

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 81-12009

Priority: August 03, 2015

Maximum Diversion Rate: 0.03 CFS

This is to certify, that DOUG HICKS
545 RED FIR ROAD
KOOSKIA ID 83539

And

MARLOUS HICKS
545 RED FIR ROAD
KOOSKIA ID 83539

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

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>
STOCKWATER	01/01 to 12/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING	NE1/4, NE1/4, SW1/4, Sec. 22, Twp 32N, Rge 05E, B.M., IDAHO County
SPRING	NE1/4, NW1/4, NE1/4, Sec. 27, Twp 32N, Rge 05E, B.M., IDAHO County

PLACE OF USE: 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	
32N 05E 22			X					X	X			X		X	X		
32N 05E 27		X															

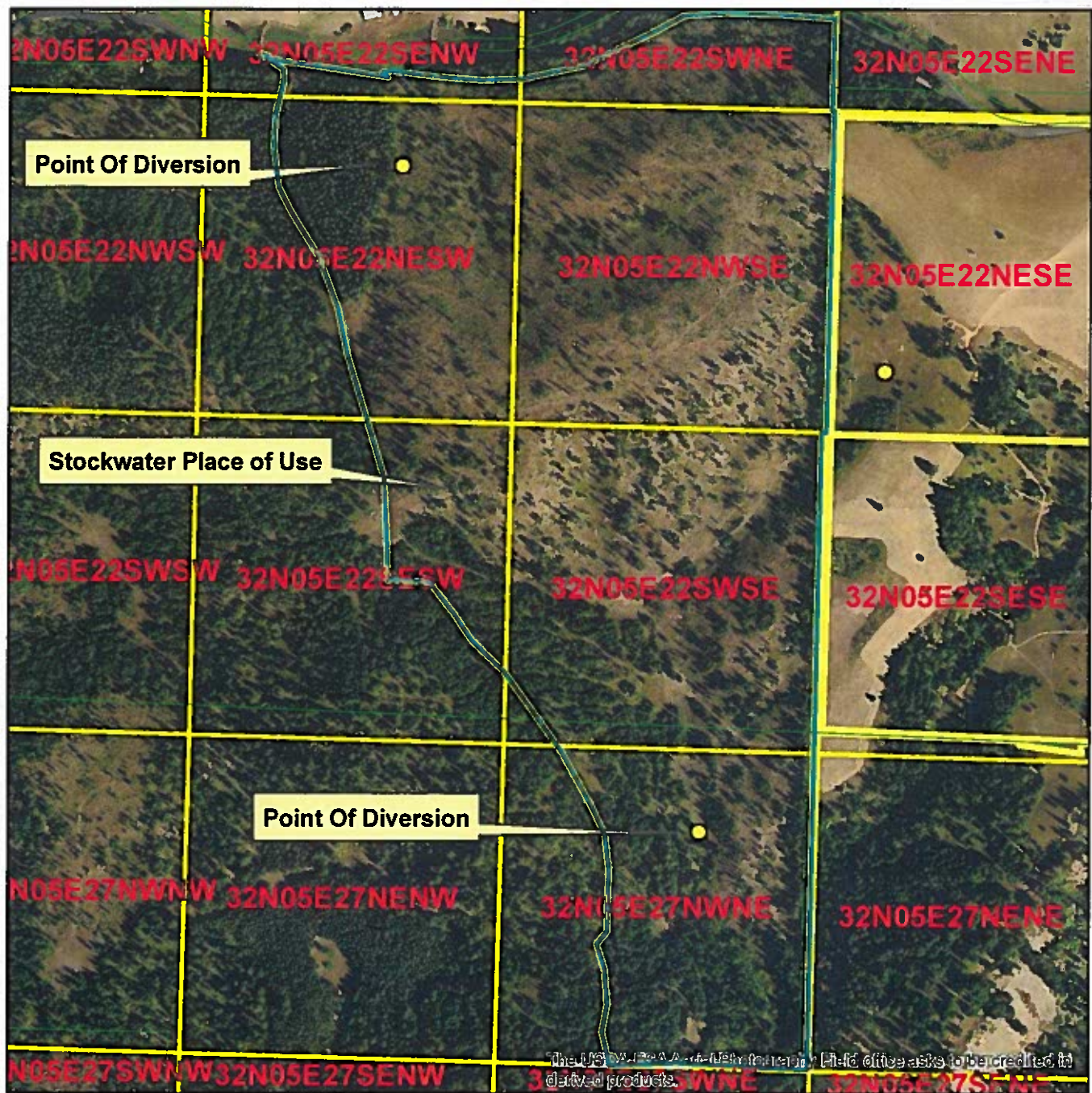
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2020**.
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. Stockwater use is for 100 head Mixed Stock.
5. 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. Witness the signature of the Director, affixed at Coeur d'Alene, this 4 day of December, 2015.


For, GARY SPACKMAN, Director

State of Idaho
Department of Water Resources
Application For Permit
81-12009



Legend

- Application POD
- Water Permit POU
- Taxlots
- Application POU
- QQ

0 0.05 0.1 0.2 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

COPY

December 8, 2015

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

DOUG HICKS
545 RED FIR ROAD
KOOSKIA ID 83539

MARLOUS HICKS
545 RED FIR ROAD
KOOSKIA ID 83539

RE: Permit No.81-12009

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.

COPY

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,



Keith E. Franklin
Program Manager

Enclosure(s)

CERTIFICATE OF SERVICE

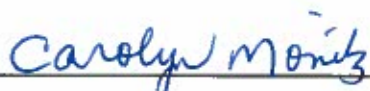
I hereby certify that on December 9, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

81-12009

**DOUG HICKS
545 RED FIR ROAD
KOOSKIA ID 83539**

**MARLOUS HICKS
545 RED FIR ROAD
KOOSKIA ID 83539**



**Carolyn Monitz
Technical Records Specialist1**

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.

To: Water Right Application for Permit 81-12009

From: Shaun M. Maxey

Date: December 3, 2015

SUBJECT: Idaho Department of Water Resources (IDWR) Regional Analysis and Recommendation in accordance with Water Appropriation rules (IDAPA 37.03.08.040.05).

Water Supply Information.

Idaho Department of Fish & Game (IDFG) and Idaho Department of Environmental Quality (IDEQ) were contacted and have no adverse comments concerning the Applicant's (Hicks, Doug & Hicks, Marlous) proposal to withdraw up to 0.03 Cubic Feet Per Second (CFS) from two unnamed springs that sink. Stock water is the intended beneficial use..

The unnamed springs named as the source(s) sink into the ground. They are not a surface water tributary to the Clearwater River or any named tributary to the Clearwater River. There is no information to indicate that use of water from the unnamed spring will adversely affect groundwater or surface water, minimum stream flows, or beneficial uses of ground or surface water.

Good Faith, Delay, or Speculative Information.

The Applicants plan to divert from springs located on property that they have recently acquired through a Warranty Deed. The Place of Use is also on property owned by the Applicants. IDWR is not aware of any information that indicates the Application is not being made in good faith, is intended to delay, or speculative.

Financial Resources Information.

The scope of the project and five year development period, proposed by the Applicants, appears to be achievable. IDWR has no information that indicates the Applicants are financially incapable of completing the project.

Local Public Interest

IDFG and IDEQ were contacted on October 26, 2015 and have no adverse comments concerning damage to the public interest. No comments or protests were received indicating the proposal is controversial or likely to cause damage to the local public interest.

Injury to Other Water Rights:

The source of water shown in the Application are unnamed springs that sinks into the ground. Diversion of water from this source is not expected to adversely affect water supply in the vicinity or any other water rights.

Recommendation

IDWR Northern Region recommends processing of Application for Permit 81-12009-be allowed to continue.


Shaun M. Maxey
Idaho Department of Water Resources, Northern Region
7600 Mineral DR, Ste. 100
Coeur d'Alene, ID 83815