

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-17185

Priority: August 01, 2016

Maximum Diversion Rate: 0.07 CFS
Maximum Diversion Volume: 14.6 AF

This is to certify, that LUTHERHAVEN MINISTRIES
3258 W LUTHERHAVEN RD
COEUR D ALENE ID 83814

has applied for a permit to appropriate water from:

Source: GROUND WATER

Tributary: COEUR D ALENE LAKE

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>	<u>ANNUAL VOLUME</u>
MUNICIPAL	01/01 to 12/31	0.07 CFS	14.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L5 (NW1/4SW1/4) Sec. 11, Twp 49N, Rge 04W, B.M. KOOTENAI County

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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Place of use is within the area served by the public water supply system of Camp Lutherhaven ID1280029. The place of use is generally located within Section 10, Township 49N, Range 04W.
6. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
7. Rights 95-11027 and 95-17185 when combined shall not exceed a total diversion rate of 0.14 cfs and a total annual maximum diversion volume of 14.6 af.
8. 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.

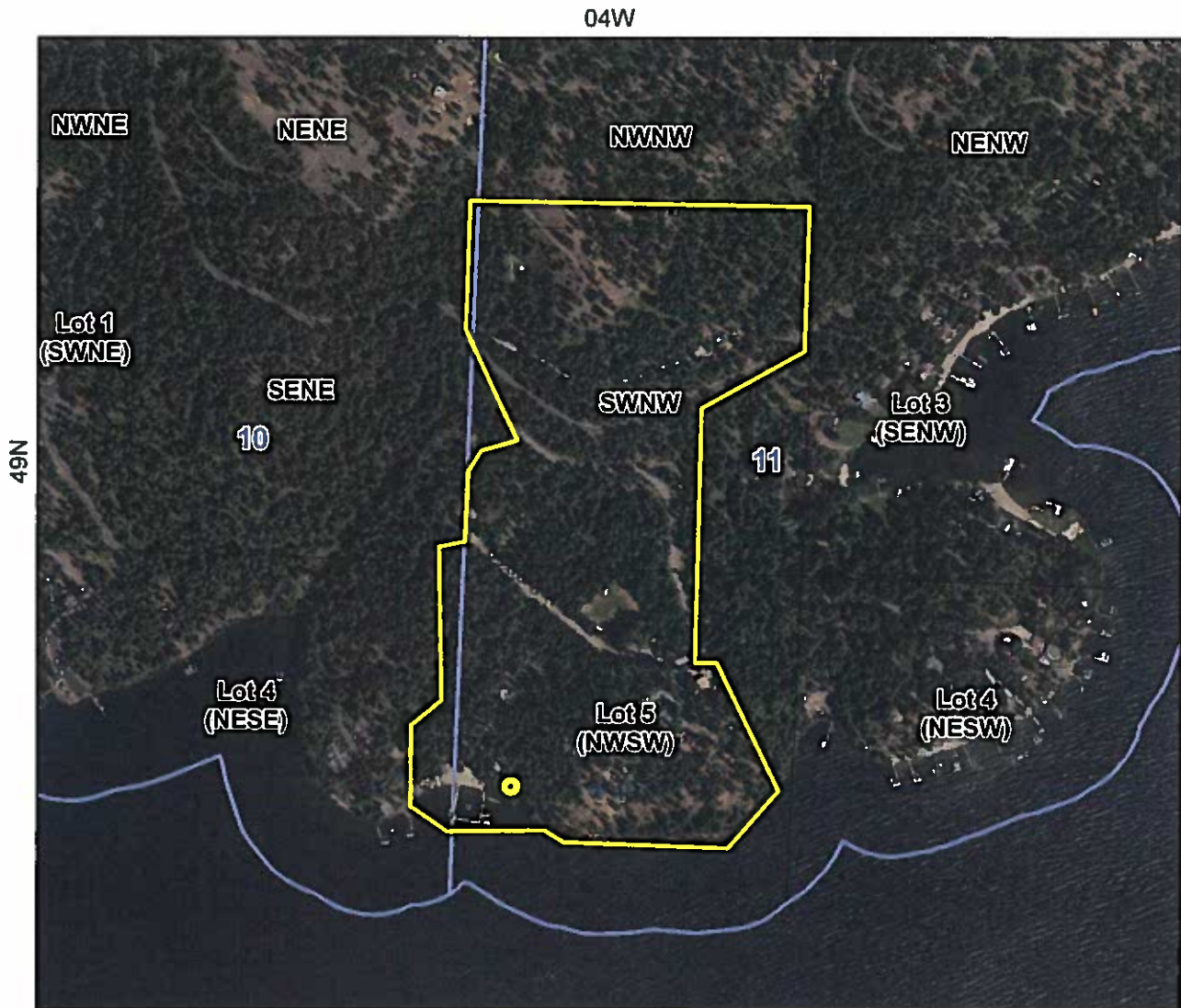
Signed this 19th day of September, 20 16.


MORGAN CASE, Northern Regional Manager

Attachment to Permit to appropriate Water

95-17185

This map depicts the MUNICIPAL 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
-  Water Service Area Boundary
-  Townships
-  PLS Sections

0 0.075 0.15 0.3 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

LUTHERHAVEN MINISTRIES
3258 W LUTHERHAVEN RD
COEUR D ALENE ID 83814

RE: Permit No.95-17185

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.

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: NECIA MAIANI
350 E KATHLEEN AVE
COEUR D ALENE ID 83815

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. 95-17185

**NECIA MAIANI
350 E KATHLEEN AVE
COEUR D ALENE ID 83815**

**LUTHERHAVEN MINISTRIES
3258 W LUTHERHAVEN RD
COEUR D ALENE ID 83814**



**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

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 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

RECEIVED
AUG 29 2016
IDWR / NORTH

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(NENE)
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