State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 95-17955

Priority: June 05, 2020 **Maximum Diversion Rate:** 0.04 CFS

This is to certify that

MATTHEW CHERRSTROM 35053 E HAYDEN LAKE RD HAYDEN ID 83835-7054

has applied for a permit to appropriate water from:

Source : HAYDEN LAKE **Tributary:** SINKS

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

Beneficial Use	Period of Use	Rate of Diversion
DOMESTIC	03/15 to 11/15	0.04 CFS

Location of Point(s) of Diversion

HAYDEN LAKE SE¼ NE¼, Sec. 33, Twp 52N, Rge 03W, 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	No QQ	
52N	03W	33				X L1														

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2022.**
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Place of use is located within Lot 4-5; Beverly Park Subdivision.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 95A.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
7. Domestic use is for external use only.
8. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
9. Rights 95-11524 and 95-17955 when combined shall not exceed a total diversion rate of 0.04 cfs for domestic use for 1 home and the irrigation up to 1/2 acre.
10. This right does not grant any right-of-way or easement across the land of another.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 95-17955

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

Signed this 9th day of July, 2020.

ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17955

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.

03W

52N

Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

0 0.035 0.07 0.14 Miles

N

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 09, 2020

MATTHEW CHERRSTROM
35053 E HAYDEN LAKE RD
HAYDEN ID 83835-7054

RE: Permit No. 95-17955

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 first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. In addition, 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.

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

Adam Frederick
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 09, 2020, I served a true and correct copy of Permit to Appropriate Water No. 95-17955 by U.S. Mail, postage prepaid, to the following:

MATTHEW CHERRSTROM (Current Owner)
35053 E HAYDEN LAKE RD
HAYDEN ID 83835-7054

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 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 week commencing on the 18 day of June, 2020, and ending on the 25 day of June, 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 25 day of June 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 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

RECEIVED
JUL 06 2020
IDWR / NORTH

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

94-9642
TMI BUILDING LLC
610 W HUBBARD ST STE 200
COEUR D ALENE, ID 83814-2287
Point of Diversion L5(SENE)
S33 T49N R01W
KOOTENAI County
Source ROSE LAKE
Tributary COEUR D ALENE RIVER
Use: IRRIGATION
03/15 to 10/31
Total Diversion: 0.11 CFS
Date Filed: 05-28-2020
Place Of Use: IRRIGATION
T49N R01W S33
SENE,L5(SENE)
Place Of Use: IRRIGATION
T49N R01W S34 SWNW
Total Acres: 5.4

94-9643
RHONDA SAND
610 W HUBBARD ST STE 125
COEUR D ALENE, ID 83814-2286
Point of Diversion SENE
S33 T49N R01W
KOOTENAI County
Source ROSE LAKE
Tributary COEUR D ALENE RIVER
Use: IRRIGATION
03/15 to 10/31
Total Diversion: 0.12 CFS
Date Filed: 05-28-2020
Place Of Use: IRRIGATION
T49N R01W S33
L6(NESE),SENE,L5(SENE)
Place Of Use: IRRIGATION
T49N R01W S34 NWSW
Total Acres: 5.8

95-17947
PATRICK MAGAJNA
STEPHANIE MAGAJNA
9254 N CASTLE WAY
HAYDEN, ID 83835-9684
Point of Diversion NWNE
S17 T51N R03W
KOOTENAI County
Source HAYDEN LAKE
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-01-2020
Place Of Use: DOMESTIC
T51N R03W S17
NWNE,L2(NWNE),SWNE

95-17951
RANDY UCHYTIL
TOERY UCHYTIL
17433 E PEND OREILLE DIVIDE RD
ATHOL, ID 83801-5056
Point of Diversion SENW
S27 T53N R02W
KOOTENAI County
Source TRAPPER CREEK
Tributary LEWELLEN CREEK
Use: POWER
01/01 to 12/31
Total Diversion: 0.6 CFS
Date Filed: 05-27-2020
Place Of Use: POWER
T53N R02W S27 SENW
Total Acres: 13

95-17952
KEVIN HOEKENDORF
SUZANNE HOEKENDORF
15972 N SILVER SPRINGS RD
HAYDEN, ID 83835-9043
Point of Diversion NENE
S33 T52N R03W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.06 CFS
Use: IRRIGATION
03/15 to 11/15 0.03 CFS
Total Diversion: 0.09 CFS
Date Filed: 06-02-2020
Place Of Use: DOMESTIC,IRRIGATION
T52N R03W S33 NENE
Total Acres: 1

95-17954
VAN MILEK
SHARON MILEK
7112 N FIVE MILE RD
SPOKANE, WA 99208-8982
Point of Diversion SWSE
S15 T48N R04W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-04-2020
Place Of Use: DOMESTIC
T48N R04W S15
NWSE,SWSE

95-17955
MATTHEW CHERRSTROM
35053 E HAYDEN LAKE RD
HAYDEN, ID 83835-7054
Point of Diversion SENE
S33 T52N R03W
KOOTENAI County
Source HAYDEN LAKE
Tributary SINKS
Use: DOMESTIC
03/15 to 11/15
Total Diversion: 0.04 CFS
Date Filed: 06-05-2020
Place Of Use: DOMESTIC
T52N R03W S33
L1(SENE)

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 7/6/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director
LEGAL #3700
AD #388370
JUNE 18, 25, 2020