

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09668

Priority: September 01, 2017

Maximum Diversion Rate: 0.04 CFS

This is to certify, that JOHNSON TRUST
5202 N HUTTON VIEW LN
SPOKANE WA 99212

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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

LAKE PEND OREILLE L5 (NW1/4, SW1/4), Sec. 2, Twp 56N, Rge 01E, B.M., BONNER County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
56N 01E 2																		

X
L 5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2018**.
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. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
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 1 home.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
8. Rights 96-04416 and 96-09668 when combined shall not exceed a total diversion rate of .04 cfs and a total annual maximum diversion volume of 1.2 af at the field headgate.
9. Place of use is located within Lot 9 and Lot 10, Blk. 1, Hoppers Subdivision.

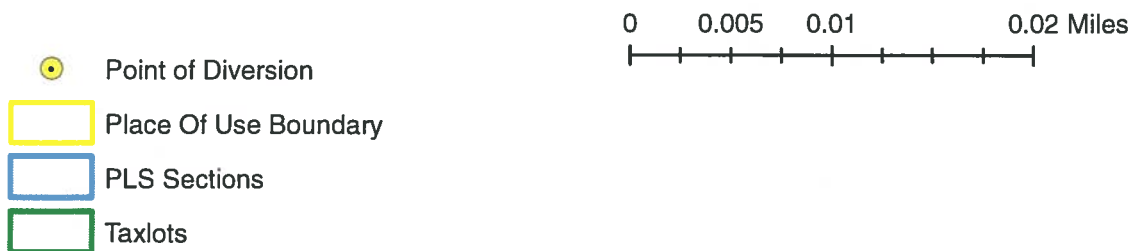
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed, this 25th day of October, 2017.


DOUGLAS JONES, P.E., Northern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
96-9668

This map depicts the 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.



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

October 26, 2017

JOHNSON TRUST
5202 N HUTTON VIEW LN
SPOKANE WA 99212

RE: Permit No. 96-9668

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.

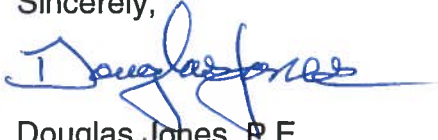
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

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 stylized flourish extending to the right.

Douglas Jones, P.E.

Northern Regional Manager

Enclosure(s)

cc: EVERTT P & JANE A JOHNSON JR

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 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. 96-9668

**EVERTT P & JANE A JOHNSON JR
5202 N HUTTON VIEW LN
SPOKANE WA 99212**

**JOHNSON TRUST
5202 N HUTTON VIEW LN
SPOKANE WA 99212**



**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.

CONVERSATION MEMO

OV- Office Visit T-Telephone M-Meeting O- Other

TO Right No. 96-9668

FROM Shaun MAXEY, FDWR

☐ OV ☒ T ☐ M ☐ Other _____ DATE 10/19/17 WITH Jane A. JOHNSON

I received an incoming call from Mrs. Johnson. She asked about the status of issuing Permit 96-9668. I explained that I was preparing the Permit for signature by the Regional Manager. We also discussed Statutory Claim 96-4416. I explained that she should file a Notice of Change in Water Right Ownership on this Right if she believes it applies to her property and also reviewed Adjudication.

☐ OV ☐ T ☐ M ☐ Other _____ DATE _____ WITH _____

☐ OV ☐ T ☐ M ☐ Other _____ DATE _____ WITH _____

☐ OV ☐ T ☐ M ☐ Other _____ DATE _____ WITH _____

RECEIVED

OCT 05 2017

AFFIDAVIT OF PUBLICATION

IDWR / NORTH

STATE OF IDAHO)

) ss.

County of Bonner)

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

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 2 day of September, 2017, and ending on the 28 day of September 2017.

Geri Hagler

State of Idaho, county of Bonner ss.

On this 28 day of September, 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



IDWR NOTICE

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

96-9664

HARVEST VALLEY WORSHIP CENTER

PO BOX 2059

SANDPOINT, ID 83864

Point of Diversion NWSW

S25 T58N R02W

BONNER County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 7/28/2017

Place Of Use: DOMESTIC

T58N R02W S25 NWSW

96-9668

JOHNSON TRUST

5202 N HUTTON VIEW LN

SPOKANE, WA 99212

Point of Diversion L5(NWSW)

S2 T56N R01E

BONNER County

Source LAKE

PEND OREILLE

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 9/1/2017

Place Of Use: DOMESTIC

T56N R01E S2 L5(NWSW)

96-9669

DAMON T JOHNSON &

GAIL A JOHNSON

203 EASY LIVIN ACRES DR

SAGLE, ID 83860-9197

Point of Diversion L4(SWNE)

S9 T56N R03W

BONNER County

Source PEND OREILLE

RIVER

Use: IRRIGATION

04/01 to 10/31 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 8/17/2017

Place Of Use: IRRIGATION

T56N R03W S9

L4(SWNE) L5(NWSE)

Total Acres: 1

96-9671

JOAN C SUTTON

4939 BOTTLE BAY RD

SAGLE, ID 83860

Point of Diversion L3(NENW)

S30 T57N R01W

BONNER County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 8/17/2017

Place Of Use: DOMESTIC

T57N R01W S30 L3(NENW)

97-7547

WILLIAM & KAREN BELDING

7106 EASTSIDE RD

PRIEST RIVER, ID 83856

Point of Diversion NENW

S29 T57N R04W

BONNER County

Source PRIEST RIVER

Use: IRRIGATION

04/01 to 10/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 8/14/2017

Place Of Use: IRRIGATION

T57N R04W S29 NENW

Total Acres: 0.5

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 Mineral Drive, Suite 100, Coeur D'Alene ID 83815

together with a protest fee of \$25.00 for each application on or before 10/10/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,

Director

LEGAL 4926

SEPTEMBER 21, 28, 2017