

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 95-12245

PRIORITY: March 22, 2010

Maximum Diversion Rate: 0.05 CFS

Maximum Diversion Volume: 3.2 AF

It is hereby certified that:

PASQUALE MASTANTUONO 5391 E SHORELINE DR POST FALLS ID 83854 And/Or

KAREN MASTANTUONO 5391 E SHORELINE DR POST FALLS ID 83854

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 22, 2010, and has submitted Proof of Beneficial Use on November 08, 2016. An examination confirms water is diverted from:

SOURCE:
GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/15 to 11/15	0.03 CFS	3.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW¼SW¼ Sec. 23, Twp 51N, Rge 05W, B.M. KOOTENAI County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N	05W	23											X						

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	
51N	05W	23											1.0						1.0

Total Acres: 1

CONDITIONS OF APPROVAL

1. 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.
2. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.

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3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
4. The following rights are diverted through point(s) of diversion described above: 95-13876 and 95-12245.
5. Point of diversion is located within Lot 7, Satchwell Estates Subdivision.
6. Place of use is located within Lot 7, Satchwell Estates Subdivision.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 4th day of January, 2017.



SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
95-12245

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



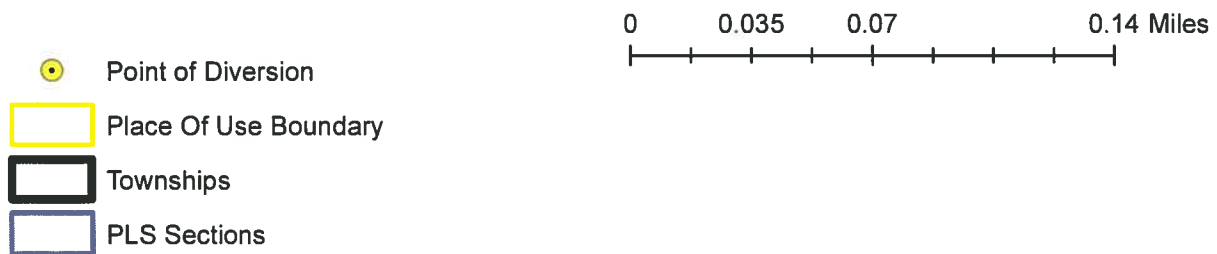
0 0.035 0.07 0.14 Miles

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



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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.





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 10, 2017

PASQUALE MASTANTUONO
KAREN MASTANTUONO
5391 E SHORELINE DR
POST FALLS ID 83854

RE: License No.95-12245

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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 208-287-4945.

Sincerely,

Pam Skaggs
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**Approved License**) to the person(s) listed below:

RE: WATER RIGHT NO.

95-12245

**KAREN MASTANTUONO
5391 E SHORELINE DR
POST FALLS ID 83854**

**PASQUALE MASTANTUONO
5391 E SHORELINE DR
POST FALLS ID 83854**



Darla Block
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.

Nelson, Dan

From: Karen Mastantuono [karenmastantuono@gmail.com]
Sent: Thursday, December 22, 2016 12:07 PM
To: Nelson, Dan
Subject: Re: Water Right Permit 95-12245

Dear Dan,
Thank you for your help today.
We do not want to pursue the amendment at this time.
We will file a new application for permit to include the new development including the .1 acre in the SESW corner.
Please send me the application for the new permit which we will apply for this Spring.
Karen and Pasquale

On Thu, Dec 22, 2016 at 8:26 AM, Nelson, Dan <Dan.Nelson@idwr.idaho.gov> wrote:

Dear Mr. and Ms. Mastantuono;

I tried to call you today, and left a message. I would like to speak with you concerning your permit and the amendment of permit I sent you on December 7, 2016. I have attached a copy of the legal survey of your property to this email. This survey was downloaded from the Kootenai County website. It clearly shows your property straddles the 40 acre tract line between the SWSW and the SESW of Section 23 in Township 51 North, Range 5 West. I received the documents you discussed with Mr. Maxey in our Northern Region office yesterday. These documents are tax notices, and are not the official survey documents for your property. I would like to speak with you to explain the situation to you, so please don't hesitate to contact me.

Thank you.

Daniel Nelson

Analyst 3

Idaho Department of Water Resources

Telephone [\(208\) 287-4856](tel:(208)287-4856)

Fax (208) 287-6700 (attn: Dan Nelson)



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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 7, 2016

PAQUALE MASTANTUONO
KAREN MASTANTUONO
5391 E SHORELINE DR
POST FALLS ID 83854

RE: Permit No. 95-12245:

Dear Permit Holders:

I previously forwarded to you an Application for Amendment so that you can amend Permit No. 95-12245 to correspond with the findings of the Department's field examiner. I have not yet received your response.

If I do not receive the amendment and the \$100.00 fee within fourteen (14) days or by December 22, 2016, your Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you has been misplaced, a new one is enclosed.

If you have any questions, please contact me as soon as possible at (208) 287-4856.

Sincerely,

Daniel Nelson

Analyst 3

Idaho Department of Water Resources

Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)

Enclosures