

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 94-09489

Priority: August 09, 2016

Maximum Diversion Rate: 0.04 CFS

This is to certify, that DALE R NOORDAM
PO BOX 452
MULLAN ID 83846

And/Or

CAROL B NOORDAM
PO BOX 452
MULLAN ID 83846

has applied for a permit to appropriate water from:

Source: MILL CREEK

Tributary: SOUTH FORK COEUR D ALENE
RIVER

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

LOCATION OF POINT(S) OF DIVERSION:

MILL CREEK L3 (NW1/4, NE1/4), Sec. 34, Twp 48N, Rge 05E, B.M., SHOSHONE County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
48N 05E 34		X															
		L3															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2019**.
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. 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.
5. Domestic use is for 1 shop.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
8. Place of use is located within Lot 11, Blk. H, Mullan Townsite subdivision.

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

Signed, this 18th day of October, 20 16.

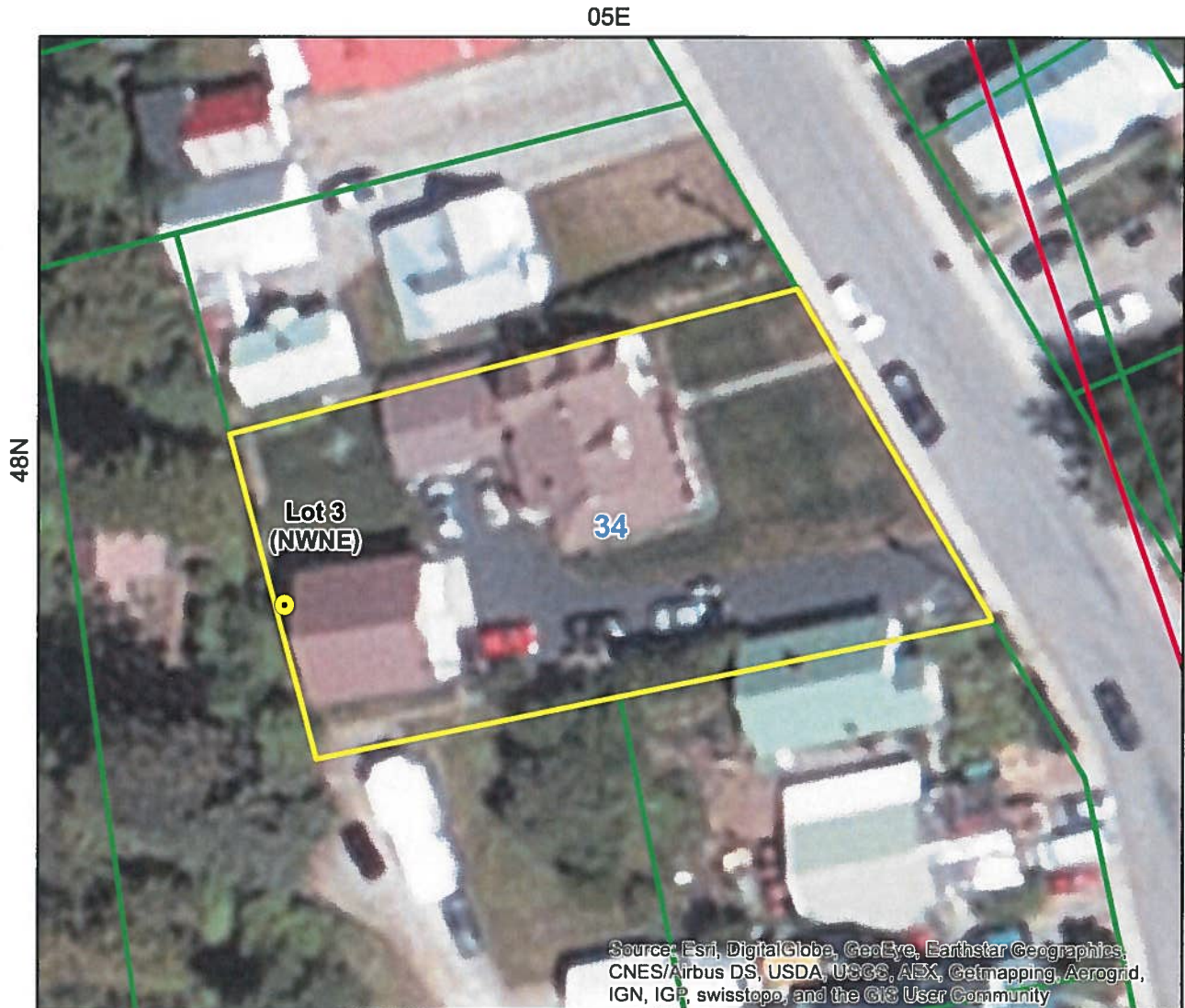

MORGAN CASE, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

94-9489

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





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

October 19, 2016

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

DALE R NOORDAM And/Or
CAROL B NOORDAM
PO BOX 452
MULLAN ID 83846

RE: Permit No.94-9489

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.

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,



Morgan Case
Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 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.

94-9489

**CAROL B NOORDAM
PO BOX 452
MULLAN ID 83846**

**DALE R NOORDAM
PO BOX 452
MULLAN ID 83846**



**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 issuance 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

SEP 23 2016

IDWR / NORTH

STATE OF IDAHO, }
County of Shoshone } 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.

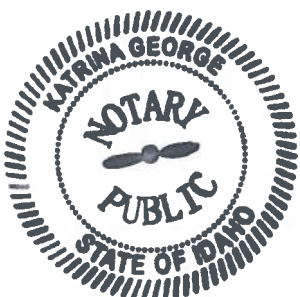
2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Shoshone News Press", a newspaper printed and published daily except Sunday and Monday in Kellogg, Shoshone County, Idaho, and having a general circulation in said county.

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 15 day of Sept, 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 Shoshone County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Holly Fredericks.

On this 22 day of Sept 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 in Coeur d'Alene, Idaho

MY COMMISSION EXPIRES 8/29/17

RECEIVED
SEP 23 2016
IDWR / NORTH

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

94-9489

DALE R NOORDAM
CAROL B NOORDAM
PO BOX 452
MULLAN, ID 83846
Point of Diversion L3(NWNE) S34 T48N 05E SHOSHONE County
Source MILL CREEK tributary SOUTH FORK COEUR D ALENE RIVER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 8/9/2016
Place of Use: DOMESTIC T48N R05E S34 L3(NWNE)
Domestic use is for 1 home and a shop, with up to 1/2 acre irrigation.

94-9490

GREG NICKEL
JOHN HESS
759 E ROUND UP CIR
HAYDEN, ID 83835
Point of Diversion NENE S2 T49N R04E SHOSHONE County
Source GROUND WATER
Point of Diversion NENE S2 T49N R04E SHOSHONE County
Source GROUND WATER
Use: DIVERSION to Storage 01/01 to 12/31 0.67 CFS
Use: FIRE Protection 01/01 to 12/31 0.67 CFS
Use: FIRE Protection Storage 01/01 to 12/31 4.6 AF
Use: INDUSTRIAL 01/01 to 12/31 0.67 CFS
Use: INDUSTRIAL from Storage 01/01 to 12/31 103.1 AF
Use: INDUSTRIAL Storage 01/01 to 12/31 107.7 AF
Total Diversion: 0.67 CFS 107.7 AF
Date Filed: 8/16/2016
Place of Use: FIRE PROTECTION T49N R04E S2 NENE NWNE SENE
Place of Use: INDUSTRIAL T49N R04E S2 NENE NWNE SENE
Place of Use: INDUSTRIAL Storage T49N R04E S2 NENE SENE
Place of Use: INDUSTRIAL from Storage T49N R04E S2 NENE SENE
Place of Use: FIRE PROTECTION Storage T49N R04E S2 NENE SENE
Industrial use is for mining, dust control and other uses for mining operation.
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 10/3/2016. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
LEGAL 2330
SEPTEMBER 15, 22, 2016

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, September 13, 2016 4:45 PM
To: kiira.siihari@idfg.idaho.gov; Mike Ahmer (mahmer@idl.idaho.gov)
Subject: FW: RE: Application for Permit No. 94-9489
Attachments: App-and-map(s)-94-9489.pdf

This

Ooops – final date for protests is October 3, 2016. Sorry about that.

From: Ball, Dianne
Sent: Tuesday, September 13, 2016 4:43 PM
To: kiira.siihari@idfg.idaho.gov; Mike Ahmer (mahmer@idl.idaho.gov)
Subject: RE: Application for Permit No. 94-9489

Hi, Kiira and Mike:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

Idaho

This is being scheduled for publication in the Shoshone News Press on September 15 and 22, 2016 with October 3, 2015 (**2016** as final date for protests to be received in our office.

Your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

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

to format

Idaho
208-762-2800
Ball, Dianne

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Administrative Assistant
Idaho Department of Water Resources
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Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819