

NO. 96-09565

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 1.6 AF

has applied for a permit to appropriate water from:

Source: SPRING **Tributary:** SYRINGA CREEK
SYRINGA CREEK CHUCK SLOUGH
and a permit is APPROVED for development of water as follows:

Keith L. Dransfield
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 1, 2015

DAN FOGARTY
PO BOX 1472
SANDPOINT ID 83864

RE: Permit No.96-9565

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.

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 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 September 1, 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.

96-9565

**DAN FOGARTY
PO BOX 1472
SANDPOINT ID 83864**



**Dianne 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.

RECEIVED

AUG 03 2015

DEPARTMENT OF
WATER RESOURCES

RECEIVED

AUG - 6 2015

IDWR/NORTHERN

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

) ss.

County of Bonner)

Amber Bangeman, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Notice of Application.
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Book Keeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 2 day of July, 2015 and ending on the 9 day of July, 2015.

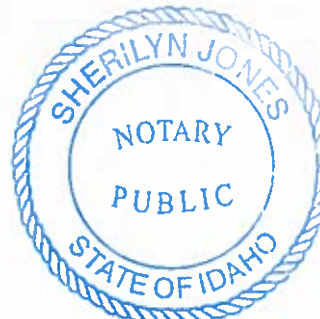
Amber Bangeman

State of Idaho, county of Bonner ss.

On this 9 day of July, in the year of 2015, before me, Sherilyn Jones, Notary Public, personally appeared

Amber Bangeman, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he
(or they) executed the same.

Sherilyn Jones
Notary Public
Residing at: Sandpoint
Comm. Exp.: 2/24/17



RECEIVED
AUG 06 2015
IDWR/NORTH

NOTICE OF APPLICATIONS

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

96-9565

DAN FOGARTY

PO BOX 1472

SANDPOINT, ID 83864

Point of Diversion NWSESW S8

T57N R02W BONNER County

Source SPRING Tributary

SYRINGA CREEK

Point of Diversion SESW S8

T57N R02W BONNER County

Source SYRINGA CREEK

Tributary CHUCK SLOUGH

Use: DIVERSION TO

STORAGE

01/01 to 12/31

0.2 CFS

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Use: DOMESTIC FROM

STORAGE

01/01 to 12/31

0.6 AF

Use: DOMESTIC STORAGE

01/01 to 12/31

1.6 AF

Total Diversion:

0.2 CFS

1.6 AF

Date Filed: 4/30/2015

Place Of Use: DIVERSION TO

STORAGE, DOMESTIC,

DOMESTIC STORAGE,

DOMESTIC FROM STORAGE

T57N R02W S8 SESW

96-9566

MICHAEL D BENNETT

PO BOX 7

COCOLALLA, ID 83813

Point of Diversion L6(NENW)

S18 T55N R02W BONNER

County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Use: IRRIGATION

04/01 to 10/31

0.07 CFS

Total Diversion:

0.11 CFS

Date Filed: 5/20/2015

Place

Of

Use: DOMESTIC, IRRIGATION

T55N R02W S18 L6(NENW)

Total Acres: 2.5

96-9567

WILLIAM WHEELER

9 LARIAT CT

SAGLE, ID 83860

Point of Diversion L3(SENE)

S29 T56N R03W BONNER

County

Source PEND OREILLE RIVER

Tributary COLUMBIA RIVER

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 5/27/2015

Place Of Use: DOMESTIC

T56N R03W S29 L3(SENE)

96-9568

LARRY L TREIBER

GAIL G TREIBER

PO BOX 311

HOPE, ID 83836

Point of Diversion NESE S35

T57N R01E BONNER County

Source UNNAMED STREAM

Tributary SINKS

Use: IRRIGATION

04/01 to 10/31

0.03 CFS

Total Diversion:

0.03 CFS

Date Filed: 5/29/2015

Place Of Use: IRRIGATION

T57N R01E S35 L5(NESE)

T57N R01E S36 NWSW SWSW

Total Acres: 1

96-9569

DANIEL WILLIAMS

SHARON WILLIAMS

15 PUDDING HILL RD

MADBURY, NH 03823

Point of Diversion L4(SESE) S11

T56N R01W BONNER County

Source LIVERMORE LAKE

Tributary SINKS

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 6/5/2015

Place Of Use: DOMESTIC

T56N R01W S11 L4(SESE)

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 7/20/2015. The

protestant must also send a copy

of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/2/2015 and

7/9/2015

SNP Legal 3648

July 2, 9, 2015