATION
2964 E OBADIAH CT
ATHOL, ID 83801-7201
Point of Diversion NENE
S30 T53N R03W
KOOTENAI County
Source GROUND WATER
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: DOMESTIC
01/01 to 12/31 0.13 CFS
Total Diversion: 0.15 CFS
Date Filed: 07-23-2018
Place Of Use:
DOMESTIC, STOCKWATER
T53N R03W S30
NENE, NWNE

95-17958

ASPEN HOMES & DEVELOP-
MENT LLC
1831 N LAKEWOOD DR
STE A
COEUR D ALENE, ID
83814-2669
Point of Diversion NWSW
S8 T52N R04W
KOOTENAI County
Source GROUND WATER
Point of Diversion SWSW
S8 T52N R04W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.13 CFS
Date Filed: 06-18-2020
Place Of Use: DOMESTIC
T52N R04W S17
NENW, L3(NENW),
L3(NWNW)
Place Of Use: DOMESTIC
T52N R04W S18 NENE
Place Of Use: DOMESTIC
T52N R04W S8
NESW, NWSW, L6(NWSW),
SWSW, L5(SWSW), SESW,
L5(SESW)

95-17960

JARED D ANDERSON
910 N B ST
COEUR D ALENE, ID
83814-2214
Point of Diversion SENW
S5 T49N R04W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.1 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.12 CFS
Date Filed: 06-23-2020
Place Of Use:
DOMESTIC, STOCKWATER
T49N R04W S5 SENW

95-17961

KATHERINE CAMPBELL
KENT DURAND
2376 S KINDRED TRL
COEUR D ALENE, ID
83814-7173
Point of Diversion NENE
S26 T50N R05W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-25-2020
Place Of Use: DOMESTIC
T50N R05W S26
NENE, SENE

95-17963

RONALD & MAUREEN
PAYNE LIVING TRUST
16546 N SALEM RD
HAYDEN, ID 83835-9869
Point of Diversion NESE
S28 T52N R03W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-24-2020
Place Of Use: DOMESTIC
T52N R03W S28 NESE

95-17964

DANIEL GARN
SHELECE GARN
7642 E GEM SHORES RD
HAYDEN, ID 83835-7143
Point of Diversion SWNE
S10 T51N R03W
KOOTENAI County
Source HAYDEN LAKE
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: IRRIGATION
03/15 to 11/15 0.09 CFS
Total Diversion: 0.13 CFS
Date Filed: 06-26-2020
Place Of Use: DOMESTIC
T51N R03W S10
L5(NENE), L5(NWNE),
L5(SWNE), L5(SENE)
Place Of Use: IRRIGATION
T51N R03W S10
L1(NENE), L2(NWNE),
L5(SWNE), L5(SENE)
Total Acres: 2.9

95-17965

JOSEPH BOWEN
JANA BOWEN
6744 E GRETA AVE
POST FALLS, ID 83854-8003
Point of Diversion NESE
S9 T51N R03W
KOOTENAI County
Source HAYDEN LAKE
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-26-2020
Place Of Use: DOMESTIC
T51N R03W S9 L3(NESE)

95-17967

ROBERT P PARKER
SHARRON A PARKER
2105 E CHERRY TREE LN
SPOKANE, WA 99203-5019
Point of Diversion SENE
S14 T53N R05W
KOOTENAI County
Source SPIRIT LAKE

Tributary SPIRIT CREEK
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 07-02-2020
Place Of Use: DOMESTIC
T53N R05W S14
SENE, L1(SENE)

Permits will be subject to all
prior water rights. For addi-
tional information concerning
the property location, contact
the Northern office at
(208)762-2800; or for a full de-
scription of the right(s), please
see [https://idwr.idaho.gov/apps/
/ExtSearch/WRAApplicationRes
ults/](https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationRes ults/). Protests may be submit-
ted 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 Wa-
ter Resources, Northern Re-
gion, 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
8/3/2020. The protestant must
also send a copy of the protest
to the applicant.
GARY SPACKMAN, Director
CDA LEGAL 3824
AD#393844
JULY 16, 23, 2020