

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-17523

Priority: May 03, 2018

Maximum Diversion Volume: 188.5 AF

This is to certify, that HOWARD E AND ROBERTA WELCH TRUST
C/O HOWARD & ROBERTA WELCH
8865 E FERNAN LAKE RD
COEUR D ALENE ID 83814

has applied for a permit to appropriate water from:

Source: GROUND WATER
UNNAMED STREAM

Tributary: FERNAN CREEK
FERNAN CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
FIRE PROTECTION STORAGE	01/01 to 12/31	29.2 AF
WILDLIFE STORAGE	01/01 to 12/31	29.2 AF
IRRIGATION STORAGE	01/01 to 12/31	159.3 AF
IRRIGATION FROM STORAGE	03/15 to 11/15	159.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW1/4SW1/4 Sec. 10, Twp 50N, Rge 03W, B.M. KOOTENAI County
UNNAMED STREAM NW1/4SW1/4 Sec. 10, Twp 50N, Rge 03W, B.M. KOOTENAI County

PLACE OF USE: FIRE PROTECTION STORAGE, WILDLIFE 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	
50N 03W 10									X	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	
50N 03W 9				6.0									5.1				11.1
50N 03W 10						4.6			8.4	27.0	.4	1.6					42.0

Total Acres: 53.1

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-17523

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2019**.
2. Subject to all prior water rights.
3. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
4. Rights 95-8072 and 95-17523 authorize the storage of an annual total of 188.5 acre-feet, comprised of 24.8 acre-feet to be used for the initial filling of the pond, 4.4 acre-feet for the replacement of losses due to evaporation, and up to 159.3 acre-feet for additional refills for irrigation from storage use.
5. The pond established by the storage of water under this right shall not exceed a total capacity of 24.8 acre-feet or a total surface area of 3.1 acres.
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 13th day of August, 20 18.


DOUGLAS JONES, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17523

This map depicts the FIRE PROTECTION STORAGE, WILDLIFE 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

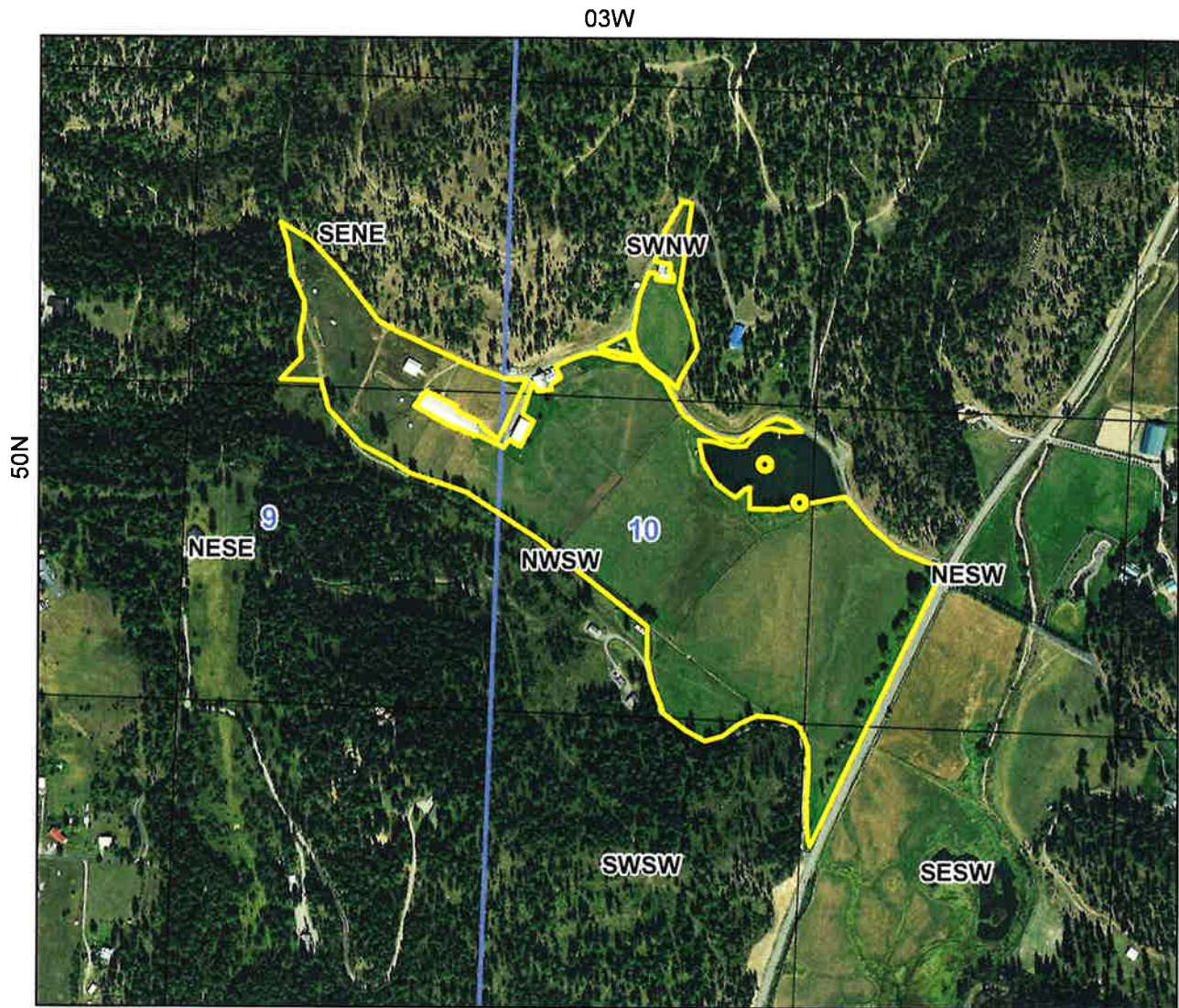


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17523

This map depicts the IRRIGATION FROM 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.



0 0.075 0.15 0.3 Miles

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections





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

August 14, 2018

HOWARD E AND ROBERTA WELCH TRUST
C/O HOWARD & ROBERTA WELCH
8865 E FERNAN LAKE RD
COEUR D ALENE ID 83814

RE: Permit No. 95-17523

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 Regional Office at (208) 762-2800.

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas Jones", with a stylized flourish at the end.

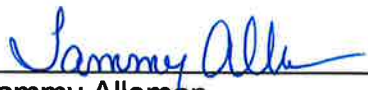
Douglas Jones, P.E.
Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2018, I served a true and correct copy of Permit to Appropriate Water No. 95-17523 by U.S. Mail, postage prepaid, to the following:

HOWARD E AND ROBERTA WELCH TRUST (Current Owner)
C/O HOWARD & ROBERTA WELCH
8865 E FERNAN LAKE RD
COEUR D ALENE ID 83814



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 Hagler 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.

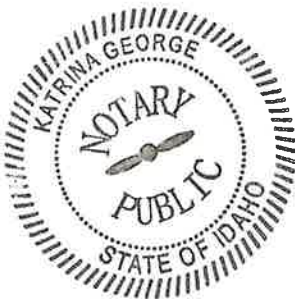
3. The legal notice

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 Hagler
On this 12 day of July in the year of 2018, before me, a Notary Public, personally appeared Geri Hagler, 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 / NORTH

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
SENE 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