

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-17667

Priority: October 17, 2018

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 3.5 AF

This is to certify, that STEPHEN NIELSEN And/Or
JONATHAN NIELSEN
PO BOX 1381
HAYDEN ID 83835

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>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
FIRE PROTECTION	01/01 to 12/31	0.20 CFS	
FIRE PROTECTION STORAGE	01/01 to 12/31		0.5 AF
IRRIGATION STORAGE	01/01 to 12/31		3.0 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		3.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4NW1/4 Sec. 10, Twp 53N, Rge 03W, B.M. KOOTENAI County

PLACE OF USE: FIRE PROTECTION, FIRE PROTECTION STORAGE, AND IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
53N 03W 10							X										

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
53N 03W 10							1.0										1.0

Total Acres: 1

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-17667

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2023**.
2. Subject to all prior water rights.
3. 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.
4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
5. Right 95-17667 authorizes the storage of an annual total of 3.5 acre-feet, comprised of 0.4 acre-feet to be used for the initial filling of the pond, 0.1 acre-feet for the replacement of losses due to evaporation, and up to 3.0 acre-feet for additional refills for irrigation from storage use.
6. The pond established by the storage of water under this right shall not exceed a total capacity of 0.4 acre-feet or a total surface area of 0.1 acres.
7. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
8. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
9. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
10. 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.
11. 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.
12. 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.
13. 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 Section 42-204, Idaho Code.

Signed this 12th day of December, 20 18.


DOUGLAS JONES, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17667

This map depicts the IRRIGATION FROM STORAGE and FIRE PROTECTION 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
- Townships
- PLS Sections

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17667

This map depicts the FIRE PROTECTION STORAGE and IRRIGATION STORAGE 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
-  Townships
-  PLS Sections

0 0.035 0.07 0.14 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

C.L. "Butch" Otter
Governor

Gary Spackman
Director

December 13, 2018

STEPHEN NIELSEN
PO BOX 1381
HAYDEN ID 83835

JONATHAN NIELSEN
PO BOX 1381
HAYDEN ID 83835

RE: Permit No. 95-17667

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.

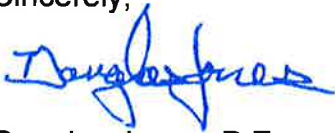
The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete.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

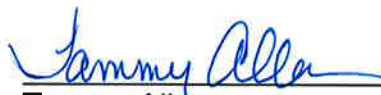
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2018, I served a true and correct copy of Permit to Appropriate Water No. 95-17667 by U.S. Mail, postage prepaid, to the following:

STEPHEN NIELSEN (Current Owner)
PO BOX 1381
HAYDEN ID 83835

JONATHAN NIELSEN (Current Owner)
PO BOX 1381
HAYDEN ID 83835



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 1 day of November, 2018, and ending on the 8 day of November, 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 6 day of November 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.



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

MY COMMISSION EXPIRES 8/29/23

RECEIVED

NOV 14 2018

IDWR / NORTON

PUBLIC NOTICE

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

95-17620

JOHN HERN
PO BOX 1060
COEUR D ALENE, ID 83816
Point of Diversion NWNE
S33 T51N R04W
KOOTENAI County
Source GROUND WATER
Use: COMMERCIAL
01/01 to 12/31 0.06 CFS
Use: DOMESTIC
01/01 to 12/31 0.06 CFS
Use: FIRE PROTECTION
01/01 to 12/31 0.06 CFS
Total Diversion: 0.06 CFS
Date Filed: 8/8/2018
Place Of Use: DOMESTIC
T51N R04W S33
NENE NWNE
Place Of Use: FIRE
PROTECTION
T51N R04W S33
NENE NWNE
Place Of Use: COMMERCIAL
T51N R04W S33
NENE NWNE

95-17665

DAVID R CISCEL
DEBORAH L CISCEL
12289 E WHITETAIL DR
ATHOL, ID 83801
Point of Diversion SESW
S18 T53N R02W
KOOTENAI County
Source GROUND WATER
Use: IRRIGATION
04/01 to 10/31 0.2 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.2 CFS
Date Filed: 10/18/2018
Place Of Use: IRRIGATION
T53N R02W S18 SESW
Place Of Use: STOCKWATER
T53N R02W S18 SESW
Total Acres: 16

95-17666

PRAIRIE SCHOONER LLC
PO BOX 3270
COEUR D ALENE, ID 83816
Point of Diversion SESE
S27 T52N R04W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.2 CFS
Use: IRRIGATION
03/15 to 11/15 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 10/17/2018
Place Of Use: DOMESTIC
T52N R04W S27 SWSE SESE
Place Of Use: IRRIGATION
T52N R04W S27 SWSE SESE
Total Acres: 10

95-17667

STEPHEN NIELSEN
JONATHAN NIELSEN
PO BOX 1381
HAYDEN, ID 83835
Point of Diversion SWNW
S10 T53N R03W
KOOTENAI County
Source GROUND WATER
Use: DIVERSION TO
STORAGE
01/01 to 12/31 0.2 CFS
Use: FIRE PROTECTION
01/01 to 12/31 0.2 CFS
Use: FIRE PROTECTION
STORAGE
01/01 to 12/31 0.5 AF

IRRIGATION FROM
STORAGE
04/01 to 10/31 3 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 3 AF
Total Diversion: 0.2 CFS
3.5 AF

Date Filed: 10/17/2018
Place Of Use: FIRE
PROTECTION
T53N R03W S10 SWNW
Place Of Use: FIRE PROTEC-
TION STORAGE
T53N R03W S10 SWNW
Place Of Use: IRRIGATION
STORAGE
T53N R03W S10 SWNW
Place Of Use: IRRIGATION
FROM STORAGE
T53N R03W S10 SWNW
Total Acres: 1

95-17671

THOMAS C ADAMS
JANIS R ADAMS
19116 N HALLIDAY
MEAD, WA 99021
Point of Diversion NESW
S20 T48N R04W
KOOTENAI County
Source COEUR D ALENE
LAKE
Tributary SPOKANE RIVER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 10/23/2018
Place Of Use: DOMESTIC
T48N R04W S20
L3(SENW) L3(NESW)

95-17673

DENNIS P REIERSON
LINDA L REIERSON
PO BOX 277
ROCKFORD, WA 99030
Point of Diversion L4(SESW)
S2 T47N R04W
KOOTENAI County
Source COEUR D ALENE
LAKE
Tributary SPOKANE RIVER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 10/23/2018
Place Of Use: DOMESTIC
T47N R04W S11 L2(NENW)

95-17674

ALAN QUIST
W 3206 TRINITY AVE
SPOKANE, WA 99208
Point of Diversion SWNE
S28 T48N R04W
KOOTENAI County
Source COEUR D ALENE
LAKE
Tributary SPOKANE RIVER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 10/24/2018
Place Of Use: DOMESTIC
T48N R04W S28 L2(SWNE)
Place Of Use: DOMESTIC
T48N R04W S28 SWNE

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 11/19/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
CDA LEGAL 588
AD# 240795
NOVEMBER 1, 8, 2018