

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 87-10082

Priority: September 30, 2015

Maximum Diversion Rate: 0.06 CFS

This is to certify, that JILL MARIA WAGNER  
PO BOX 163  
PLUMMER ID 83851

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                 |
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS                 |

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

GROUND WATER NW1/4SW1/4 Sec. 29, Twp 43N, Rge 04W, B.M. LATAH County

**PLACE OF USE:** 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 |        |
| 43N 04W 29  |    |    |    |    |    |    |    |    |    |    | X  | X  |    |    |    |    |        |

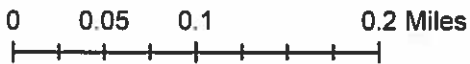
**CONDITIONS OF APPROVAL**

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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Domestic use is for 1 home.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. Stockwater use is for 30 head of mixed stock.
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. Witness the signature of the Director, affixed at Coeur d' Alene, this 20 day of November, 2015.

  
For, GARY SPACKMAN, Director

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
87-10082



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections





**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)**

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

**GARY SPACKMAN**  
Director

November 25, 2015

JILL MARIA WAGNER  
PO BOX 163  
PLUMMER ID 83851

RE: Permit No.87-10082

**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 November 25, 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.**

**87-10082**

**JILL MARIA WAGNER  
PO BOX 163  
PLUMMER ID 83851**



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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.



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370  
www.deq.idaho.gov

RECEIVED  
OCT 19 2015

IDWR / NORTH  
John H. Tippetts, Director

October 16, 2015

Shaun Maxey  
Idaho Department of Water Resources  
7600 N Mineral Dr., Ste. 100  
Coeur d'Alene, ID 83815

Subject: Water Rights Application for Permit # 87-10082

Dear Shaun:

DEQ has received a request for comment on the approval of a water right application to draw ground water from an existing well located on property in Latah County. This application will draw 0.06 cfs from a well that was constructed in 2015 for domestic and stock water use from January 1 to December 31.

Based on the information that has been provided, DEQ cannot estimate nor predict impairments to surface or ground water beneficial uses resulting from the requested withdrawal. However, assuming all federal, state, and local permits have been obtained, regulations met, and reviews completed, we can offer the following comment.

It is the policy of the State of Idaho Ground Water Management Plan that existing and projected beneficial uses of ground water and interconnected surface water be maintained and protected, and degradation that would impair beneficial uses of ground water and interconnected surface water not be allowed.

Thank you for requesting our review and comment of your activity.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Barrett".

Cindy Barrett  
Surface Water Quality Manager

cc: Jill Wagner, Plummer  
John Cardwell, DEQ  
TRIM

NEWS REVIEW PUBLISHING COMPANY  
The Moscow-Pullman Daily News  
P.O.Box 374  
Lewiston, Idaho 83501  
(208) 743-9411

|             |                        |             |                 |
|-------------|------------------------|-------------|-----------------|
| Date:       | <u>10/22/2015</u>      | INVOICE NO. | <u>116645</u>   |
| Account No. | <u>30010311</u>        |             |                 |
| Description | <u>116645 The foll</u> |             |                 |
| Times       | <u>2</u>               | Lines       | <u>31</u>       |
|             |                        | Tab. lines  |                 |
|             |                        | \$          | <u>90.68</u>    |
|             |                        | PO#         | <u>87-10082</u> |

RECEIVED  
OCT 28 2015  
IDWR / NORTH

LEGAL ADVERTISING  
INVOICE

Sold To: IDAHO DEPT/ WATER RESOURCES  
7600 N. MINERAL DR STE 100  
COEUR D ALENE ID 83814

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month  
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

Karen J. Lewis \_\_\_\_\_, Legal Clerk  
being first duly sworn, on oath deposes  
and says: I am the printer of  
Moscow-Pullman Daily News, a newspaper  
of general circulation, published daily  
except Sunday at Moscow, Latah County,  
Idaho, in compliance with Sections 60-106,  
60-107, and 60-108 of the Idaho Code and the  
amendments thereto; and an official newspaper  
for Whitman County, Washington as required  
by R.C.W. 36.72.071 and other provisions of  
the Revised Code of Washington and the  
amendments thereto: that the notice of which the  
annexed is a full, true and correct printed  
copy was published in the regular and entire  
issues of said newspaper and not in a  
supplement thereto, upon the following dates:

Oct. 15, 22, 2015

the same being the date designated for  
the publication of said notice.

Karen J. Lewis  
On this 26<sup>th</sup> day of October  
in the year of 2015, before me, a Notary Public,  
personally appeared Karen J. Lewis,  
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.

Carol Peterson  
Notary Public for Idaho,  
Residing at Lewiston, Idaho  
My Commission Expires 9-1-2017

116645  
The following application(s) have been filed to appropriate  
the public waters of the State of Idaho:  
87-10082  
JILL MARIA WAGNER  
PO BOX 163  
PLUMMER, ID 83851  
Point of Diversion NWSW S29 T43N R04W LATAH County  
Source GROUND WATER  
Use: DOMESTIC01/01 to 12/31/04 CFS  
Use: STOCKWATER01/01 to 12/31/02 CFS  
Total Diversion: 0.06 CFS  
Date Filed: 9/30/2015  
Place of Use: DOMESTIC T43N R04W S29 NWSW SWSW  
Place of Use: STOCKWATER same as DOMESTIC  
Domestic use is for 1 home.  
Stockwater use is for 30 head mixed stock.  
Permits will be subject to all prior water rights. For additional  
information concerning the property location, contact North-  
ern 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 applica-  
tion must be filed with the Director, Dept. of Water Resourc-  
es, 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 11/2/2015. The protestant must also  
send a copy of the protest to the applicant.  
GARY SPACKMAN, Director  
Published on 10/15/2015 and 10/22/2015

