

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 96-09728

Priority: December 05, 2018

Maximum Diversion Rate: 0.04 CFS

This is to certify, that MICHAEL D BUSH  
PO BOX 131  
COCOLALLA ID 83813

And

JENNIFER A FRUSHON  
PO BOX 131  
COCOLALLA ID 83813

has applied for a permit to appropriate water from:

**Source:** SPRING

**Tributary:** SINKS

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> |
|-----------------------|----------------------|--------------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.04 CFS                 |
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS                 |

**LOCATION OF POINT(S) OF DIVERSION:**

SPRING L2, (NW1/4, NW1/4, NW1/4), Sec. 36, Twp 55N, Rge 03W, B.M., BONNER County

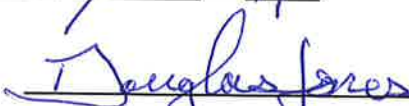
**PLACE OF USE:** DOMESTIC and STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |     |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW  | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 55N | 03W | 36  |    |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    | X   |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    | L 2 |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2020**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for 1 home.
5. Stockwater use is for 25 Mixed Stock.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
8. The Point of Diversion and Place of Use for this right are not on U.S. Government property.

Signed, this 2<sup>nd</sup> day of February, 2019.

  
DOUGLAS JONES, P. E., Northern Regional Manager

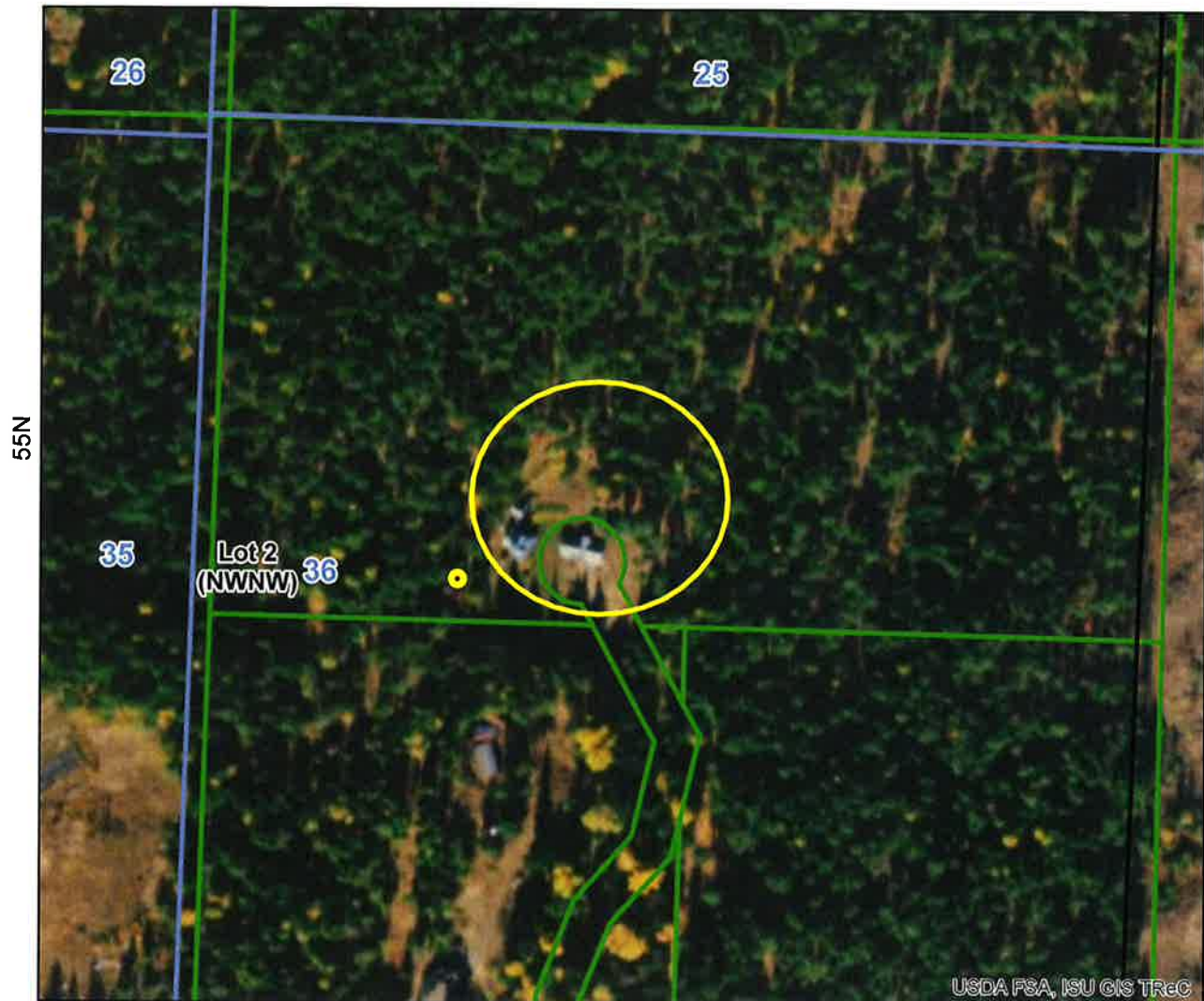
State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

96-9728

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



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

0 0.03 0.06 0.12 Miles



Tax parcel information provided by Bonner County.

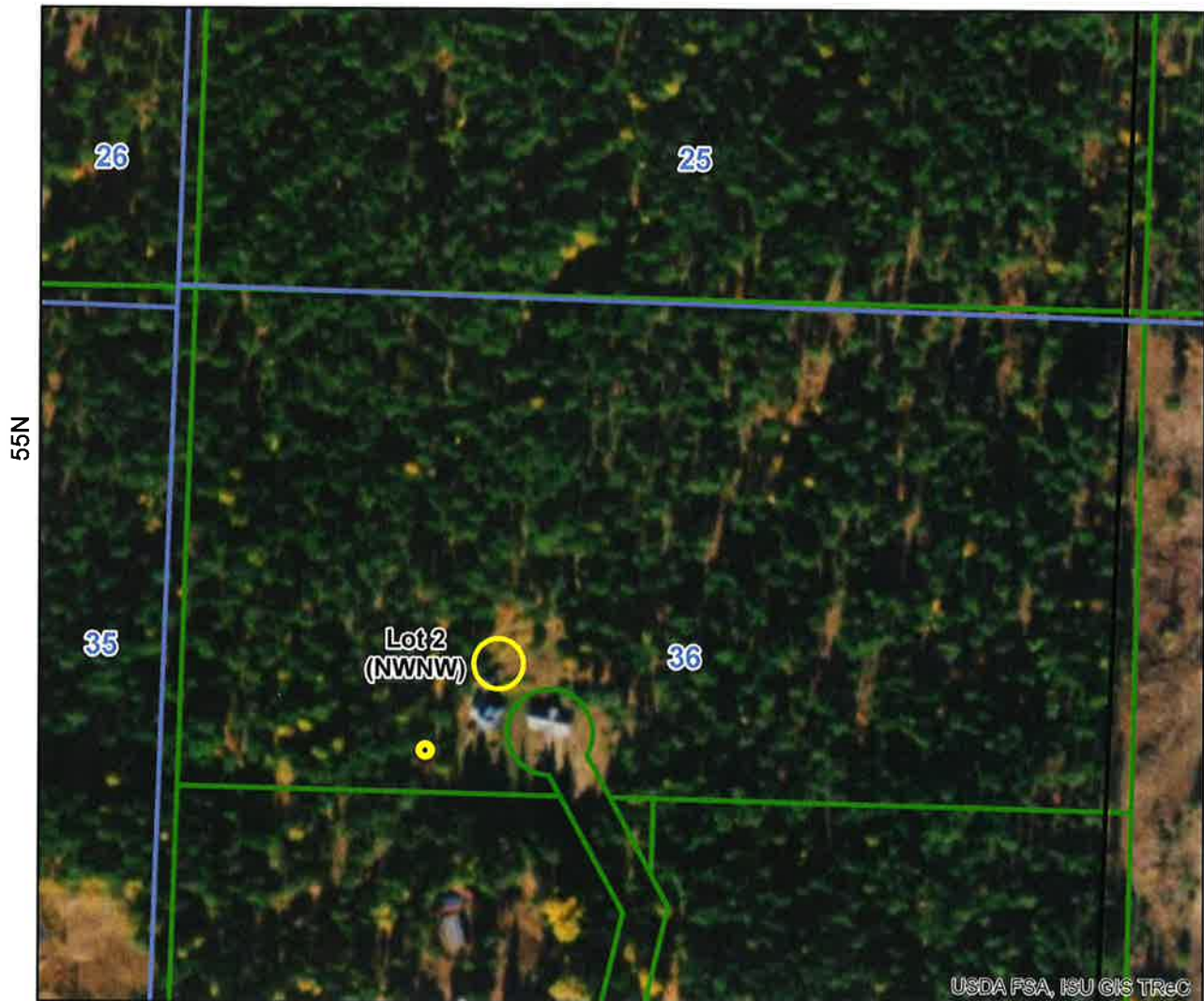
State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

96-9728

This map depicts the STOCKWATER 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
-  Place Of Use Boundary
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.03 0.06 0.12 Miles



Tax parcel information provided by Bonner County.



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)

Brad Little  
Governor

Gary Spackman  
Director

February 08, 2019

JENNIFER A FRUSHON  
PO BOX 131  
COCOLALLA ID 83813

MICHAEL D BUSH  
PO BOX 131  
COCOLALLA ID 83813

RE: Permit No. 96-9728

### 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.

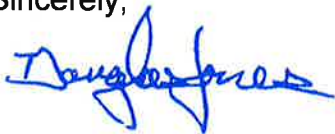
The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") by the date shown in condition no. 1 of your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



Douglas Jones, P.E.  
Northern Regional Manager

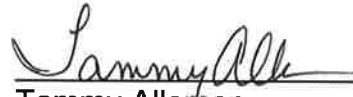
Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on February 08, 2019, I served a true and correct copy of Permit to Appropriate Water No. 96-9728 by U.S. Mail, postage prepaid, to the following:

JENNIFER A FRUSHON (Current Owner)  
PO BOX 131  
COCOLALLA ID 83813

MICHAEL D BUSH (Current Owner)  
PO BOX 131  
COCOLALLA ID 83813

A handwritten signature in cursive script, appearing to read "Tammy Allerhan", is written over a horizontal line.

Tammy Allerhan  
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 Bonner )

Ashley Kinzer, being first duly sworn on  
oath, deposes and states:

1. I am a citizen of the United States of America, over  
the age of 18 years, a resident of Bonner County, Idaho, and  
am not a party to the proceedings referred to in the attached

Legal Notice.  
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Legal Clerk of the Bonner County  
Daily Bee, a newspaper of general publication in Bonner  
County, Idaho;

3. Said newspaper has been continuously and  
uninterruptedly published in Bonner County, Idaho during a  
period of 12 months prior to the first publication of said  
Notice, and thereafter.

4. The attached Notice was published in the regular and  
entire issue of the Bonner County Daily Bee for a period of  
2 consecutive weeks, commencing on the 20 day of  
December, 2018, and ending on the 27 day of  
December, 2018.

Ashley Kin

State of Idaho, county of Bonner ss.

On this 27 day of December, in the year of 2018,  
before me, Katrina George, Notary Public, personally  
appeared Ashley Kinzer known or  
identified to me to be the person whose name is subscribed  
to the within instrument, and acknowledged to me that he (or  
they) executed the same.

Katrina George  
Notary Public  
Residing at: Kootenai County

MY COMMISSION EXPIRES 6/29/23



The following application(s)  
have been filed to appropriate  
the public waters of the State  
of Idaho:  
96-9728  
MICHAEL D BUSH  
JENNIFER A FRUSHON  
PO BOX 131  
COCOLALLA, ID 83813  
Point of Diversion  
L2(NWNWNW)  
S36 T55N R03W  
BONNER County  
Source SPRING  
Tributary SINKS  
Use: DOMESTIC  
01/01 to 12/31 0.04 CFS  
Use: STOCKWATER  
01/01 to 12/31 0.02 CFS  
Total Diversion: 0.04 CFS  
Date Filed: 12/5/2018  
Place Of Use: DOMESTIC  
T55N R03W S36 L2(NWNW)  
Place Of Use: STOCKWATER  
T55N R03W S36 L2(NWNW)  
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  
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  
1/7/2019. The protestant must  
also send a copy of the protest  
to the applicant.  
GARY SPACKMAN, Director  
Published on 12/20/2018 and  
12/27/2018  
SNP LEGAL 6408  
AD# 254579  
DECEMBER 20, 27, 2018

RECEIVED

DEC 31 2018

IDWA/NORTH