

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-17157

Priority: April 29, 2016

Maximum Diversion Volume: 7.3 AF

This is to certify, that DARLA FLETCHER And/Or
THOMAS FLETCHER
720 RAVEN LN
CAREYWOOD ID 83809

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: THREE SISTERS CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	01/01 to 12/31	7.3 AF
IRRIGATION FROM STORAGE	04/01 to 10/31	6.0 AF
STOCKWATER STORAGE	01/01 to 12/31	1.5 AF
STOCKWATER FROM STORAGE	01/01 to 12/31	0.2 AF
FIRE PROTECTION STORAGE	01/01 to 12/31	1.3 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SW1/4NE1/4 Sec. 8, Twp 54N, Rge 02W, B.M. BONNER County

PLACE OF USE: IRRIGATION STORAGE, STOCKWATER STORAGE, FIRE PROTECTION
STORAGE, AND STOCKWATER FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
54N 02W 8			X														

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
54N 02W 8			2.0														2.0

Total Acres: 2

State of Idaho
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NO. 95-17157

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2019**.
2. Subject to all prior water rights.
3. 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.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. Stockwater is for 12 head of mixed cattle.
6. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
7. Right 95-17157 authorizes a total annual storage volume of 7.3 acre-feet to be used for the initial filling of the pond, for the replacement of losses caused by evaporation, and for the storage of water for stockwater, irrigation, and fire protection purposes.
8. The pond established by the storage of water under this right shall not exceed a total capacity of 1.1 acre-feet or a total surface area of 0.18 acres.
9. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
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 17th day of June, 2016.


MORGAN CASE, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17157

This map depicts the FIRE PROTECTION STORAGE, IRRIGATION STORAGE, and STOCKWATER STORAGE 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 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17157

This map depicts the IRRIGATION FROM STORAGE and STOCKWATER FROM STORAGE 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.

02W



- 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

June 23, 2016

DARLA FLETCHER And/Or
THOMAS FLETCHER
720 RAVEN LN
CAREYWOOD ID 83809

RE: Permit No.95-17157

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.

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,

A handwritten signature in blue ink that reads "Morgan Case". The signature is written in a cursive, flowing style.

Morgan Case
Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 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. 95-17157

**DARLA FLETCHER
720 RAVEN LN
CAREYWOOD ID 83809**

**THOMAS FLETCHER
720 RAVEN LN
CAREYWOOD ID 83809**



**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.



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION

2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

C.L. "Butch" Otter/Governor
Virgil Moore/Director
June 3, 2016

Adam Frederick
Idaho Department of Water Resources
7600 N Mineral Drive
Coeur d'Alene, ID 83815

RECEIVED

JUN - 9 2016

IDWR/NORTHERN

REFERENCE: 95-17157 FLETCHER

Dear Adam,

We have reviewed the above-named application to appropriate 7.3 AF per year for an in-stream pond proposed for irrigation and stockwater purposes. The purpose of these comments is to assist the decision-making authority by providing technical information addressing potential effects on wildlife and wildlife habitat and how any adverse effects might be mitigated. It is not the purpose of Idaho Department of Fish and Game to support or oppose this proposal.

Based on USGS topography maps, the unnamed stream may be the upper headwaters of Beaver Creek (a tributary to Careywood Creek) or a small tributary to Three Sisters Creek. Typically, IDFG does not endorse construction of in-channel ponds. Idaho Code 36-906 requires that streams be free of obstructions that restrict both the upstream and downstream movement of fish. However, given that the pond is proposed on an intermittent stream located at the upper terminus of the watershed, we do not anticipate significant impacts to aquatic wildlife or habitat due to this appropriation.

If fish are to be stocked in the pond, the applicants must apply for a Private Pond Permit through the Idaho Department of Fish and Game. Free applications are available on our website (fishandgame.idaho.gov) or by contacting Regional Fisheries Manager Andy Dux: 208-769-1414. These permit requirements are in place to prevent the introduction of invasive species and disease. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chip Corsi".

Charles E. "Chip" Corsi
Regional Supervisor

CEC:KJS

C: Sharon Kiefer, IDFG Boise
Gary Vecellio, IDFG Idaho Falls

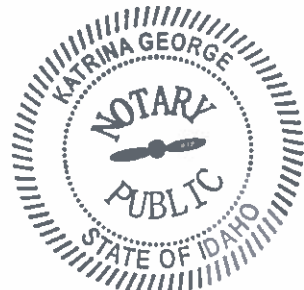
Keeping Idaho's Wildlife Heritage

RECEIVED
JUN 08 2016
IDWR/NORTH

Holly Fredenicks being first duly sworn on oath, deposes and states:

- Handwritten

On this 26 day of May, in the year of 2016, before me, Katrina George, Notary Public, personally appeared Holly Fredericks, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Comm. Exp.: MY COMMISSION EXPIRES 8/29/17

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

95-17157

DARLA FLETCHER
THOMAS FLETCHER
720 RAVEN LN
CAREYWOOD, ID 83809
Point of Diversion SWNE S8 T54N R02W BONNER County
Source UNNAMED STREAM tributary THREE SISTERS CREEK
Use: FIRE PROTECTION Storage 01/01 to 12/31 1.3 AF
Use: IRRIGATION from Storage 04/01 to 10/31 6 AF
Use: IRRIGATION Storage 01/01 to 12/31 7.3 AF
Use: STOCKWATER from Storage 01/01 to 12/31 0.2 AF
Use: STOCKWATER Storage 01/01 to 12/31 1.5 AF
Total Diversion: 7.3 AF

Date Filed: 4/29/2016

Place of Use: IRRIGATION STORAGE T54N R02W S8 SWNE

Place of Use for ALL OTHER STORAGE same as IRRIGATION.

Total Acres: 2

Stockwater use is for 12 head of mixed stock.

96-9614

CAROL A BAUER
236 SKY VIEW RD
SAGLE, ID 83860
Point of Diversion NWSWSE S27 T57N R01W BONNER County
Source SPRING tributary SINKS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 04/01 to 10/31 0.16 CFS
Total Diversion: 0.2 CFS

Date Filed: 5/13/2016

Place of Use: DOMESTIC T57N R01W S27 L2(NWSE) SWSE

Place of Use: IRRIGATION T57N R01W S27 L2(NWSE) SWSE

Total Acres: 6

Domestic use is for 1 house.

96-9615

THOMPSON LAND TRUST
PO BOX 1267
SANDPOINT, ID 83864
Point of Diversion NWSWSE S27 T57N R01W BONNER County
Source SPRING tributary SINKS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 04/01 to 10/31 0.16 CFS
Total Diversion: 0.2 CFS

Date Filed: 4/13/2016

Place of Use: DOMESTIC T57N R01W S27 SWSE

Place of Use: IRRIGATION T57N R01W S27 SWSE

Total Acres: 6

Domestic use is for 1 house.

96-9620

DEANNA BARRETT
KENNETH BARRETT
611 WATKINS ST
BIRMINGHAM, MI 48009
Point of Diversion NWSE S11 T59N R02W BONNER County
Source PACK RIVER tributary LAKE PEND OREILLE
Use: IRRIGATION 04/01 to 10/31 0.06 CFS
Total Diversion: 0.06 CFS

Date Filed: 4/25/2016

Place of Use: IRRIGATION T59N R02W S11 NWSE

Total Acres: 2

96-9621

TRACIE FINNEY
SCOTT FINNEY
157 W BRONX RD
SANDPOINT, ID 83864
Point of Diversion SESE S35 T58N R02W BONNER County
Source SAND CREEK tributary LAKE PEND OREILLE
Use: IRRIGATION 04/01 to 10/31 0.14 CFS
Total Diversion: 0.14 CFS

Date Filed: 5/4/2016

Place of Use: IRRIGATION T58N R02W S35 SESE

Total Acres: 7

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

SNP LEGAL 3773

MAY 19, 2016

RECEIVED
JUN 08 2016
IDWR / NORTH