

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 95-17276

Priority: January 23, 2017

Maximum Diversion Rate: 0.20 CFS

This is to certify, that JOHN KILDOW
2707 S EVERGREEN LN
COEUR D ALENE ID 83814

FORD S DUNTON
2781 S EVERGREEN LN
COEUR D ALENE ID 83814

COLLEEN PAIGE WALLEY
805 E SEATTLE AVE
ELLENSBURG WA 98926

KAREN L WATTS
2617 S EVERGREEN LN
COEUR D ALENE ID 83814

has applied for a permit to appropriate water from:

Source: COEUR D ALENE LAKE **Tributary:** SPOKANE 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>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.09 CFS	0.0 AF
DOMESTIC	01/01 to 12/31	0.11 CFS	0.0 AF

LOCATION OF POINT(S) OF DIVERSION:

COEUR D ALENE LAKE L3 (SW1/4SE1/4) Sec. 29, Twp 50N, Rge 03W, B.M. KOOTENAI County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
50N 03W 29	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	3.0
									2.5					.5			L 3

Total Acres: 3

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
50N 03W 29	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
									X					X			L 3

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. This right does not grant any right-of-way or easement across the land of another.

State of Idaho
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Permit to Appropriate Water
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4. 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.
5. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
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. Rights 95-13364, 95-15124, 95-15125 and 95-17276 when combined shall not exceed a total diversion rate of .20 cfs, a total annual maximum diversion volume of 6.0 af at the field headgate, and the irrigation of 2.5 acres.
8. Some of the water use authorized by this right is claimed with an earlier priority date on Coeur d'Alene and Spokane River Basin Adjudication Claims No. 95-13364 and 95-15124. If either Claim 95-13364 or 95-15124 is decreed as it is claimed, this right shall be diminished by the amount necessary to avoid any redundancy of water rights.
9. Place of use is located within Lot 1, Lot 3, Lot 4, Lot 5, Lot 6, and Lot 7, Blk. 1, and Lot 4, Blk. 2, Kildow Subdivision.
10. The right holder shall install or construct a straight length of conduit suitable for installation of a device for measuring the entire flow of water being diverted through the point of diversion. The straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
11. Domestic use is for 5 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
12. The following rights are diverted through point(s) of diversion described above: 95--11405, 95-11447, 95-11478, 95-17124, 95-17276, and 95-15124.

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

Signed, this 19th day of September, 20 12.



Douglas Jones, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17276

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.



- Point of Diversion
- Place Of Use Boundary
- Taxlots

0 0.02 0.04 0.08 Miles



Tax parcel information provided by Kootenai County.

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17276

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.



0 0.0175 0.035 0.07 Miles

- Point of Diversion
- Place Of Use Boundary
- Taxlots



Tax parcel information provided by Kootenai 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

September 19, 2017

JOHN KILDOW
2707 S EVERGREEN LN
COEUR D ALENE ID 83814

FORD S DUNTON
2781 S EVERGREEN LN
COEUR D ALENE ID 83814

COLLEEN PAIGE WALLEY
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KAREN L WATTS
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COEUR D ALENE ID 83814

RE: Permit No. 95-17276

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 September 19, 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. 95-17276

**COLLEEN PAIGE WALLEY
805 E SEATTLE AVE
ELLENSBURG WA 98926**

**FORD S DUNTON
2781 S EVERGREEN LN
COEUR D ALENE ID 83814**

**JOHN KILDOW
2707 S EVERGREEN LN
COEUR D ALENE ID 83814**

**KAREN L WATTS
2617 S EVERGREEN LN
COEUR D ALENE ID 83814**



**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.

Holly Fredericks 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

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of which the annexed is a printed copy, was published in the regular Thurs. issue of said newspaper for 2 consecutive weeks commencing on the 1 day of June, 20 17, and ending on the 8 day of June, 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 Holly Fredericks. On this 8 day of June in the year of 2017, before me, a Notary Public, personally appeared Holly Fredericks, 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 8/29/17

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

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81573

ROSS POINT WATER DISTRICT, PO BOX 70, POST FALLS, ID 83877-0070; has filed Application No. 81573 for changes to the following water rights within KOOTENAI County(s): Right No(s). 95-15533, 95-4088, 95-7258, 95-7698, 95-8477, 95-9009; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

The purpose of this transfer is to update all of Ross Point Water District's water rights to reflect their current municipal system with five existing wells and one additional new well. This transfer will also change the nature of use for 95-7698 and 95-15533 from irrigation to municipal.

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 Sec. 42-222.

Any protest against the proposed change must be filed with the Department 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 6/19/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/1/2017 and 6/8/2017

95-17276

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2707 S EVERGREEN LN
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2617 S EVERGREEN LN
COEUR D'ALENE, ID 83814

Point of Diversion L3 (SWSE) S29 T50N R03W KOOTENAI County

Source COEUR D'ALENE LAKE Tributary SPOKANE RIVER

Use: DOMESTIC	01/01 to 12/31	0.2 CFS
Use: IRRIGATION	03/15 to 11/15	0.09 CFS
Total Diversion:		0.2 CFS

Date Filed: 1/23/2017

Place Of Use: IRRIGATION T50N R03W S29 L3 (NESW) L3 (NWSE)

Place Of Use: DOMESTIC T50N R03W S29 L3 (NESW) L3 (NWSE)

Total Acres: 3

Domestic use is for 5 homes.

95-17312

PATRICK B KIMMET
MARY ADAMS KIMMET
2130 SADDLEBACK DR
LAUREL MT 59044

Point of Diversion NW3SW S35 T49N R04W KOOTENAI County

Source COEUR D'ALENE LAKE Tributary SPOKANE RIVER

Use: DOMESTIC	01/01 to 12/31	0.04 CFS
Total Diversion:		0.04 CFS

Date Filed: 5/16/2017

Place Of Use: DOMESTIC T49N R04W S35 NWSW

95-17313

STARK INVESTMENT GROUP LLC
849 MILL RD
ANGLETON, TX 77515

Point of Diversion NENE S24T52N R04W KOOTENAI County

Source GROUND WATER Tributary

Use: COMMERCIAL	01/01 to 12/31	0.1 CFS
Use: DIVERSION TO STORAGE	01/01 to 12/31	0.1 CFS
Use: DOMESTIC	01/01 to 12/31	0.04 CFS

Use: FIRE PROTECTION FROM STORAGE 01/01 to 12/31 0.2 AF

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 0.2 AF

Use: IRRIGATION 03/15 to 11/15 0.01 CFS

Total Diversion: 0.1 CFS

Date Filed: 5/18/2017

Place Of Use: FIRE PROTECTION FROM STORAGE T52N R04W S24 NENE

Place Of Use: FIRE PROTECTION STORAGE T52N R04W S24 NENE

Place Of Use: DOMESTIC T52N R04W S24 NENE

Place Of Use: COMMERCIAL T52N R04W S24 NENE

Place Of Use: IRRIGATION T52N R04W S24 NENE

Total Acres: 0.1

95-17314

BIG SKY CAPITAL INC
10063 NAVION DRIVE
HAYDEN, ID 83835

Point of Diversion SWNE S24 T51N R06W KOOTENAI County

Source GROUND WATER Tributary

Use: DOMESTIC	01/01 to 12/31	0.14 CFS
Total Diversion:		0.14 CFS

Date Filed: 5/23/2017

Place Of Use: DOMESTIC T51N R06W S24 SWNE NWSE

95-17317

BIG SKY CAPITAL INC
10063 NAVION DRIVE
HAYDEN, ID 83835

Point of Diversion NWNE S25 T53N R04W KOOTENAI County

Source GROUND WATER Tributary

Use: DOMESTIC	01/01 to 12/31	0.1 CFS
Total Diversion:		0.1 CFS

Date Filed: 5/23/2017

Place Of Use: DOMESTIC T53N R04W S25 NWNE

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, please see: <http://www.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 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 6/19/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

LEGAL 7675

JUNE 1, 8, 2017

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