

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-17110

Priority: November 03, 2015

Maximum Diversion Rate: 0.07 CFS
Maximum Diversion Volume: 16.2 AF

This is to certify, that BEN ROLPHE Or
ANNA ROLPHE
12908 N STRAHORN RD
HAYDEN ID 83835

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>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	0.07 CFS	
COMMERCIAL	01/01 to 12/31	0.02 CFS	
IRRIGATION STORAGE	01/01 to 12/31		16.2 AF
IRRIGATION	03/15 to 11/15	0.07 CFS	
IRRIGATION FROM STORAGE	03/15 to 11/15		13.5 AF
AESTHETIC STORAGE	01/01 to 12/31		2.7 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		2.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (NW1/4NW1/4) Sec. 7, Twp 51N, Rge 03W, B.M. KOOTENAI County

PLACE OF USE: COMMERCIAL, IRRIGATION STORAGE, AESTHETIC STORAGE, AND FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N 03W 7						X											
						L 1											

PLACE OF USE: IRRIGATION AND IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N 03W 7					.5	4.0											4.5
						L 1											

Total Acres: 4.5

State of Idaho
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Permit to Appropriate Water
NO. 95-17110

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 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. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
6. Commercial use is for a green house.
7. Rights 95-9294 and 95-17110 authorize total annual storage volume of 16.2 acre-feet, 1.8 acre-feet to be used for the initial filling of the pond and 0.9 acre-feet for the replacement of losses caused by evaporation.
8. The pond established by the storage of water under this right shall not exceed a total capacity of 1.8 acre-feet or a total surface area of 0.3 acres.
9. Rights 95-9294 and 95-17110 when combined shall not exceed a total diversion rate of 0.07 cfs, a total annual maximum diversion volume of 16.2 af at the field headgate, and the irrigation of 4.5 acres.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
11. 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 30 day of December, 2015.


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 7, 2016

BEN ROLPHE
ANNA ROLPHE
12908 N STRAHORN RD
HAYDEN ID 83835

RE: Permit No.95-17110

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,

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 7, 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.

95-17110

**ANNA ROLPHE
12908 N STRAHORN RD
HAYDEN ID 83835**

**BEN ROLPHE
12908 N STRAHORN RD
HAYDEN ID 83835**



**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

RECEIVED
DEC 14 2015
IDWR / NORTH

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.

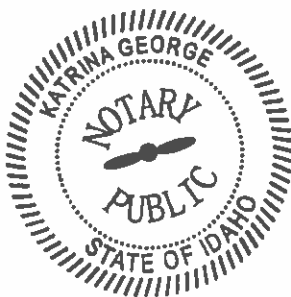
2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The legal notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 3 day of December 20 15, and ending on the 10 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 10 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:

95-17108

HOWARD RUDE
6426 MAPLEWOOD
POST FALLS, ID 83854
Point of Diversion NWSE S26 T48N R05W KOOTENAI CO
Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/15 to 11/15 0.2 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.2 CFS

Date Filed: 10/28/2015
Place of Use: DOMESTIC T48N R05W S26 NWSE
Place of Use: IRRIGATION and STOCKWATER
T48N R05W S26 NWSE
Total Acres: 10
Domestic use is for 1 home.
Stockwater use is for 50 head of cattle.

95-17110

BEN ROLPHE
ANNA ROLPHE
12908 N STRAHORN RD
HAYDEN, ID 83835
Point of Diversion L1(NWNW) S7 T51N R03W KOOTENAI CO
Source GROUND WATER
Use: AESTHETIC Storage 01/01 to 12/31 2.7 AF
Use: COMMERCIAL 01/01 to 12/31 0.02 CFS
Use: DIVERSION to Storage 01/01 to 12/31 0.07 CFS
Use: FIRE Protection Storage 01/01 to 12/31 2.7 AF
Use: IRRIGATION 03/15 to 11/15 0.07 CFS
Use: IRRIGATION from Storage 03/15 to 11/15 13.5 AF
Use: IRRIGATION Storage 01/01 to 12/31 16.2 AF
Total Diversion: 0.7 CFS

Date Filed: 11/3/2015
Place of Use: DIVERSION to Storage
T51N R03W S7 L1(NWNW)
Place of Use: COMMERCIAL T51N R03W S7 L1(NWNW)
Place of Use: IRRIGATION Storage T51N R03W S7 L1(NWNW)
Place of Use: IRRIGATION T51N R03W S7 NENW L1(NWNW)
Place of Use: IRRIGATION from Storage T51N R03W S7
NENW L1(NWNW)
Place of Use: AESTHETIC Storage T51N R03W S7 L1(NWNW)
Place of Use: FIRE PROTECTION Storage T51N R03W S7
L1(NWNW)
Total Acres: 4.5
Commercial use is for small greenhouse

95-17113

ELITE LIFESTYLES MANAGEMENT LLC
3456 S WALKERS BAY RD
COEUR D'ALENE, ID 83814
Points of Diversion(2) NENW S32 T53N R04W KOOTENAI CO
Points of Diversion(2) SENW S32 T53N R04W KOOTENAI CO
Source GROUND WATER
Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS
Use: MUNICIPAL 01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 10/15/2015
Place of Use: FIRE PROTECTION T53N R04W S32
NENW SWNW SENW
Place of Use: MUNICIPAL same as FIRE PROTECTION

95-17114

WESTVIEW LTD
15450 W FROST RD
WORLEY, ID 83876
Point of Diversion NENW S16 T48N R05W KOOTENAI CO
Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/15 to 11/15 0.1 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.16 CFS

Date Filed: 11/18/2015
Place of Use: DOMESTIC T48N R05W S16 NENW
Place of Use: STOCKWATER and IRRIGATION
Same as DOMESTIC

Total Acres: 5
Domestic use is for 1 home.
Stockwater use is for 50 head of mixed stock.
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 12/21/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

LEGAL 4734

DECEMBER 3, 10, 2015

RECEIVED
DEC 14 2015
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