

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 95-17108

Priority: October 28, 2015

Maximum Diversion Rate: 0.20 CFS

This is to certify, that HOWARD RUDE  
6426 MAPLEWOOD  
POST FALLS ID 83854

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> |
|-----------------------|----------------------|--------------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.04 CFS                 |
| IRRIGATION            | 03/15 to 11/15       | 0.20 CFS                 |
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS                 |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER NW1/4SE1/4 Sec. 26, Twp 48N, Rge 05W, B.M. KOOTENAI County

**PLACE OF USE:** IRRIGATION, DOMESTIC, AND STOCKWATER

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |      |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|------|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW   | SE |        |
| 48N 05W 26  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 10.0 |    | 10.0   |
|             |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X    |    |        |

Total Acres: 10

**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. 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Stockwater is for 50 head of cattle.
6. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
7. 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.
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 28 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](http://www.idwr.idaho.gov)**

**C.L. "BUTCH" OTTER**  
Governor

**GARY SPACKMAN**  
Director

December 29, 2015

HOWARD RUDE  
6426 MAPLEWOOD  
POST FALLS ID 83854

RE: Permit No.95-17108

**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.

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 fluid and cursive, with the first name "Keith" and last name "Franklin" clearly legible.

Keith E. Franklin  
Program Manager

Enclosure(s)

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 29, 2015 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.**

**95-17108**

**HOWARD RUDE  
6426 MAPLEWOOD  
POST FALLS ID 83854**



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**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.

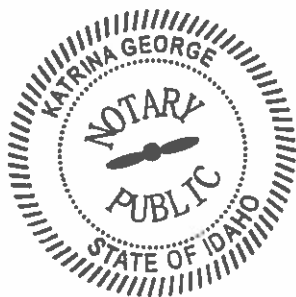
3. The legal notice

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 2015, and ending on the 10 day of December 2015, 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](http://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

IDWR / NORTH