

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-17392

Priority: December 14, 2017

Maximum Diversion Rate: 0.20 CFS

This is to certify, that JOHN MATTHEW KOLAR 14855 SW CHARDONNAY AVE TIGARD OR 97224 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>
IRRIGATION	04/01 to 10/31	0.10 CFS	
DOMESTIC	01/01 to 12/31	0.20 CFS	
FIRE PROTECTION	01/01 to 12/31	0.10 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4NW1/4 Sec. 15, Twp 46N, Rge 04W, B.M.
BENEWAH County

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	
46N	04W	15					5.0	5.0											10.0

PLACE OF USE: DOMESTIC and FIRE PROTECTION

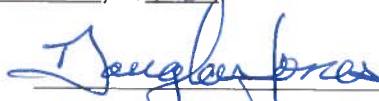
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N	04W	15					X	X											

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. This right does not grant any right-of-way or easement across the land of another.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 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.
6. Domestic use is for 100 Recreational Vehicle lots and one convenience store. Irrigation of lawn, garden and landscaping associated with the Recreational Vehicles and store is authorized under the irrigation component of this right.
7. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed this 23rd day of April, 2018


DOUGLAS JONES, Northern Regional Manager

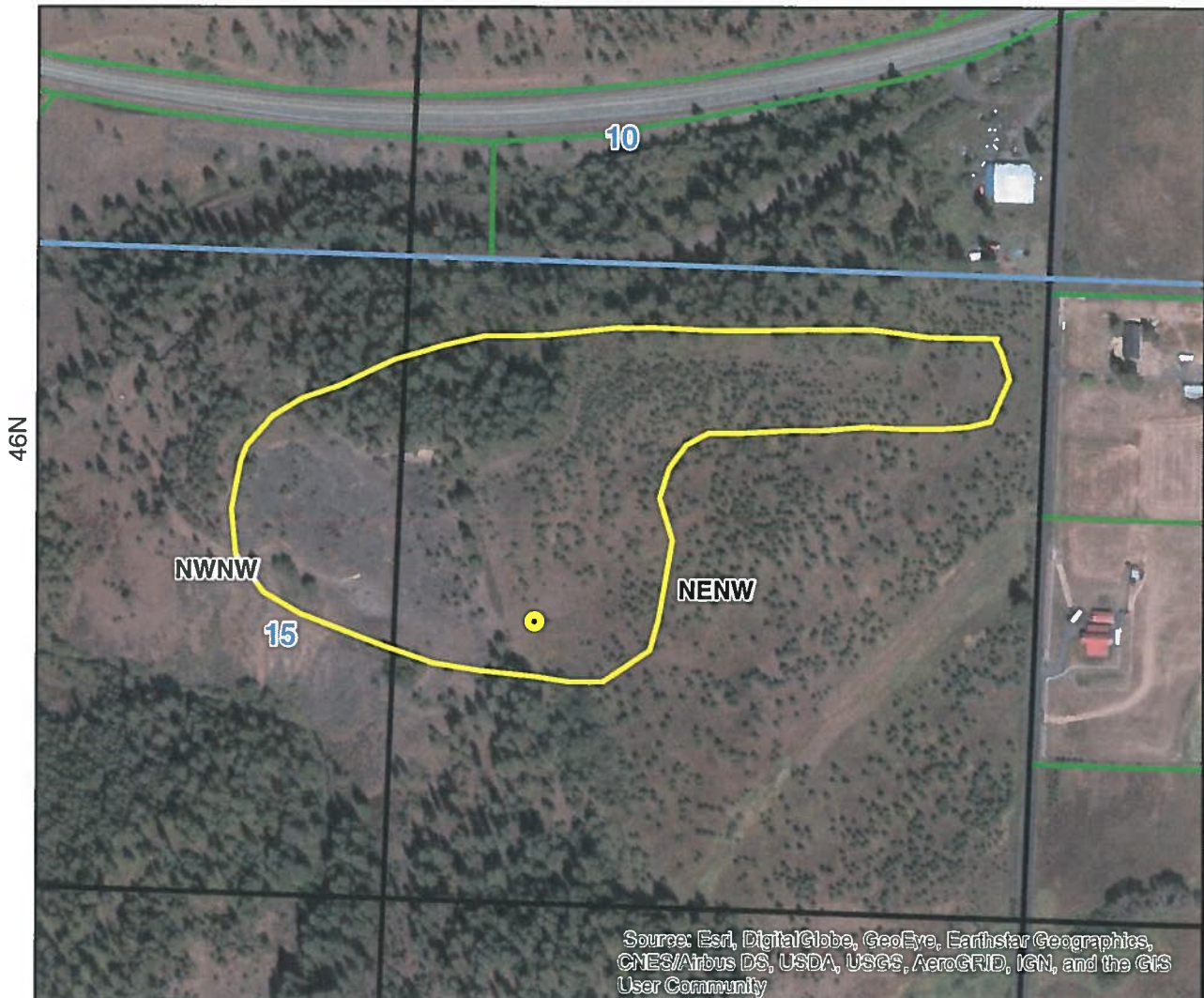
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17392

This map depicts the DOMESTIC, FIRE PROTECTION, 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

04W



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

0 0.045 0.09 0.18 Miles



Tax parcel information provided by Benewah County.



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

April 24, 2018

JOHN MATTHEW KOLAR
14855 SW CHARDONNAY AVE
TIGARD OR 97224

RE: Permit No. 95-17392

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,

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

Douglas Jones, P.E.
Northern Region Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2018, I served a true and correct copy of Permit to Appropriate Water No. 95-17392 by U.S. Mail, postage prepaid, to the following:

JOHN MATTHEW KOLAR (Current Owner)
14855 SW CHARDONNAY AVE
TIGARD OR 97224

LUKE KOLAR (Representative)
835 SHAY HILL ROAD
SAINT MARIES ID 83861



Tammy Allman
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: Monday, April 02, 2018 2:29 PM
To: Alleman, Tammy
Cc: June.Bergquist@deq.idaho.gov; kiira.siitari@idfg.idaho.gov; building@benewahcounty.org; JBarton@phd1.idaho.gov; Chris.Westerman@deq.idaho.gov; lkolar@hotmail.com
Subject: RE: Application for Permit #95-17392
Attachments: 95-17392 Application for Permit.pdf

Good afternoon Tammy,

The Idaho Department of Environmental Quality (DEQ) Coeur d'Alene Regional Office received a request for comment regarding the subject Application for Permit #95-17392 submitted by Luke Kolar on behalf of applicant John Matthew Kolar. The permit request is for the purpose of domestic use, fire protection and irrigation associated with 100 RV hookups and one store at the proposed Soaring Hawk RV park in Benewah County.

DEQ has the following comments:

- Soaring Hawk RV park is a proposed Public Drinking Water System (PWS), with an assigned PWS number **ID1050034**.
- The PWS is not currently approved or authorized to serve water to the public.
 - Plans and specifications for the well's construction were conditionally approved by DEQ July 12, 2017.
 - The owner must still provide the well completion report for review and approval.

Please let me know if you have questions or comments regarding the Application for Permit #95-17392.

Anna Moody

Drinking Water Program Supervisor
Idaho Department of Environmental Quality
208-666-4612

From: Alleman, Tammy [mailto:Tammy.Alleman@idwr.idaho.gov]
Sent: Tuesday, March 27, 2018 1:52 PM
To: June Bergquist; Siitari,Kiira; building@benewahcounty.org
Cc: Anna Moody
Subject: Application for Permit #95-17392

Dear Interested Agencies:

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

This office can publish notice of the application 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, 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 these applications is April 9, 2018.**

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

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 Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 21 day of March, 2018 and the last on the 28 day of March, 2018.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

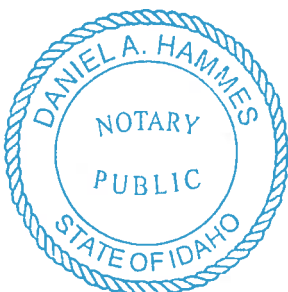
Dated this 28 day of March, 2018

Cynthia Ann Hammes

STATE OF IDAHO)

COUNTY OF BENEWAH)

On this 28 day of March, in the year of 2018 before me, a Notary Public, personally appeared Cynthia Ann Hammes, known or identified to me to be the person whose name subscribed to within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Daniel A. Hammes

Notary Public for Idaho
Residing at St. Maries, Idaho
My commission expires:

July 13, 2019

PUBLIC NOTICE

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

95-17392

JOHN MATTHEW KOLAR
14855 SW CHARDONNAY AVE
TIGARD, OR 97224

Point of Diversion NENW
S15 T46N R04W

BENEWAH County
Source GROUND WATER
Use: DOMESTIC

01/01 to 12/31 0.2 CFS

Use: FIRE PROTECTION

01/01 to 12/31 0.1 CFS

Use: IRRIGATION

04/01 to 10/31 0.1 CFS

Total Diversion: 0.2 CFS

Date Filed: 12/14/2017

Place Of Use: IRRIGATION

T46N R04W S15

NENW NWNW

Place Of Use: DOMESTIC

T46N R04W S15

NENW NWNW

Place Of Use: FIRE PROTECTION

T46N R04W S15

NENW NWNW

Total Acres: 10

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 4/9/2018. The protestant must also

send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/21/2018 and 3/28/2018

9907 March 21 - 28