

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 85-15779

Priority: January 30, 2017

Maximum Diversion Volume: 0.4 AF

This is to certify, that RAY KAUFMANN And/Or
MARGARET KAUFMANN
765 WHITETAIL DR
GRANGEVILLE ID 83530

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: THREEMILE CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31	0.4 AF
FIRE PROTECTION STORAGE	01/01 to 12/31	0.4 AF
WILDLIFE STORAGE	01/01 to 12/31	0.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING SE1/4SW1/4SE1/4 Sec. 29, Twp 30N, Rge 03E, B.M. IDAHO County

PLACE OF USE: RECREATION STORAGE, FIRE PROTECTION STORAGE, AND WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
30N 03E 29															X		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2018**.
2. Subject to all prior water rights.
3. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
4. Recreation storage is for fishing and swimming.
5. Right 85-15779 authorizes the total annual storage volume of 0.4 acre-feet, 0.36 acre-feet to be used for the initial filling of the pond and 0.04 acre-feet for the replacement of losses caused by evaporation.
6. The pond established by the storage of water under this right shall not exceed a total capacity of 0.36 acre-feet or a total surface area of 0.04 acres.
7. 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 3rd day of May, 20 17.


MORGAN CASE, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

85-15779

This map depicts the FIRE PROTECTION STORAGE, RECREATION STORAGE, and WILDLIFE 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.



-  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

May 4, 2017

RAY KAUFMANN
MARGARET KAUFMANN
765 WHITETAIL DR
GRANGEVILLE ID 83530

RE: Permit No. 85-15779

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.

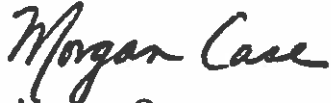
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 me at 208-762-2800.

Sincerely,

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

Morgan Case

Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 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.

85-15779

**MARGARET KAUFMANN
765 WHITETAIL DR
GRANGEVILLE ID 83530**

**RAY KAUFMANN
765 WHITETAIL DR
GRANGEVILLE ID 83530**



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.

MEMORANDUM

To: Water Right Application 85-15779

From: Adam Frederick AF

Date: 04/28/2017

Re: Application for a Permit to Appropriate Water within the Salmon and Clearwater River Basins.

Re: Regional Analysis and Recommendation in accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05).

Water Supply Information

Water from the spring on applicant's property should be available.

Good Faith, Delay, or Speculative Information

The applicant plans to divert water for his/her own use on property that he/she owns and there are no known issues with any other party.

Financial Resources Information

No significant resources required because the pond is already built.

Local Public Interest

The Idaho Department of Fish & Game and the Department of Environmental Quality have been asked to comment by the Idaho Department of Water Resources. Idaho Department of Fish & Game and Department of Environmental Quality did not respond.

Injury to Other Water Rights

The proposed diversion is from a spring tributary to Threemile Creek. The IWRB holds a MSF water right 85-15623 on Threemile Creek. The MSF is subordinated to all DCMI development plus up to 0.2 cfs of non DCMI development. As such, the proposed use will not injure the MSF.

Recommendation

The Northern Region recommends proceeding with the processing of this water right application.

RECEIVED
APR 18 2017
IDWR/NORTH

AFFIDAVIT OF PUBLICATION

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

85-15779

RAY KAUFMANN
MARGARET KAUFMANN
765 WHITETAIL DR
GRANGEVILLE, ID 83530

Point of Diversion SESWSE S29 T30N R03E IDAHO CO

Source SPRING tributary THREEMILE GREEK

Use: FIRE Protection Storage 01/01 to 12/31 0.4 AF

Use: RECREATION Storage 01/01 to 12/31 0.4 AF

Use: WILDLIFE Storage 01/01 to 12/31 0.4 AF

Total Diversion: 0.4 AF

Date Filed: 1/30/2017

Place of Use: WILDLIFE Storage T30N R03E S29 SWSE

Place of Use: RECREATION Storage and FIRE Protection Storage same as WILDLIFE Storage.

Recreation Storage use is for fishing and swimming.

85-15782

DAVID P BODINE JR

1242 OEDHWY 7

GRANGEVILLE, ID 83530

Point of Diversion SWNE S10 T31N R02E IDAHO CO

Point of Diversion NWSE S10 T31N R02E IDAHO County

Source for both - UNNAMED STREAM tributary COTTONWOOD CREEK

Use: RECREATION Storage 01/01 to 12/31 8.3 AF

Use: STOCKWATER Storage 01/01 to 12/31 9.7 AF

Use: WILDLIFE Storage 01/01 to 12/31 8.3 AF

Use: STOCKWATER from Storage 01/01 to 12/31 1.4 AF

Total Diversion 9.7 CFS

Date Filed: 2/3/2017

Place of Use: WILDLIFE Storage T31N R02E S10 SWNE

NWSE

Place of Use: ALL OTHER STORAGE same as WILDLIFE

Place of Use: STOCKWATER from Storage T31N R02E S10

SWNE NWSE

Stockwater use is for 100 head of mixed stock.

Recreation use is for fishing and swimming.

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:

<http://www.idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>.

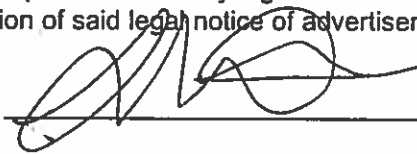
Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 4/24/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPAGKMAN, Director
Published on 4/5/2017 and 4/12/2017

STATE OF IDAHO

County of Idaho - ss.

Sarah S. Klement, being first duly sworn, says she is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 5th day of April, 2017; and the last publication on the 12th day of April, 2017; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.

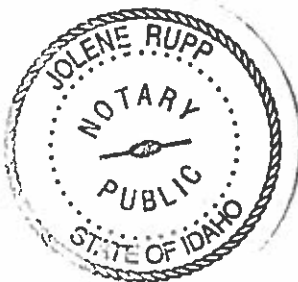


STATE OF IDAHO)

COUNTY OF IDAHO)

On this 12th day of April in the year of 2017, before me a Notary Public personally appeared Sarah S. Klement, 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 she executed the same.


Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 7-29-19



Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, March 28, 2017 2:07 PM
To: Legal Notices-ID CO Free Press (IFPlegals@idahocountyfreepress.com); 'lchapman@idahocountyfreepress.com'
Cc: Case, Morgan; Frederick, Adam; Maxey, Shaun
Subject: Application for Permit No. 85-15779, 85-15782
Attachments: LegalNotice 03-28-17 IC 85-15779 and 15782.doc

Hi, Laurie,

Please publish the attached legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

This should be very close to press ready – for 2-column, 8pt, Arial font. It might even be close enough to just copy and paste, with very little modification required.

Please note the area(s) under **USE** containing dates and water amounts that are offset and lined up. Our legal should appear in this format.

Please also send a proof/preview copy for my review before this actually goes to press.

If you have any questions, please contact me as early as possible.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/24/2017. Your cooperation is appreciated.

Thanks for all your help in getting our legals processed right. You're doing a great job!!

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

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

85-15779

RAY KAUFMANN

MARGARET KAUFMANN

765 WHITETAIL DR

GRANGEVILLE, ID 83530

Point of Diversion SESWSE S29 T30N R03E IDAHO CO

Source SPRING tributary THREEMILE CREEK

Use: FIRE Protection Storage 01/01 to 12/31 0.4 AF

Use: RECREATION Storage 01/01 to 12/31 0.4 AF

Use: WILDLIFE Storage 01/01 to 12/31 0.4 AF

Total Diversion: 0.4 AF

Date Filed: 1/30/2017

Place of Use: WILDLIFE Storage T30N R03E S29 SWSE

Place of Use: RECREATION Storage and FIRE Protection

Storage same as WILDLIFE Storage.

Recreation Storage use is for fishing and swimming.

85-15782

DAVID P BODINE JR

1242 OLD HWY 7

GRANGEVILLE, ID 83530

Point of Diversion SWNE S10 T31N R02E IDAHO CO

Point of Diversion NWSE S10 T31N R02E IDAHO County

Source for both - UNNAMED STREAM tributary

COTTONWOOD CREEK

Use: RECREATION Storage 01/01 to 12/31 8.3 AF

Use: STOCKWATER Storage 01/01 to 12/31 9.7 AF

Use: WILDLIFE Storage 01/01 to 12/31 8.3 AF

Use: STOCKWATER from Storage 01/01 to 12/31 1.4 AF

Total Diversion 9.7 CFS

Date Filed: 2/3/2017

Place of Use: WILDLIFE Storage T31N R02E S10 SWNE

NWSE

Place of Use: ALL OTHER STORAGE same as WILDLIFE

Place of Use: STOCKWATER from Storage T31N R02E S10

SWNE NWSE

Stockwater use is for 100 head of mixed stock.

Recreation use is for fishing and swimming.

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:

<http://www.idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>

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 4/24/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/6/2017 and 4/11/2017

5

12



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 28, 2017

RAY KAUFMANN
MARGARET KAUFMANN
765 WHITETAIL DR
GRANGEVILLE, ID 83530

Application For Permit No. 85-15779

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

Due to a publication omission this needed to be re-advertised. A new legal notice of the application has been prepared and is scheduled for publication in the IDAHO COUNTY FREE PRESS on 4/5/2017 and 4/12/2017. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Adam Frederick

Adam Frederick
Senior Water Resource Agent

RECEIVED
FEB 24 2017
IDWR / NORTH

PUBLIC NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
85-15779

RAY KAUFMANN
MARGARET KAUFMANN
765 WHITETAIL DR
GRANGEVILLE, ID 83530
Point of Diversion SESWSE S29 T30N R03E IDAHO CO
Source: SPRING tributary UNNAMED STREAM
Use: FIRE PROTECTION Storage 01/01 to 12/31
0.4 AF
Use: RECREATION Storage 01/01 to 12/31 0.4 AF
Use: WILDLIFE Storage 01/01 to 12/31 0.4 AF
Total Diversion: 0.4 AF

Date Filed: 1/30/2017
Place of Use: RECREATION Storage T30N R03E S29 SWSE
Place of Use: WILDLIFE Storage T30N R03E S29 SWSE
Place of Use: FIRE PROTECTION Storage T30N R03E S29 SWSE

Recreation Storage use is for fishing and swimming.
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:

<http://www.idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>

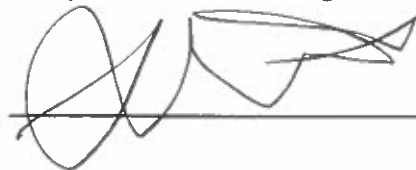
Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 3/6/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on 2/15/2017 and 2/22/2017

AFFIDAVIT OF PUBLICATION

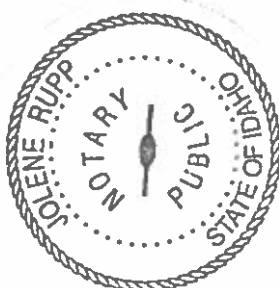
STATE OF IDAHO
County of Idaho - ss.

Sarah S. Klement, being first duly sworn, says she is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 15th day of February, 2017; and the last publication on the 22nd day of February, 2017; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF IDAHO)

On this 22nd day of February in the year of 2017, before me a Notary Public personally appeared Sarah S. Klement, 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 she executed the same.




Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 1-29-19