

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-17348

Priority: July 28, 2017

Maximum Diversion Rate: 0.20 CFS

This is to certify, that HAUSER MMM LLC
PO BOX 24331
OAKLAND CA 94623

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>
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
FIRE PROTECTION STORAGE	01/01 to 12/31		1.5 AF
FIRE PROTECTION	01/01 to 12/31	0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4SE1/4 Sec. 19, Twp 51N, Rge 05W, B.M. KOOTENAI County

PLACE OF USE: FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N 05W 19															X		

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	
51N 05W 19												X			X		

CONDITIONS OF APPROVAL

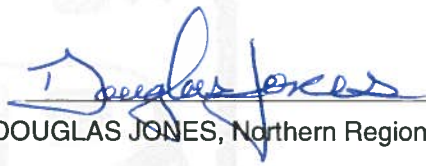
1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2018**.
2. Subject to all prior water rights.
3. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
4. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
5. The right holder shall install and maintain an impermeable liner in the pond or reservoir to eliminate seepage losses.

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6. Right 95-17348 authorizes a total annual storage volume of 1.5 acre-feet, 1.2 acre-feet to be used for the initial filling or carryover storage of the pond or reservoirs and 0.3 acre-feet for the replacement of losses caused by evaporation.
7. The pond or reservoir established by the storage of water under this right shall not exceed a total capacity of 1.2 acre-feet or a total surface area of 0.2 acres.
8. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the RPGWMA management plan approved by the director, including its conservation goals.
9. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
10. When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.
11. 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 11th day of October, 2017.


DOUGLAS JONES, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17348

This map depicts the FIRE PROTECTION 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.

05W



0 0.035 0.07 0.14 Miles

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

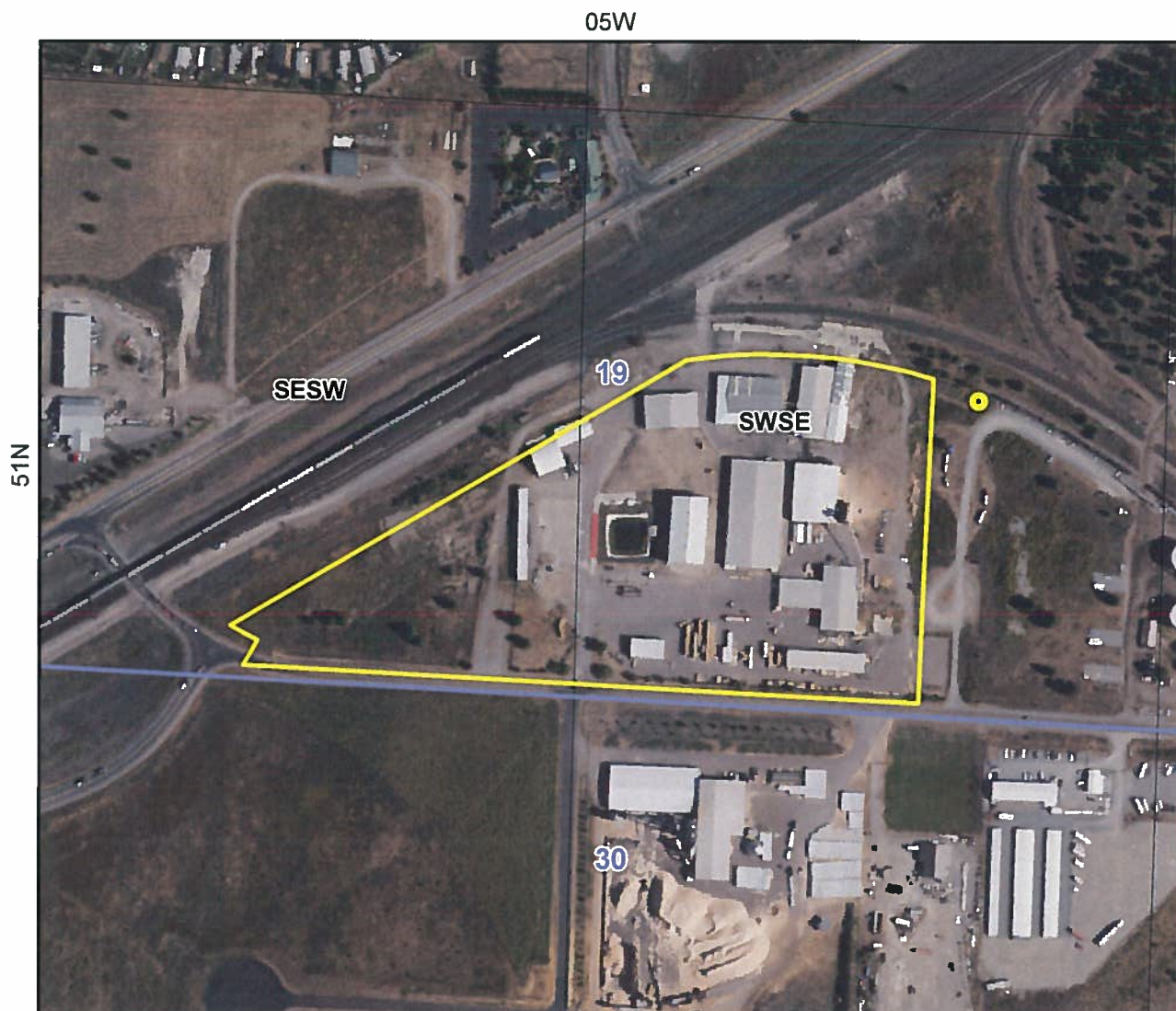


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17348

This map depicts the FIRE PROTECTION 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 0.05 0.1 0.2 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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 11, 2017

HAUSER MMM LLC
PO BOX 24331
OAKLAND CA 94623

RE: Permit No. 95-17348

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 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 12, 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.

95-17348

**HAUSER MMM LLC
PO BOX 24331
OAKLAND CA 94623**



**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,
County of Kootenai,

} ss.

Geri Hagler

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Legal notice

of which the annexed is a printed copy, was published in the regular *Thursday* issue of said newspaper for *2* consecutive *weeks* commencing on the *17* day of *AUGUST*, 20 *17*, and ending on the *24* day of *AUGUST*, 20 *17*, and such publication was made as often during said period as said *daily* newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice *Geri Hagler*

On this *24* day of *AUGUST* in the year of *2017*, before me,

a Notary Public, personally appeared *Geri Hagler*,

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged

to me that he executed the same.

Katrina George

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho



MY COMMISSION EXPIRES 8/29/23

LEGAL NOTICE

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

95-17346

CARLIN BAY RESORT LLC
1324 N LIBERTY LAKE DR
#3711

LIBERTY LAKE, WA 99019
Point of Diversion SWNE S6
T48N R03W KOOTENAI
County

Source GROUND WATER

Use: COMMERCIAL

01/01 to 12/31

0.1 CFS

Total Diversion:

0.1 CFS

Date Filed: 7/19/2017

Place Of Use: COMMERCIAL
T48N R03W S6 L2(NWNE)
SWNE L3(NENW) SENW

95-17347

CARLIN BAY RESORT LLC
1324 N LIBERTY LAKE DR
#3711

LIBERTY LAKE, WA 99019
Point of Diversion L3(NENW)

S6 T48N R03W KOOTENAI
County

Source COEUR D ALENE
LAKE Tributary SPOKANE
RIVER

Use: FIRE PROTECTION

01/01 to 12/31

3.5 CFS

Use: IRRIGATION

03/15 to 11/15

0.11 CFS

Total Diversion:

3.61 CFS

Date Filed: 7/19/2017

Place Of Use: IRRIGATION &
FIRE PROTECTION

T48N R03W S6 L2(NWNE)

SWNE L3(NENW) SENW

Total Acres: 5.3

95-17348

HAUSER MMM LLC
PO BOX 24331
OAKLAND, CA 94623

Point of Diversion SWSE S19
T51N R05W KOOTENAI
County

Source GROUND WATER

Use: DIVERSION TO STORAGE

01/01 to 12/31

0.2 CFS

Use: FIRE PROTECTION

01/01 to 12/31

0.2 CFS

Use: FIRE PROTECTION
STORAGE

01/01 to 12/31

1.5 AF

Total Diversion:

0.2 CFS

Date Filed: 7/28/2017

Place Of Use: FIRE PROTECTION
STORAGE

T51N R05W S19 SWSE

Place Of Use: FIRE PROTECTION

T51N R05W S19 SESW
SWSE

95-17353

JAMES LARSON
VICKI LARSON

9723 W GEORGE LN
POST FALLS, ID 83854

Point of Diversion NESE S11

T50N R05W KOOTENAI

County

Source SPOKANE RIVER

Tributary COLUMBIA RIVER

Use: IRRIGATION

03/15 to 11/15

0.02 CFS

Total Diversion:

0.02 CFS

Date Filed: 8/3/2017

Place Of Use: IRRIGATION

T50N R05W S11 L8(NESE)

NESE

Total Acres: 0.5

95-17354

RICHARD YOUNG
GAYLE YOUNG

1869 E SELTICE WAY NO 185
POST FALLS, ID 83854

Point of Diversion NWNWSE

S17 T50N R05W KOOTENAI

County

Source SPRING Tributary

SKALAN CREEK

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 7/27/2017

Place Of Use: DOMESTIC

T50N R05W S17 NWSE

95-17355

TIMOTHY GRAY
HEATHER GRAY

23617 N LAKEVIEW BLVD
RATHDRUM, ID 83858

Point of Diversion NESE S35

T53N R04W KOOTENAI

County

Source GROUND WATER

Use: IRRIGATION

04/01 to 10/31

0.8 CFS

Total Diversion:

0.8 CFS

Date Filed: 8/9/2017

Place Of Use: IRRIGATION

T53N R04W S35 NESE

Total Acres: 40

95-17358

BRYAN MITCHELL

DANIELLE CARTWRIGHT
PO BOX 686

RATHDRUM, ID 83858

Point of Diversion SESW S28

T53N R04W KOOTENAI
County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31

0.08 CFS

Use: STOCKWATER

01/01 to 12/31

0.02 CFS

Total Diversion:

0.1 CFS

Date Filed: 8/10/2017

Place Of Use: STOCKWATER

& DOMESTIC

T53N R04W S28 SESW

SWSE

Permits will be subject to all

prior water rights. For additional

information concerning

the property location, contact

Northern Region office at (208)

762-2800; or for a full description

of the right(s), please see

<https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>

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 together

with a protest fee of

\$25.00 for each application on

or before 9/5/2017. The protestant

must also send a copy

of the protest to the applicant.

GARY SPACKMAN, Director

LEGAL 8107

AUGUST 17, 24, 2017

RECEIVED

SEP 01 2017

ACCTS. PAYABLE