

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 85-15776

Priority: July 28, 2016

Maximum Diversion Rate: 0.04 CFS

This is to certify, that DUANE REMACLE And
2233 POWERS AVE
LEWISTON ID 83501

ROBIN REMACLE
2233 POWERS AVE
LEWISTON ID 83501

And

JAMES REMACLE And
2233 POWERS AVE
LEWISTON ID 83501

BARBARA REMACLE
2233 POWERS AVE
LEWISTON ID 83501

have applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

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:

SPRING SW1/4, NW1/4, NW1/4, Sec. 13, Twp 35N, Rge 05W, B.M., NEZ PERCE 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	
35N	05W	13					X												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2017**.
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. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. Place of use is located within Lewiston Orchards subdivision.

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

Signed, this 11th day of October, 20 16.

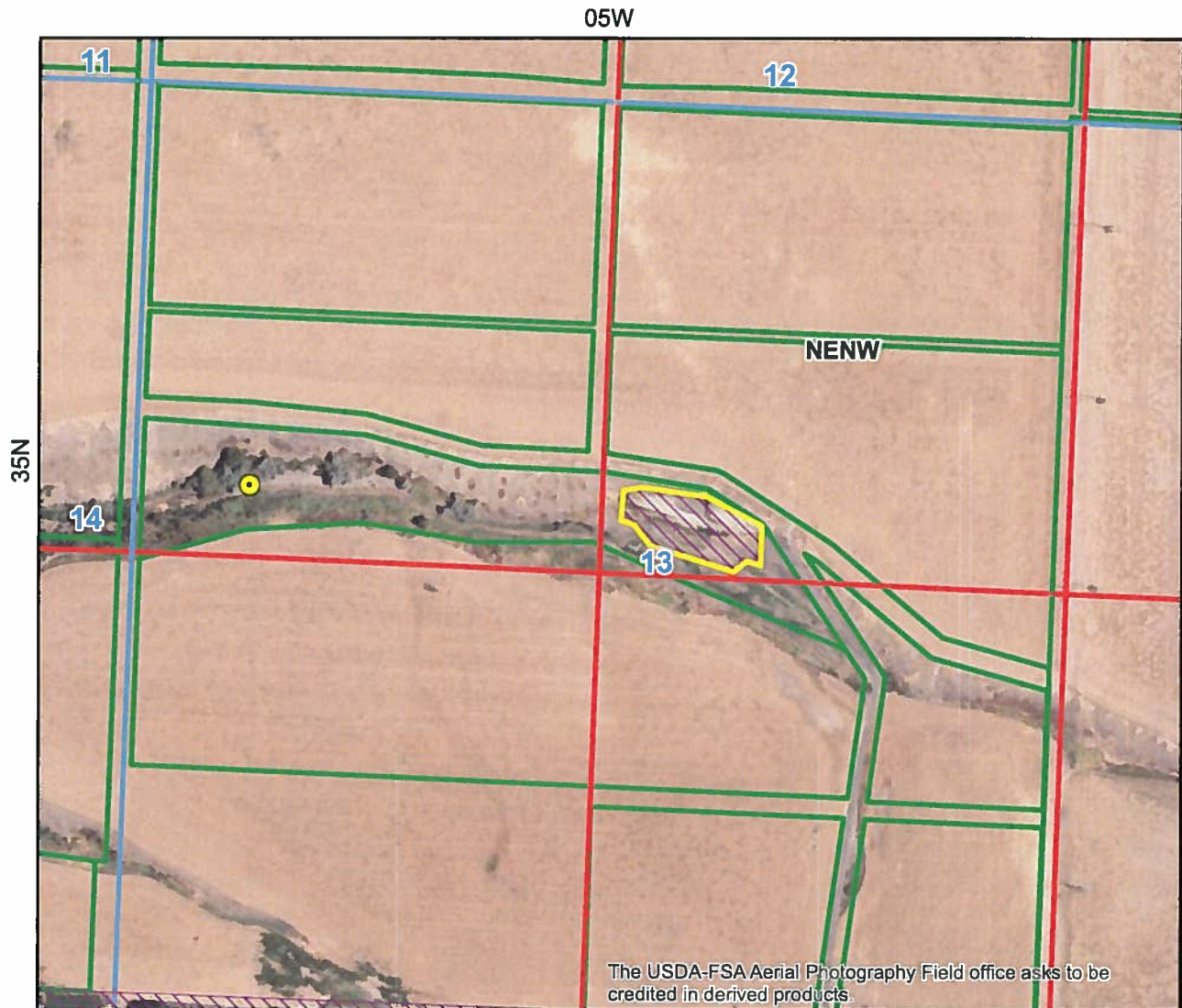
Morgan Case
MORGAN CASE, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

85-15776

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 0.05 0.1 0.2 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

C.L. "BUTCH" OTTER
Governor

October 17, 2016

GARY SPACKMAN
Director

DUANE REMACLE And
ROBIN REMACLE And
JAMES REMACLE And
BARBARA REMACLE
2233 POWERS AVE
LEWISTON ID 83501

RE: Permit No.85-15776

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.

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,

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 October 17, 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.

85-15776

**BARBARA REMACLE
2233 POWERS AVE
LEWISTON ID 83501**

**DUANE REMACLE
2233 POWERS AVE
LEWISTON ID 83501**

**JAMES REMACLE
2233 POWERS AVE
LEWISTON ID 83501**

**ROBIN REMACLE
2233 POWERS AVE
LEWISTON ID 83501**



**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.

MEMORANDUM

Date: October 06, 2016
To: Water Right File 85-15776
From: Shaun Maxey
Re: PLACE OF USE

APPLICANT DUANE REMACLE MODIFIED PLACE OF USE DURING APPLICATION PROCESS TO INCLUDE A SECOND SMALL DOMESTIC POU IN T35N R05W S.13 NW NW. THE ORIGINAL PLACE OF USE IN T35N R05W S.13 NE NW REMAINED UNCHANGED.

NORTHERN REGION STAFF DISCOVERED UPON REVIEW OF PERMIT PRIOR TO SIGNATURE THAT THE NEW PLACE OF USE IS NOT CURRENTLY OWNED BY THE APPLICANTS. OWNERSHIP WAS CHECKED WITH THE NEZ PERCE COUNTY ASSESSORS OFFICE.

MR. REMACLE INDICATED IN A TELEPHONE CONVERSATION ON 10/6/2016 THAT THE SECOND PLACE OF USE (T35N R05W S.13 NW NW) HAD NOT COME UNDER THE APPLICANTS OWNERSHIP DUE TO THE FAILURE OF A LAND TRADE TO GO THROUGH. MR REMACLE INDICATED THAT HE WANTED THE PLACE OF USE ORIGINALLY SHOWN ON THE MAP ACCOMPANYING THE ORIGINAL APPLICATION TO BE ON THE PERMIT WHEN IT ISSUED BY IDWR.

IDWR NORTHERN REGION STAFF HAVE DETERMINED THAT REPUBLICATION OF LEGAL NOTICES IS NOT REQUIRED BECUASE NO WATER RIGHTS ARE INJURED BY REDUCTION OF THE PLACE OF USE TO THE ORIGINAL STATED IN THE APPLICATION. NO PROTESTS HAVE BEEN RECEIVED ON THE APPLICATION.

M E M O R A N D U M

Date: October 06, 2016
To: Water Right File 85-15776
From: Shaun Maxey
Re: POU SHAPE

ARCMAP POU SHAPE AND PLS DESCRIPTION CHANGED TO ORIGINAL INFORMATION SHOWN
IN APPLICATION MAP 10/6/16 BEFORE ISSUING PERMIT.

CHANGE MADE IN ACCORDNACE WITH INFORMATION IN E-MAIL AND TELEPHONE
CONVERSATION WITH APPLICANT DUANE REMACLE 10/6/16.

Maxey, Shaun

From: Maxey, Shaun
Sent: Thursday, October 06, 2016 2:01 PM
To: 'Duanne Remacle'
Subject: RE: Clarifications on Water Right Application

Mr. Remacle:

Thanks for your e-mail and the clarification of your intent that you provided, in our phone conversation earlier today, about the Place of Use for your Water Right Permit. Your Permit will be issued, as we discussed in our phone conversation, with the Place of Use shown on the map accompanying your original Water Right Permit Application (T35N R05W S.13 NE NW).

Please contact me if you have any question sat (208) 762.2800.

Thanks,

Shaun

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral DR Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762.2816 /2800
Fax (208) 762.2819
www.idwr.idaho.gov

From: Duanne Remacle [<mailto:duaneremacle77@gmail.com>]
Sent: Thursday, October 06, 2016 1:41 PM
To: Maxey, Shaun
Subject: Re: Clarifications on Water Right Application

We are going to use first place of use in the NE of NW section for this water right. Thank you

Sent from my iPhone

On Aug 4, 2016, at 4:33 PM, Maxey, Shaun <Shaun.Maxey@idwr.idaho.gov> wrote:

Mr. Remacle:

Thanks for the information you provided in our telephone call earlier today. It is my understanding that you will be amending the Application and that it will be either sent via U.S. mail or hand delivered.

Thanks,

Shaun Maxey

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral DR Suite 100

CONVERSATION MEMO

OV- Office Visit T-Telephone M-Meeting O- Other

TO Right No. 85-15776

FROM Shaun Maxey, IDWR

☐ OV ☒ T ☐ M ☐ Other _____ DATE 10/6/16 WITH Duane REMACLE

I telephoned Mr. Remacle to notify him that Nez Perce County Assessor records do not indicate that he and the other Applicants for Permit 85-15776 are the owners of property within T35N, R05W, S.13 NW NW. Mr. Remacle indicated a land trade to include this property had not gone through and he wanted the Permit issued with the original Place of Use shown on the Application.

☐ OV ☐ T ☐ M ☐ Other _____ DATE _____ WITH _____

☐ OV ☐ T ☐ M ☐ Other _____ DATE _____ WITH _____

☐ OV ☐ T ☐ M ☐ Other _____ DATE _____ WITH _____

M E M O R A N D U M

Date: September 23, 2016
To: Water Right File 85-15776
From: smaxey
Re: SUBDIVISION

POINT OF DIVERSION AND PLACE OF USE ARE WITHIN LEWISTON ORCHARDS
SUBDIVISION PER ARCMAP TAXLOTS AND NEZ PERCE COUNTY INTERNET MAPPING
WEB SITE. SUBDIVISION LOT AND BLOCK NUMBER ARE NOT SHOWN IN ARCMAP TAXLOTS
OR ON THE NEZ PERCE COUNTY WEB SITE.

TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date:	<u>08/25/2016</u>	INVOICE NO.	<u>126820</u>
Account No.	<u>964750</u>		
Description	<u>126820 The foll</u>		
Times	<u>2</u>	Lines	<u>32</u>
		Tab. lines	
		\$	<u>93.60</u>

**LEGAL ADVERTISING
INVOICE**

Sold To: ID DEPT. OF WATER RESOURCES Dianne Ball
7600 MINERAL DR #100
COEUR D ALENE ID 83814

RECEIVED**AUG 30 2016**

PO#

85-15776**IDWR / NORTH**

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

The following application(s) have been filed to appropriate
the public waters of the State of Idaho:
85-15776

JAMES REMACLE
DUANE REMACLE
ROBIN REMACLE
BARBARA REMACLE
2233 POWERS AVE
LEWISTON, ID 83501
Point of Diversion SWNWNW S13 T35N R05W
NEZ PERCE County

Source SPRING tributary SINKS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 7/28/2016

Place of Use: DOMESTIC 0 T35N R05W S13 NENW NWNW
Domestic use is for 1 home.

Permits will be subject to all prior water rights. For additional
information concerning the property location, contact North-
ern 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 applica-
tion must be filed with the Director, Dept. of Water Resourc-
es, 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 9/6/2016. The protestant must also
send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/18/2016 and 8/25/2016

Karen J. Lewis, being duly sworn, deposes and
says, I am the Legal Clerk of the Tribune
Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho
and under and by virtue of the laws of the State of Washington,
publishers of the Lewiston Tribune, a news-
paper of general circulation published at Lewiston, Nez Perce
County, Idaho; That the said Lewiston Tribune is
an established newspaper and has been published regularly
and issued regularly at least once a day for more than 105
consecutive years next immediately preceding the first
publication of this notice, and has been so published
uninterrupted for said period; that the 126820 The foll
attached hereto and which is made a part of this affidavit
was published in the said Lewiston Tribune,

2 time(s). Publication being on
08/18, or once a Week
for 2 consecutive Week,
the first publication thereof being on the 08/18/2016,
and the last publication thereof being on the 08/25/2016,
and said 126820 The foll was so published in the
regular and entire issue of said newspaper and was not in a
supplement thereof and was so published in every issue and
number of the said paper, during the period and times of
publication as set forth above.

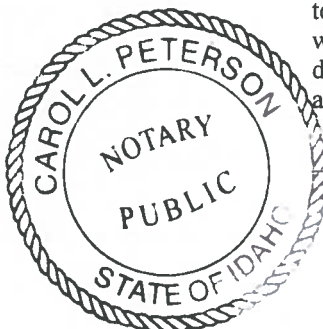
Karen J. Lewis

State of Idaho

S.S.

County of Nez Perce

On this 29th day of August in the year
of 2016, before me, a Notary Public, personally
appeared Karen J. Lewis, 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.



Carol L. Peterson
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 9-1-2017