

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-17627

Priority: August 27, 2018

Maximum Diversion Rate: 0.10 CFS

This is to certify, that VISTA BAY WEST INC
PO BOX 621
BAYVIEW ID 83803

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>
DOMESTIC	01/01 to 12/31	0.10 CFS
IRRIGATION	04/01 to 10/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (NW1/4NW1/4) Sec. 2, Twp 53N, Rge 02W, B.M. KOOTENAI County

PLACE OF USE: DOMESTIC

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 02W 2						X											
						L 1											

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	
53N 02W 2						.5											.5
						L 1											

Total Acres: 0.5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2019**.
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. Domestic use is for 10 mobile homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
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. 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 9th day of November, 20 18.


DOUGLAS JONES, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17627

This map depicts the DOMESTIC and 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
-  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

November 13, 2018

VISTA BAY WEST INC
PO BOX 621
BAYVIEW ID 83803

RE: Permit No. 95-17627

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.

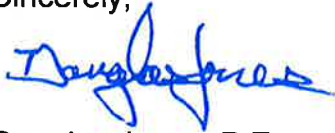
The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") by the date shown in condition no. 1 of your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

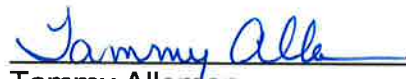
Douglas Jones, P.E.
Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2018, I served a true and correct copy of Permit to Appropriate Water No. 95-17627 by U.S. Mail, postage prepaid, to the following:

VISTA BAY WEST INC (Current Owner)
PO BOX 621
BAYVIEW ID 83803



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.

Alleman, Tammy

From: Anna.Moody@deq.idaho.gov
Sent: Thursday, October 04, 2018 12:55 PM
To: Alleman, Tammy
Subject: RE: Request for Comments for WR#95-17627

Good afternoon:

Please consider this email as comment from the Idaho Department of Environmental Quality, Coeur d'Alene Regional Office, for the subject application for permit.

- The Vista Bay West, Inc. water system is a regulated public drinking water system, **PWS# ID1280197**.

Anna Moody

Drinking Water Program Supervisor
Idaho Department of Environmental Quality

From: Alleman, Tammy [mailto:Tammy.Alleman@idwr.idaho.gov]
Sent: Wednesday, September 12, 2018 3:49 PM
To: June Bergquist
Cc: Anna Moody
Subject: Request for Comments for WR#95-17627

Dear Department of Environmental Quality:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. You can find copies of the applications attached to the email and also at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the applications as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application(s), you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. **The deadline for comments on the applications is October 9, 2018.**

Please contact the Northern Region Office at (208) 772-2800 if you have any questions regarding the applications.

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, ID 83815
Tammy.Alleman@idwr.idaho.gov
208-762-2800 Phone
208-762-2819 Fax*

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

Ashley Kinzer

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 week commencing on the 20 day of September, 2018, and ending on the 27 day of September, 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 27 day of September 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 at Coeur d'Alene, Idaho.



MY COMMISSION EXPIRES 8/29/23

RECEIVED

OCT 01 2018

IDWR / NORTH

PUBLIC NOTICE

The following application(s) have been filed to amend Permit to Appropriate Water:

95-12599

NORTH KOOTENAI WATER DISTRICT

13649 N MEYER RD

RATHDRUM, ID 83858

Point of Diversion SESE SESE SESE

S17 T52N R04W

Point of Diversion NENE NESE

S28 T52N R04W

Point of Diversion SWSW SWSW

S2 T51N R04W

Point of Diversion NWNE

S11 T51N R04W

Point of Diversion NWNE

S14 T51N R04W

Point of Diversion L7(SWSE)

S15 T51N R04W

Point of Diversion NESE NESE NESE SWSE SWSE

S23 T51N R04W

Point of Diversion NWSW

S24 T51N R04W

Point of Diversion SESE

S23 T51N R05W

Point of Diversion NESW

S32 T51N R05W

Point of Diversion SESW

S32 T51N R05W

Point of Diversion SWNW SWNW

S8 T52N R03W

Point of Diversion NWSE NWSE

S18 T52N R03W

Point of Diversion L1(NENE)

S6 T52N R04W

Point of Diversion SENE

S33 T52N R04W

Point of Diversion NENW

S28 T53N R04W

KOOTENAI County

Source GROUND WATER

Use: MUNICIPAL

01/01 to 12/31 5.48 CFS

Total Diversion: 5.48 CFS

Date Filed: 8/30/2018

Place Of Use: MUNICIPAL

T51N R03W S5 NWSW SWSW SESW SWSE SESE

T51N R03W S6 L1(NENE) L2(NWNE) SWNE SENE

L3(NENW) L4(NWNW) L5(SWNW) SENW NESW L6(NWSW)

L7(SWSW) SESW NESE NWSE SWSE SESE

T51N R03W S7 NENE NWNE SWNE SENE NENW

L1(NWNW) L2(SWNW) SENW NESW L3(NWSW) L4(SWSW)

SESW NESE NWSE SWSE SESE

T51N R03W S8 NENE NWNE SWNE SENE NENW NWNW

SWNW SENW NESW NWSW SWSW SESW NESE NWSE

SWSE L1(SESE)

T51N R03W S17 L2(NWNE) L3(NENW) NWNW L4(SWNW)

L3(SENW)

T51N R03W S18 NENE L8(NWNE) L7(SWNE) L9(SENE)

NENW L1(NWNW) L2(SWNW) SENW NESW L3(NWSW)

T51N R03W S19 L1(NWNW) L2(SWNW) L2(SENW)

L5(NESW) L3(NWSW) L4(SWSW) SESW L7(NESE) L6(NWSE)

SWSE SESE

T51N R03W S20 L1(NENE) L2(NWNE) L2(SWNE) L4(SENE)

L3(SENW) L5(NESW) L6(NWSW) L7(SWSW) SESW NESE

NWSE

T51N R03W S21 L4(SWNW) L3(NESW) L4(NWSW) SWSW

SESW

T51N R03W S29 L1(NWNW)

T51N R03W S30 NENE NWNE NENW L1(NWNW)

T51N R04W S1 L1(NENE) SENE L4(NWNW) SWNW NWSW

SWSW SESW NESE NWSE SWSE SESE

T51N R04W S2 L1(NENE) SENE SWSW SESW NESE SWSE

SESE

T51N R04W S3 SESE

T51N R04W S10 NENE

T51N R04W S11 NENE NWNE NENW NWNW SESW SWSE

T51N R04W S12 NENE NWNE SWNE SENE NENW NWNW

NESE NWSE SWSE SESE

T51N R04W S13 NENE SENE NESE

T51N R04W S14 NWNE NENW

T51N R04W S15 NESW SESW NWSE SWSE

T51N R04W S22 NWNE NENW SESE

T51N R04W S23 SENW NESW SWSW SESW NESE NWSE

SWSE SESE

T51N R04W S24 NENE SWNE SENE NESW SESW NESE
NWSE SWSE SESE

T51N R04W S25 NENE NWNE NENW

T51N R04W S26 NENE NWNE SENE NENW NWNW

T51N R05W S23 NESE NWSE SWSE SESE

T51N R05W S32 NESW NWSW SWSW SESW NWSE SWSE

T52N R03W S4 L4(NWNW) L5(SWNW) NESW L6(NWSW)

T52N R03W S5 L1(NENE) SENE NESW SWSW SESW NESE

NWSE SWSE SESE

T52N R03W S6 L3(NENW) L4(NWNW) L5(SWNW) SENW

NESW L6(NWSW) L7(SWSW) L8(SESW) NESE NWSE

L10(SWSE) SESE

T52N R03W S7 NENE NWNE SWNE SENE NENW

L2(SWNW) SENW NESW L3(NWSW)

T52N R03W S8 NWNW SWNW

T52N R03W S17 SWNW NESW NWSW WSW SESW

T52N R03W S18 SWNE SENE SESW NESE NWSE SWSE

SESE

T52N R03W S19 NENE NWNE SWNE

T52N R03W S20 NWNW

T52N R03W S31 NESW SESW NESE NWSE SWSE SESE

T52N R04W S5

T52N R04W S6

T52N R04W S8

T52N R04W S17

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

95-17512

DAVID CONLEY

NICOLE CONLEY

13467 E BUNCO RD

ATHOL, ID 83801

Point of Diversion NESESW

S19 T53N R02W

KOOTENAI County

Source SPRING

Tributary LEWELLEN CREEK

Point of Diversion SESW

S19 T53N R02W

KOOTENAI County

Source LEWELLEN CREEK

Tributary SINKS

Use: IRRIGATION

04/01 to 10/31 0.12 CFS

Use: STOCKWATER

01/01 to 12/31 0.02 CFS

Total Diversion: 0.14 CFS

Date Filed: 4/17/2018

Place Of Use: IRRIGATION

T53N R02W S19 SESW

Place Of Use: STOCKWATER

T53N R02W S19 SESW

Total Acres: 6

95-17627

VISTA BAY WEST INC

PO BOX 621

BAYVIEW, ID 83803

Point of Diversion L1(NWNW) S2 T53N R02W KOOTENAI

County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31 0.1 CFS

Use: IRRIGATION

04/01 to 10/31 0.02 CFS

Total Diversion: 0.1 CFS

Date Filed: 8/27/2018

Place Of Use: DOMESTIC

T53N R02W S2 L1(NWNW)

Place Of Use: IRRIGATION

T53N R02W S2 L1(NWNW)

Total Acres: 0.5

95-17628

JT HOLDINGS INC

10063 NAVION DR

HAYDEN, ID 83835

Point of Diversion SWSW SWSW S11 T52N R04W KOOTENAI

County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31 0.16 CFS

Total Diversion: 0.16 CFS

Date Filed: 8/29/2018

Place Of Use: DOMESTIC

T52N R04W S11 SWSW SESW SWSE SESE

Total Acres: 6

95-17631

TERRY STULC
13928 N PEONY CT
HAYDEN, ID 83835
Point of Diversion SWNW S3 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: 9/7/2018
Place Of Use: DOMESTIC
T51N R03W S3 L4(SWNW)
T51N R03W S4 SENE

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 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 10/9/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on 9/20/2018 and 9/27/2018

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82675
BLACK ROCK UTILITIES INC, C/O ASSOCIATION SERVICES
INC

1250 IRONWOOD DR STE 226, COEUR D ALENE, ID 83814;
has filed Application No. 82675 for changes to the following
water rights within KOOTENAI County(s): Right No(s).
95-9055; For additional information concerning the property
location, contact IDWR State office at (208) 287-4800; or for a
full description of the transfer, please see <http://www.idwr.idaho.gov/water-rights/transfers/search.html>. The purpose of the
transfer is to change a portion of the above rights as follows:
This transfer proposes to add a new point of diversion to the
Black Rock Utilities Inc's existing ground water right in L2
(SWNW) of Section 16, Twp 48N, Rge 04W.

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 10/9/2018. The protestant must also send a copy
of the protest to the applicant.

GARY SPACKMAN, Director
CDA LEGAL 352
AD# 227489
SEPTEMBER 20, 27, 2018