

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-17170

Priority: May 27, 2016

Maximum Diversion Rate: 0.04 CFS

This is to certify, that ROBERT J LAUER And
BRENDA J CHRISTENSEN
31780 N TIARA LN
ATHOL ID 83801

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

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4NE1/4 Sec. 11, Twp 53N, 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	
53N	03W	11	X																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 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. 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.
5. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
6. When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.
7. Domestic use is for 1 home.
8. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
9. Point of diversion is located within Lot 4, Crest Wood Subdivision.
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 9th day of August, 20 16.


MORGAN CASE, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17170

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
-  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

GARY SPACKMAN
Director

August 24, 2016

ROBERT J LAUER
BRENDA J CHRISTENSEN
31780 N TIARA LN
ATHOL ID 83801

RE: Permit No.95-17170

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.

Enclosed you will find a Change in Address form. Correspondences to your address of record have been returned as undeliverable. Please submit a completed change of address form to update our records.

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 August 24, 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. 95-17170

**BRENDA J CHRISTENSEN
31780 N TIARA LN
ATHOL ID 83801**

**ROBERT J LAUER
31780 N TIARA LN
ATHOL ID 83801**

**ROBERT J LAUER
10300 E HOWARD RD
ATHOL ID 83801**



**Dianne 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

RECEIVED

JUL 18 2016

IDWR / NORTH

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 issue of said newspaper for 2 consecutive THUR weeks commencing on the 7 day of July, 2016, and ending on the 14 day of July, 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 14 day of July 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

JUL 18 2016

IDWR / NORTH

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

94-9482

J EDWARD SHORT

PO BOX 2728

COEUR D ALENE, ID 83816

Point of Diversion L5(SESW) S32 T49N R01E KOOTENAI County

Source COEUR D ALENE RIVER tributary COEUR D ALENE LAKE

Use: IRRIGATION	03/15 to 10/31	0.03 CFS
	Total Diversion:	0.03 CFS

Date Filed: 5/20/2016

Place of Use: IRRIGATION T49N R01E S32 L5(SESW)

Total Acres: 1

95-17161

REBECCA KARVONEN

10997 W THOMPSON RD

COEUR D ALENE, ID 83814

Point of Diversion SESW S26 T50N R05W KOOTENAI County

Source(2) NORTH FORK COUGAR CREEK tributary COUGAR CREEK

Use: FIRE PROTECTION STORAGE	01/01 to 12/31	0.6 AF
Use: IRRIGATION from STORAGE	03/15 to 11/15	6.9 AF
Use: IRRIGATION STORAGE	01/01 to 12/31	7.5 AF
Use: RECREATION STORAGE	01/01 to 12/31	0.6 AF
Use: STOCKWATER from STORAGE	01/01 to 12/31	0.2 AF
Use: STOCKWATER STORAGE	01/01 to 12/31	0.8 AF
Use: WILDLIFE STORAGE	01/01 to 12/31	0.6 AF
	Total Diversion:	7.7 AF

Date Filed: 5/11/2016

Place of Use: STOCKWATER STORAGE, STOCKWATER FROM STORAGE, FIRE PROTECTION STORAGE, WILDLIFE STORAGE, RECREATION STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE - T50N R05W S26 SWSW SESW

Irrigation Total Acres: 2.3

Stockwater use is for 12 head of mixed stock.

Recreation use is for swimming.

95-17167

CHRISTINE QUARTIN

212 W IRONWOOD DR STE 281

COEUR D ALENE, ID 83814

Point of Diversion L1(NENW) S31 T49N R03W KOOTENAI County

Source COEUR D ALENE LAKE tributary SPOKANE RIVER

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

Date Filed: 5/18/2016

Place of Use: DOMESTIC T49N R03W S31 L1(NENW)

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

95-17168

JERRY JOHN And/Or

RENATE JOHN

3215 E FRENCH GULCH RD

COEUR D ALENE, ID 83814

Point of Diversion NENE S18 T50N R03W KOOTENAI County

Source FRENCH GULCH CREEK tributary SINKS

Use: IRRIGATION	03/15 to 11/15	0.02 CFS
Use: STOCKWATER	01/01 to 12/31	0.02 CFS
	Total Diversion:	0.04 CFS

Date Filed: 5/20/2016

Place of Use: IRRIGATION T50N R03W S18 NENE

Place of Use: STOCKWATER same as IRRIGATION

Total Acres: 0.5

Stockwater use is for 1 horse and 15 chickens.

95-17169

RAYMOND HUGHES

SHERRY HUGHES

31884 N TIARA LN

ATHOL, ID 83801

Point of Diversion NENE S11 T53N R03W KOOTENAI County

Source GROUND WATER

Use: DOMESTIC	01/01 to 12/31	0.04 GFS
	Total Diversion:	0.04 CFS

Date Filed: 5/27/2016

Place of Use: DOMESTIC T53N R03W S11 NENE

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

95-17170

ROBERT J LAUER

BRENDA J CHRISTENSEN

31780 N TIARA LN

ATHOL, ID 83801

Point of Diversion NENE S11 T53N R03W KOOTENAI County

Source GROUND WATER

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

Date Filed: 5/27/2016

Place of Use: DOMESTIC T53N R03W S11 NENE

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

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/WRAApplicationResults/>

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 7/25/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

LEGAL 5872

JULY 7, 14, 2016