

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-17353

Priority: August 03, 2017

Maximum Diversion Rate: 0.02 CFS

This is to certify, that JAMES LARSON And/Or
VICKI LARSON
9723 W GEORGE LN
POST FALLS ID 83854

has applied for a permit to appropriate water from:

Source: SPOKANE RIVER

Tributary: COLUMBIA RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/15 to 11/15

RATE OF DIVERSION

0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPOKANE RIVER NE1/4SE1/4 Sec. 11, Twp 50N, Rge 05W, B.M. KOOTENAI 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	
50N 05W 11													.1				.1
50N 05W 11													.4				.4
													L 8				

Total Acres: 0.5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 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.
5. 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.
6. 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 5th day of October, 20 17.


DOUGLAS JONES, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17353

This map depicts the 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.

05W



-  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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 5, 2017

JAMES & VICKI LARSON
9723 W GEORGE LN
POST FALLS ID 83854

RE: Permit No. 95-17353

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 stylized flourish extending from the end.

Douglas Jones, P.E.

Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the persons listed below:

RE: WATER RIGHT NO.

95-17353

**JAMES & VICKI LARSON
9723 W GEORGE LN
POST FALLS ID 83854**



**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://dwr.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**