

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 94-9627

Priority: March 19, 2019

Maximum Diversion Volume: 34.9 AF

This is to certify that

LYNETTE MYHRE PO BOX 328 HARRISON ID 83833-0328 AND/OR
JOHN MYHRE PO BOX 328 HARRISON ID 83833-0328

has applied for a permit to appropriate water from:

Source : UNNAMED STREAM

Tributary: COEUR D ALENE LAKE

Source : GROUND WATER

Tributary: COEUR D ALENE LAKE

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

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	01/01 to 12/31	34.9 AF
IRRIGATION FROM STORAGE	04/01 to 10/31	24.0 AF

Location of Point(s) of Diversion

GROUND WATER NW¼ NW¼, Sec. 26, Twp 47N, Rge 03W, B.M. KOOTENAI County
UNNAMED STREAM SW¼ NW¼, Sec. 26, Twp 47N, Rge 03W, B.M. KOOTENAI County
GROUND WATER SW¼ NW¼, Sec. 26, Twp 47N, Rge 03W, B.M. KOOTENAI County

Place of Use: IRRIGATION 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		
47N	03W	26						X	X											

Place of Use: IRRIGATION FROM 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		
47N	03W	23											5.0	2.0						7.0
47N	03W	26						16.0	18.0											34.0
47N	03W	27	11.0	32.0																43.0

Total Acres: 84.0

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2024**.
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. Right 94-9627 authorizes the storage of an annual total of 34.9 acre-feet, comprised of 7.1 acre-feet to be used for the initial filling of the ponds, 3.8 acre-feet for the replacement of losses due to seepage and evaporation, and up to 24.0 acre-feet for additional refills for irrigation from storage use.

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5. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 7.1 acre-feet or a total surface area of 1.5 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 13th day of May, 20 19.


DOUGLAS JONES
Northern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
94-9627

This map depicts the IRRIGATION 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.



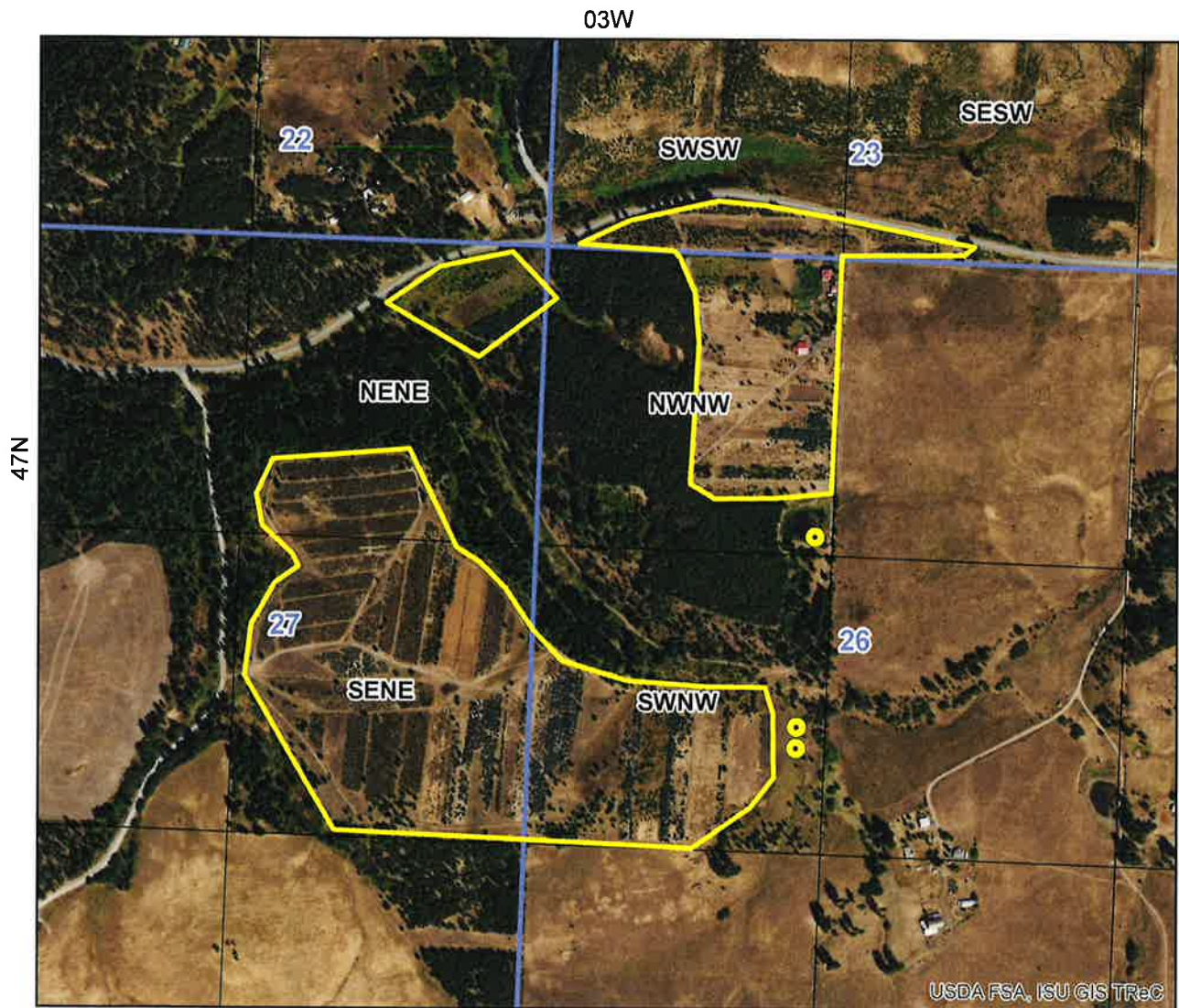
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.04 0.08 0.16 Miles



State of Idaho
Department of Water Resources
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94-9627

This map depicts the IRRIGATION FROM 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.



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

0 0.1 0.2 0.4 Miles





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

Gary Spackman
Director

May 13, 2019

JOHN MYHRE
LYNETTE MYHRE
PO BOX 328
HARRISON ID 83833-0328

RE: Permit No. 94-9627

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.

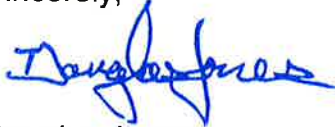
The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. 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,

A handwritten signature in blue ink, appearing to read "Douglas Jones", is written over the typed name.

Douglas Jones
Northern Regional Manager

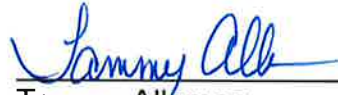
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2019, I served a true and correct copy of Permit to Appropriate Water No. 94-9627 by U.S. Mail, postage prepaid, to the following:

JOHN MYHRE (Current Owner)
PO BOX 328
HARRISON ID 83833-0328

LYNETTE MYHRE (Current Owner)
PO BOX 328
HARRISON ID 83833-0328



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 4 day of April, 2019, and ending on the 11 day of April, 2019, 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 11 day of April in the year of 2019 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

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

94-9627

LYNETTE MYHRE
JOHN MYHRE
PO BOX 328
HARRISON, ID 83833-0328
Point of Diversion NWNW
S26 T47N R03W
KOOTENAI County
Source GROUND WATER
Tributary COEUR D ALENE LAKE
Point of Diversion SWNW
S26 T47N R03W
KOOTENAI County
Source GROUND WATER
Tributary COEUR D ALENE LAKE
Point of Diversion SWNW
S26 T47N R03W
KOOTENAI County
Source UNNAMED STREAM
Tributary COEUR D ALENE LAKE

Use: IRRIGATION FROM STORAGE

04/01 to 10/31 24 AF

Use: IRRIGATION STORAGE

01/01 to 12/31 34.9 AF

Total Diversion: 34.9 AF

Date Filed: 3/19/2019

Place Of Use: IRRIGATION

STORAGE

T47N R03W S26

NWNW SWNW

Place Of Use: IRRIGATION

FROM STORAGE

T47N R03W S23

SWSW SESW

T47N R03W S26

NWNW SWNW

T47N R03W S27

NENE NWNE

This application proposes to irrigate 18 acres within the described place of use within any year.

95-17787

THE WAZ FAMILY TRUST
CARISA M & ANDREW
WISNIEWSKI TRUSTEES
11724 NEGLEY DR
SAN DIEGO, CA 92131
Point of Diversion SWSE
S23 T49N R04W
KOOTENAI County
Source COEUR D ALENE LAKE

Tributary SPOKANE RIVER

Use: DOMESTIC

03/15 to 11/15 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 3/26/2019

Place Of Use: DOMESTIC

T49N R04W S23

L4(SWSE)

Permits will be subject to all prior water rights. For additional 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 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 4/22/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on

4/4/2019 and 4/11/2019

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 83089
AVONDALE IRRIGATION DIS-**

**TRICT, PO BOX 81, HAYDEN
LAKE, ID 83835;** has filed Ap-
plication No. 83089 for
changes to the following water
rights within KOOTENAI
County(s): Right No(s).
95-8774, 95-8867, 95-8909; to
see a full description of these
rights and the proposed trans-
fer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx.
The purpose of the transfer is
to change a portion of the
above rights as follows:

**PURPOSE OF TRANSFER
ADDS A NEW BACKUP
WELL LOCATED NEAR THE
JUNCTION OF LANCASTER
ROAD & RAMSEY ROAD.**

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
4/22/2019. The protestant
must also send a copy of the
protest to the applicant. GARY
SPACKMAN, Director

Published on 4/4/2019
and 4/11/2019
CDA LEGAL 1418
AD#281204
April 4, 11, 2019