

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 96-09673

Priority: September 26, 2017

Maximum Diversion Rate: 0.09 CFS

This is to certify, that JOHN CORNETT And/Or  
BARBARA CORNETT  
PO BOX 795  
SANDPOINT ID 83864

has applied for a permit to appropriate water from:

**Source:** LAKE PEND OREILLE**Tributary:** PEND OREILLE RIVER

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> |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 04/01 to 10/31       | 0.02 CFS                 |
| FIRE PROTECTION       | 01/01 to 12/31       | 0.09 CFS                 |

**LOCATION OF POINT(S) OF DIVERSION:**

LAKE PEND OREILLE NW1/4NE1/4 Sec. 25, Twp 57N, Rge 02W, B.M. BONNER 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 |        |
| 57N 02W 25  |    | .5  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | .5     |
|             |    | L 1 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total Acres: 0.5

**PLACE OF USE:** 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 |        |
| 57N 02W 25  |    | X   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|             |    | L 1 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2022**.
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. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.

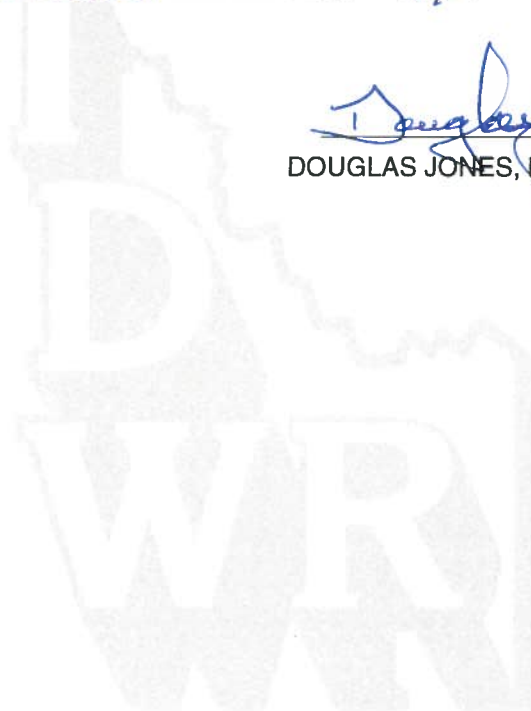
State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 96-09673

5. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor 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 26<sup>th</sup> day of October, 2017.

  
DOUGLAS JONES, Northern Regional Manager



State of Idaho  
Department of Water Resources  
**Attachment to Permit to Appropriate Water**  
96-9673

This map depicts the 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.



-  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 Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763  
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

October 27, 2017

JOHN & BARBARA CORNETT  
PO BOX 795  
SANDPOINT ID 83864

RE: Permit No. 96-9673

### 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.

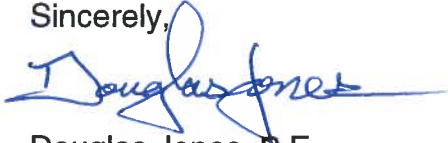
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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,

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 October 27, 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.                      96-9673**

**JOHN & BARBARA CORNETT  
PO BOX 795  
SANDPOINT ID 83864**

A handwritten signature in cursive script, reading "Tammy Alleman", is written over a horizontal line.

**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

RECEIVED

OCT 17 2017

IDWR / NORTH

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 notices.  
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 5 day of October, 20 17, and ending on the 12 day of October, 20 17.

\_\_\_\_\_ Geri Hagler

State of Idaho, county of Bonner ss.

On this 12 day of October, in the year of 2017, 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



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

96-9673

JOHN & BARBARA CORNETT  
PO BOX 795  
SANDPOINT, ID 83864  
Point of Diversion NWNE  
S25 T57N R02W  
BONNER County  
Source LAKE PEND

OREILLE  
Use: FIRE PROTECTION  
01/01 to 12/31 0.09 CFS  
Use: IRRIGATION  
04/01 to 10/31 0.02 CFS  
Total Diversion: 0.09 CFS  
Date Filed: 9/12/2017  
Place Of Use: IRRIGATION  
T57N R02W S25 L1(NWNE)  
Place Of Use: FIRE  
PROTECTION  
T57N R02W S25 L1(NWNE)  
Total Acres: 0.5

96-9674

ROGER D & AVICE MARIE  
GRIFFIN  
9030 N HESS NO 333  
HAYDEN, ID 83835  
Point of Diversion SWSE  
S14 T55N R03W  
BONNER County  
Source GROUND WATER

Point of Diversion SWSE  
S14 T55N R03W  
BONNER County  
Source GROUND WATER

Use: DOMESTIC  
01/01 to 12/31 0.04 CFS  
Use: IRRIGATION  
04/01 to 10/31 0.15 CFS  
Use: STOCKWATER  
01/01 to 12/31 0.02 CFS  
Total Diversion: 0.15 CFS  
Date Filed: 9/18/2017  
Place Of Use: DOMESTIC  
T55N R03W S14 SWSE  
Place Of Use: STOCKWATER  
T55N R03W S14 SWSE  
Place Of Use: IRRIGATION  
T55N R03W S14 SWSE  
Total Acres: 5

96-9675

SHAWN & LORI FINNERTY  
108 LA VITA BELLA LN  
HOPE, ID 83836  
Point of Diversion NWSE  
S2 T56N R01E  
BONNER County  
Source LAKE PEND

OREILLE  
Use: DOMESTIC  
01/01 to 12/31 0.04 CFS  
Use: IRRIGATION  
04/01 to 10/31 0.03 CFS  
Total Diversion: 0.07 CFS  
Date Filed: 9/19/2017  
Place Of Use: DOMESTIC  
T56N R01E S2 L3(NWSE)  
Place Of Use: IRRIGATION  
T56N R01E S2 L3(NWSE)  
Total Acres: 0.6

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 10/23/2017. The  
protestant must also send a  
copy of the protest to the  
applicant.

GARY SPACKMAN,

Director

LEGAL 4944

OCTOBER 5, 12, 2017