

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 96-09692

Priority: February 06, 2018

Maximum Diversion Rate: 0.04 CFS

This is to certify, that BETTY SUE CARTER
PO BOX 67
KARNES CITY TX 78118

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>
COMMERCIAL	01/01 to 12/31	0.04 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4, NW1/4, Sec. 8, Twp 55N, Rge 03W, B.M., BONNER County

PLACE OF USE: COMMERCIAL, DOMESTIC, and STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
55N	03W	8																	X

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 1, 2021**.
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. 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.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Domestic use is for 2 homes.
7. Stockwater use is for 50 head Mixed Stock.
8. The irrigation occurring under this domestic use shall not exceed 1/2 acre per home.
9. Commercial use is for a bed and breakfast and private events facility.

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

Signed, this 13th day of March, 2018.


DOUGLAS JONES, P.E., Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-9692

This map depicts the COMMERCIAL and DOMESTIC 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
-  PLS Sections
-  Taxlots

0 0.025 0.05 0.1 Miles



Tax parcel information provided by Bonner County.

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-9692

This map depicts the STOCKWATER 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
-  PLS Sections
-  Taxlots

0 0.025 0.05 0.1 Miles



Tax parcel information provided by Bonner County.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 14, 2018

RE: Permit No. 96-9692

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

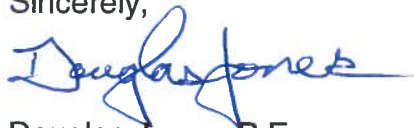
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right 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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact the Northern Regional Office at 208-762-2800.

Sincerely,



Douglas Jones, P.E.

Northern Regional Manager

Enclosure(s)

cc: MICHAEL GRAHAM CARTER

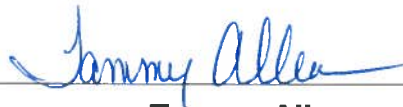
CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

96-9692

**MICHAEL GRAHAM CARTER
88 KIRPALS WAY
SAGLE ID 83860**



**Tammy Alleman
Administrative Assistant**

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.

Maxey, Shaun

From: Maxey, Shaun
Sent: Thursday, March 08, 2018 12:18 PM
To: 'anna.moody@deq.idaho.gov'
Subject: DEQ Comments on Application For Permit 96-9692 (Carter B&B)
Attachments: 96-9692-Carter-B.andB.-APP.pdf; 96-9692-Carter-B.andB.-APP-DEQ-LTR.pdf

Anna:

Based upon Mr. Carter's E-mail below and your comment letter, dated Feb 22nd, it is my understanding that DEQ's concerns have had been addressed and the Carter's Application for a new Water Right should go forward. Please let me know if this is not the case. Otherwise we will go forward toward issuing a Permit.

Copies of the Permit Application and your letter are attached.

Thanks,

Shaun

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral DR Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762.2816 /2800
Fax (208) 762.2819
www.idwr.idaho.gov

From: Mike Carter [mailto:mgcarter172@gmail.com]
Sent: Thursday, March 08, 2018 9:26 AM
To: Maxey, Shaun <Shaun.Maxey@idwr.idaho.gov>
Subject: Re: DEQ Comments on Application For Permit 96-9692

Hello Shaun,

I emailed thoroughly with Anna at the DEQ and I believe I assuaged all of her concerns. Feel free to email her with any of your questions but I believe we will be far short of the need to apply as a transient public drinking water utility.

Let me know if you have any other questions,

thank you,
Michael Carter

Maxey, Shaun

From: Mike Carter <mgcarter172@gmail.com>
Sent: Thursday, March 08, 2018 9:26 AM
To: Maxey, Shaun
Subject: Re: DEQ Comments on Application For Permit 96-9692

Hello Shaun,

I emailed thoroughly with Anna at the DEQ and I believe I assuaged all of her concerns. Feel free to email her with any of your questions but I believe we will be far short of the need to apply as a transient public drinking water utility.

Let me know if you have any other questions,

thank you,
Michael Carter

On Mon, Feb 26, 2018 at 9:47 AM, Maxey, Shaun <Shaun.Maxey@idwr.idaho.gov> wrote:

Mr. Carter:

Please telephone me concerning the status of your Application for Permit. You should have received a letter, dated February 22, 2018, from Idaho Department of Environmental Quality by now.

I believe we discussed the DEQ letter briefly last week but did not discuss an extension. I need to review the subject of an extension with you.

Thanks,

Shaun Maxey

Shaun M. Maxey

Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
[7600 N Mineral DR Suite 100](#)

[Coeur d'Alene, ID 83815](#)-7763
Phone [\(208\) 762.2816](#) /2800
Fax [\(208\) 762.2819](#)

www.idwr.idaho.gov

RECEIVED

MAR 01 2018

IDWR / NORTH

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.

County of Bonner)

Geri Hagler being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Legal notice
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Legal Clerk of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 15 day of February, 2018, and ending on the 22 day of February, 2018.

Geri Hagler

State of Idaho, county of Bonner ss.

On this 22 day of February, in the year of 2018, before me, Katrina George, Notary Public, personally appeared

Geri Hagler, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Katrina George
Notary Public

Residing at: Kootenai County

Comm. Exp.: MY COMMISSION EXPIRES 8/29/23



RECEIVED

MAR 01 2018

IDWR / NORTH

IDWR PERMIT APPLICATION

The following application has been filed to appropriate the public waters of the State of Idaho:

96-9692

BETTY SUE CARTER

PO BOX 67

KARNES CITY, TX 78118

Point of Diversion NENW

S8 T55N R03W

BONNER County

Source GROUND WATER

Use: COMMERCIAL

01/01 to 12/31 0.04 CFS

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Use: STOCKWATER

01/01 to 12/31 0.02 CFS

Total Diversion: 0.04 CFS

Date Filed: 2/6/2018

T55N R03W S8 NENW

Place Of Use: DOMESTIC

T55N R03W S8 NENW

Place Of Use: STOCKWATER

T55N R03W S8 NENW

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 3/5/2018. The protestant must also send a copy of the protest to the applicant.

SNP LEGAL 5184

FEBRUARY 15, 22, 2018

Maxey, Shaun

From: Maxey, Shaun
Sent: Monday, February 26, 2018 9:48 AM
To: 'Mike Carter'
Subject: DEQ Comments on Application For Permit 96-9692

Mr. Carter:

Please telephone me concerning the status of your Application for Permit. You should have received a letter, dated February 22, 2018, from Idaho Department of Environmental Quality by now.

I believe we discussed the DEQ letter briefly last week but did not discuss an extension. I need to review the subject of an extension with you.

Thanks,

Shaun Maxey

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral DR Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762.2816 /2800
Fax (208) 762.2819
www.idwr.idaho.gov



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED

FEB 22 2018

IDWR / NORTH

2110 Ironwood Parkway, Coeur d'Alene, ID 83814 (208) 769-1422

C. L. "Butch" Otter, Governor
John H. Tippetts, Director

February 22, 2018

Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815
Tammy.Alleman@idwr.idaho.gov

Subject: Comments on Application for Permit #96-9692

The Idaho Department of Environmental Quality (DEQ) Coeur d'Alene Regional Office received a request for comment regarding the subject Application for Permit from Betty Sue and Michael Graham Carter. The permit request is for commercial, stockwater and domestic use with the associated home, bed and breakfast and event facility. DEQ has the following comments.

Per the application, the drinking water system serving this project has the potential to serve greater than 25 people 60 days per year and may be required to meet the requirements of a transient, non-community public drinking water system (PWS) under the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08). If the owner and use meets the definition of a PWS, the following must be completed prior to serving water to the public:

- The well location/construction must first be assessed and approved by DEQ
- Initial water quality monitoring must be performed
- A preliminary engineering report (PER), which includes relevant requirements listed in IDAPA 58.01.18 Section 500 must be submitted to and approved by DEQ
- Plans and specifications for the drinking water infrastructure to serve this project must be submitted to DEQ by an Idaho licensed professional engineer

Thank you for the opportunity to comment on the Application for Amendment of Permit #96-9692. If you have questions or comments regarding Idaho Rules for Public Drinking Water Systems please contact DEQ at (208) 769-1422.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anna Moody".

Anna Moody
Drinking Water Program Supervisor
Anna.Moody@deq.idaho.gov

c: Michael Graham Carter, MGCARTER172@gmail.com