

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 82-12259

Priority: April 15, 2016

Maximum Diversion Rate: 0.25 CFS

This is to certify, that CITY OF STITES
PO BOX 300
STITES ID 83552

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>
MUNICIPAL	01/01 to 12/31	0.25 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4NW1/4NW1/4 Sec. 28, Twp 32N, Rge 04E, B.M. IDAHO County

GROUND WATER SE1/4NE1/4NE1/4 Sec. 29, Twp 32N, Rge 04E, B.M. IDAHO County

GROUND WATER SE1/4SE1/4SE1/4 Sec. 20, Twp 32N, Rge 04E, B.M. IDAHO County

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. Place of use is within the service area of the City of Stites municipal water supply system as provided for under Idaho Law.
5. 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.
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 82-7053 and 82-12259 when combined shall not exceed a total diversion rate of 0.43 cfs.
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 27th day of July, 20 16.

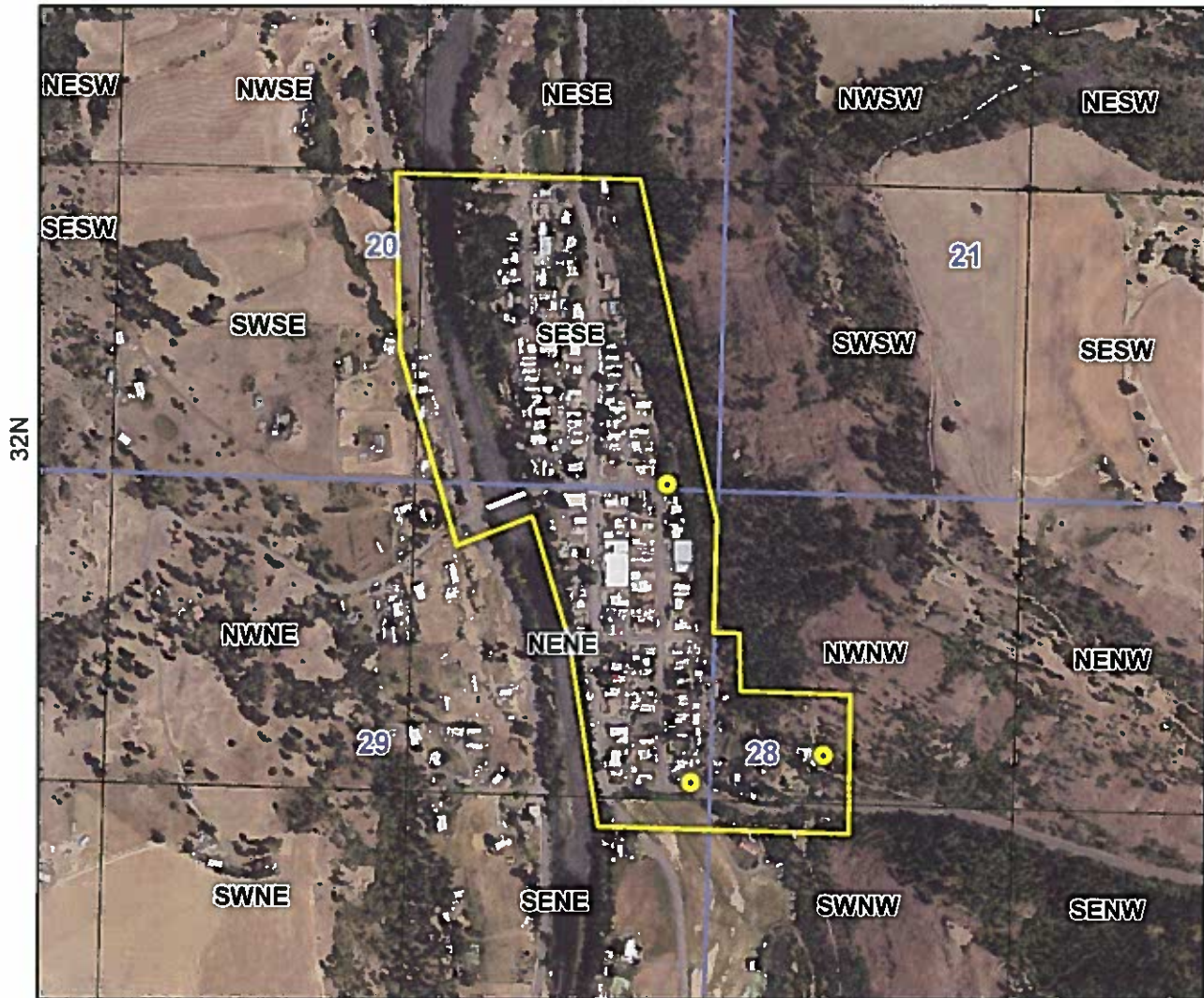

MORGAN CASE, Northern Regional Manager

Attachment to Permit to Appropriate Water

82-12259

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.

04E



● Point of Diversion

□ Water Service Area Boundary

□ Townships

□ PLS Sections





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

July 27, 2016

CITY OF STITES
PO BOX 300
STITES ID 83552

RE: Permit No. 82-12259

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)

CERTIFICATE OF SERVICE

I hereby certify that on July 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.

82-12259

**CITY OF STITES
PO BOX 300
STITES ID 83552**



**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

To: Water Right Application 82-12259

From: Adam Frederick

Date: 7/26/16

Re: Application for a Permit to Appropriate Water within the Salmon and Clearwater River Basins.

Re: Regional Analysis and Recommendation in accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05).

Water Supply Information

The Idaho Department of Environmental Quality was asked for comments regarding this application and did not respond with any comment.

Good Faith, Delay, or Speculative Information

The applicant plans to divert water for his/her own use on property that he/she owns and there are no known issues with any other party.

Financial Resources Information

The applicant will use its own resources to complete the project

Local Public Interest

It is in the public's best interest to approve this permit because of a positive test for E-coli and Coli form on the cities deep well. This new well will give the city more options for clean drinking water for the future.

Injury to Other Water Rights

There does not appear to be any foreseen impacts to the minimum stream flow requirement on the Clearwater River. There have been no objections from the Idaho Department of Fish & Game and the Department of Environmental Quality.

Recommendation

The Northern Region recommends proceeding with the processing of this water right application.

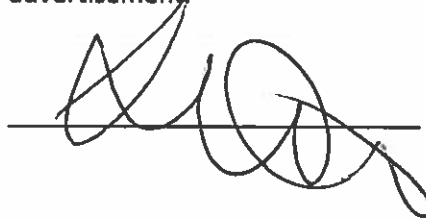
AFFIDAVIT OF PUBLICATION

RECEIVED
JUL 22 2016
IDWR/NORTH

STATE OF IDAHO

County of Idaho - ss.

Sarah S. Klement, being first duly sworn, says she is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for three weeks, being published three times, the first publication being on the 6th day of July, 2016; and the last publication on the 13th day of July, 2016; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)

COUNTY OF IDAHO)

On this 13th day of July in the year of 2016, before me a Notary Public personally appeared Sarah S. Klement, 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 she executed the same.





Notary Public for Idaho

Residing at Grangeville, ID

My commission expires: 1-29-19

RECEIVED
JUL 22 2016
IDWR / NORTH

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

82-12259

CITY OF STITES

PO BOX 300

STITES, ID 83552

Point of Diversion SWNWNW S28 T32N R04E IDAHO County

Point of Diversion SENENE S29 T32N R04E IDAHO County

Point of Diversion SESESE S20 T32N R04E IDAHO County

Source GROUND WATER

Use: MUNICIPAL 01/01 to 12/31 0.25 CFS

Total Diversion: 0.25 CFS

Date Filed: 4/15/2016

Place of Use: MUNICIPAL

Municipal use is within the service area of the applicant.

85-15773

TED G WEEKS

TIFFANY L WEEKS

140 PINE RD

KAMIAH, ID 83536

Point of Diversion L23(NWNWSW) S12 T33N R03E IDAHO CO

Source SPRING tributary SINKS

Use DOMESTIC 01/01 to 12/31 0.04 CFS

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

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

Total Diversion: 0.15 CFS

Date Filed: 5/9/2016

Place of Use: DOMESTIC T33N R03E S12 L10(SWNW) L23(NWSW)

Place of Use: STOCKWATER and IRRIGATION

T33N R03E S12 L10(SWNW) L23(NWSW)

Total Acres: 3

Domestic use is for 1 home.

Stockwater use is for 5 head of mixed stock.

85-15775

STEPHEN W HACKNEY

309 FARRENS CREEK LN

GRANGEVILLE, ID 83530

Point of Diversion SWSESE S11 T29N R03E IDAHO County

Source SPRING Tributary SINKS

Point of Diversion NESESE S11 T29N R03E IDAHO County

Source SPRING Tributary SINKS

Use: FIRE PROTECTION Storage 01/01 to 12/31 19.3 AF

Use: RECREATION Storage 01/01 to 12/31 19.3 AF

Use: STOCKWATER Storage 01/01 to 12/31 19.9 AF

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

Total Diversion: 0.02 CFS 19.9 AF

Date Filed: 5/31/2016

Place of Use: STOCKWATER from Storage T29N R03E S11 SESE

Place of Use: STOCKWATER Storage T29N R03E S11 SESE

Place of Use: RECREATION Storage T29N R03E S11 SESE

Place of Use: FIRE PROTECTION Storage T29N R03E S11 SESE

Stockwater use is for 22 head of cattle and horses

Recreation use is for swimming.

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

Published on 7/6/2016 and 7/13/2016

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