

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-17312

Priority: May 16, 2017

Maximum Diversion Rate: 0.04 CFS

This is to certify, that PATRICK B KIMMET
2130 SADDLEBACK DR
LAUREL MT 59044

And

MARY ADAMS KIMMET
2130 SADDLEBACK DR
LAUREL MT 59044

has applied for a permit to appropriate water from:

Source: LAKE COEUR D ALENE 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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

LAKE COEUR D ALENE NW1/4, SW1/4, Sec. 35, Twp 49N, Rge 04W, B.M., KOOTENAI 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
49N	04W	35																	X

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 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. Domestic use is for 1 home.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. Place of use is located within Lot 6, Crescent Bay subdivision.

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

Signed, this 28th day of June, 2017.

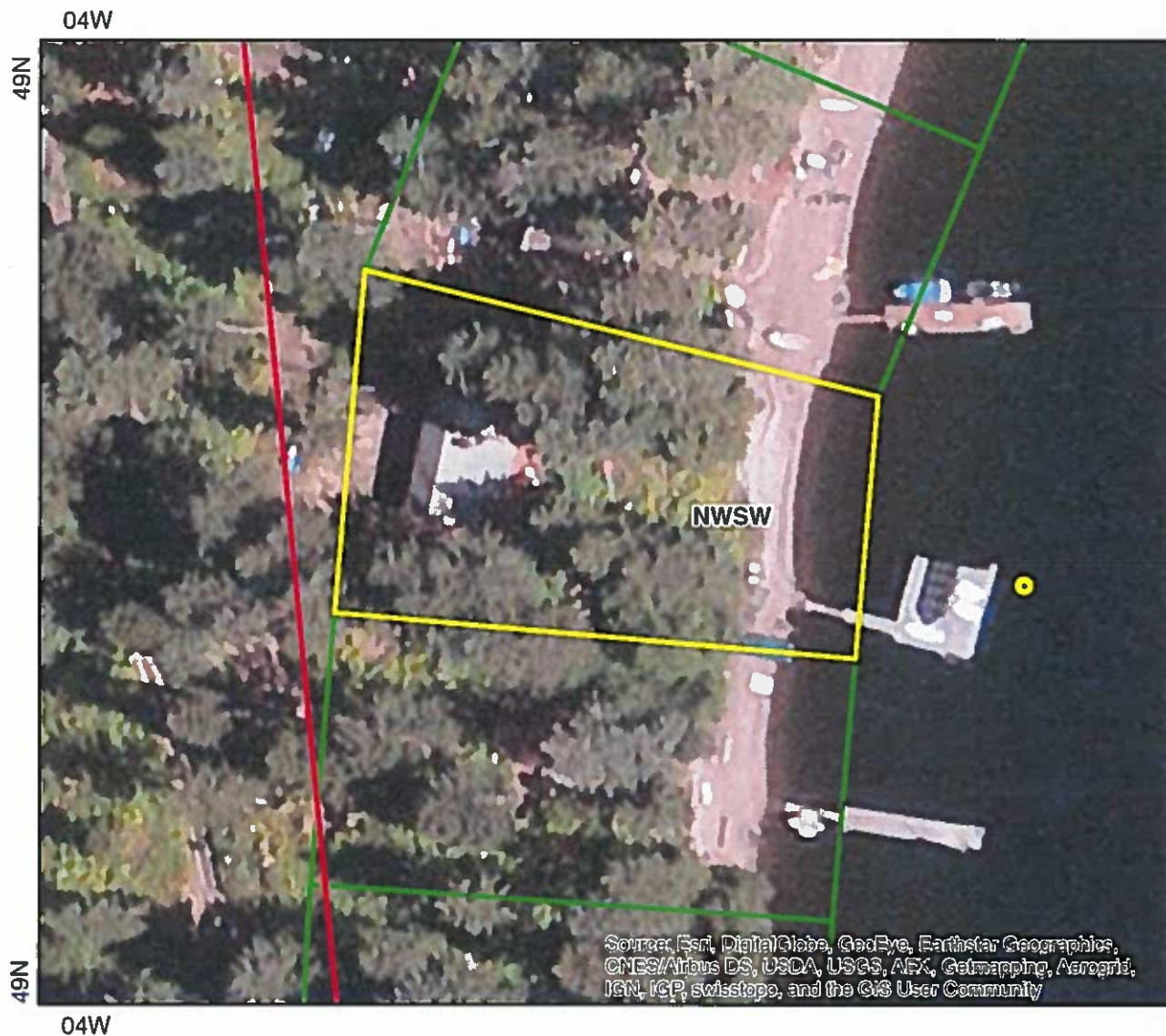
Morgan Case
MORGAN CASE, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17312

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 0.0075 0.015 0.03 Miles

- Point of Diversion
- Place Of Use Boundary
- Taxlots



Tax parcel information provided by Kootenai County.

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 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. 95-17312

**MARY ADAMS KIMMET
2130 SADDLEBACK DR
LAUREL MT 59044**

**PATRICK B KIMMET
2130 SADDLEBACK DR
LAUREL MT 59044**

A handwritten signature in blue ink that reads "Natalie Steading". The signature is written in a cursive style and is positioned above a horizontal line.

**Natalie Steading
Technical Records Specialist**

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.



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

July 7, 2017

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

RE: Permit No. 95-17312

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.

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 me at 208-762-2800.

Sincerely,

A handwritten signature in blue ink that reads "Morgan Case". The signature is written in a cursive, flowing style.

Morgan Case
Northern Regional Manager

Enclosure(s)

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

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.

RECEIVED

JUN 19 2017

IDWR/NORTHERN



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

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

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 NWSW 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 S24 T52N 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

RECEIVED
JUN 19 2017
IDWR / NORTH