

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-17471

Priority: March 22, 2018

Maximum Diversion Volume: 1.6 AF

This is to certify, that GERALD DAVIS
17288 N TRIANGLE 7 RD
HAYDEN ID 83835

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM **Tributary:** SINKS

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	0.4 AF
IRRIGATION STORAGE	01/01 to 12/31	1.2 AF
IRRIGATION FROM STORAGE	03/15 to 11/15	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NW1/4NE1/4 Sec. 34 Twp 52N, Rge 03W, B.M. KOOTENAI County

PLACE OF USE: FIRE PROTECTION STORAGE AND IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
52N 03W 34		X															

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
52N 03W 34		.4															.4

Total Acres: 0.4

CONDITIONS OF APPROVAL

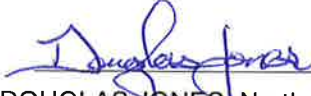
1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2019**.
2. Subject to all prior water rights.
3. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
4. Right 95-17471 authorizes the storage of an annual total of 1.6 acre-feet, comprised of 0.2 acre-feet to be used for the initial filling of the pond, 0.2 acre-feet for the replacement of losses due to seepage and evaporation, and up to 1.2 acre-feet for additional refills for irrigation from storage use.

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5. The pond established by the storage of water under this right shall not exceed a total capacity of 0.2 acre-feet or a total surface area of 0.03 acres.
6. 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.
7. 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 22nd day of May, 2018.


DOUGLAS JONES, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17471

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.

03W

52N



0 0.035 0.07 0.14 Miles

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



State of Idaho
Department of Water Resources

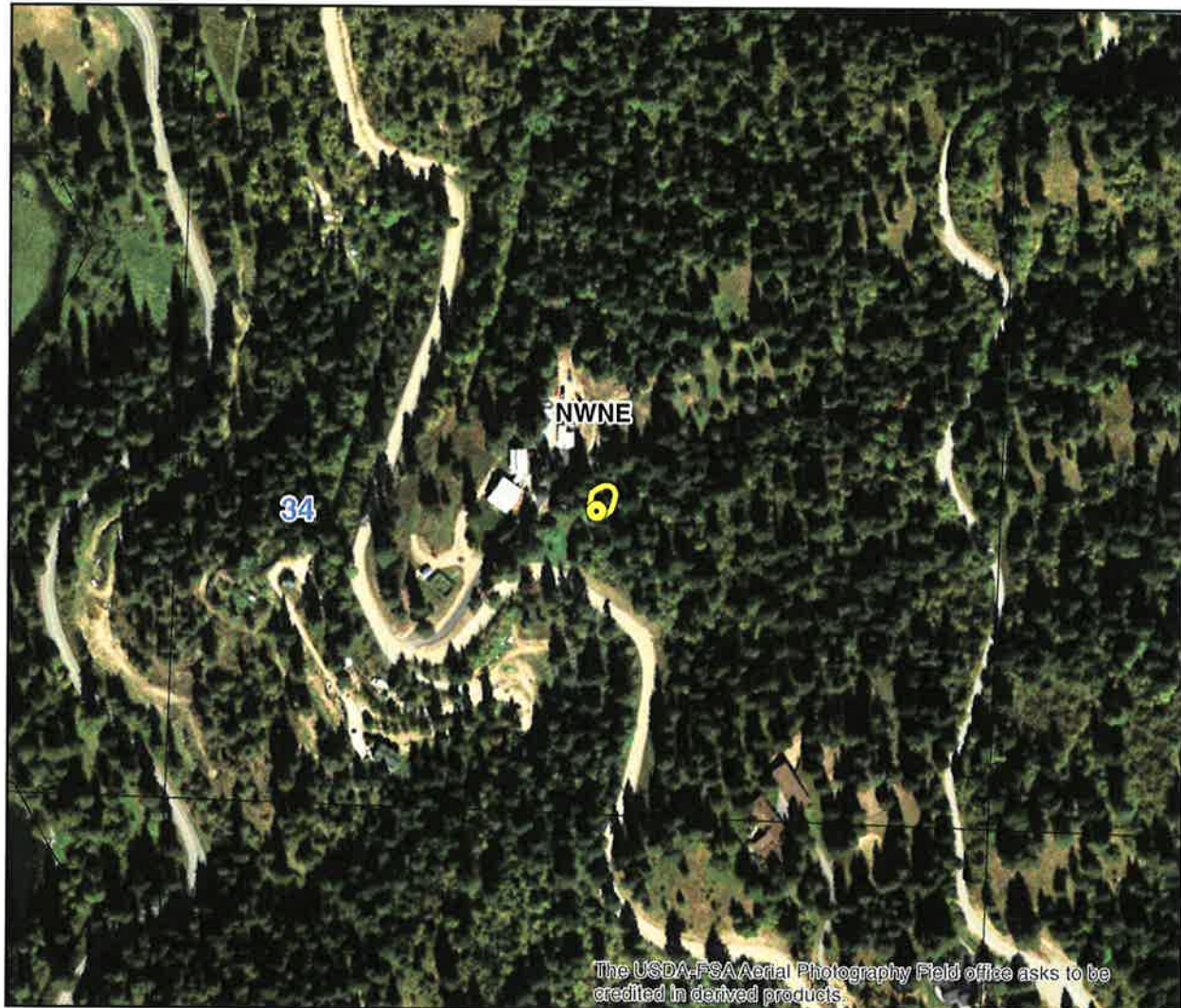
Attachment to Permit to Appropriate Water

95-17471

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

52N



- 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

May 23, 2018

GERALD DAVIS
17288 N TRIANGLE 7 RD
HAYDEN ID 83835

RE: Permit No. 95-17471

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 May 23, 2018, I served a true and correct copy of Permit to Appropriate Water No. 95-17471 by U.S. Mail, postage prepaid, to the following:

GERALD DAVIS (Current Owner)
17288 N TRIANGLE 7 RD
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
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 *19* day of *April*, *2018*, and ending on the *26* day of *April*, *2018*, and such publication was made as often during said period as said newspaper was regularly issued *daily*

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

On this *26* day of *April* 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



WATER PERMIT APPLICATIONS

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

95-17469

JOHN T SCANLON
BARBARA SCANLON
21905 W RIVERVIEW DR
POST FALLS, ID 83854
Point of Diversion L8(NESW)
S12 T50N R06W
KOOTENAI County
Source SPOKANE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
03/15 to 11/15 0.32 CFS
Total Diversion: 0.32 CFS
Date Filed: 3/21/2018
Place Of Use: IRRIGATION
T50N R06W S12
L8(NESW) L6(NWSW)
L7(SWSW) SESW
Total Acres: 16
95-17470
JOHN T SCANLON
BARBARA SCANLON
21905 W RIVERVIEW DR
POST FALLS, ID 83854

Point of Diversion L8(NESW)
S12 T50N R06W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 3/21/2018
Place Of Use: DOMESTIC
T50N R06W S12
L5(SWNW) L5(SENW)
L8(NESW) L6(NWSW)
95-17471
GERALD DAVIS
17288 N TRIANGLE 7 RD
HAYDEN, ID 83835
Point of Diversion NWNE
S34 T52N R03W
KOOTENAI County
Source UNNAMED STREAM
Tributary SINKS
Use: FIRE PROTECTION
STORAGE
01/01 to 12/31 0.4 AF
Use: IRRIGATION FROM
STORAGE
03/15 to 11/15 1.2 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 1.2 AF
Total Diversion: 1.6 AF
Date Filed: 3/22/2018
Place Of Use: FIRE
PROTECTION STORAGE
T52N R03W S34 NWNE
Place Of Use: IRRIGATION
STORAGE

T52N R03W S34 NWNE
Place Of Use: IRRIGATION
FROM STORAGE
T52N R03W S34 NWNE
Total Acres: 0.4
95-17473
ADAMS CHARLES ETUX
TRUSTEES
C/O MARY M ADAMS
820 E PINE AVE
COEUR D ALENE, ID 83814
Point of Diversion SWNE
S11 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
Place Of Use: DOMESTIC
T48N R04W S11 SWNE
95-17474
COUGAR BAY SAILING &
CHOWDER SOCIETY
C/O ELLEN ROBEY
1207 E OVERBLUFF RD
SPOKANE, WA 99203
Point of Diversion L1(SESE)
S15 T50N R04W
KOOTENAI County
Source COEUR D ALENE
LAKE
Tributary SPOKANE RIVER
Point of Diversion L1(SESE)
S15 T50N 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: 3/23/2018
Place Of Use: DOMESTIC
T50N R04W S15 NESE

L1(SESE)
95-17476
DANIEL R MC KINNEY
DEBORAH MC KINNEY
19409 N LESLIE LN
COLBERT, WA 99005
Point of Diversion NWSW
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: 3/23/2018
Place Of Use: DOMESTIC
T53N R04W S18 NWSW
L3(SWSW) SWSW

95-17477

ALAN L MILLARD
165 ROSS DR
CLEARFIELD, UT 84015
Point of Diversion
L5(NESWNW)
S5 T48N R05W
KOOTENAI County
Source SPRING
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.06 CFS
Date Filed: 3/23/2018
Place Of Use: DOMESTIC
T48N R05W S5 L5(SWNW)
Place Of Use: STOCKWATER
T48N R05W S5 L5(SWNW)
95-17481
BSCR LIVING TRUST
10673 E WINGSPAN WAY
SCOTTSDALE, AZ 85224
Point of Diversion L1(NENE)
S18 T48N R04W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.1 CFS
Use: IRRIGATION
03/15 to 11/15 0.03 CFS
Total Diversion: 0.1 CFS
Date Filed: 3/21/2018
Place Of Use: DOMESTIC
T48N R04W S18 L1(NENE)
Place Of Use: IRRIGATION
T48N R04W S18
L1(NENE) L1(SENE)
Total Acres: 1
95-17482
ROBERT R
HOLLINGSWORTH
3956 TREVINO DR
COEUR D ALENE, ID 83815
Point of Diversion SESE
S32 T50N R02W
KOOTENAI County
Source CEDAR CREEK
Tributary WOLF LODGE
CREEK
Use: IRRIGATION
03/15 to 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 3/26/2018
Place Of Use: IRRIGATION
T50N R02W S32 SESE
Total Acres: 2
95-17483
ALAN WHITE
MARY WHITE
14816 N ST TERESAS WAY
RATHDRUM, ID 83858
Point of Diversion NESE

9378

S35 T52N R05W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.1 CFS
Use: IRRIGATION
03/15 to 11/15 0.31 CFS
Total Diversion: 0.31 CFS
Date Filed: 3/28/2018
Place Of Use: DOMESTIC
T52N R05W S35 NESE
Place Of Use: IRRIGATION
T52N R05W S35 NESE
SESE
Total Acres: 15.5
95-17487
JOHN GIBSON
ANDREA GIBSON
18833 W QUAIL LN
POST FALLS, ID 83854
Point of Diversion SESW
S24 T50N R06W
KOOTENAI County
Source UNNAMED STREAM
Tributary CABLE CREEK
Use: FIRE PROTECTION
STORAGE
01/01 to 12/31 1.3 AF
Use: WILDLIFE STORAGE
01/01 to 12/31 1.3 AF
Total Diversion: 1.3 AF
Date Filed: 3/29/2018
Place Of Use: WILDLIFE
STORAGE
T50N R06W S24 SESW
Place Of Use: FIRE
PROTECTION STORAGE
T50N R06W S24 SESW
95-17490
MIKE MC NALL
PO BOX 3463
POST FALLS, ID 83877
Point of Diversion L6(SENW)
S12 T50N R05W
KOOTENAI County
Source SPOKANE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
03/15 to 11/15 0.01 CFS
Total Diversion: 0.01 CFS
Date Filed: 3/30/2018
Place Of Use: IRRIGATION
T50N R05W S12 L6(SENW)
Total Acres: 0.4

95-17491

THE MARIAN B BAKER
TRUST
C/O LESLIE A ESPINOZA
2508 S ALEXANNA LN
POST FALLS, ID 83854
Point of Diversion NESE
S25 T50N R06W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: IRRIGATION
03/15 to 11/15 0.2 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.2 CFS
Date Filed: 3/30/2018
Place Of Use: DOMESTIC
T50N R06W S25 NESE
Place Of Use: STOCKWATER
T50N R06W S25 NESE
Place Of Use: IRRIGATION
T50N R06W S25 NESE
Total Acres: 10

95-17492

LEONARD HODGE
NYLA HODGE
4652 S MOLSTEAD LN
COEUR D ALENE, ID 83814
Point of Diversion NWNW
S1 T49N R03W
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: 4/3/2018

Place Of Use: DOMESTIC
T49N R03W S1 L3(NWNW)
T50N R03W S35 L3(NWSW)

95-17496

JAMES NEILS
CHANDRA NEILS
14128 N HAUSER LAKE RD
HAUSER, ID 83854
Point of Diversion L2(NWNE)
S12 T51N R06W
KOOTENAI County
Source GROUND WATER
Point of Diversion L2(NWNE)
S12 T51N R06W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.06 CFS
Use: IRRIGATION
03/15 to 11/15 0.05 CFS
Total Diversion: 0.11 CFS
Date Filed: 4/5/2018
Place Of Use: DOMESTIC
T51N R06W S12 L2(NWNE)
Place Of Use: IRRIGATION
T51N R06W S12 L2(NWNE)
Total Acres: 1.5

95-17499

JAMES NEILS
CHANDRA NEILS
14128 N HAUSER LAKE RD
HAUSER, ID 83854
Point of Diversion L2(NWNE)
S12 T51N R06W
KOOTENAI County
Source GROUND WATER
Use: DIVERSION TO
STORAGE
01/01 to 12/31 0.2 CFS
Use: FIRE PROTECTION
STORAGE
01/01 to 12/31 6.7 AF
Use: IRRIGATION FROM
STORAGE
03/15 to 11/15 6 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 6 AF
Total Diversion: 0.2 CFS
Date Filed: 4/5/2018
Place Of Use: FIRE
PROTECTION STORAGE
T51N R06W S12 L2(NWNE)
Place Of Use: IRRIGATION
STORAGE
T51N R06W S12 L2(NWNE)
Place Of Use: IRRIGATION
FROM STORAGE
T51N R06W S12 L2(NWNE)
L6(SWNE)
Total Acres: 2

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
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
5/7/2018. The protestant must
also send a copy of the protest
to the applicant.
GARY SPACKMAN, Director
CDA LEGAL 9378
AD#180387
APRIL 19, 26, 2018

9378