

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 98-07979

Priority: October 31, 2017

Maximum Diversion Volume: 57.0 AF

This is to certify, that MARK J OWENS And/Or
DELIA OWENS
5861 PERKINS LAKE RD
MOYIE SPRINGS ID 83845

has applied for a permit to appropriate water from:

Source: GROUND WATER

Tributary: CURLEY 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	57.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4NW1/4 Sec. 22, Twp 62N, Rge 03E, B.M. BOUNDARY County

GROUND WATER NE1/4NW1/4 Sec. 22, Twp 62N, Rge 03E, B.M. BOUNDARY County

GROUND WATER NW1/4NE1/4 Sec. 22, Twp 62N, Rge 03E, B.M. BOUNDARY County

PLACE OF USE: WILDLIFE 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
62N	03E	22	X	X			X												
			L 1																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2018**.
2. Subject to all prior water rights.
3. Right 98-7979 authorizes a total annual storage volume of 27.0 acre-feet, 42.8 acre-feet to be used for the initial filling of the ponds and 14.2 acre-feet for the replacement of losses caused by evaporation.
4. The three (3) ponds established by the storage of water under this right shall not exceed a total capacity of 42.8 acre-feet or a total surface area of 9.0 acres.
5. 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 12th day of December, 20 17.

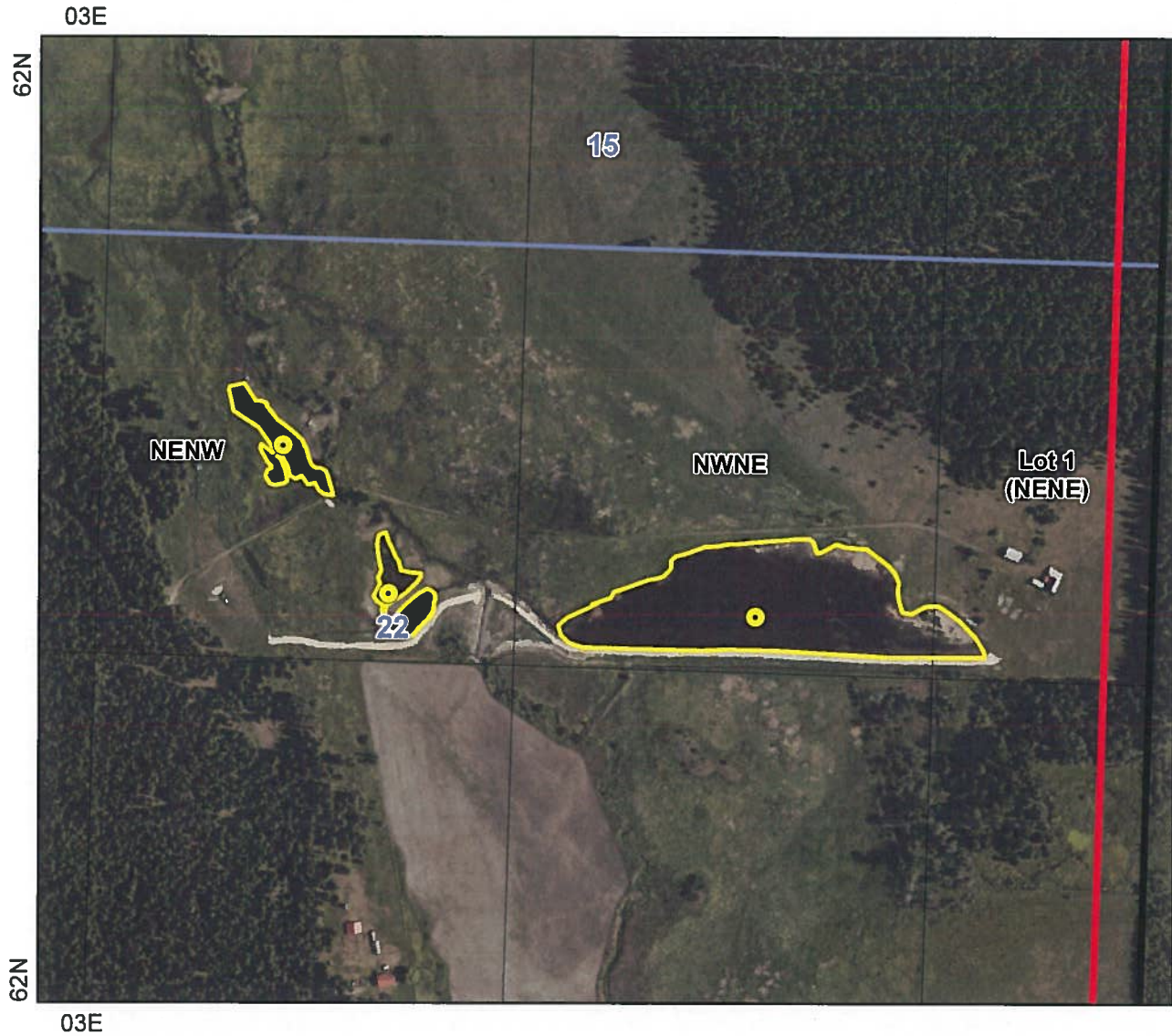

DOUGLAS JONES, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

98-7979

This map depicts the WILDLIFE 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 0.05 0.1 0.2 Miles

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





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

December 13, 2017

MARK J DELIA OWENS
5861 PERKINS LAKE RD
MOYIE SPRINGS ID 83845

RE: Permit No. 98-7979

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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 our Northern Regional Office at 208-762-2800.

Sincerely,

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

Douglas Jones, P.E.

Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2017 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.

98-7979

**DELIA OWENS
5861 PERKINS LAKE RD
MOYIE SPRINGS ID 83845**

**MARK J OWENS
5861 PERKINS LAKE RD
MOYIE SPRINGS ID 83845**



**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.

AFFIDAVIT OF PUBLICATION

State of Idaho

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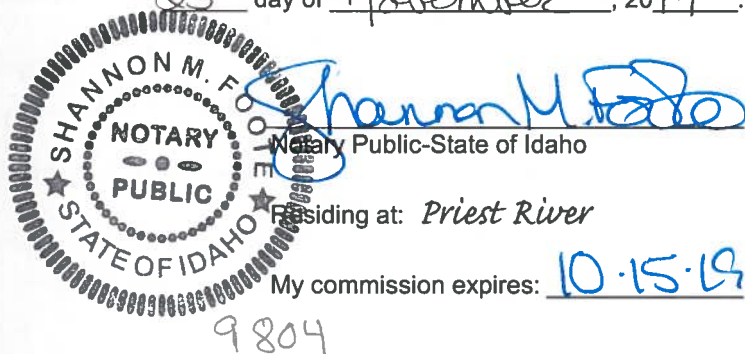
County of Boundary, Jinda Johnson
being first duly sworn on oath deposes and says that
he/she is Loak Heper of
the Bonners Ferry Herald, a newspaper printed and
published at Bonners Ferry, Boundary County, Idaho; that
the said newspaper has been continuously and
uninterruptedly published in said Boundary County during a
period of 12 months prior to the first publication of the
hereto attached notice of publication in the case of:

Application for Permit No.
98-7979

as it was published in the regular and entire issue of the
said newspaper for a period of 2 consecutive
weeks, commencing on the 16th day of
November, 20 17 and ending on the
23rd day of November, 20 17
and that said notice was published in said newspaper.

Jinda Johnson
SUBSCRIBED AND SWORN TO before me, this

23rd day of November, 20 17.



98-7979
MARK J & DELIA OWENS
5861 PERKINS LAKE RD
MOYIE SPRINGS, ID 83845
Point of Diversion NENW
S22 T62N R03E
BOUNDARY County
Source GROUND WATER
Tributary CURLEY CREEK
Point of Diversion NENW
S22 T62N R03E
BOUNDARY County
Source GROUND WATER
Tributary CURLEY CREEK
Point of Diversion NWNE
S22 T62N R03E
BOUNDARY County
Source GROUND WATER
Tributary CURLEY CREEK
Use: WILDLIFE STORAGE
01/01 to 12/31 57 AF
Total Diversion: 57 AF
Date Filed: 10/31/2017
Place Of Use: WILDLIFE
STORAGE
T62N R03E S22 L1(NENE)
NWNE NENW
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 Wa-
ter Resources, Northern Re-
gion, 7600 Mineral Drive, Suite
100, Coeur D' Alene ID 83815
together with a protest fee of
\$25.00 for each application on
or before 12/4/2017. The prot-
estant must also send a copy
of the protest to the applicant.
GARY SPACKMAN, Director
BFH Legal 9804
November 16, 23, 2017