

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

NO. 95-17581

Priority: June 18, 2018

Maximum Diversion Rate: 0.01 CFS

This is to certify, that DONAIS LIVING TRUST  
C/O JERRY J & PAT L DONAIS TRS  
12102 E 37TH CT  
SPOKANE WA 99206

has applied for a permit to appropriate water from:

**Source:** TWIN LAKES

**Tributary:** RATHDRUM CREEK

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       | 0.01 CFS                 |

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

TWIN LAKES L5 (SW1/4, NW1/4), Sec. 5, Twp 52N, Rge 04W, B.M., KOOTENAI County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW  |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE  | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 52N | 04W | 5   |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    | .1     |
|     |     |     |    |    |    |    | L 5 |    |    |    |    |    |    |    |    |    |    |    |        |

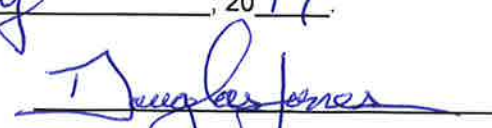
Total Acres: 0.1

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2022**.
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. 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.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
6. 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. 95C.
7. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
8. Place of use is located within Lot 11, Blk. 1, St. Jeor Lake Home Sites subdivision.

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

Signed, this 2<sup>nd</sup> day of January, 20 19.

  
DOUGLAS JONES, P. E., Northern Regional Manager

State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

95-17581

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.



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

0 0.005 0.01 0.02 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](http://www.idwr.idaho.gov)

Gary Spackman  
Director

January 08, 2019

DONAIS LIVING TRUST  
C/O JERRY J & PAT L DONAIS TRS  
12102 E 37TH CT  
SPOKANE WA 99206

RE: Permit No. 95-17581

### 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.

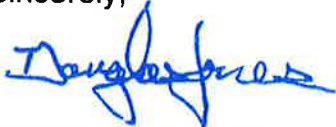
The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete.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

Douglas Jones, P.E.  
Northern Regional Manager

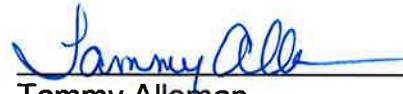
Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on January 08, 2019, I served a true and correct copy of Permit to Appropriate Water No. 95-17581 by U.S. Mail, postage prepaid, to the following:

DONAI'S LIVING TRUST (Current Owner)  
C/O JERRY J & PAT L DONAI'S TRS  
12102 E 37TH CT  
SPOKANE WA 99206

WATER DISTRICT #95C  
STEVE NEFF (Watermaster)  
17358 N RESERVOIR RD  
RATHDRUM ID 83858



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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:  
County of Kootenai,

SS.

*Geri Hogler*

being first duly sworn  
upon oath deposes and says:

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 except Sunday 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 *weeks* commencing on the *5* day of *July*, 20 *18*, and ending on the *12* day of *July*, 20 *18*, and such publication was made as often during said period as said *daily* newspaper was regularly issued.

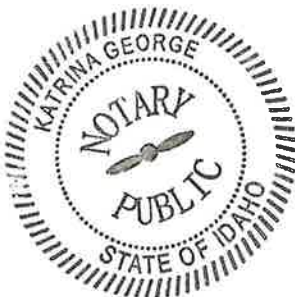
4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than ~~seventy-eight~~ consecutive weeks immediately prior to the first publication of said notice *Geri Hogler*

On this *12* day of *July* in the year of *2018*, before me, a Notary Public, personally appeared *Geri Hogler*

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 at Coeur d'Alene, Idaho.



MY COMMISSION EXPIRES 8/29/23

RECEIVED

JUL 20 2018

IDWR / NOTARY

### WATER PERMIT APPLICATIONS

The following application(s) have been filed to **amend** Permit to Appropriate Water: **95-17195**

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  
0.16 CFS 13.2 AF  
Total Diversion: 0.16 CFS  
Date Filed: 3/7/2018  
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  
SENW NESW NWSW NESE  
NWSE SWSE SESE  
T52N R04W S3 NESE

This amendment of permit is to add a second point of diversion adjacent to the original point of diversion and change the nature of use from domestic to municipal.

The following applications have been filed to appropriate the public waters of the State of Idaho:

**95-17523**

HOWARD E AND ROBERTA WELCH TRUST  
C/O HOWARD & ROBERTA WELCH  
8865 E FERNAN LAKE RD  
COEUR D ALENE, ID 83814  
Point of Diversion NWSW  
S10 T50N R03W  
KOOTENAI County  
Source GROUND WATER  
Tributary FERNAN CREEK  
Point of Diversion NWSW  
S10 T50N R03W  
KOOTENAI County  
Source UNNAMED STREAM  
Tributary FERNAN CREEK  
Use: FIRE PROTECTION STORAGE

01/01 to 12/31 29.2 AF  
Use: IRRIGATION FROM STORAGE  
03/15 to 11/15 159.3 AF  
Use: IRRIGATION STORAGE  
01/01 to 12/31 159.3 AF  
Use: WILDLIFE STORAGE  
01/01 to 12/31 29.2 AF  
Total Diversion: 188.5 AF  
Date Filed: 5/3/2018  
Place Of Use: FIRE PROTECTION STORAGE  
T50N R03W S10 NESW NWSW  
Place Of Use: WILDLIFE STORAGE  
T50N R03W S10 NESW NWSW  
Place Of Use: IRRIGATION STORAGE  
T50N R03W S10 NESW NWSW  
Place Of Use: IRRIGATION FROM STORAGE  
T50N R03W S9 SENE NESE  
T50N R03W S10  
SWNW NESW NWSW  
SWSW SESW  
Total Acres: 53.1

**95-17529**

STEVEN C BUCHAN LIVING TRUST  
C / O STEVEN C BUCHAN  
PO BOX 2227  
HAYDEN, ID 83835  
Point of Diversion SESW  
S34 T52N 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: 5/17/2018  
Place Of Use: DOMESTIC  
T52N R03W S34  
L8(SESW) L8(SWSE)

**95-17580**

ANTHONY J WESSELS  
THERESA M H WESSELS  
1912 IVY CT  
DENVER, CO 80220  
Point of Diversion NESW  
S5 T52N R04W  
KOOTENAI County  
Source TWIN LAKES  
Tributary RATHDRUM CREEK  
Use: DOMESTIC

01/01 to 12/31 0.04 CFS  
Total Diversion: 0.04 CFS  
Date Filed: 6/13/2018  
Place Of Use: DOMESTIC  
T52N R04W S5 NESW

**95-17581**

DONAIS LIVING TRUST  
C/O JERRY J & PAT L DONAIS TRS  
12102 E 37TH CT  
SPOKANE, WA 99206  
Point of Diversion L5(SWNW)  
S5 T52N R04W  
KOOTENAI County  
Source TWIN LAKES  
Tributary RATHDRUM CREEK

Use: IRRIGATION  
03/15 to 11/15 0.01 CFS  
Total Diversion: 0.01 CFS  
Date Filed: 6/18/2018  
Place Of Use: IRRIGATION  
T52N R04W S5 L5(SWNW)  
Total Acres: 0.1

**95-17582**

COEUR D ALENE PUBLIC GOLF CLUB INC  
2321 W FAIRWAY DR  
COEUR D ALENE, ID 83815  
Point of Diversion NWSE  
S3 T50N R04W  
KOOTENAI County  
Source GROUND WATER  
Point of Diversion SESW  
S3 T50N R04W  
KOOTENAI County  
Source GROUND WATER  
Use: IRRIGATION  
03/15 to 11/15 1.25 CFS  
Total Diversion: 1.25 CFS  
Date Filed: 6/14/2018  
Place Of Use: IRRIGATION  
T50N R04W S3  
SWNE NESW SESW NESE  
NWSE SWSE  
Total Acres: 93.5

**95-17583**

GLENN ADAMS  
MARY ADAMS  
PO BOX 993  
ATHOL, ID 83801  
Point of Diversion NESW  
S18 T53N R04W  
KOOTENAI County  
Source SPIRIT LAKE  
Tributary SPIRIT CREEK  
Use: DOMESTIC  
01/01 to 12/31 0.04 CFS  
Total Diversion: 0.04 CFS  
Date Filed: 6/22/2018  
Place Of Use: DOMESTIC  
T53N R04W S18 NESW

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 7/23/2018. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director  
CDA LEGAL 9787  
AD#205836  
JULY 5, 12, 2018