

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-17062

Priority: August 10, 2015

Maximum Diversion Rate: 0.04 CFS

This is to certify, that **LOWELL A NELSON**
11313 E HAYDEN LAKE RD
HAYDEN ID 83835

has applied for a permit to appropriate water from:

Source: HAYDEN LAKE

Tributary: SINKS

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

HAYDEN LAKE L3 (SE1/4NW1/4) Sec. 22, Twp 51N, 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	
51N 03W 22			X				X					X			X		
			L 4				L 3					L 5					

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2016**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 95A.
6. 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 28 day of October, 2015.


For GARY SPACKMAN, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 4, 2015

LOWELL A NELSON
11313 E HAYDEN LAKE RD
HAYDEN ID 83835

RE: Permit No.95-17062

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.

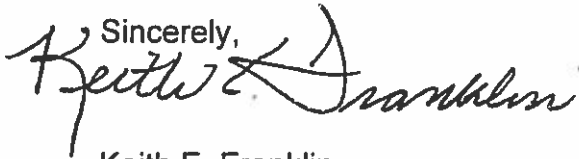
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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 black 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 November 4, 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.

95-17062

**LOWELL A NELSON
11313 E HAYDEN LAKE RD
HAYDEN ID 83835**



**Carolyn Monitz
Technical Records Specialist**

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.

RECEIVED

OCT 09 2015

IBWR / NORTH

AFFIDAVIT OF PUBLICATION

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 1 day of October, 20 15 and ending on the 8 day of October, 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 8 day of October 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.

Karina George

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.



MY COMMISSION EXPIRES 8/29/17

RECEIVED
OCT 09 2015
DWR / NORTH

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

95-17062

LOWELL A NELSON
11313 E HAYDEN LAKE RD
HAYDEN, ID 83835
Point of Diversion L3(SENW) S22 T51N R03W KOOTENAI CO
Source HAYDEN LAKE tributary SINKS
Use: DOMESTIC 01/01 to 12/310.04 CFS
Total Diversion:0.04 CFS

Date Filed: 8/10/2015

Place of Use: DOMESTIC T51N R03W S22 L4(SWNE) L3(SENW)
L5(NWSE)

Domestic use is for 1 home.

95-17068

ALLEN CARL HYSLOP
TERESA HYSLOP
PO BOX 2978
POST FALLS, ID 83877
Point of Diversion NENE S30 T52N R05W KOOTENAI CO
Source GROUND WATER
Use: DOMESTIC 01/01 to 12/310.04 CFS
Use: STOCKWATER 01/01 to 12/310.02 CFS
Total Diversion:0.06 CFS

Date Filed: 9/2/2015

Place of Use: DOMESTIC T52N R05W S30 NENE

Place of Use: STOCKWATER same as DOMESTIC

Domestic use is for 1 home.

Stockwater use is for 50 head of mixed stock

95-17069

ALLEN CARL HYSLOP
TERESA HYSLOP
PO BOX 2978
POST FALLS, ID 83877
Point of Diversion NENE S30 T52N R05W KOOTENAI CO
Source RT. FORK HAUSER CREEK tributary HAUSER CREEK
Use: DOMESTIC 01/01 to 12/310.04 CFS
Use: STOCKWATER 01/01 to 12/310.02 CFS
Total Diversion:0.06 CFS

Date Filed: 9/2/2015

Place of Use: DOMESTIC T52N R05W S30 NENE

Place of Use: STOCKWATER same as DOMESTIC

Domestic use is for 1 home.

Stockwater use is for 50 head of mixed stock.

95-17077

LEWIS ALLERT
CLINTON ALLERT
696 S KELLY RD
COEUR D'ALENE, ID 83814
Point of Diversion L6(NENW) S12 T50N R05W KOOTENAI CO
Source SPOKANE RIVER tributary COLUMBIA RIVER
Use: DOMESTIC 01/01 to 12/310.04 CFS
Total Diversion:0.04 CFS

Date Filed: 9/14/2015

Place of Use: DOMESTIC T50N R05W S12 L6(NENW) L6(SENW)
Domestic use is for external use only, irrigation up to 1/2 acre.

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 10/19/2015 10:09:49 AM. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
LEGAL 4417

OCTOBER 1, 8, 2015

Ball, Dianne

From: Fredericks, Holly [hfredericks@cdapress.com]
Sent: Tuesday, September 29, 2015 11:26 AM
To: Ball, Dianne
Subject: Re: Application for Permit No. 95-17062, 95-17068, 95-17069, 95-17077
Attachments: LEGAL 4417.pdf

Here is a proof for the ad. Cost will be \$225.61. Have a great rest of your day!

On Tue, Sep 29, 2015 at 11:08 AM, Ball, Dianne <Dianne.Ball@idwr.idaho.gov> wrote:

Hi, Holly,

This is the legal we were just discussing, This will need to be billed separate from the one submitted in different format also to publish October 1 and 8, 2015. (*This week I'm working for two different departments within the Idaho Department of Water Resources.* ☺.)

Please publish the enclosed legal notice on the dates indicated, October 1 and 8, 2015, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact me immediately.

This should be very close to press ready for 2-column, Century Old Style font, 8 pt font size.

Please note the areas under **USE** containing dates and water amounts that are offset and lined up. Our legal should appear in this format.

Please also send a proof/preview copy for my review before this actually goes to press.

If you have any questions please contact me as early as possible.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/19/2015. Your cooperation is always greatly appreciated.

Thanks so much for all your help in making our legals look so professional.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819