

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-17634

Priority: September 19, 2018

Maximum Diversion Rate: 0.04 CFS

This is to certify, that JAMES D SCHARNHORST
100 E COEUR D ALENE AVE 800
COEUR D ALENE ID 83814

And/Or

LINDA R SCHARNHORST
100 E COEUR D ALENE AVE APT 800
COEUR D ALENE ID 83814-2859

has applied for a permit to appropriate water from:

Source: HAYDEN LAKE

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

LOCATION OF POINT(S) OF DIVERSION:

HAYDEN LAKE NE1/4, SE1/4, Sec. 4, Twp 51N, Rge 03W, B.M., KOOTENAI County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
51N	03W	4													X				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 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. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
5. Domestic use is for 1 home.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 95A.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed, this 27th day of January, 2019.


DOUGLAS JONES, P. E., Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17634

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.



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

0 0.0175 0.035 0.07 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

Gary Spackman
Director

January 08, 2019

JAMES D SCHARNHORST
100 E COEUR D ALENE AVE 800
COEUR D ALENE ID 83814

LINDA R SCHARNHORST
100 E COEUR D ALENE AVE APT 800
COEUR D ALENE ID 83814-2859

RE: Permit No. 95-17634

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.

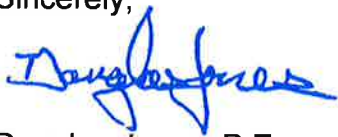
The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") by the date shown in condition no. 1 of your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



Douglas Jones, P.E.
Northern Regional Manager

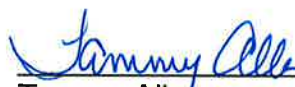
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 08, 2019, I served a true and correct copy of Permit to Appropriate Water No. 95-17634 by U.S. Mail, postage prepaid, to the following:

JAMES D SCHARNHORST (Current Owner)
100 E COEUR D ALENE AVE 800
COEUR D ALENE ID 83814

LINDA R SCHARNHORST (Current Owner)
100 E COEUR D ALENE AVE APT 800
COEUR D ALENE ID 83814-2859



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 October, 2018, and ending on the 11 day of October, 2018, 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 October in the year of 2018 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.

RECEIVED

OCT 31 2018

DWR / NORTH

Katrina George

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



MY COMMISSION EXPIRES 8/29/23

PUBLIC NOTICE

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

95-17509

LONE MOUNTAIN WATER ASSN INC

10063 NAVION DR

HAYDEN, ID 83835

Point of Diversion NESE

S10 T52N R04W

KOOTENAI County

Source GROUND WATER

Point of Diversion NESE

S10 T52N R04W

KOOTENAI County

Source GROUND WATER

Use: MUNICIPAL

01/01 to 12/31 0.56 CFS

Total Diversion: 0.56 CFS

Date Filed: 2/16/2018

Place Of Use: MUNICIPAL

T52N R04W S1

L4(NWNW) SWNW NESW

NWSW SWSW

T52N R04W S2

L1(NENE) L2(NWNE) SWNE

SENE L3(NENW) SWNW

SENE NESW NESE NWSE

SWSE SESE

T52N R04W S3 NESE

95-17634

JAMES D SCHARNHORST

LINDA R SCHARNHORST

100 E COEUR D ALENE AVE

800

COEUR D ALENE, ID 83814

Point of Diversion NESE

S4 T51N R03W

KOOTENAI County

Source HAYDEN LAKE

Tributary SINKS

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 9/19/2018

Place Of Use: DOMESTIC

T51N R03W S4 NESE

95-17646

CONNIE R DOUGALL

219 S LAUREL ST

POST FALLS, ID 83854

Point of Diversion NESE

S27 T52N R04W

KOOTENAI County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Use: IRRIGATION

03/15 to 11/15 0.09 CFS

Total Diversion: 0.13 CFS

Date Filed: 9/26/2018

Place Of Use: DOMESTIC

T52N R04W S27 NESE

Place Of Use: IRRIGATION

T52N R04W S27 NESE

Total Acres: 3

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

10/22/2018. The protestant

must also send a copy of the

protest to the applicant.

GARY SPACKMAN, Director

Published on 10/4/2018 and

10/11/2018

CDA LEGAL 440

AD#

OCTOBER 4, 11, 2018