

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 85-15783

Priority: March 02, 2017

Maximum Diversion Rate: 0.19 CFS

This is to certify, that JOSEPH N PETERSON
2852 MILLER RD
PO BOX 83
NEZ PERCE ID 83543

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>
DOMESTIC	01/01 to 12/31	0.04 CFS
STOCKWATER	01/01 to 12/31	0.06 CFS
IRRIGATION	03/15 to 11/15	0.09 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 (NW1/4, NE1/4), Sec. 2, Twp 33N, Rge 02E, B.M., LEWIS County

PLACE OF USE: DOMESTIC and STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	Totals
33N	02E	2	NE	NW	SW	SE	
			X				
			L 4				

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
33N	02E	2	NE	NW	SW	SE	
			2.5				
			L 4				

Total Acres: 2.5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
6. Stockwater use is for 105 head Mixed Stock.
7. 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.

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

Signed, this 12th day of April, 2017.

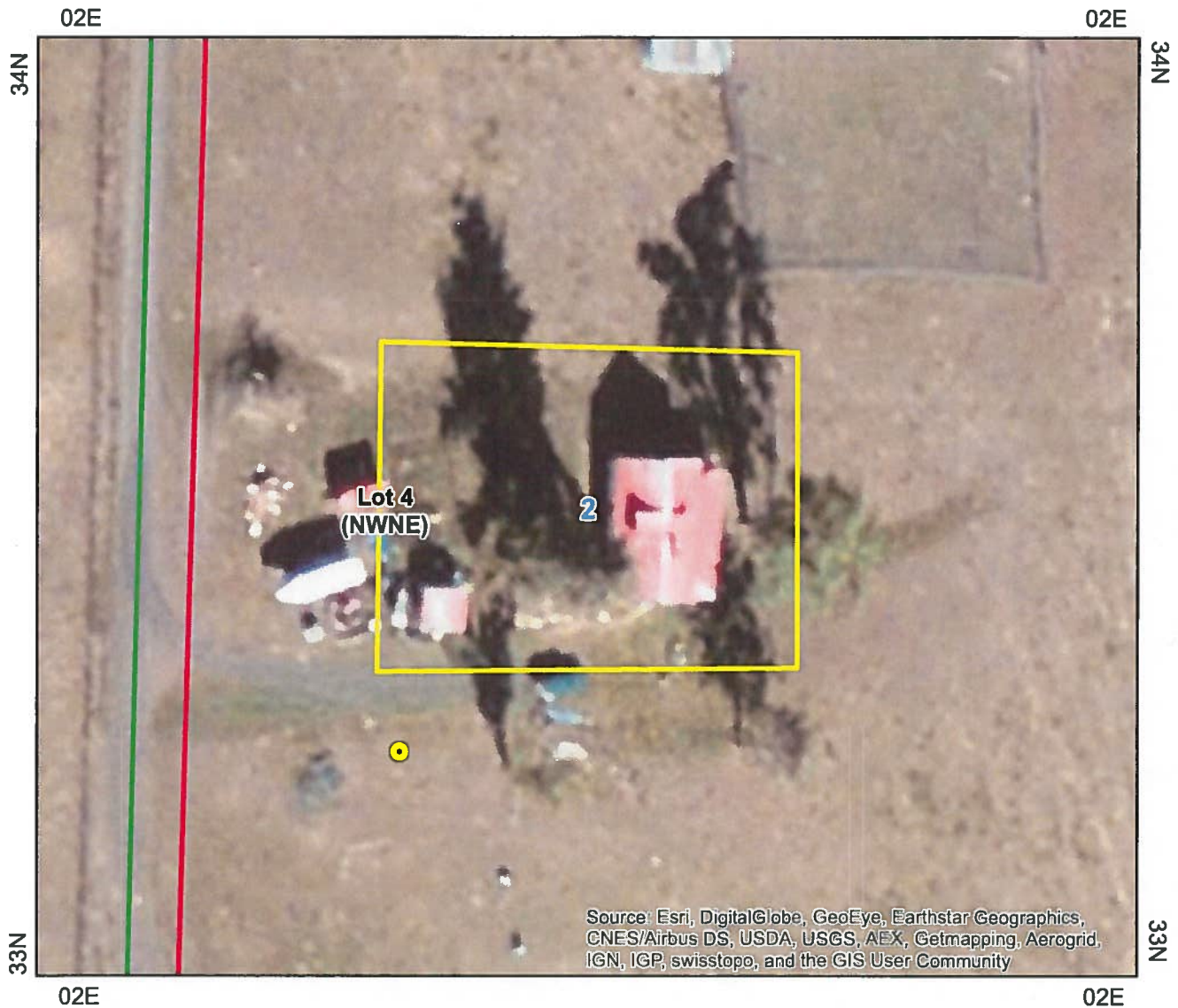

MORGAN CASE, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

85-15783

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.



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

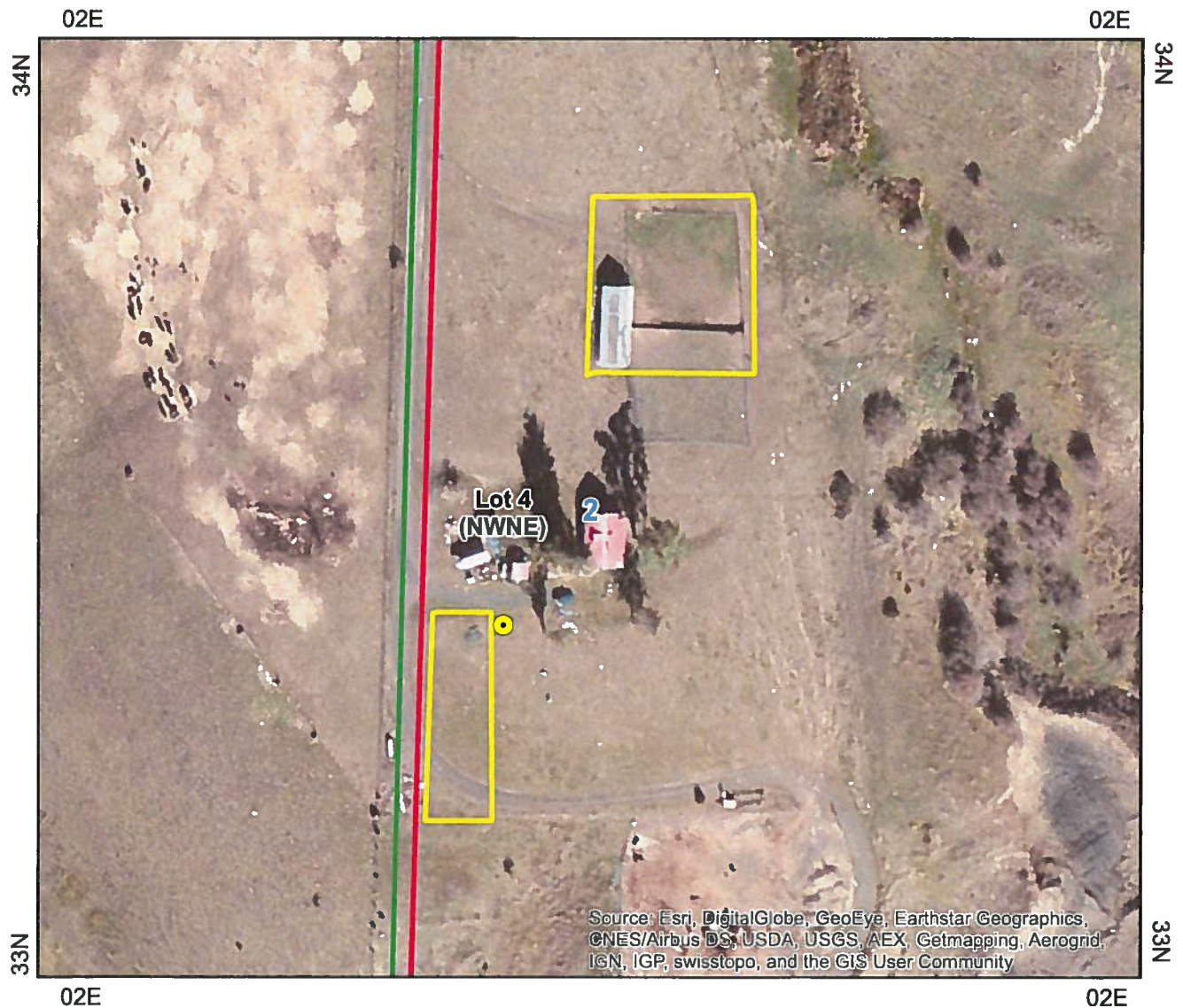
0 0.005 0.01 0.02 Miles



Tax parcel information provided by Lewis County.

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
85-15783

This map depicts the STOCKWATER 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
- PLS Sections
- Taxlots

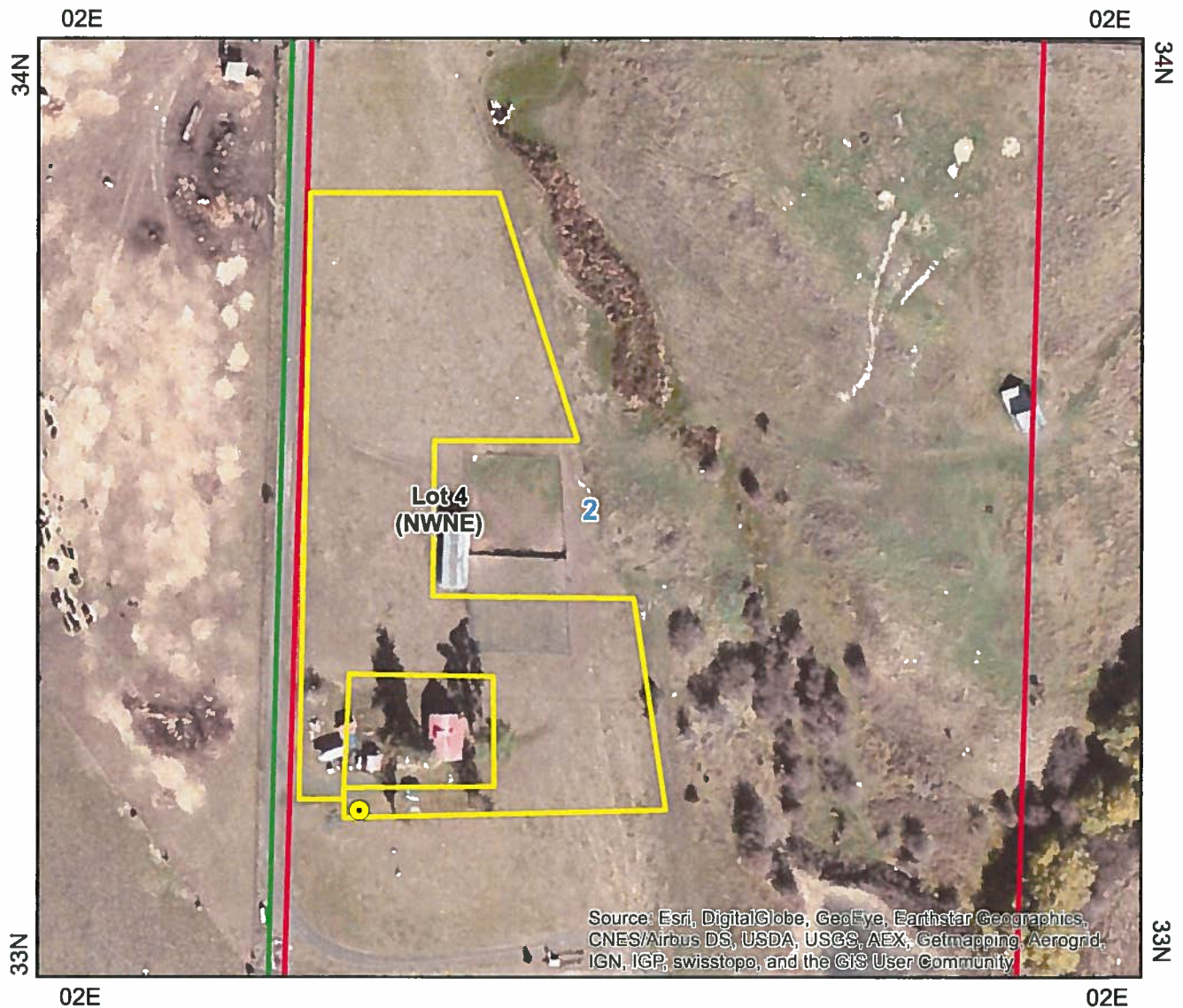
0 0.015 0.03 0.06 Miles



Tax parcel information provided by Lewis County.

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
85-15783

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
-  PLS Sections
-  Taxlots

0 0.0175 0.035 0.07 Miles



Tax parcel information provided by Lewis County.



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

April 13, 2017

JOSEPH N PETERSON
2852 MILLER RD
PO BOX 83
NEZ PERCE ID 83543

RE: Permit No. 85-15783

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 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)

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 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. 85-15783

**JOSEPH N PETERSON
2852 MILLER RD
PO BOX 83
NEZ PERCE ID 83543**



**Dianne L. Ball
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.

To: Water Right Application for Permit 85-15783 (Peterson)

From: Shaun M. Maxey, Idaho DEPT of Water Resources (IDWR), Northern Region

Date: April 7, 2017

SUBJECT: IDWR Regional Analysis and Recommendation in Accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05).

Water Supply Information: The Applicant wants to divert 0.19 Cubic Feet per Second (CFS) from Groundwater; at an existing 175 foot deep well (Tag D0061163); near Lawyer Creek in Lewis County. The Well Diller's report indicates the well provided only 12 Gallons Per minute, less than .03 CFS, when completed in 2012. There are no other wells in the vicinity.

Good Faith, Delay, or Speculative Information: Property tax records show the Applicant owns the well site (Point Of Diversion) and the Place of Use. IDWR has no information that indicates the Application is not being made in good faith, is intended to delay, or that it is speculative.

Financial Resources Information: The scope of the project and one year development period, proposed by the Applicant, appears to be achievable because the well is already in operation. IDWR has no information that indicates the Applicant is financially incapable of completing the project.

Local Public Interest: Idaho Department of Environmental Quality (IDEQ), Idaho Department of Fish and Game (IDFG), and IDWR's Planning Section were contacted for comment about recreation, fish, and wildlife resources. IDEQ's comments are general in nature and state that existing beneficial uses for surface water and interconnected ground water should be maintained. No specific concerns relating to Lawyer Creek or existing beneficial uses are stated in IDEQ's comment letter.

Injury to Other Users - Other Water Rights: Statutory Claim 85-11451 is owned by the Applicant. 85-11451 uses water from a spring in a draw on the Applicant's property. It is located about 200 to 250 yards East of the Applicant's well. Negative impacts on 85-11451 are not likely because of the difference in source (Ground water vs. Surface water) and separation distance between the Points of Diversion for this Application and 85-11451.

Based on the above analysis, I recommend that processing continue to issue of a Permit for the CFS amounts requested, and the beneficial uses shown in the Application.



Shaun M. Maxey
Idaho Department of Water Resources, Northern Region
7600 Mineral DR, Ste. 100
Coeur d'Alene, ID 83815

APR 03 2017

IDWR / NORTH
Affidavit of Publication

STATE OF IDAHO, }
County of Idaho, } ss.

I, STEVE A. WHERRY, being first duly sworn, depose and say that I am Editor of the LEWIS COUNTY HERALD, a weekly newspaper, published and issued weekly at Nezperce, Lewis County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the hereto attached is a true copy, was published in said newspaper for

2 weeks, being published 2 times, the first publication being on the 16th day of

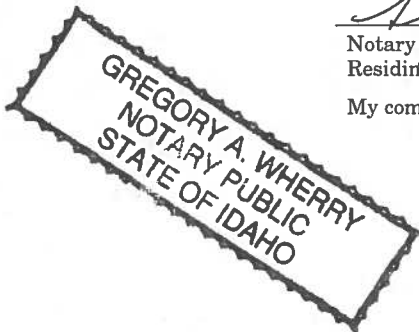
March, 2017, and the last publication on the 23rd day of March, 2017; and that

the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Steve A. Wherry

STATE OF IDAHO, }
County of Idaho, }
On this 31st day of March in the year of 2017,
before me, a Notary Public, personally appeared Steve A. Wherry,
know or identified to me to be the person whose name is 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.

Gregory A. Wherry
Notary Public for Idaho
Residing at Cottonwood, ID
My commission expires: 9/21/2020



NOTICE

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

85-15783

JOSEPH N PETERSON
2852 MILLER RD
PO BOX 83
NEZ PERCE, ID 83543

Point of Diversion L4(NWNE) S2 T33N R02E LEWIS County
Source GROUND WATER

Use: DOMESTIC	01/01 to 12/31	0.04 CFS	
Use: IRRIGATION	03/15 to 11/15	0.09 CFS	
Use: STOCKWATER	01/01 to 12/31	0.06 CFS	
Total Diversion:		0.19 CFS	15 AF

Date Filed: 3/2/2017

Place of Use: DOMESTIC T33N R02E S2 L4(NWNE)

Place of Use: STOCKWATER T33N R02E S2 L4(NWNE)

Place of Use: IRRIGATION T33N R02E S2 L4(NWNE)

Total Acres: 2.5

Domestic use is for 1 home.

Stockwater use is for 105 head of mixed stock.

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 4/3/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/16/2017 and 3/23/2017



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370
www.deq.idaho.gov

C.L. "Butch" Otter, Governor
John H. Tippetts, Director

RECEIVED
APR - 3 2017
IDWR/NORTHERN

March 30, 2017

Mr. Adam Frederick
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

Subject: Water Appropriation, Permit # 84-15783

Dear Mr. Frederick:

We received a request for comment along with a copy of an application for a water appropriation permit to appropriately 0.19 CFS, 15 acre feet, from an existing well located on property in Lewis County at township 33N, range 02E Section 2. The appropriated water will be used for domestic use, irrigation and stock watering from January 1 to December 31. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

Because we assume any water of the State which occurs beneath the surface of the earth in a saturated geological formation of rock or soil to be ground water (Idaho Code 58.01.02.010.38), we assume there to be hydrologic gradient connectivity to surface waters of the State. It is the policy of the State of Idaho Ground Water Management Plan that existing and projected beneficial uses of ground water and interconnected surface water be maintained and protected and degradation that would impair beneficial uses of ground water and interconnected surface water not be allowed.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards, please contact us at (208) 983-0808, or by email at Daniel.stewart@deq.idaho.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel D. Stewart".

Daniel D. Stewart
Water Quality Analyst

c: Joseph Peterson, Nez Perce, ID
Cynthia Barrett, DEQ
TRIM