

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-17039

Priority: June 30, 2015

Maximum Diversion Rate: 0.12 CFS

This is to certify, that MICHELLE MARIE PORTER
7005 E ARTHUR RD
ATHOL ID 83801

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>
IRRIGATION	04/01 to 10/31	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE1/4NW1/4 Sec. 3, Twp 53N, Rge 03W, B.M. KOOTENAI County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
53N 03W 3					.8			3.2									4.0

Total Acres: 4

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2016**.
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. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
5. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
7. 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 18 day of September, 2015.


for, GARY SPACKMAN, Director



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

September 24, 2015

MICHELLE MARIE PORTER
7005 E ARTHUR RD
ATHOL ID 83801

RE: Permit No.95-17039

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 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

Sr. Water Resource Agent

Enclosure(s)

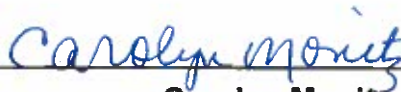
CERTIFICATE OF SERVICE

I hereby certify that on September 24, 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.

95-17039

**MICHELLE MARIE PORTER
7005 E ARTHUR RD
ATHOL ID 83801**



**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.

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 10 day of August 20 15 and ending on the 13 day of August 20 15, and such publication was made as often during said period as said Chilly 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 13 day of August 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

RECEIVED
AUG 27 2015
IDWR / NORTH

RECEIVED

AUG 27 2015

IDWR / NORTH

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

95-17036
DAN R MAYER

10378 W BENNION RD
WORLEY ID 83876
Point of Diversion NWNE S24
T48N R05W KOOTENAI County

Source: GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion:
0.04 CFS

Date Filed: 6/22/2015
Place Of Use: DOMESTIC
T48N R05W S24 NWNE

95-17039
MICHELLE MARIE PORTER

Point of Diversion SENW S3
T53N R03W KOOTENAI County

Source: GROUND WATER
Use: IRRIGATION
04/01 to 10/31
Total Diversion:
0.12 CFS

Date Filed: 6/30/2015
Place Of Use: IRRIGATION
T53N R03W S3 L3 (NWNE)

Total Acres: 4
95-17044
CPM DEVELOPMENT CORP

PO BOX 3368
SPOKANE WA 99220
Point of Diversion NWSE S30
T51N R05W KOOTENAI County

Source: GROUND WATER
Point of Diversion NWSE S30
T51N R05W KOOTENAI County

Source: GROUND WATER
Use: MUNICIPAL
01/01 to 12/31
Total Diversion:
0.5 CFS
64.3 AF

Date Filed: 6/30/2015
Place Of Use: MUNICIPAL
T51N R05W S30 NWNE
SWNE SENE NESE NWSE

95-17045
MIKE HOLSTEIN

90106 BADGER VIEW DR
KENNEWICK WA 98338
Point of Diversion L3 (NWNE)
S23 T53N R05W KOOTENAI

County: SPIRIT LAKE Tributary
SPIRIT CREEK

Use: DOMESTIC
01/01 to 12/31
Total Diversion:
0.04 CFS
Date Filed: 7/2/2015
Place Of Use: DOMESTIC T53N
R05W S23 L3 (NWNE)

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/Exts
each/WR/Ext.htm. 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 8/24/2015. The
protestant must also send a copy
of the protest to the applicant.

GARY SPACKMAN, Director
LEGAL 3928
AUGUST 6, 13, 2015

Ball, Dianne

From: Hersley, Jean
Sent: Thursday, July 16, 2015 2:30 PM
To: Ball, Dianne
Subject: FW: Legal Notice Applications for Permit 95-17036, 95-17039, 95-17044 and 95-17045
Attachments: LEGAL 3928 (2).pdf

From: Fredericks, Holly [<mailto:hfredericks@cdapress.com>]
Sent: Thursday, July 16, 2015 2:50 PM
To: Hersley, Jean
Subject: Re: Legal Notice Applications for Permit 95-17036, 95-17039, 95-17044 and 95-17045

Sure. It's no problem. Here is the new proof and the total is now \$161.50. Have a great rest of your day!

On Thu, Jul 16, 2015 at 12:43 PM, Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

Would it be possible to change the run dates to August 6th and 13th? If so, the updated version is attached. Please let me know ASAP if this is possible.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

[208-287-4942](tel:208-287-4942)

From: Fredericks, Holly [<mailto:hfredericks@cdapress.com>]
Sent: Thursday, July 16, 2015 10:54 AM
To: Hersley, Jean
Subject: Re: Legal Notice Applications for Permit 95-17036, 95-17039, 95-17044 and 95-17045

Good Morning Jean. Here is a proof of your ad which will run on the 23rd and the 30th. The cost will be \$162.95. Thank you!

On Mon, Jul 13, 2015 at 10:38 AM, Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

July 13, 2015

LEGAL NOTICE DEPARTMENT

COEUR D ALENE PRESS

201 N 2ND

COEUR D ALENE, ID 83814

RE: Application For Permit No.(s): 95-17036, 95-17039, 95-17044, 95-17045

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to the Northern Region office before 8/10/2015. Your cooperation is appreciated.

Sincerely,

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942