

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-17186

Priority: August 05, 2016

Maximum Diversion Rate: 0.04 CFS

This is to certify, that RALPHINE FALLQUIST
11808 E 15TH AVE
SPOKANE VALLEY WA 99206

has applied for a permit to appropriate water from:

Source: HAYDEN LAKE

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:

HAYDEN LAKE L7 (SW 1/4, SW 1/4), Sec. 34, Twp 52N, Rge 03W, 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	
52N	03W	34																	
																			X
																			L7

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. 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 home.
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. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 95A.
9. Place of use is located within Lot 21, and Lot 22, Hayden Lake Park subdivision.

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

Signed, this 19th day of September, 20 16.


MORGAN CASE, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17186

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.

03W



- 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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 23, 2016

RALPHINE FALLQUIST
11808 E 15TH AVE
SPOKANE VALLEY WA 99206

RE: Permit No.95-17186

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 September 23, 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.

95-17186

**RALPHINE FALLQUIST
11808 E 15TH AVE
SPOKANE VALLEY WA 99206**



**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.

MEMORANDUM

To: WR File 95-17186

From: Morgan Case

Date: 9/22/2016

Re: Original Application Pages

Between scanning the original application and preparing the water right file, a cup of coffee was spilled on the application. In order to maintain a legible file, staff printed a color copy of the scanned application and replaced all but the signature page of the application.

M E M O R A N D U M

Date: September 21, 2016
To: Water Right File 95-17186
From: smaxey
Re: NO OVERLAP

The ArcMap Place Of Use for Water Right 95-9384 is currently shown as overlapping the 95-17186 Place Of Use. A change of ownership has been submitted to IDWR by Nesvold that indicates the Place Of Use for 95-9384 has been moved to Nesvold's interior lot at Hayden Lake.

A new Water Right Permit Application is required for Fallquist. Ms. Fallquist has applied for an Encroachment Permit for a new dock and water line to supply her waterfront lots at Hayden Lake. The prior owner of the Fallquist property (Wert) created an easement to allow water to be brought from the original 95-9384 Point Of Diversion across the Fallquist property to Nesvold.



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

September 16, 2016

Ms. Ralphine Fallquist
11808 E 15TH AVE
Spokane, WA 99206

Dear Ms. Fallquist:

Idaho Department of Water Resources (IDWR) is nearing completion of the process required to issue a new Water Right permit for your property on Hayden Lake. Additional information is needed from you concerning the status of the home, and a Water Right ownership change, for existing water Right 95-9384. Water Right 95-9384 appears to be applicable to your property.

Please contact me at (208) 762.2816 or at the address shown above for our office in Coeur d'Alene.

Respectfully,

Shaun M. Maxey
Senior Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 Mineral DR, Ste. 100
Coeur d'Alene, ID 83815

Maxey, Shaun

From: Ralphine Fallquist [ralphine.fallquist@comcast.net]
Sent: Friday, September 16, 2016 12:06 PM
To: Maxey, Shaun
Cc: ralphine.fallquist@comcast.net
Subject: application for permit No 95-17186

Hi Mr. Maxey,

Regarding water right No 95-9384 a water right of ownership change from Wert to Nesvold.

I will need a new point of diversion as required for my water right permit application No. 95-17186.

Please let me know if anything else is needed. Thank you!

Sincerely,

Ralphine Fallquist

509-924-7344 or 509-990-8158

CONVERSATION MEMO

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

TO Right No. 95-17186

FROM Shaun MAXEY, IDWR

☐ OV ☐ T ☐ M ☒ Other ^{Text} ~~Message~~ DATE 9/15/16 WITH FALLQUIST, Ralphone
Sent text message to cell phone number requesting
she contact me about Water Right claim 95-17186,
which overlaps 95-9384 and an Ownership Change.
Cell Phone number for Ms. FALLQUIST is (509) 990-8158.

☐ OV ☐ T ☐ M ☒ Other ^{Voice} ~~Mail~~ DATE 9/16/16 WITH FALLQUIST, Ralphone
Left voicemail message requesting callback from Ms.
FALLQUIST on her home phone number (509) 924-7344.

☐ OV ☒ T ☐ M ☐ Other _____ DATE 9/16/16 WITH FALLQUIST, Ralphone
Ms. FALLQUIST telephoned me. She indicated water right
95-9384 is no longer applicable to her property on Hayden
Lake because the prior owner gave it to a different lot
owner (NESVOLD) and established an easement from the
original 95-9384 Point of Diversion to a new Place of Use
(Nesvold property). Ms. Fallquist will build new Point of Diversion
with a dock and new Encroachment Permit.

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

Maxey, Shaun

From: Maxey, Shaun
Sent: Thursday, September 15, 2016 5:01 PM
To: '5099908158@vtext.com'
Subject: Please call Idaho DEPT Water Resources

Ms. Fallquist:

Please give me a telephone call tomorrow at (208) 762.2816 . I need to ask you a couple of routine questions about an existing Water Right (95-17186) and a Notice of Change In Water Right ownership.

Thanks,

Shaun Maxey

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

AFFIDAVIT OF PUBLICATION

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

RECEIVED
AUG 29 2016
IDWR / NORTH

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 18 day of Aug 2016, and
ending on the 25 day of Aug 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. Holly Fredericks

On this 25 day of Aug 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

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

95-17177

R & B PREMIER ENTERPRISE LLC

1869 E SELTICE WAY #376

POST FALLS, ID 83854

Point of Diversion L4(NWNW) S6 T50N R05W KOOTENAI County

Source GROUND WATER

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

Use: IRRIGATION 03/15 to 11/15 0.09 CFS

Total Diversion: 0.11 CFS

Date Filed: 6/28/2015

Place of Use: DOMESTIC T50N R05W S6 L4(NWNW)

Place of Use: IRRIGATION T50N R05W S6 L4(NWNW) L5(SWNW)

Total Acres: 3

Domestic use is for office.

95-17178

TIMOTHY GRAY

HEATHER GRAY

23617 N LAKEVIEW BLVD

RATHDRUM, ID 83858

Point of Diversion SWSW S29 T53N R02W KOOTENAI County

Source GROUND WATER

Use: COMMERCIAL 01/01 to 12/31 0.2 CFS

Use: FIRE Protection 01/01 to 12/31 0.5 CFS

Use: IRRIGATION 04/01 to 10/31 0.47 CFS

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

Total Diversion: 0.5 CFS

Date Filed: 7/6/2016

Place of Use: IRRIGATION T53N R02W S29 NESW NWSW SWSW

Place Of Use: FIRE PROTECTION T53N R02W S29 NESW NWSW

SWSW SESW

Place of Use: STOCKWATER T53N R02W S29 NESW NWSW

SWSW

Place of Use: COMMERCIAL T53N R02W S29 NWSW

Total Acres: 23.6

Commercial use is for 10-room guest ranch.

Stockwater use is for 50 head of mixed stock.

95-17179

JENNIFER SEIB

JOHN SEIB

25164 N CEDAR MOUNTAIN RD

ATHOL, ID 83801

Point of Diversion SENE S34 T53N R03W KOOTENAI County

Source GROUND WATER

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

Total Diversion: 0.04 CFS

Date Filed: 7/7/2016

Place of Use: DOMESTIC T53N R03W S34 NENE NWNE

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

95-17185

LUTHERHAVEN MINISTRIES

3258 W LUTHERHAVEN RD

COEUR D'ALENE, ID 83814

Point of Diversion L5(NWSW) S11 T49N R04W KOOTENAI CO

Source GROUND WATER tributary COEUR D'ALENE LAKE

Use: MUNICIPAL 01/01 to 12/31 0.07 CFS

Total Diversion: 0.07 CFS

Date Filed: 8/1/2016

Place Of Use: MUNICIPAL T49N R04W S10 NENE SENE

L4(NESE)

T49N R04W S11 NWNW SWNW L5(NWSW)

Municipal use is within the service area of applicant

95-17186

RALPHINE FALLQUIST

11808 E 15TH AVE

SPOKANE VALLEY, WA 99206

Point of Diversion L7(SWSW) S34 T52N R03W KOOTENAI County

Source HAYDEN LAKE tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 8/5/2016

Place of Use: DOMESTIC T52N R03W S34 L7(SWSW)

Domestic use is for 1 home.

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

LEGAL 6124

AUGUST 18, 25, 2016

RECEIVED
AUG 29 2016
IDWR / NORTH