

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 95-17767

Priority: February 15, 2019

Maximum Diversion Rate: 0.50 CFS

This is to certify that

MARTY EBERLE 9800 N MEYER RD RATHDRUM ID 83858-9406 AND/OR  
PAULETTE EBERLE 9800 N MEYER RD RATHDRUM ID 83858-9406

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> |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 03/15 to 11/15       | 0.50 CFS                 |
| DOMESTIC              | 01/01 to 12/31       | 0.04 CFS                 |

**Location of Point(s) of Diversion**

GROUND WATER SW¼ SW¼, Sec. 17, Twp 51N, Rge 04W, B.M. KOOTENAI County

**Place of Use: IRRIGATION**

| 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 |       |        |
| 51N | 04W | 17  |    |    |    |    |    |    |    |    |    |    | 37.0 |    |    |    |    |    |       | 37.0   |

Right Acre Limit: 37.0

Total Acres: 37.0

**Place of Use: DOMESTIC**

| 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 |       |        |
| 51N | 04W | 17  |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |       |        |

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2020**.
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. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
6. 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.

**State of Idaho**  
**Department of Water Resources**  
**Permit to Appropriate Water**  
**No. 95-17767**

7. 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.
8. 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.
9. 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 2<sup>nd</sup> day of April, 2019.

  
\_\_\_\_\_  
DOUGLAS JONES  
Northern Regional Manager

State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

95-17767

This map depicts the IRRIGATION 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.

04W



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

0 0.045 0.09 0.18 Miles



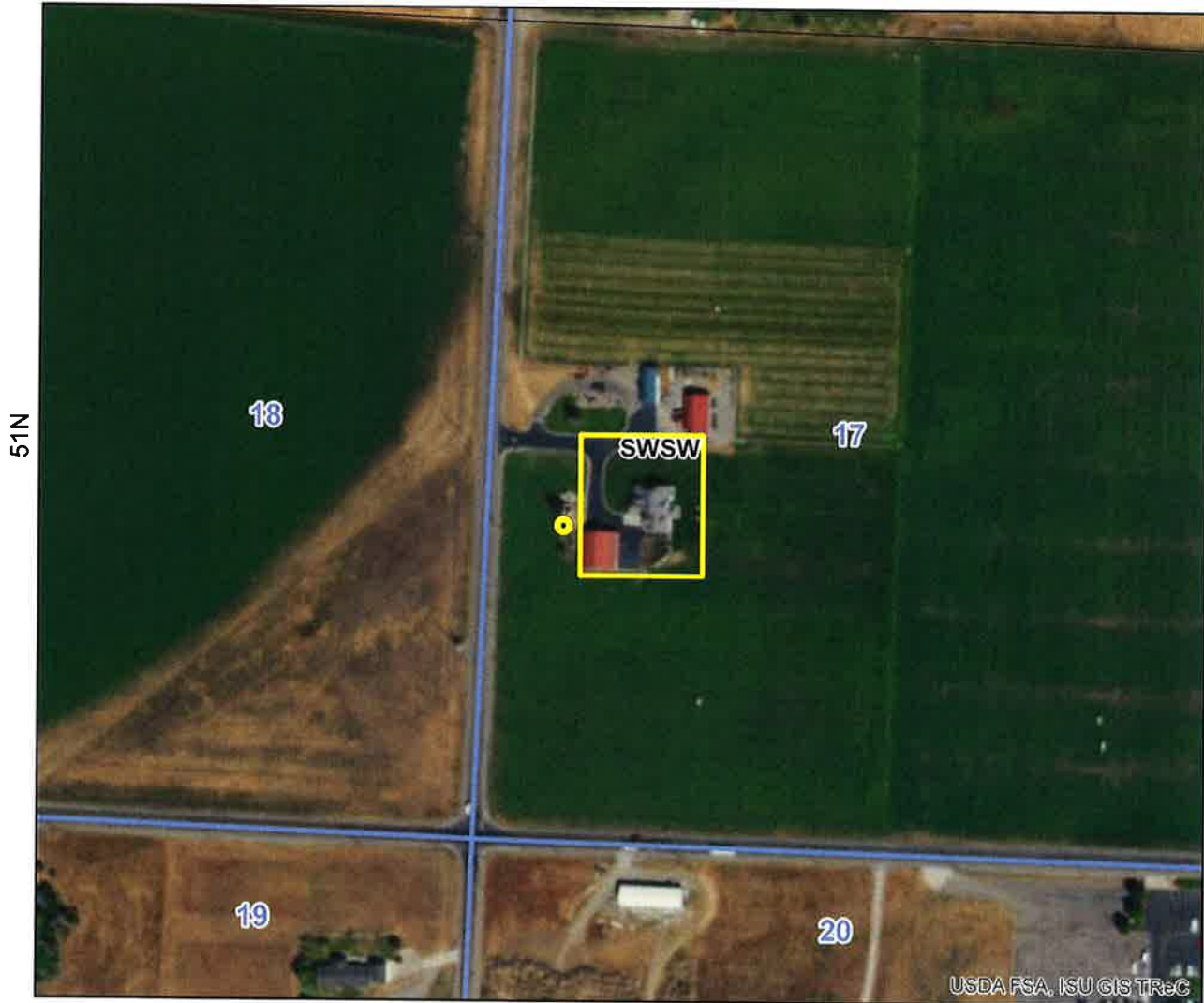
State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

95-17767

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.

04W



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

0 0.035 0.07 0.14 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](http://www.idwr.idaho.gov)

Gary Spackman  
Director

April 03, 2019

PAULETTE EBERLE  
MARTY EBERLE  
9800 N MEYER RD  
RATHDRUM ID 83858-9406

RE: Permit No. 95-17767

### 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.

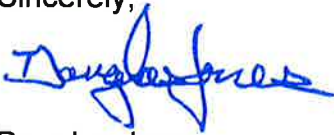
The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") by the date shown in condition no. 1 of your 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,

A handwritten signature in blue ink, appearing to read "Douglas Jones", with a stylized flourish at the end.

Douglas Jones  
Northern Regional Manager

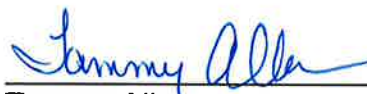
Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on April 03, 2019, I served a true and correct copy of Permit to Appropriate Water No. 95-17767 by U.S. Mail, postage prepaid, to the following:

PAULETTE EBERLE (Current Owner)  
9800 N MEYER RD  
RATHDRUM ID 83858-9406

MARTY EBERLE (Current Owner)  
9800 N MEYER RD  
RATHDRUM ID 83858-9406



---

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

sworn upon oath, deposes and states:

1. I am now and at all times hereinafter m  
citizen of the United States, resident of the  
over the age of twenty-one years and not  
above entitled action.

2. I am now and at all times hereinafter me  
printer (principal clerk) of the "Coeur d'A  
newspaper printed and published daily in  
Kootenai County, Idaho, and having a gene  
said county.

3. The Legal Notice  
of which the annexed is a printed copy, w  
the regular Thursday  
newspaper for 2 consecutive 12  
commencing on the 7 day of March  
2019, and ending on the 1  
March, 2019, and suc  
was made as often during said perio  
newspaper was regularly issued.

4. That said newspaper has been co  
uninterruptedly published in said Kootenai C  
period of more than seventy-eight con  
immediately prior to the first publication  
Ashley Kinzer

On this 14 day of March 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.

## LEGAL NOTICE

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

95-17767

MARTY EBERLE  
PAULETTE EBERLE  
9800 N MEYER RD  
RATHDRUM, ID 83858-9406  
Point of Diversion SWSW  
S17 T51N R04W  
KOOTENAI County  
Source GROUND WATER  
Use: DOMESTIC  
01/01 to 12/31 0.04 CFS  
Use: IRRIGATION  
03/15 to 11/15 0.5 CFS  
Total Diversion: 0.5 CFS  
Date Filed: 2/15/2019  
Place Of Use: DOMESTIC  
T51N R04W S17 SWSW  
Place Of Use: IRRIGATION  
T51N R04W S17 SWSW  
95-17770

DAVID ERBLAND  
MARY ERBLAND  
13417 N MAYFAIR LN  
SPOKANE, WA 99208-6493  
Point of Diversion NWSE  
S15 T48N 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: 2/21/2019  
Place Of Use: DOMESTIC  
T48N R04W S15  
NWSE SWSE

Permits will be subject to all prior water rights. For additional in-  
formation 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 Di-  
rector, Dept. of Water Resources, Northern Region, 7600 N  
MINERAL DR STE 100, COEUR D'ALENE ID 83815-7763 to-  
gether with a protest fee of \$25.00 for each application on or be-  
fore 3/25/2019. The protestant must also send a copy of the  
protest to the applicant.

GARY SPACKMAN, Director  
CDA LEGAL 1230  
AD#273379  
MARCH 7, 14, 2019

RECEIVED

MAR 22 2019

DEPARTMENT OF  
WATER RESOURCES



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

MY COMMISSION EXPIRES 8/29/23



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

2110 Ironwood Parkway, Coeur d'Alene, ID 83814 (208) 769-1422

Brad Little, Governor  
John H. Tippetts, Director

March 6, 2019

Idaho Department of Water Resources  
7600 North Mineral Drive, Suite 100  
Coeur d'Alene, Idaho 83815  
[Tammy.Alleman@idwr.idaho.gov](mailto:Tammy.Alleman@idwr.idaho.gov)

Subject: Comments on Application for Permit #95-17767

The Idaho Department of Environmental Quality (DEQ) Coeur d'Alene Regional Office received a request for comment regarding the subject Application for Permit from Marty and/or Paulette Eberle. The permit request is for a water right for a current domestic well with a 25 HP pump for irrigation, and "might stub in line to home for backup water source to municipal system". DEQ has the following comments.

- Based on the applicant's information, the Eberle residence is served drinking water from the Happy Valley Water System, PWS #ID1280220. This public drinking water system is owned and operated by Ken Rickel, PO Box 2306, Hayden, ID 83835.
- **The well is not approved to be connected to the Eberle residence** as a "backup water source". If the well were to be connected to the Eberle residence, it would be considered a physical cross connection from an unapproved water source and potential source of contamination with the regulated public drinking water system.
- Further, if it were found to be connected to the public water system, Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08) would require the water purveyor physically disconnect water service to the Eberle residence immediately.
- DEQ recommends Marty and/or Paulette Eberle contact Ken Rickel to discuss future plans for this water right permit and subsequent well system, as well as water system backflow protection requirements on the potable service.

Thank you for the opportunity to comment on the Application for Permit #95-17767. If you have questions or comments regarding Idaho Rules for Public Drinking Water Systems please contact DEQ at (208) 769-1422.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anna Moody".

Anna Moody  
Drinking Water Program Supervisor  
[Anna.Moody@deq.idaho.gov](mailto:Anna.Moody@deq.idaho.gov)

Ec: Marty and/or Paulette Eberle, [MARTYNPOLLY@yahoo.com](mailto:MARTYNPOLLY@yahoo.com)  
Ken Rickel, Happy Valley Water System, [kcrickel@hotmail.com](mailto:kcrickel@hotmail.com)  
Suzanne Scheidt-Miller, DEQ Coeur d'Alene, [Suzanne.ScheidtMiller@deq.idaho.gov](mailto:Suzanne.ScheidtMiller@deq.idaho.gov)  
Matt Plaisted, DEQ Regional Engineering Manager, [Matthew.Plaisted@deq.idaho.gov](mailto:Matthew.Plaisted@deq.idaho.gov)  
Filed in TRIM PWSID1280220