

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 87-10092

Priority: March 08, 2018

Maximum Diversion Volume: 25.0 AF

This is to certify, that WARREN FAMILY SURVIVING SPOUSE TRUST
C/O KATHLEEN J WARREN
3270 W TWIN RD
MOSCOW ID 83843

has applied for a permit to appropriate water from:

Source: SPRING **Tributary:** PARADISE CREEK
UNNAMED STREAM PARADISE 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>
WILDLIFE STORAGE	01/01 to 12/31	13.0 AF
FIRE PROTECTION STORAGE	01/01 to 12/31	13.0 AF
IRRIGATION STORAGE	01/01 to 12/31	12.0 AF
IRRIGATION FROM STORAGE	04/01 to 10/31	12.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NE1/4SE1/4 Sec. 22, Twp 40N, Rge 05W, B.M. LATAH County
UNNAMED STREAM NE1/4SE1/4 Sec. 22, Twp 40N, Rge 05W, B.M. LATAH County
SPRING SW1/4NE1/4SE1/4 Sec. 22, Twp 40N, Rge 05W, B.M. LATAH County

PLACE OF USE: WILDLIFE STORAGE, 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	
40N 05W 22																	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	
40N 05W 22				.5													5.5

Total Acres: 6

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 87-10092

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 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. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
5. Right 87-10092 authorizes the storage of an annual total of 25.0 acre-feet, comprised of 10.2 acre-feet to be used for the initial filling of the ponds, 2.8 acre-feet for the replacement of losses due to seepage and evaporation, and up to 12.0 acre-feet for additional refills for irrigation from storage use.
6. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 10.2 acre-feet or a total surface area of 1.3 acres.
7. This right when combined with all other rights shall provide no more than 2.0 afa per acre at the field headgate for irrigation of the place of use.
8. 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 11th day of May, 20 18.


DOUGLAS JONES, Northern Regional Manager

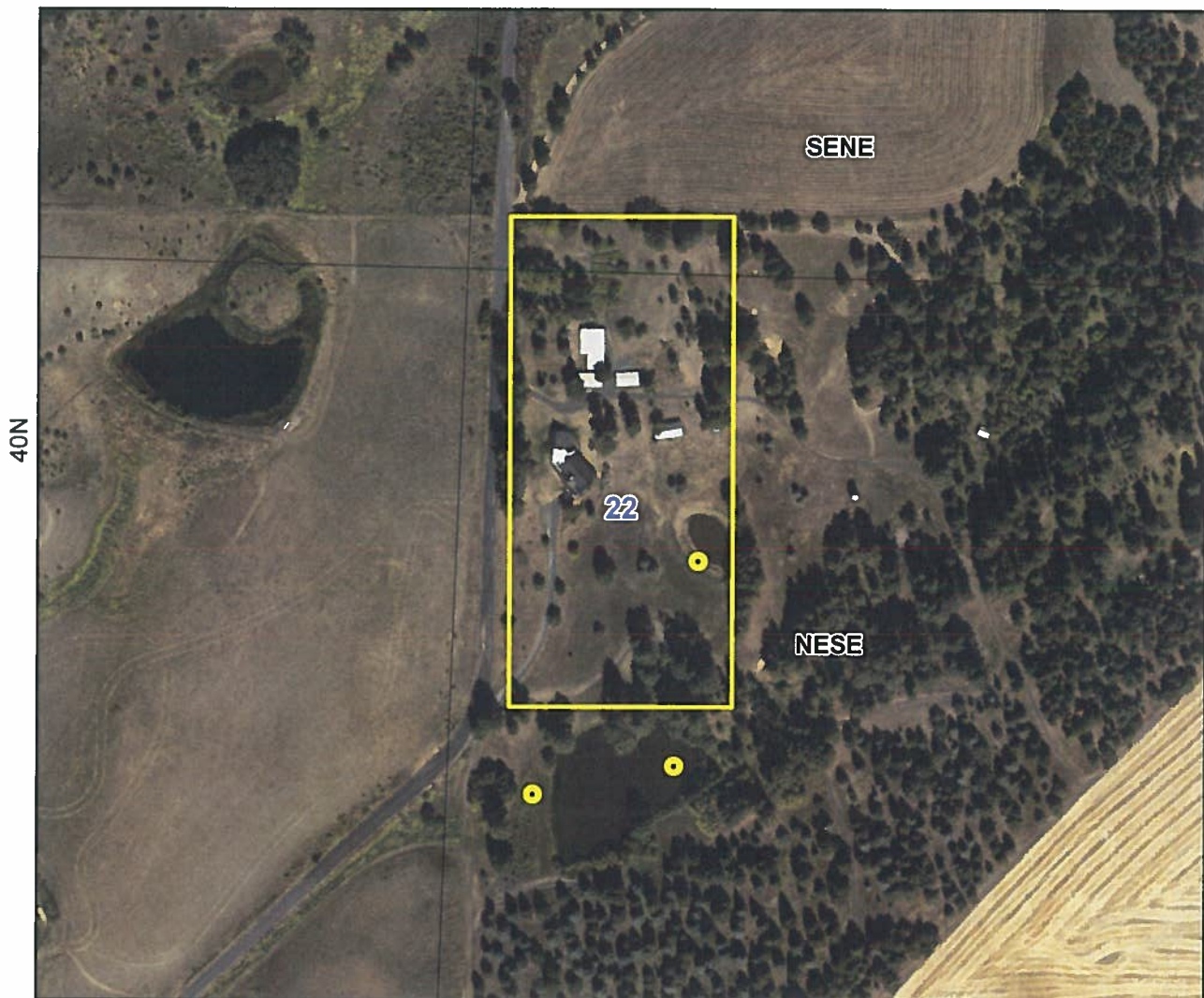
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

87-10092

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.

05W



● Point of Diversion

□ Place Of Use Boundary

□ Townships

□ PLS Sections

0 0.035 0.07 0.14 Miles



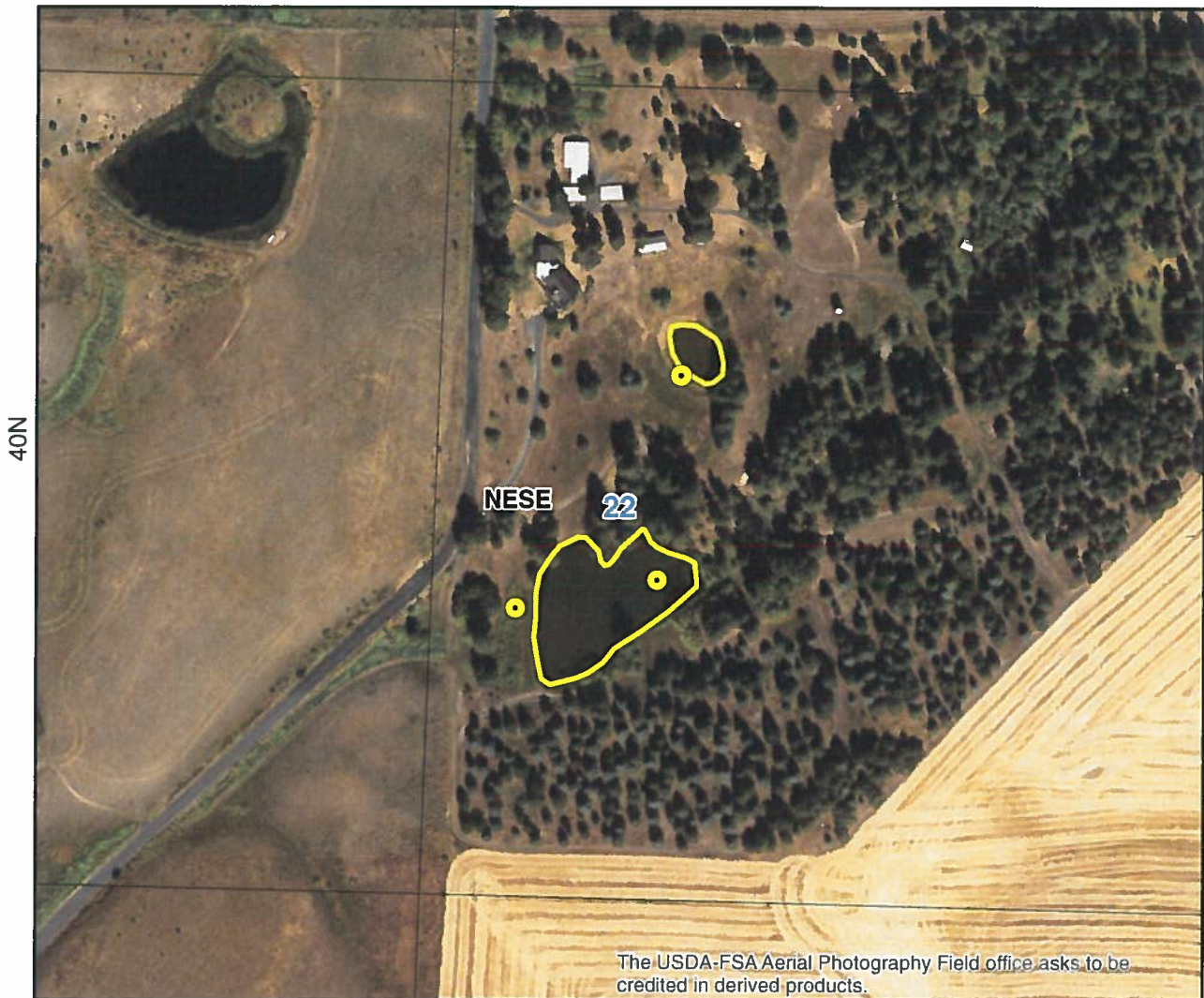
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

87-10092

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.

05W



-  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 15, 2018

WARREN FAMILY SURVIVING SPOUSE TRUST
C/O KATHLEEN J WARREN
3270 W TWIN RD
MOSCOW ID 83843

RE: Permit No. 87-10092

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.

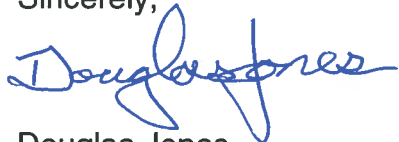
The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. 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 me at (208) 762-2800.

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas Jones", with a stylized, flowing script.

Douglas Jones
Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2018, I served a true and correct copy of Permit to Appropriate Water No. 87-10092 by U.S. Mail, postage prepaid, to the following:

WARREN FAMILY SURVIVING SPOUSE TRUST (Current Owner)
C/O KATHLEEN J WARREN
3270 W TWIN RD
MOSCOW ID 83843

JAMES BROWITT (Attorney)
BROWITT LAW OFFICE
1317 PROSPECT AVE
LEWISTON ID 83501



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.

NEWS REVIEW PUBLISHING COMPANY

The Moscow-Pullman Daily News

P.O.Box 374

Lewiston, Idaho 83501

(208) 743-9411

Date:

04/12/2018

INVOICE NO.

142517

Account No.

30010311

Description

142517 The foll

Times

2

Lines

56

Tab. lines

\$ 163.80**LEGAL ADVERTISING
INVOICE**

Sold To: IDAHO DEPT/ WATER RESOURCES
7600 N. MINERAL DR STE 100
COEUR D ALENE ID 83814

PO#

Tammy Alleman

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

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

142517
87-10092
WARREN FAMILY SURVIVING SPOUSE TRUST
TRS KATHLEEN J WARREN
3270 W TWIN RD
MOSCOW, ID 83843
Point of Diversion NESE
S22 T40N R05W
LATAH County
Source UNNAMED STREAM
Tributary PARADISE CREEK
Point of Diversion NESE
S22 T40N R05W
LATAH County
Source UNNAMED STREAM
Tributary PARADISE CREEK
Point of Diversion SWNESE
S22 T40N R05W
LATAH County
Source SPRING
Tributary PARADISE CREEK
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 13 AF
Use: IRRIGATION FROM STORAGE
04/01 to 10/31 12 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 12 AF
Use: WILDLIFE STORAGE
01/01 to 12/31 13 AF
Total Diversion: 25 AF
Date Filed: 3/8/2018
Place Of Use: WILDLIFE STORAGE
T40N R05W S22 NESE
Place Of Use: FIRE PROTECTION STORAGE
T40N R05W S22 NESE
Place Of Use: IRRIGATION STORAGE
T40N R05W S22 NESE
Place Of Use: IRRIGATION FROM STORAGE
T40N R05W S22 SENE NESE
Total Acres: 6

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 4/23/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on 4/5/2018 and 4/12/2018

AFFIDAVIT OF PUBLICATION

Julie L. Winters, Legal Clerk
being first duly sworn, on oath deposes
and says: I am the printer of
Moscow-Pullman Daily News, a newspaper
of general circulation, published daily
except Sunday at Moscow, Latah County,
Idaho, in compliance with Sections 60-106,
60-107, and 60-108 of the Idaho Code and the
amendments thereto; and an official newspaper
for Whitman County, Washington as required
by R.C.W. 36.72.071 and other provisions of
the Revised Code of Washington and the
amendments thereto: that the notice of which the
annexed is a full, true and correct printed
copy was published in the regular and entire
issues of said newspaper and not in a
supplement thereto, upon the following dates:

April 5th, 12th 2018

the same being the date designated for
the publication of said notice.

Julie L. Winters
On this 13th day of April
in the year of 2018, before me, a Notary Public,
personally appeared Julie L. Winters,
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

Carol Peterson
Notary Public for Idaho,
Residing at Lewiston, Idaho
My Commission Expires 9-1-2023

RECEIVED
APR 16 2018

IDWR / NORTH

