

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 85-15795

Priority: November 28, 2018

Maximum Diversion Rate: 0.39 CFS

This is to certify that

CITY OF CULDESAC 100 6TH ST CULDESAC ID 83524

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>
MUNICIPAL	01/01 to 12/31	0.39 CFS

Location of Point(s) of Diversion

GROUND WATER L17 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Sec. 14, Twp 35N, Rge 03W, B.M. NEZ PERCE County
GROUND WATER L16 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Sec. 14, Twp 35N, Rge 03W, B.M. NEZ PERCE County

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. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Place of use is within the service area of the City of Culdesac municipal water supply system as provided for under Idaho Law.
6. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
7. The following rights are diverted through point(s) of diversion described above: 85-7087 & 85-15795.
8. 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 19th day of March, 2018.

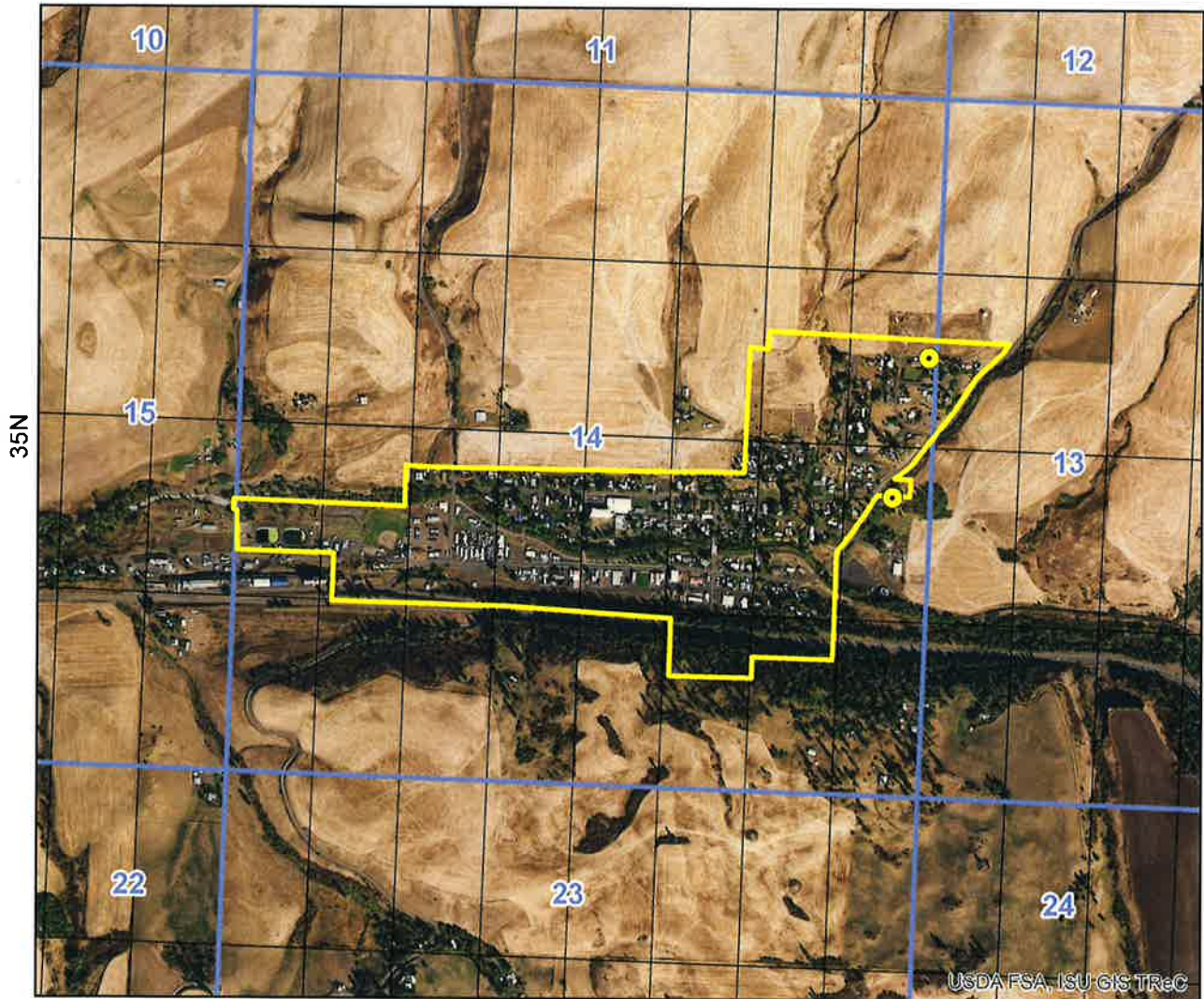

DOUGLAS JONES
Northern Regional Manager

Attachment to Permit to Appropriate Water

85-15795

This map depicts the MUNICIPAL 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



● Point of Diversion

Water Service Area Boundary

Townships

PLS Sections

Quarter Quarters

0 0.175 0.35 0.7 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

March 22, 2019

CITY OF CULDESAC
100 6TH ST
CULDESAC ID 83524

RE: Permit No. 85-15795

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.

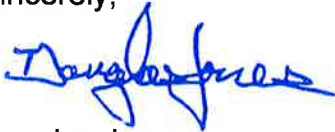
The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") by the date shown in condition no. 1 of your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

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

Douglas Jones
Northern Regional Manager

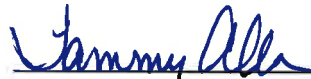
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2019, I served a true and correct copy of Permit to Appropriate Water No. 85-15795 by U.S. Mail, postage prepaid, to the following:

CITY OF CULDESAC (Current Owner)
100 6TH ST
CULDESAC ID 83524

CHRIS M BROMLEY (Attorney)
MC HUGH BROMLEY PLLC
380 S 4TH ST STE 103
BOISE ID 83702



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.

TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Sold To: ID DEPT. OF WATER RESOURCES
7600 MINERAL DR #100
COEUR D ALENE ID 83814

Date:	<u>02/28/2019</u>	INVOICE NO.	<u>150080</u>
Account No.	<u>964750</u>		
Description	<u>150080 NOTICE O</u>		
Times	<u>2</u>	Lines	<u>58</u>
		Tab. lines	
		\$	<u>169.65</u>

PO#

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

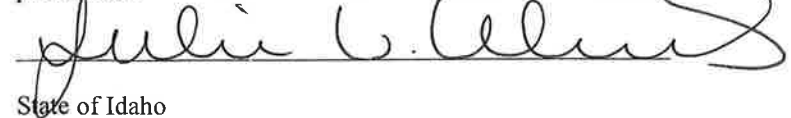
150080
**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82944**
CITY OF CULDESAC, 100 SIXTH ST, CULDESAC, ID 83524;
has filed Application No. 82944 for changes to the following
water rights within NEZ PERCE County(s): Right No(s).
85-7087; to see a full description of these rights and the pro-
posed transfer, please see [www.idwr.idaho.gov/apps/wr/Que-
ryNewTransfers/QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). The purpose of
the transfer is to change a portion of the above rights as fol-
lows:
**This transfer proposes to add a point of diversion to the City
of Culdesac's existing groundwater right in the NE1/4SE1/4
of Section 14, Twp 35N, Rge 03W.**
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 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 3/11/2019. The protestant must also send a copy
of the protest to the applicant.

The following application(s) have been filed to appropriate
the public waters of the State of Idaho:
85-15795
CITY OF CULDESAC
100 SIXTH ST
CULDESAC, ID 83524
Point of Diversion L17(NESE)
S14 T35N R03W
NEZ PERCE County
Source GROUND WATER
Point of Diversion L16(SENE)
S14 T35N R03W
NEZ PERCE County
Source GROUND WATER
Use: MUNICIPAL
01/01 to 12/31 0.39 CFS
Total Diversion: 0.39 CFS
Date Filed: 11/28/2018
Place Of Use: MUNICIPAL
Place of use is within the service area of the City of Culdesac
municipal water supply system T35N R03W S13 & S14
as provided for under Idaho Law.
Permits will be subject to all prior water rights. For additional
information concerning the property location, contact North-
ern Region office at (208) 762-2800. 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 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 3/11/2019. The protestant must also send a copy of the
protest to the applicant.
GARY SPACKMAN, Director Published on 2/21/2019 and
2/28/2019

AFFIDAVIT OF PUBLICATION

Julie L. Winters, being duly sworn, deposes and
says, I am the Legal Clerk of the Tribune
Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho
and under and by virtue of the laws of the State of Washington,
publishers of the Lewiston Tribune, a news-
paper of general circulation published at Lewiston, Nez Perce
County, Idaho; That the said Lewiston Tribune is
an established newspaper and has been published regularly
and issued regularly at least once a day for more than 105
consecutive years next immediately preceding the first
publication of this notice, and has been so published
uninterrupted for said period; that the **150080 NOTICE O**
attached hereto and which is made a part of this affidavit
was published in the said Lewiston Tribune,

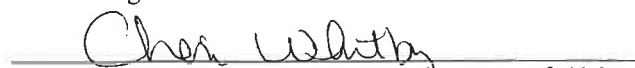
2 time(s). Publication being on
02/21, or once a Week
for 2 consecutive Week,
the first publication thereof being on the 02/21/2019,
and the last publication thereof being on the 02/28/2019,
and said **150080 NOTICE O** was so published in the
regular and entire issue of said newspaper and was not in a
supplement thereof and was so published in every issue and
number of the said paper, during the period and times of
publication as set forth above.

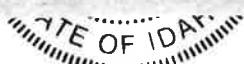

State of Idaho

S.S.

County of Nez Perce

On this 29th day of Feb in the year
of 2019, before me, a Notary Public, personally
appeared Julie L. Winters, 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.


Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 4/1/2021



RECEIVED

MAR 04 2019

IDWR / NORTH