

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-17204

Priority: September 07, 2016

Maximum Diversion Rate: 0.12 CFS

This is to certify, that LEWELLEN CREEK WATER ASSN INC
10063 NAVION DR
HAYDEN ID 83835

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (NW1/4NW1/4) Sec. 19, Twp 53N, Rge 02W, B.M. KOOTENAI County
GROUND WATER L1 (NW1/4NW1/4) Sec. 19, Twp 53N, Rge 02W, B.M. KOOTENAI County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
53N 02W 19						X											
						L 1											

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2021**.
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. 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 6 homes.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre per home.
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 14th day of November, 2016.

Morgan Case
MORGAN CASE, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17204

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 0.0475 0.095 0.19 Miles

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





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

November 15, 2016

LEWELLEN CREEK WATER ASSN INC
10063 NAVION DR
HAYDEN ID 83835

RE: Permit No.95-17204

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: MIKE CURRY
10063 NAVION DR
HAYDEN ID 83835

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 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. 95-17204

**MIKE CURRY
10063 NAVION DR
HAYDEN ID 83835**

**LEWELLEN CREEK WATER ASSN INC
10063 NAVION DR
HAYDEN ID 83835**



**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

RECEIVED
OCT 31 2016
IDWR / NORTH

STATE OF IDAHO,
County of Kootenai,

} ss

Katie Eddy

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

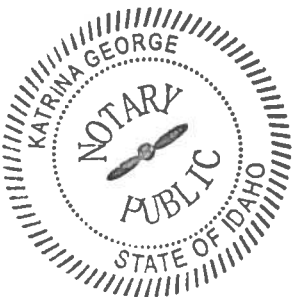
of which the annexed is a printed copy, was published in the regular Daily issue of said newspaper for 2 consecutive Weeks commencing on the 20 day of October, 2016, and ending on the 27 day of October, 2016, and such publication was made as often during said period as said Daily newspaper was regularly 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.

On this 27 day of October in the year of 2016, before me, a Notary Public, personally appeared Katie Eddy

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.

Katrina George
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho



MY COMMISSION EXPIRES 8/29/17

RECEIVED
OCT 31 2016
IDWR / NORTH

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
This is being re-advertised to correct Township.

95-17204

LEWELLEN CREEK WATER ASSN INC

10063 NAVION DR

HAYDEN, ID 83835

Points of Diversion(2) L1(NWNW) S19 T53N R02W KOOTENAI County

Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 9/7/2016

Place of Use: DOMESTIC T53N R02W S19 L1(NWNW)

Domestic use is for 6 homes with up to 1/2 acre irrigation for each..

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/WRAApplicationResult>

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 11/7/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/20/2016 and 10/27/2016

LEGAL 6469

OCTOBER 20, 27, 2016

AFFIDAVIT OF PUBLICATION

RECEIVED

OCT 17 2016

IDWR / NORTH

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.

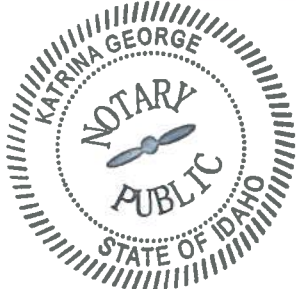
3. The legal notice

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 6 day of OCT 20 16, and
ending on the 13 day of OCT 20 16, 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 13 day of Oct in the year of 2016, 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.

Katrina George

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho



MY COMMISSION EXPIRES 8/29/17

RECEIVED
OCT 17 2016
IDWR / NORTH

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

95-17202

TRAVIS AND KIMBERLI ROTH REVOCABLE TRUST
20969 N COCHRAN LN
RATHDRUM, ID 83858
Point of Diversion SESW S8 T52N R04W KOOTENAI County
Source TWIN LAKES tributary RATHDRUM CREEK
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 9/8/2016
Place of Use: DOMESTIC T52N R04W S8 SESW L4(SWSE)
Domestic use is for 1 home

95-17204

LEWELLEN CREEK WATER ASSN INC
10063 NAVION DR
HAYDEN, ID 83835
Points of Diversion(2) L1(NWNW) S19 T52N R02W KOOTENAI County
Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.12 CFS
Total Diversion: 0.12 CFS
Date Filed: 9/7/2016
Place of Use: DOMESTIC T52N R02W S19 L1(NWNW)
Domestic use is for 6 homes with up to 1/2 acre irrigation for each

95-17207

PATRICK LEONARD MALLOY
PO BOX 3592
POST FALLS, ID 83877
Point of Diversion SENW S20 T51N R04W KOOTENAI County
Source GROUND WATER
Use: IRRIGATION 03/15 to 11/15 0.18 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.2 CFS
Date Filed: 9/15/2016
Place of Use: IRRIGATION T51N R04W S20 SENW
Place of Use: STOCKWATER T51N R04W S20 SENW
Total Acres: 9
Stockwater use is for 30 head of mixed stock.

95-17211

KEN SMITH
DEBRA SMITH
15170 S BULL RUN RD
CATALDO, ID 83810
Point of Diversion NESW S3 T49N R04W KOOTENAI County
Source GROUND WATER
Use: AESTHETIC Storage 01/01 to 12/31 3.4 AF
Use: DIVERSION to Storage 01/01 to 12/31 0.2 CFS
Use: DOMESTIC 01/01 to 12/31 0.06 CFS
Use: FIRE Protection 01/01 to 12/31 0.38 CFS
Use: FIRE Protection Storage 01/01 to 12/31 3.4 AF
Use: IRRIGATION 03/15 to 11/15 0.12 CFS
Use: RECREATION Storage 01/01 to 12/31 3.4 AF
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.38 CFS
Date Filed: 9/22/2016
Place of Use: DOMESTIC T49N R04W S3 NESW
Place of Use: ALL OTHER USES - SAME AS DOMESTIC
Total Acres: 6
Domestic use is for 2 homes.
Stockwater use is for 10 head of mixed stock.
Recreation storage is for fish in pond.
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/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 application on or before 10/24/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

LEGAL 6397

OCTOBER 6, 13, 2016

great,

Ball, Dianne

From: Fredericks, Holly [hfredericks@cdapress.com]
Sent: Wednesday, October 19, 2016 10:46 AM
To: Ball, Dianne
Subject: Re: Application for Permit No. 95-17204 - re-advertisement
Attachments: CDA LEGAL 6469.pdf

Hi Dianne. Here is a proof for your ad running in the CDA Press on the 20th and 27th. cost will be \$106.30.
Thank you!

On Fri, Oct 14, 2016 at 1:39 PM, Ball, Dianne <Dianne.Ball@idwr.idaho.gov> wrote:

Hi, Holly,

Please publish the enclosed legal notice in the Coeur d'Alene Press on the dates indicated, October 20 and 27, 2016, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

This is a re-publication of an earlier application in order to correct the Township.

As usual, this should be very close to press ready – for 2-column, 8pt, Century Old Style font, maybe close enough to copy and paste, with very little modification required.

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

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 11/7/2016. Your help is always greatly appreciated. Because this will publish same days as your legal No. 6485, they can be billed together but we will, of course, need separate Affidavits of Publication and tear sheets.

If you have any questions, please contact me as early as possible. And thanks again for all your efforts in our behalf. Truly a pleasure to work with you!

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

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Holly Fredericks