

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 95-17923

Priority: January 21, 2020

Maximum Diversion Volume: 3.8 AF

This is to certify that

SUSAN E DICKSON 7475 E YELLOWSTONE TRL COEUR D ALENE ID 83814-9371

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>Annual Volume</u>
WILDLIFE STORAGE	01/01 to 12/31	3.8 AF

Location of Point(s) of Diversion

GROUND WATER	SW¼ NW¼, Sec. 22, Twp 50N, Rge 02W, B.M.	KOOTENAI County
GROUND WATER	SW¼ NW¼, Sec. 22, Twp 50N, Rge 02W, B.M.	KOOTENAI County
GROUND WATER	SW¼ NW¼, Sec. 22, Twp 50N, Rge 02W, B.M.	KOOTENAI County
GROUND WATER	SW¼ NW¼, Sec. 22, Twp 50N, Rge 02W, B.M.	KOOTENAI County

Place of Use: WILDLIFE STORAGE


Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
50N	02W	22							X											

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2021**.
2. Subject to all prior water rights.
3. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
4. Right 95-17923 authorizes a total annual storage volume of 3.8 acre-feet, 1.7 acre-feet to be used for the initial filling or carryover storage of the ponds and 2.1 acre-feet for the replacement of losses caused by evaporation.
5. The four ponds established by the storage of water under this right shall not exceed a total capacity of 1.7 AF or a total surface area of 0.4 acres.
6. 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 28<sup>th</sup> day of February, 2020.

  
ADAM FREDERICK  
Water Rights Supervisor

State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

95-17923

This map depicts the WILDLIFE STORAGE 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.

02W



● Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

Taxlots

0 0.015 0.03 0.06 Miles



Tax parcel information provided by Kootenai County.





Brad Little  
Governor

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](http://www.idwr.idaho.gov)

Gary Spackman  
Director

February 28, 2020

SUSAN E DICKSON  
7475 E YELLOWSTONE TRL  
COEUR D ALENE ID 83814-9371

RE: Permit No. 95-17923

### 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](http://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,



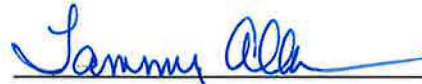
Adam Frederick  
Water Rights Supervisor

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2020, I served a true and correct copy of Permit to Appropriate Water No. 95-17923 by U.S. Mail, postage prepaid, to the following:

SUSAN E DICKSON (Current Owner)  
7475 E YELLOWSTONE TRL  
COEUR D ALENE ID 83814-9371



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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 )

Ashley Kinzer, 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 10 day of February, 2020, and ending on the 13 day of February, 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

Ashley Kinzer  
On this 13 day of February in the year of 2020 before me, a Notary Public, personally appeared Ashley Kinzer, 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

FEB 21 2020

LWR / NORTH



# **PUBLIC NOTICE**

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

**95-17921**

NORMAN L & ROHNDA  
CROOK VENTURINO REVO-  
CABLE TRUST  
4212 E GARWOOD RD  
HAYDEN, ID 83835-7898  
Point of Diversion SWNW  
S29 T52N R03W  
KOOTENAI County  
Source SPRING  
Tributary SINKS  
Use: STOCKWATER  
01/01 to 12/31 0.02 CFS  
Total Diversion: 0.02 CFS  
Date Filed: 1/13/2020

Place Of Use: STOCKWATER  
T52N R03W S29 NENW

**95-17922**

THE BRICK AND MORTAR  
GROUP LLC  
1385 W BUCKLES AVE  
HAYDEN, ID 83835-7743  
Point of Diversion SWNE  
S4 T53N R03W  
KOOTENAI County  
Source GROUND WATER  
Use: DOMESTIC  
01/01 to 12/31 0.06 CFS  
Use: IRRIGATION  
04/01 to 10/31 0.03 CFS  
Total Diversion: 0.09 CFS  
Date Filed: 1/10/2020  
Place Of Use: DOMESTIC  
T53N R03W S4 SWNE  
Place Of Use: IRRIGATION  
T53N R03W S4 SWNE  
Total Acres: 1.0

**95-17923**

SUSAN E DICKSON  
7475 E YELLOWSTONE TRL  
COEUR D ALENE, ID  
83814-9371  
Point of Diversion SWNW  
S22 T50N R02W  
KOOTENAI County  
Source GROUND WATER  
Point of Diversion SWNW  
S22 T50N R02W  
KOOTENAI County  
Source GROUND WATER  
Point of Diversion SWNW  
S22 T50N R02W  
KOOTENAI County  
Source GROUND WATER  
Use: WILDLIFE STORAGE  
01/01 to 12/31 3.8 AF  
Total Diversion: 3.8 AF  
Date Filed: 1/21/2020  
Place Of Use: WILDLIFE  
STORAGE  
T50N R02W S22 SWNW

## **NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83857**

CITY OF SPIRIT LAKE, PO  
BOX 309, SPIRIT LAKE, ID  
83869, has filed Application  
No. 83857 for changes to the  
following water rights within  
KOOTENAI County(s): Right  
No(s). 95-9581, 95-9591,  
95-9725, 95-9950; to see a full  
description of these rights and  
the proposed transfer, please  
see [www.idwr.idaho.gov/apps/  
wr/QueryNewTransfers/Query  
NewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). The pur-  
pose of the transfer is to  
change a portion of the above  
rights as follows:

**This transfer proposes to  
add a new point of diversion  
to the City of Spirit Lake's  
groundwater rights 95-9725,  
95-9581, 95-9591, & 95-9950  
in the NE1/4NE1/4 of Section  
5, Twp 53N, Rge 04W.**

Permits will be subject to all  
prior water rights. For addition-  
al information concerning the  
property location, contact  
Northern Region office at (208)  
762-2800. 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 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  
2/24/2020. The protestant  
must also send a copy of the  
protest to the applicant.

GARY SPACKMAN, Director  
CDA LEGAL 3080  
AD#361773

FEBRUARY 6, 13, 2020

RECEIVED

FEB 21 2020

IDWR / NORTH