

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-17124

Priority: December 08, 2015

Maximum Diversion Rate: 0.04 CFS

This is to certify, that MICHAEL A MARTIN
3956 N PALMER DR
COEUR D ALENE ID 83815

has applied for a permit to appropriate water from:

Source: COEUR D ALENE LAKE Tributary: SPOKANE RIVER

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:

COEUR D ALENE LAKE, L3 (NE1/4, SW1/4), Sec. 29, Twp 50N, 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	
50N	03W	29																	

X
L3

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2019**.
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. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
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. Rights 95-15124, 95-17124, and 95-17125 when combined shall not exceed a total diversion rate of 0.04 cfs.
8. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
9. Place of use is located within Lot 8 and Lot 9, Blk. 1, Kildow subdivision.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Signed, this 15 day of January, 2016.


KEITH E. FRANKLIN, Program Manager



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

January 20, 2016

MICHAEL A MARTIN
3956 N PALMER DR
COEUR D ALENE ID 83815

RE: Permit No.95-17124

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 "Keith E. Franklin". The signature is written in a cursive style with a large, stylized "K" and "F".

Keith E. Franklin
Program Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 20, 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.

95-17124

**MICHAEL A MARTIN
3956 N PALMER DR
COEUR D ALENE ID 83815**



**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: January 07, 2016
To: Water Right File 95-17124
From: smaxey
Re: Source

A letter from Idaho Fish & Game notes that the Source is described differently at two spots in the Application. The Source is Coeur d'Alene Lake on line 2 of the Application and Groundwater on Line 3. The correct source is Coeur d'Alene Lake and this is what was published correctly in legal notices.

No protests have been received and the Permit shows the correct Source. There is no potential for damage to existing water rights.



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION

2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

RECEIVED

JAN 06 2016

IDWR / NORTH

C.L. "Butch" Otter/Governor

Virgil Moore/Director

December 31, 2015

Mr. Shaun Maxey
Senior Water Resource Agent
Idaho Department of Water Resources
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Dear Shaun:

REFERENCE: 95-17124 MARTIN

We have reviewed the above-named application by Michael Martin to withdraw 0.04 cfs from Lake Coeur d'Alene for domestic 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.

The applicant proposes using an existing water line built for the subdevelopment for his new domestic diversion. As additional demands are placed on the existing water line, we recommend you confirm that screening and intake velocity requirements are met in order to protect fish from entrainment or impingement. These conditions are not specified in the subdivision's claim 95-15124.

Prior to approval, the source of water supply should be correctly identified on the permit- item 2 on the application identifies the source as Coeur d'Alene Lake while item 3 identifies the POD source as groundwater.

Although the amount requested is small, we are concerned about the cumulative effects private water diversions may have on Lake Coeur d'Alene. Unchecked diversions away from the lake may be harmful to this economically and ecologically important fishery, particularly in light of the sustained drought conditions we have experienced in recent years.

Thank you for the opportunity to comment.

Sincerely,

Charles E. "Chip" Corsi
Regional Supervisor

EC:KJS:njk

C: Sharon Kiefer, IDFG Boise

File: 95-17124_Martin

Keeping Idaho's Wildlife Heritage

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss

RECEIVED
JAN 04 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

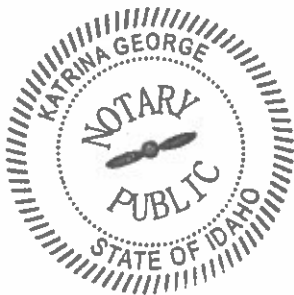
legal notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 17 day of December 20 15 and ending on the 24 day of December 20 15, 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 24 day of December in the year of 2015, 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

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

95-17025

QUAKING ASPEN ESTATES OWNERS ASSOC INC
5489 W QUAKING ASPEN DR
COEUR D ALENE, ID 83814
Point of Diversion(2) L2(NWNE) S4 T49N R04W KOOTENAI CO
Source GROUND WATER
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.2 CFS
Use: DOMESTIC 01/01 to 12/31 0.15 CFS
Use: DOMESTIC from Storage 01/01 to 12/31 12 AF
Use: DOMESTIC STORAGE 01/01 to 12/31 12.4 AF
Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS
Use: FIRE Protection from Storage 01/01 to 12/31 0.4 AF
Use: FIRE Protection Storage 01/01 to 12/31 0.4 AF
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Use: STOCKWATER from Storage 01/01 to 12/31 0.5 AF
Use: STOCKWATER STORAGE 01/01 to 12/31 0.9 AF
Total Diversion: 0.2 CFS 12.9 AF

Date Filed: 11/23/2015

Place of Use: ALL USES: T49N R04W S4 L2(NWNE)

Domestic use is for 10 homes.

Stockwater use is for 40 head mixed stock.

95-17123

C & K LEASING

102 E ANTON

COEUR D ALENE, ID

Point of Diversion SESW S36 T51N R06W KOOTENAI Co

Source GROUND WATER

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

Use: INDUSTRIAL 01/01 to 12/31 2 CFS

Total Diversion:

2 CFS

Date Filed: 12/2/2015

Place Of Use: DOMESTIC T51N R06W S36 SESW

Place Of Use: INDUSTRIAL same as DOMESTIC

Domestic use is for 1 office.

Industrial use is for gravel washing, concrete batch plant & dust abatement.

95-17124

MICHAEL A MARTIN

3956 N PALMER DR

COEUR D ALENE, ID 83815

Point of Diversion L3(NESW) S29 T50N R03W KOOTENAI CO

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: 12/8/2015

Place of Use: DOMESTIC T50N R03W S29 L3(NESW)

Domestic use is for 1 home.

95-17125

MICHAEL A MARTIN

3956 N PALMER DR

COEUR D ALENE, ID 83815

Point of Diversion L3(NESW) S29 T50N R03W KOOTENAI CO

Source GROUND WATER

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

Total Diversion:

0.04 CFS

Date Filed: 12/8/2015

Place of Use: DOMESTIC T50N R03W S29 L3(NESW)

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:

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 1/4/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

LEGAL 4790

DECEMBER 17, 24, 2015

RECEIVED
JAN 04 2016
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