

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 95-12609

Priority: May 25, 2010

Maximum Diversion Rate: 0.06 CFS
Maximum Diversion Volume: 4.5 AF

It is hereby certified that STAN MOORE

And

JANE MOORE

1833 KAMBER RD

BELLEVUE WA 98007

has complied with the terms and conditions of the permit,
issued pursuant to Application for Permit dated May 25, 2010; and has submitted Proof of Beneficial Use on July
24, 2015. An examination confirms water is diverted from:

SOURCE

COEUR D ALENE LAKE

Tributary: SPOKANE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
IRRIGATION	03/15 to 11/15	0.04 CFS	3.9 AF

LOCATION OF POINT(S) OF DIVERSION:

COEUR D ALENE LAKE L1 (NE1/4SE1/4) Sec. 19, Twp 48N, Rge 04W, B.M. KOOTENAI County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
48N 04W 19	X				1.2

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
48N 04W 19	1.2				1.2
48N 04W 20			.1		.1

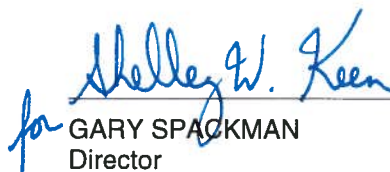
Total Acres: 1.3

CONDITIONS OF APPROVAL

1. 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.
2. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
3. 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 lands above.
4. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 22nd day of September, 2015.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Water Right License 95-12609

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

04W



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

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources
Attachment To Water Right License
95-12609

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

04W



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

0 0.035 0.07 0.14 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 23, 2015

STAN MOORE
JANE MOORE
1833 KAMBER RD
BELLEVUE WA 98007

RE: License No. 95-12609

Issuance of License

Dear Water Right Holder(s):

Enclosed is an order that reinstates this permit with no advance in priority, since the Department issued a lapse notice in error. The Department of Water Resources has also issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license and order reinstating the permit are PRELIMINARY ORDERS issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders 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.

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 208-287-4951.

Sincerely,

Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2015, I mailed true and correct copies, postage prepaid, of the foregoing PRELIMINARY ORDERS (Preliminary Order Reinstating a Permit) & (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

95-12609

**JANE MOORE
1833 KAMBER RD
BELLEVUE WA 98007**

**STAN MOORE
1833 KAMBER RD
BELLEVUE WA 98007**



**Darla Block
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.

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO. 95-12609)
IN THE NAMES OF)
STAN MOORE AND JANE MOORE)
_____)

**PRELIMINARY ORDER
REINSTATING A PERMIT**

This matter having come before the Idaho Department of Water Resources ("Department"), the Department finds, concludes and orders:

FINDINGS OF FACT

1. On August 13, 2010, the Department issued the above-captioned permit in the name of The Hoyle Family Trust with the condition that proof of construction of works and application of water to beneficial use ("proof of beneficial use") be submitted to the Department on or before August 1, 2015. The permit bore the priority date of May 25, 2010.
2. On May 29, 2015, the Department notified the Hoyle Family Trust ("permit holder") by certified mail that proof of beneficial use was due by August 1, 2015 and instructed the permit holder of the steps to be taken to submit the proof or a Request for Extension of Time.
3. On July 24, 2015, The Hoyle Family Trust assigned the permit to Stan Moore and Jane Moore ("permit holders").
4. On July 24, 2015, the permit holders filed a statement of completion for submitting proof of beneficial use at the Northern Regional Office of the Department for the above referenced permit.
5. On August 07, 2015, the Department inadvertently issued a Lapse Notice to the permit holders for the above referenced permit.

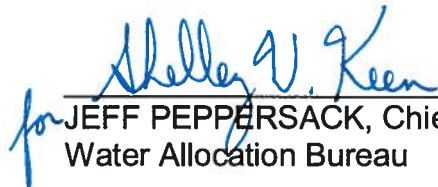
CONCLUSIONS OF LAW

1. The Department issued the Lapse Notice in error. Section 42-218a (3), Idaho Code, provides that the Department may reinstate a permit with no advance in priority upon a showing of Department error.
2. The Department should reinstate permit no. 95-12609 with no change in the priority date.

ORDER

IT IS HEREBY ORDERED that Permit No. 95-12609 is **REINSTATED** with no advance of the original priority date.

DATED this 22nd day of September, 2015.


for JEFF PEPPERSACK, Chief
Water Allocation Bureau

MEMORANDUM

TO: Water Right File 95-12609

FROM: Daniel Nelson – Staff Hydrologist

DATE: September 18, 2015

SUBJECT: Review of irrigation use.

In reviewing in-house field exam some questions arose concerning whether irrigation had been developed for this property. Review of the aerial photos, showed very little sign of irrigation. Adam Fredrick drove by the site and took photos of the place of use. The photos reveal that there is definitely irrigation along the driveway. You can clearly see the drip style irrigation lines running through the flower beds on either side of the driveway.

The photos of the yard are a little less revealing. Along the side of the home, there is some pipe that could be used for irrigation, but the pipe could also be for indoor plumbing. It is just too hard to tell from the photo. The yard itself does look greener than the grasses along the road where the picture was taken, but it still isn't as green as fully maintained yard. My guess is that this is a summer home and only used periodically. When the owners are there, they water the yard enough to keep it semi green and it does look as though it has been mowed recently.

My conclusion from the photos is that don't water this yard like a normal homeowner would for their home in town. However, from the photos, I would say that they do some irrigation when they are at the cabin, but it is just enough irrigation to keep the grass green enough to prevent the grass in the lawn from easily catching fire.



These are photos taken of the place of use by Adam Frederick from our Northern Region for water right permit 95-12609 on 9/15/2015.

95-12609



Here is a
drip style
irrigation
line.

Here is a
drip style
irrigation
line.

95-12609



09/15/2015

95-12609