

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-17153

Priority: May 06, 2016

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 77.5 AF

This is to certify, that **RAYMOND & JOYCE LABOURE FAMILY TRUST**
1668 S ALANIU PL
KIHU HI 96753

has applied for a permit to appropriate water from:

Source: HAUSER CREEK
UNNAMED STREAM
GROUND WATER

Tributary: HAUSER LAKE
HAUSER 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>
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
WILDLIFE	01/01 to 12/31	0.20 CFS	
WILDLIFE STORAGE	01/01 to 12/31		77.5 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SE1/4SW1/4 Sec. 6, Twp 51N, Rge 05W, B.M. KOOTENAI County
UNNAMED STREAM NE1/4NW1/4 Sec. 7, Twp 51N, Rge 05W, B.M. KOOTENAI County
GROUND WATER SE1/4SW1/4 Sec. 6, Twp 51N, Rge 05W, B.M. KOOTENAI County
HAUSER CREEK SE1/4SW1/4 Sec. 6, Twp 51N, Rge 05W, B.M. KOOTENAI County
GROUND WATER NE1/4NW1/4 Sec. 7, Twp 51N, Rge 05W, B.M. KOOTENAI County
HAUSER CREEK NE1/4NW1/4 Sec. 7, Twp 51N, Rge 05W, B.M. KOOTENAI County
UNNAMED STREAM SE1/4SW1/4 Sec. 6, Twp 51N, Rge 05W, B.M. KOOTENAI County
GROUND WATER SE1/4SW1/4 Sec. 6, Twp 51N, Rge 05W, B.M. KOOTENAI County
GROUND WATER NE1/4NW1/4 Sec. 7, Twp 51N, Rge 05W, B.M. KOOTENAI County

PLACE OF USE: WILDLIFE SAME AS WILDLIFE STORAGE

[illegible]

State of Idaho
Department of Water Resources
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NO. 95-17153

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2017**.
2. Subject to all prior water rights.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. Right 95-17153 authorizes a total annual storage volume of 77.5 acre-feet to be used for the initial filling of the ponds, for the replacement of losses caused by evaporation, and for the storage of water for wildlife purposes.
5. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 44.0 acre-feet or a total surface area of 11.0 acres.
6. 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 22nd day of June, 20 16.


MORGAN CASE, Northern Regional Manager

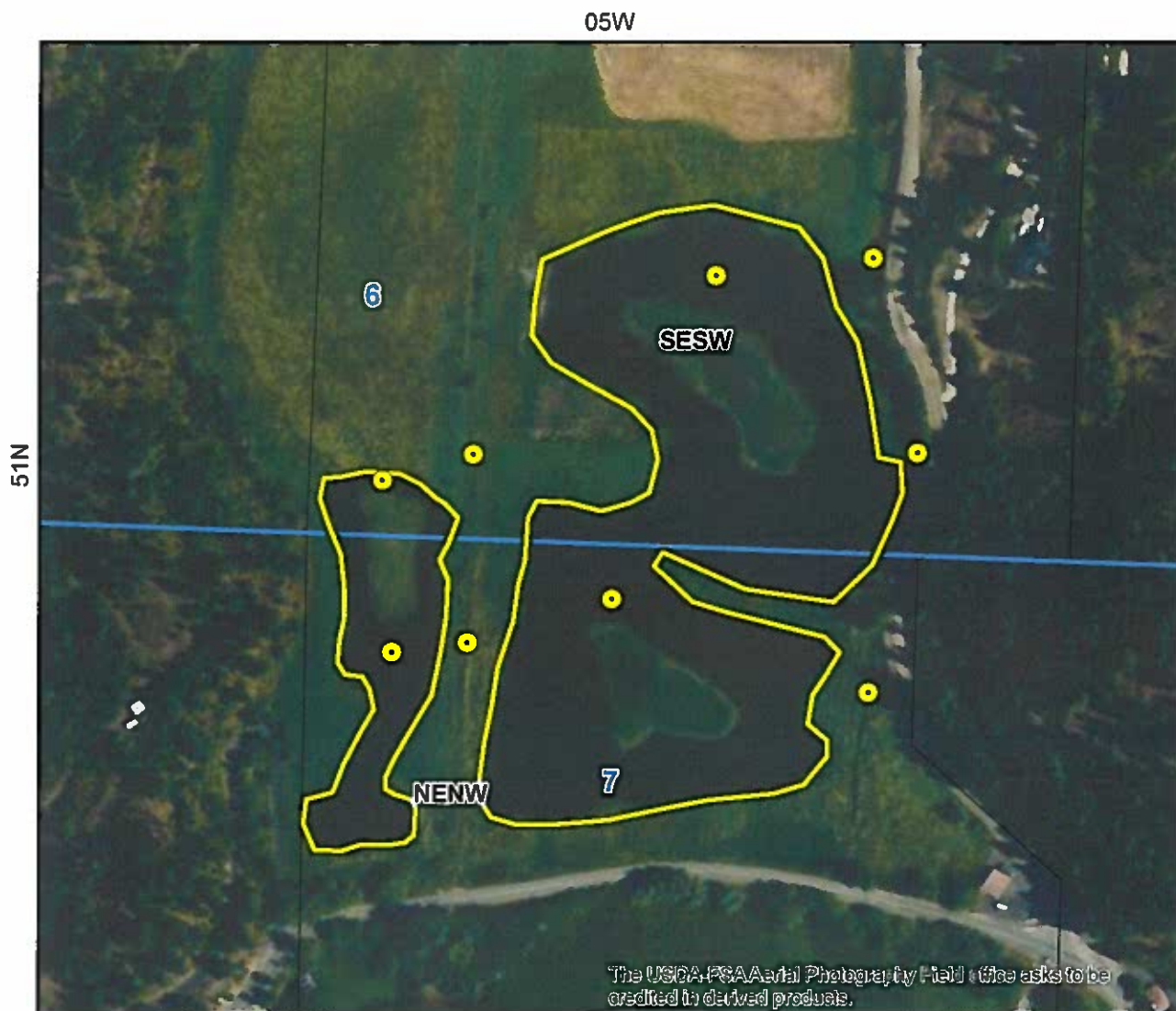


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17153

This map depicts the WILDLIFE STORAGE and WILDLIFE 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
- Townships
- PLS Sections

0 0.0375 0.075 0.15 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

July 11, 2016

RAYMOND & JOYCE LABOURE FAMILY TRUST
1668 S ALANIU PL
KIHEI HI 96753

RE: Permit No.95-17153

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.

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 July 11, 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. 95-17153

**RAYMOND & JOYCE LABOURE FAMILY TRUST
1668 S ALANIU PL
KIHEI HI 96753**



**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

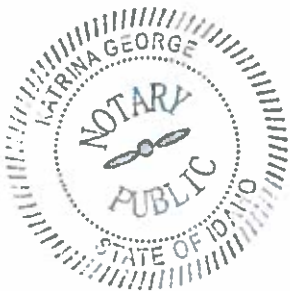
Legal notice

of which the annexed is a printed copy, was published in the regular issue of said newspaper for 2 consecutive Weeks commencing on the 19 day of May 20 16 and ending on the 26 day of May 20 16 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 26 day of May 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
MAY 31 2016
IDWR / NORTH

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

95-17150

JMAC RESOURCES INC
1505 N MILLER STE 260
WENATCHEE, WA 98801

Point of Diversion SENE S25 T51N R06W KOOTENAI County

Source GROUND WATER

Use: COMMERCIAL

01/01 to 12/31

2.4 CFS

Use: INDUSTRIAL

01/01 to 12/31

2.4 CFS

Use: IRRIGATION

03/15 to 11/15

2.4 CFS

Total Diversion:

2.4 CFS

Date Filed: 4/1/2016

Place of Use: COMMERCIAL T51N R06W S25 NWSE

Place of Use: IRRIGATION T51N R06W S25 NENE SWNE SENE
NESE NWSE

Place of Use: INDUSTRIAL T51N R06W S25 NWSE

Total Acres: 120

Commercial & Industrial uses are both for Gravel/Concrete
Processing & Sales.

95-17152

PHILIP H SCHWARTZ
VICTORIA D SCHWARTZ
4192 ESCUDERO DR
IRVINE, CA 92620-3213

Point of Diversion SWSW S7 T48N R04W KOOTENAI County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31

0.06 CFS

Use: IRRIGATION

03/15 to 11/15

0.07 CFS

Total Diversion:

0.13 CFS

Date Filed: 3/25/2016

Place of Use: DOMESTIC T48N R04W S7 SWSW

Place of Use: IRRIGATION T48N R04W S7 SWSW

T48N R04W S18 NWNW

Total Acres: 2.5

Domestic use is for 2 homes.

95-17153

RAYMOND & JOYCE LABOURE FAMILY TRUST
1668 S ALANI PL
KIHAI, HI 96753

Point of Diversion SESW S6 T51N R05W KOOTENAI County

Source UNNAMED STREAM tributary HAUSER LAKE

Point of Diversion SESW S6 T51N R05W KOOTENAI County

Source UNNAMED STREAM tributary HAUSER LAKE

Point of Diversion NENW S7 T51N R05W KOOTENAI County

Source UNNAMED STREAM tributary HAUSER LAKE

Point of Diversion SESW S6 T51N R05W KOOTENAI County

Source GROUND WATER

Point of Diversion SESW S6 T51N R05W KOOTENAI County

Source HAUSER CREEK tributary HAUSER LAKE

Point of Diversion SESW S6 T51N R05W KOOTENAI County

Source GROUND WATER

Point of Diversion NENW S7 T51N R05W KOOTENAI County

Source HAUSER CREEK tributary HAUSER LAKE

Point of Diversion NENW S7 T51N R05W KOOTENAI County

Source GROUND WATER

Point of Diversion NENW S7 T51N R05W KOOTENAI County

Source GROUND WATER

Use: DIVERSION to Storage

01/01 to 12/31

0.2 CFS

Use: WILDLIFE

01/01 to 12/31

0.2 CFS

Use: WILDLIFE Storage

01/01 to 12/31

77.5 AF

Total Diversion:

0.2 CFS

Date Filed: 3/30/2016

Place Of Use: WILDLIFE T51N R05W S6 SESW

T51N R05W S7 NENW

Place Of Use: WILDLIFE Storage T51N R05W S6 SESW

T51N R05W S7 NENW

95-17154

ASPEN CREEK WATER ASSN INC
5801 W QUAKING ASPEN DR
COEUR D'ALENE, ID 83814

Point of Diversion L3(NWNENW) S4 T49N R04W KOOTENAI CO

Source GROUND WATER

Use: MUNICIPAL

01/01 to 12/31

0.18 CFS

Total Diversion:

0.18 CFS

Date Filed: 2/2/2016

Place of Use: MUNICIPAL

Municipal use is within the service area of the applicant

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:

www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

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
6/6/2016. The protestant must also send a copy of the protest to the
applicant.

GARY SPACKMAN, Director

Published on 5/19/2016 and 5/26/2016

LEGAL 5622

MAY 19, 26, 2016

RECEIVED

MAY 31 2016

IDWR / NORTH