

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 97-07537

PLACE OF USE: IRRIGATION FROM STORAGE AND IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
58N 04W 8	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	1.0

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2019**.
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. 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.
6. Stockwater is for 12 head of mixed stock.
7. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
8. Right 97-7537 authorizes a total annual storage volume of 3.3 acre-feet to be used for the initial filling of the pond, for the replacement of losses caused by seepage and evaporation, and for the storage of water for stockwater, irrigation, and fire protection purposes.
9. The pond established by the storage of water under this right shall not exceed a total capacity of 0.11 acre-feet or a total surface area of 0.03 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 19th day of September, 20 16.

Morgan Case
MORGAN CASE, Northern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
97-7537

This map depicts the IRRIGATION FROM STORAGE and 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.

04W



-  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
97-7537

This map depicts the STOCKWATER FROM STORAGE and 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.

04W



-  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
97-7537

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.

04W



-  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

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

September 27, 2016

GARY SPACKMAN
Director

JANA OSTLER
4672 GLEASON MC ABEE FALLS RD
PRIEST RIVER ID 83853

RE: Permit No.97-7537

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)

cc: BRIAN DOMKE

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 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.

97-7537

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

**JANA OSTLER
4672 GLEASON MC ABEE FALLS RD
PRIEST RIVER ID 83853**



**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
SEP 8 2013
IDWR / NORTH

STATE OF IDAHO)
) ss.
County of Bonner)

Holly Fredericks, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached legal notice.
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the legals clerk of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 18 day of Aug, 2016, and ending on the 25 day of Aug, 2016.

H Fredericks

State of Idaho, county of Bonner ss.

On this 25 day of Aug, in the year of 2016, before me, Katrina George, Notary Public, personally appeared Holly Fredericks, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Katrina George
Notary Public

Residing at: Kootenai County

Comm. Exp.: MY COMMISSION EXPIRES 8/29/17



RECEIVED

SEP 06 2015

IDWR / NORTH
97-7537

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

96-9632

CHARLES & MARLA MAILE FAMILY TRUST NOVEMBER 24 2008

223 SKY MEADOW LANE

SAGLE, ID 83860

Point of Diversion SESW S4 T56N R01W BONNER County

Source GROUND WATER

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

Use: IRRIGATION 04/01 to 10/31 0.16 CFS

Total Diversion: 0.2 CFS

Date Filed: 7/11/2016

Place of Use: IRRIGATION T56N R01W S4 SWSW SESW

Place of Use: DOMESTIC T56N R01W S4 SESW

Total Acres: 8.5

DOMESTIC USE IS FOR 1 HOME.

96-9633

KEN FINLAYSON

ANGELA FINLAYSON

12300 N HOLMES LN

HAYDEN, ID 83835

Point of Diversion SWSNW S27 T55N R03W BONNER County

Source SPRING tributary SINKS

Point of Diversion SENW S27 T55N R03W BONNER County

Source UNNAMED STREAM tributary FISH CREEK

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

Use: IRRIGATION 04/01 to 10/31 0.15 CFS

Total Diversion: 0.19 CFS

Date Filed: 7/20/2016

Place of Use: DOMESTIC T55N R03W S27 SENW

Place of Use: IRRIGATION T55N R03W S27 SENW

Total Acres: 5

Domestic use is for 1 home.

96-9634

PETER FREEMAN

PO BOX 157

DOVER, ID 83825-0157

Point of Diversion NESW S23 T57N R03W BONNER County

Source GROUND WATER Tributary GARR CREEK

Point of Diversion NESW S23 T57N R03W BONNER County

Source GROUND WATER tributary CARR CREEK

Use: DIVERSION to Storage 01/01 to 12/31 0.2 CFS

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

Use: FIRE Protection Storage 01/01 to 12/31 1.4 AF

Use: IRRIGATION 04/01 to 10/31 0.05 CFS

Use: IRRIGATION from Storage 04/01 to 10/31 4.5 AF

Use: IRRIGATION Storage 01/01 to 12/31 5.9 AF

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

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

Use: STOCKWATER Storage 01/01 to 12/31 1.5 AF

Total Diversion: 0.2 CFS 6 AF

Date Filed: 7/11/2016

Place of Use: IRRIGATION T57N R03W S23 NESW SESW

Place of Use: DOMESTIC T57N R03W S23 NESW

Place of Use: STOCKWATER T57N R03W S23 NESW SESW

Place of Use: IRRIGATION from Storage T57N R03W S23 NESW

SESW

Place of Use: IRRIGATION Storage T57N R03W S23 NESW SESW

Place of Use: STOCKWATER Storage T57N R03W S23 NESW

SESW

Place of Use: STOCKWATER from Storage T57N R03W S23 NESW

SESW

Place of Use: FIRE Protection Storage T57N R03W S23 NESW

SESW

Total Acres: 1.5

Domestic use is for 1 home

Stockwater use is for 10 head mixed stock.

97-7536

LEVI EDGEcombe

DENISE EDGEcombe

11123 148TH ST E

PUYALLUP, ID 98374

Point of Diversion L1 (SENE) S28 T60N R04W BONNER County

Source PRIEST LAKE tributary PRIEST RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 7/20/2016

Place of Use: DOMESTIC T60N R04W S28 L1 (SENE)

Domestic use is for 1 home, with up to 1/2 acre irrigation.

JANA OSTLER

4672 GLEASON MC ABEE FALLS RD

PRIEST RIVER, ID 83853

Point of Diversion NENESW S8 T58N R04W BONNER County

Source SPRING tributary SINKS

Point of Diversion NESW S8 T58N R04W BONNER County

Source SURFACE RUNOFF

Use: DIVERSION to Storage 01/01 to 12/31 0.07 CFS

Use: FIRE Protection Storage 01/01 to 12/31 0.2 AF

Use: IRRIGATION 04/01 to 10/31 0.03 CFS

Use: IRRIGATION from Storage 04/01 to 10/31 3 AF

Use: IRRIGATION Storage 01/01 to 12/31 3.2 AF

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

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

Use: STOCKWATER Storage 01/01 to 12/31 0.3 AF

Total Diversion: 0.12 CFS 3.3 AF

Date Filed: 7/22/2016

Place of Use: STOCKWATER T58N R04W S8 SENW NESW

Place of Use: FIRE Protection Storage T58N R04W S8 NESW

Place of Use: STOCKWATER Storage T58N R04W S8 NESW

Place of Use: IRRIGATION from Storage T58N R04W S8 NESW

Place of Use: STOCKWATER from Storage T58N R04W S8 SENW

NESW

Place of Use: IRRIGATION Storage T58N R04W S8 NESW

Place of Use: IRRIGATION T58N R04W S8 NESW

Total Acres: 1

Stockwater use is for 12 head of mixed stock.

97-7538

JANA OSTLER

4672 GLEASON MC ABEE FALLS RD

PRIEST RIVER, ID 83853

Point of Diversion NENESW S8 T58N R04W BONNER County

Source SPRING tributary SINKS

Point of Diversion NESW S8 T58N R04W BONNER County

Source SURFACE RUNOFF

Use: DIVERSION to Storage 01/01 to 12/31 0.12 CFS

Use: FIRE Protection Storage 01/01 to 12/31 0.2 AF

Use: IRRIGATION 04/01 to 10/31 .03 CFS

Use: IRRIGATION from Storage 04/01 to 10/31 3 AF

Use: IRRIGATION Storage 01/01 to 12/31 3.2 AF

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

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

Use: STOCKWATER Storage 01/01 to 12/31 0.3 AF

Total Diversion: 0.17 CFS 3.3 AF

Date Filed: 7/22/2016

Place of Use: IRRIGATION T58N R04W S8 NESW

Place of Use: FIRE Protection Storage T58N R04W S8 NESW

Place of Use: STOCKWATER Storage T58N R04W S8 NESW

Place of Use: STOCKWATER T58N R04W S8 SENW NESW

Place of Use: STOCKWATER from Storage T58N R04W S8 SENW

NESW

Place of Use: IRRIGATION Storage T58N R04W S8 NESW

Place of Use: IRRIGATION from Storage T58N R04W S8 NESW

Total Acres: 1

Stockwater use is for 12 head of mixed stock.

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

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

SNP LEAL 4050

AUGUST 18, 25, 2016