

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-17177

Priority: June 28, 2015

Maximum Diversion Rate: 0.11 CFS

This is to certify, that R & B PREMIER ENTERPRISE LLC
1869 E SELTICE WAY #376
POST FALLS ID 83854

has applied for a permit to appropriate water from:

Source: GROUND WATER

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
IRRIGATION	03/15 to 11/15	0.09 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 (NW1/4, NW1/4), Sec. 6, Twp 50N, Rge 05W, 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	
50N	05W	6																	
									X										
									L4										

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50N	05W	6																	
									2.0	1.0									
									L4	L5									3.0

Total Acres: 3

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2021**.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the RPGWMA management plan approved by the director, including its conservation goals.
6. 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.
7. Domestic use is for 1 office. Irrigation of lawn, garden and landscaping associated with the office is authorized under the irrigation component of this right.
8. 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.

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

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

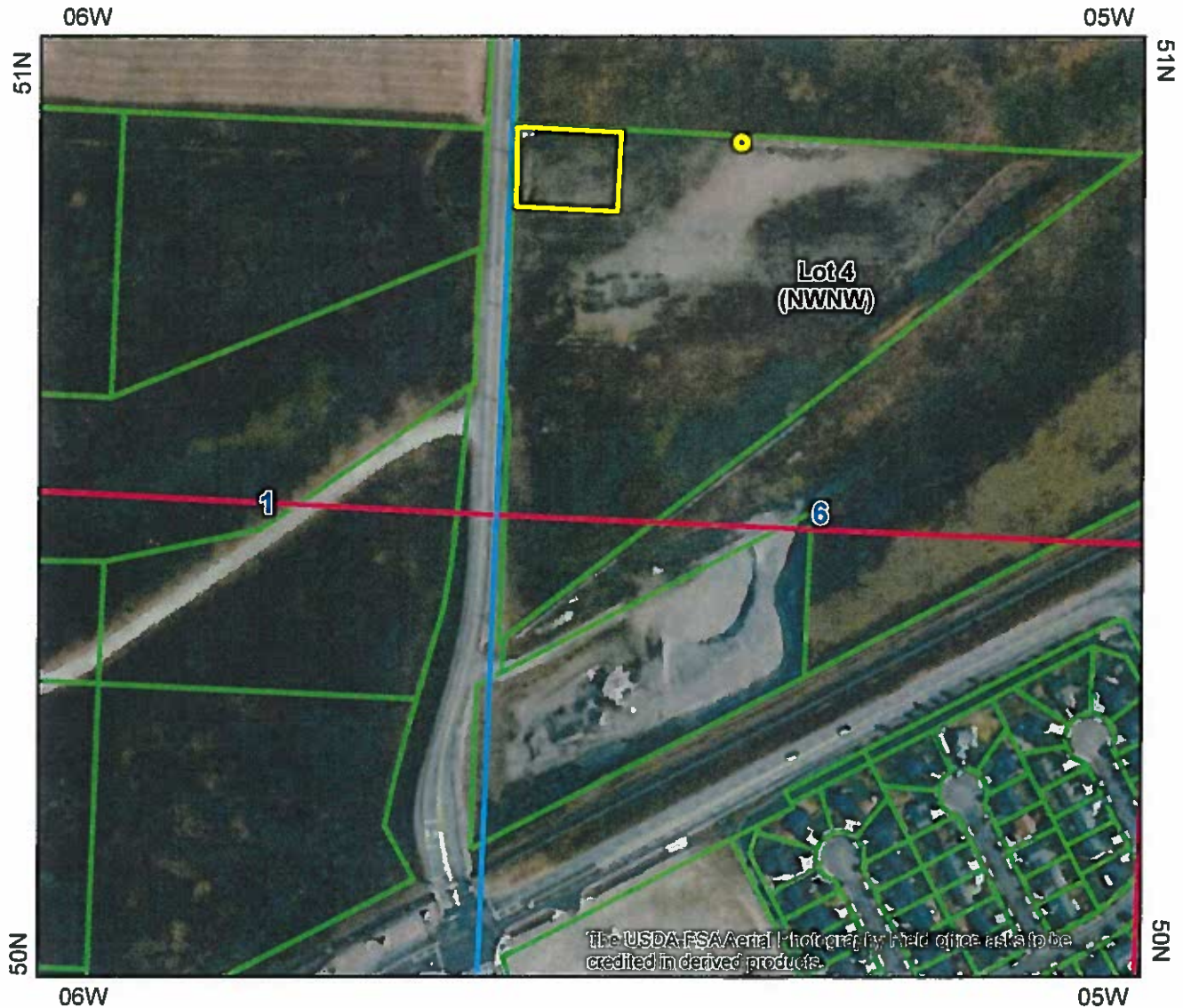
Morgan Case
MORGAN CASE, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17177

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 0.0425 0.085 0.17 Miles

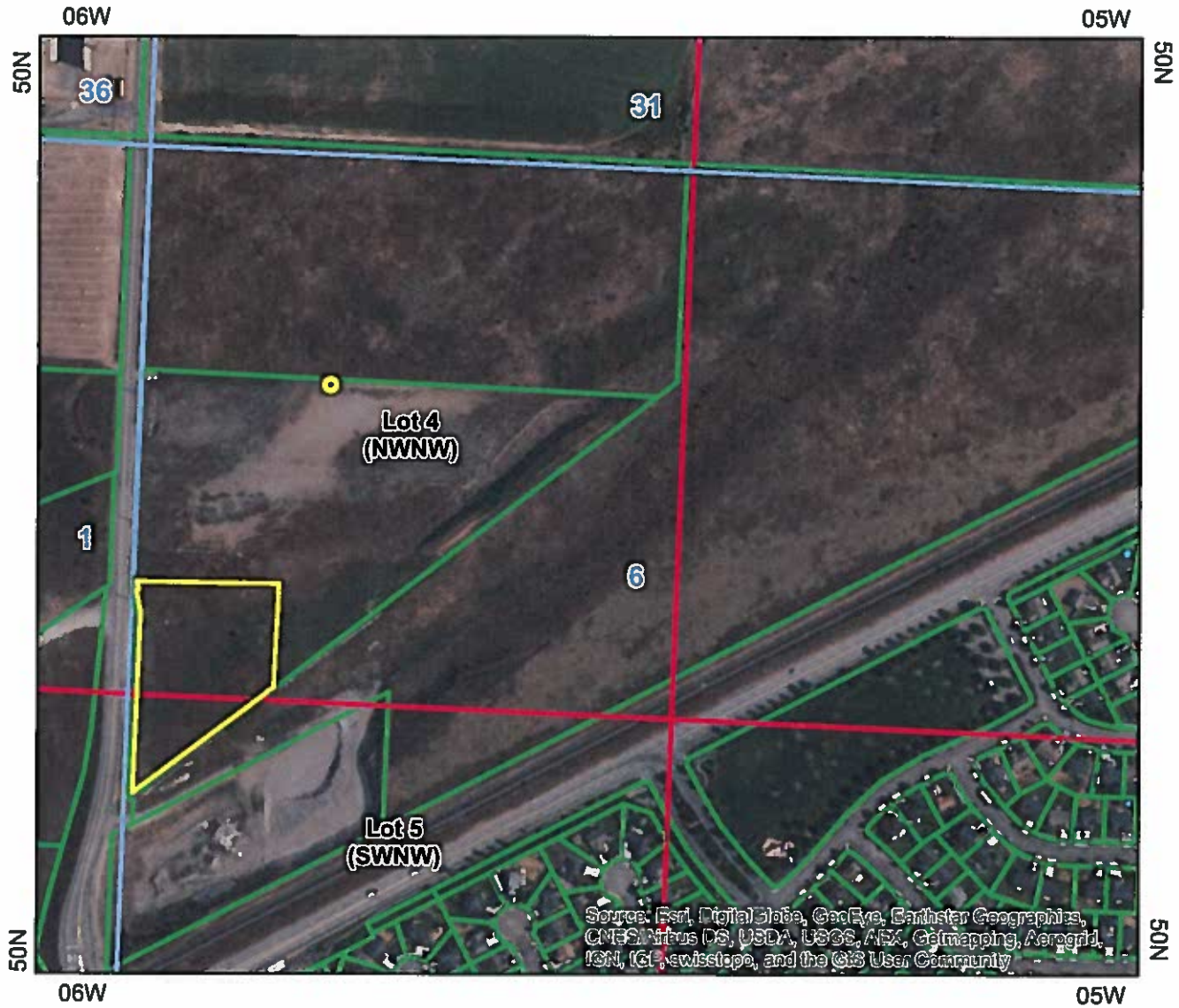


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17177

This map depicts the 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.



- 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

GARY SPACKMAN
Director

September 23, 2016

R & B PREMIER ENTERPRISE LLC
1869 E SELTICE WAY #376
POST FALLS ID 83854

RE: Permit No.95-17177

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.

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)

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. 95-17177

**R & B PREMIER ENTERPRISE LLC
1869 E SELTICE WAY #376
POST FALLS ID 83854**



**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: September 23, 2016
To: Water Right File 95-17177
From: smaxey
Re: APPLICANT ADDRESS

APPLICANT CONFIRMED BY E-MAIL THAT UNIT NUMBER SHOWN ON APPLICATION ADDRESS IS INCORRECT AND THAT THE CORRECT UNIT IS # 376. THE CORRECT ADDRESS WAS PUBLISHED IN THE SECOND LEGAL NOTICE.

IDWR STAFF STARTED INVESTIGATION OF DIFFERENCE BETWEEN APPLICATION UNIT ADDRESS AND CORRECT ADDRESS IN RESPONSE TO A RETURNED MAIL NOTICE.

IDWR NORTHERN REGION STAFF HAVE DETERMINED THAT RE- PUBLICATION IS NOT REQUIRED BECAUSE NO PROTESTS HAVE BEEN RECEIVED AND THERE IS LITTLE LIKELIHOOD OF DAMAGE TO EXISTING WATER RIGHTS BY APPROVAL OF THE PERMIT

ADDRESS UNIT NUMBER HAS BEEN CORRECTED IN IDWR RECORDS.

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(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

Ball, Dianne

From: Maxey, Shaun
Sent: Monday, August 22, 2016 8:26 AM
To: Ball, Dianne
Subject: Corrected Address legal notice publication 95-17177

Dianne:

I have received an email reply from the Applicants on 95-17177 (R & B Premier Enterprise) indicating that unit number on their address was incorrect. It should be #376 instead of #369.

I have corrected the address in Application Data Entry.

The correct address is shown below:

Dearest Shaun Maxey,

Thank you for reaching out to us. Our correct address is 1869 E. Seltice Way #376 Post Falls, Idaho 83854

Sincerely,

Mary Legg / Renee DiFronzo

R&B Premier Enterprise, LLC

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

Maxey, Shaun

From: Mary Legg [plyn360247@yahoo.com]
Sent: Saturday, August 20, 2016 12:49 PM
To: Maxey, Shaun; rkdfrozo@yahoo.com
Cc: 5032086449@vtext.com; 7077585142@vtext.com
Subject: Re: Incorrect address for Idaho Water Right Permit legal notices

Dearest Shaun Maxey,

Thank you for reaching out to us. Our correct address is 1869 E. Seltice Way #376 Post Falls, Idaho 83854

Sincerely,

Mary Legg / Renee DiFronzo

R&B Premier Enterprise, LLC

On Friday, August 19, 2016 3:33 PM, "Maxey, Shaun" <Shaun.Maxey@idwr.idaho.gov> wrote:

Dear Applicants:

Idaho DEPT of Water Resources (IDWR) received a 'Return to Sender' mail notice today from the U.S. Post Office indicating that delivery was attempted and they are unable to forward mail.. The notice was on a letter sent to you concerning the legal notice publication dates for your Water Right Permit.

We must have your correct address to publish accurate legal notices in accordance with Idaho Code and to continue processing your Permit Application.

The letter was sent to the address shown below:

R & B PREMIER ENTERPRISE LLC
1869 E SELTICE WAY #369
POST FALLS ID 83854

Please contact me in writing as soon as possible with the correct address.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815
Return Service Requested

500-5606-3229

RECEIVED
AUG 19 2016
IDWR / NORTH

SPRING
11 AUG 16
PM 1 11

R & B PREMIER ENTERPRISE LLC
1869 E SELTICE WAY #369
POST FALLS, ID 83854
NIXIE

83815 @7763

