

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 98-07974

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2020**.
2. Subject to all prior water rights.
3. 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.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
6. Stockwater is for 10 head of mixed stock.
7. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
8. Right 98-7974 authorizes a total annual storage volume of 8.7 acre-feet to be used for the initial filling of the pond, for the replacement of losses caused by evaporation, and for the storage of water for irrigation, stockwater, and fire protection purposes.
9. The pond established by the storage of water under this right shall not exceed a total capacity of 2.0 acre-feet or a total surface area of 0.4 acres.
10. 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 27th day of December, 2016.


MORGAN CASE, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

98-7974

This map depicts the FIRE PROTECTION STORAGE, IRRIGATION STORAGE, and STOCKWATER 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.



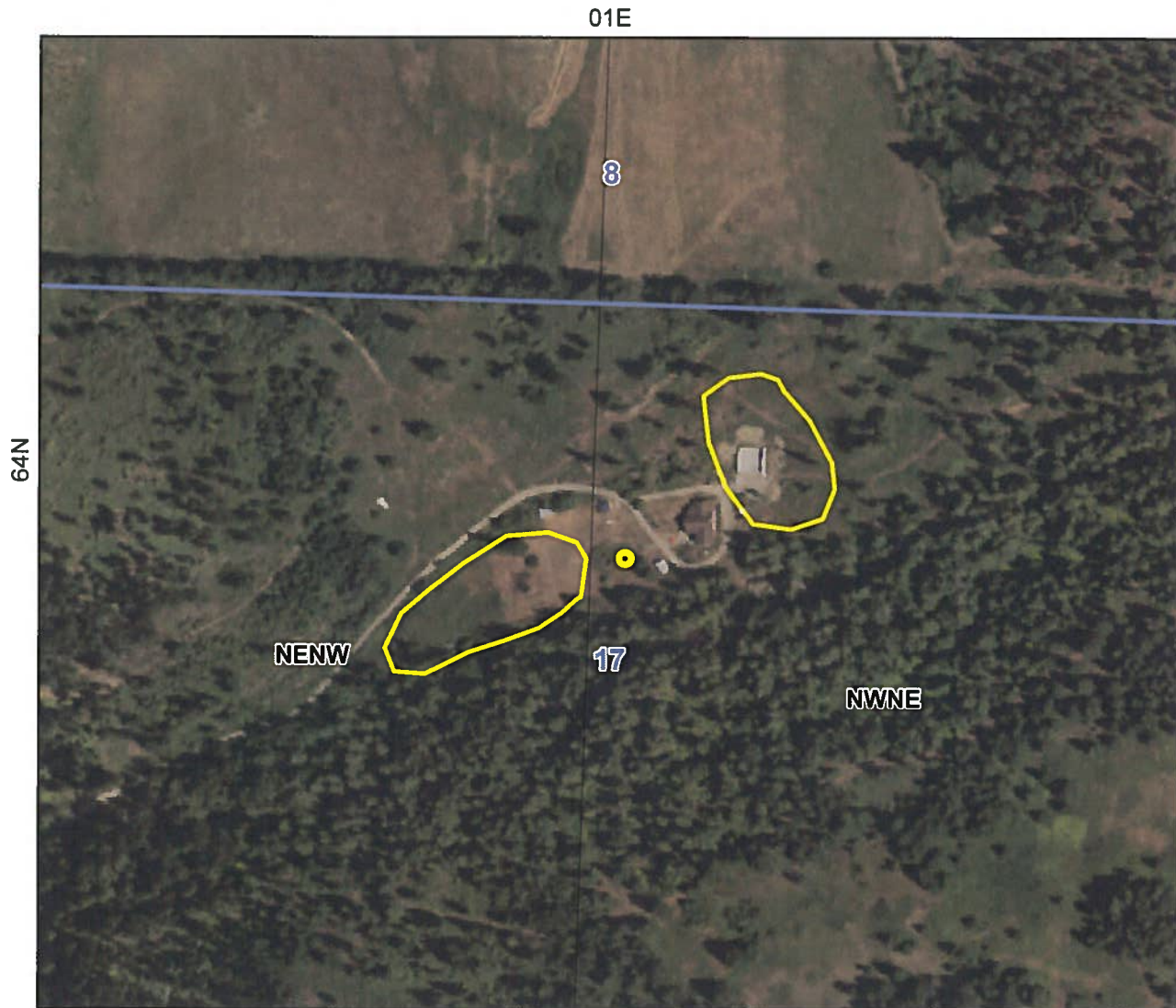
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
98-7974

This map depicts the IRRIGATION FROM 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.



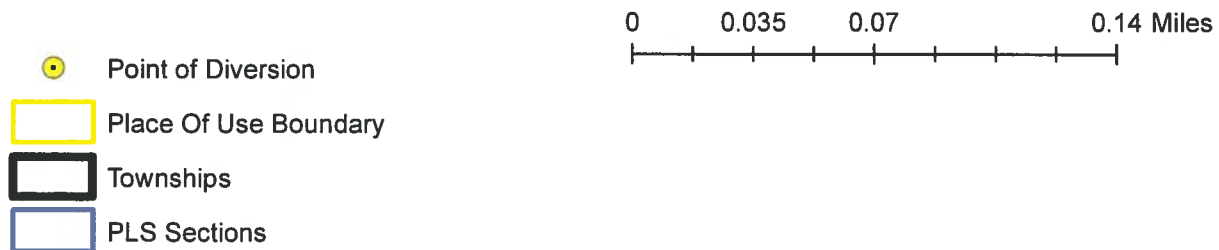
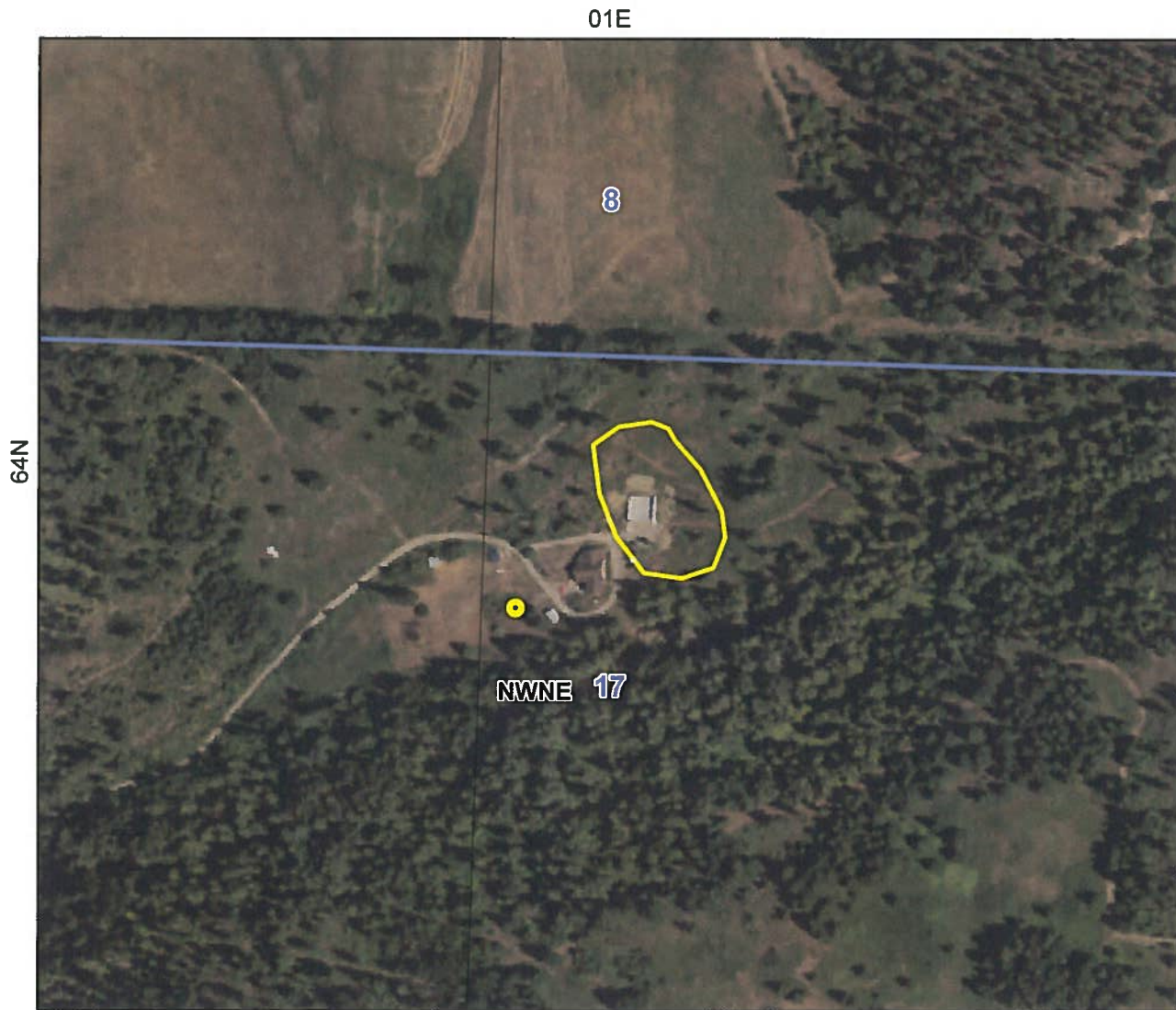
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
98-7974

This map depicts the STOCKWATER FROM 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.





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

December 28, 2016

HIGH POINT VENTURES OF PENSACOLA LLC
1907 HIGHWAY 1
BONNERS FERRY ID 83805-5111

RE: Permit No. 98-7974

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.

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,



Morgan Case
Northern Regional Manager

Enclosure(s)

cc: BRIAN DOMKE

CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2016 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. 98-7974

**BRIAN DOMKE
PO BOX 711
SAGLE ID 83860**

**HIGH POINT VENTURES OF PENSACOLA LLC
1907 HIGHWAY 1
BONNERS FERRY ID 83805-5111**



**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.

AFFIDAVIT OF PUBLICATION

State of Idaho

ss

County of Boundary, Jinda Johnson

being first duly sworn on oath deposes and says that

he/she is Loob Heper of the

Bonnors Ferry Herald, a newspaper printed and

published at Bonnors Ferry, Boundary County, Idaho;

that the said newspaper has been continuously and

uninterruptedly published in said Boundary County during

a period of 12 months prior to the first publication of the

hereto attached notice of publication in the case of:

Application for Permit
No. 98-7974, 98-7975

as it was published in the regular and entire issue of the

said paper for a period of 2 consecutive weeks,

commencing on 17th day of Nov, 2016 and

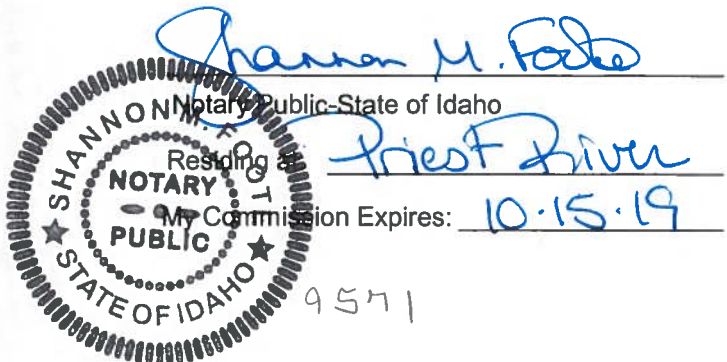
ending on the 24th day of Nov, 2016 and

that said notice was published in said newspaper.

Jinda Johnson

SUBSCRIBED AND SWORN TO before me, this 24th

day of Nov, 2016.



RECEIVED

DEC 07 2016

IDWR / NORTH

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

98-7974

HIGH POINT VENTURES OF PENSACOLA LLC

1907 HIGHWAY 1

BONNERS FERRY, ID 83805-5111

Point of Diversion NWNE S17 T64N R01E BOUNDARY CO

Source GROUND WATER

Use: FIRE PROTECTION Storage 01/01 to 12/31 2.6 AF

Use: IRRIGATION from Storage 04/01 to 10/31 6 AF

Use: IRRIGATION Storage 01/01 to 12/31 8.6 AF

Use: STOCKWATER from Storage 01/01 to 12/31 0.1 AF

Use: STOCKWATER Storage 01/01 to 12/31 2.7 AF

Total Diversion: 8.7 AF

Date Filed: 10/7/2016

Place of Use: IRRIGATION STORAGE T64N R01E S17 NWNE

Place of Use: IRRIGATION from STORAGE T64N R01E S17

NWNE NENW

Place of Use: STOCKWATER Storage T64N R01E S17 NWNE

Place of Use: STOCKWATER from Storage T64N R01E S17

NWNE

Place of Use: FIRE PROTECTION Storage T64N R01E S17

NWNE

Total Acres: 2

Stockwater use is for 10 head of mixed stock.

98-7975

TIM L HARLAN

REBECCA M HARLAN

PO BOX B

BONNERS FERRY, ID 83805

Points of Diversion(2) NESW S32 T64N R01E BOUNDARY CO

Source GROUND WATER

Use: COMMERCIAL 01/01 to 12/31 0.02 CFS

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

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.08 CFS

Date Filed: 8/19/2016

Place of Use: DOMESTIC T64N R01E S32 NESW SESW

Place of Use: STOCKWATER T64N R01E S32 NESW NWSW

SWSW

Place of Use: COMMERCIAL T64N R01E S32 NWSW SWSW

Domestic use is for 1 home.

Stockwater use is for 200 head of goats.

Commercial use is for dairy goat operation.

Permits will be subject to all prior water rights. For additional in-

formation 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/WRAApplicationResult>

s/.

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 applica-

tion on or before 12/5/2016. The protestant must also send a

copy of the protest to the applicant.

GARY SPACKMAN, Director

BFH Legal 9571

November 17, 24, 2016