

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 97-07521

Priority: February 27, 2015

Maximum Diversion Rate: 0.56 CFS
Maximum Diversion Volume: 135.0 AF

This is to certify, that OUTLET WATER ASSN
PO BOX 846
PRIEST RIVER ID 83856

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>	<u>ANNUAL VOLUME</u>
MUNICIPAL	01/01 to 12/31	0.56 CFS	135.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4NE1/4 Sec. 6, Twp 59N, Rge 04W, B.M. BONNER County
GROUND WATER SW1/4NE1/4 Sec. 6, Twp 59N, Rge 04W, B.M. BONNER County

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 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. This water right is also subject to the Special Use Permit approved by the Forest Service as well as other state and federal laws.
6. Rights 97-7291, 97-2053, 97-7013 and 97-7521 when combined shall not exceed a total diversion rate of 0.56 cfs and a total annual volume of 142.1 acre feet.
7. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
8. Place of use is within the area served by the public water supply system of Outlet Water Association ID1090094. The place of use is generally located within Section 6, Township 59N, Range 04W.
9. This right does not grant any right-of-way or easement across the land of another.

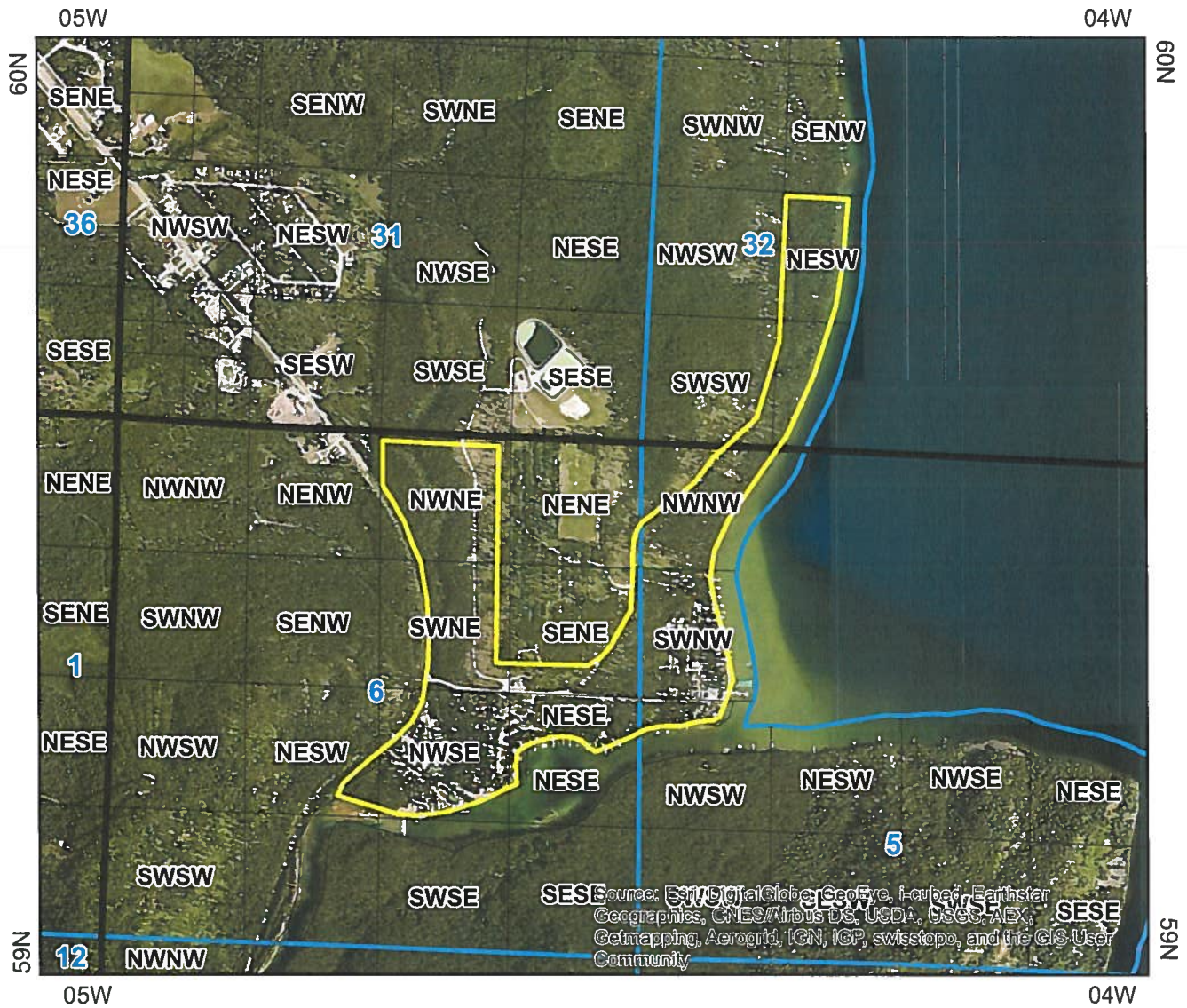
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of

the Director, affixed at Coeur d' Alene, this 28 day of April, 2015.


For, GARY SPACKMAN, Director

Permit to Appropriate Water

97-7521



- Water Service Area Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.2 0.4 0.8 Miles





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

April 29, 2015

OUTLET WATER ASSN
PO BOX 846
PRIEST RIVER ID 83856

RE: Permit No. 97-7521

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 April 29, 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. 97-7521

**OUTLET WATER ASSN
PO BOX 846
PRIEST RIVER ID 83856**



**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

APR 23 2015

IDWR / NORTH

MUNICIPAL PROVIDER QUESTIONNAIRE

Date APRIL 21, 2015

Applicant OUTLET WATER ASSOCIATION

a.) Must be a corporation or association registered to do business in the State of Idaho

Contact Person BILL MCINERNEY

Phone Number (208)443-3146

Public Water Supply Number 1090094

b.) PWS numbers are issued by the Department of Environmental Quality

1. Number of homes proposed No. 100
2. Proposed size of lawn & garden per home in acres 0.25 Total 25
3. Acres of other proposed irrigation such as parks, common areas, open spaces or golf courses Total 0
4. Total acres proposed to be irrigated #2 + #3 Total 25
5. a.) Number of Commercial uses proposed No. 0
1.) Specify Type _____

b.) Total anticipated annual volume use in gallons or acre-feet No. 0
6. a.) Number of Industrial uses proposed to be served No. 0
1.) Specify Type _____

b.) Total anticipated annual volume in gallons or acre-feet Total 0
7. Fire Protection diversion requirement in gallons/minute or cfs. 0
a.) Fire Protection will be identified as a separate use on the application.
8. If the source is ground water, has a pump test been performed? Yes X, No _____.
a.) If yes explain the result, including maximum rate of diversion, well draw down, rate of recovery, etc. 128 GPM, 16' DRAWDOWN, 4 HOUR TEST

RECEIVED
APR 08 2015
IDWR / NORTH

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Bonner)

Danielle Rucker, 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 bookkeeper 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.

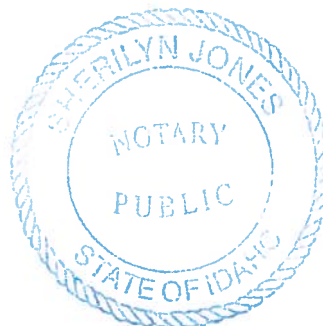
4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 19 day of March, 2015, and ending on the 26 day of March, 2015.

Danielle Rucker

State of Idaho, county of Bonner ss.

On this 26 day of March, in the year of 2015, before me, Sherilyn Jones, Notary Public, personally appeared Danielle Rucker, 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
APR 08 2015
IDWR / NORTH

NOTICE OF APPLICATION

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

96-9560

JACK CHILDRESS
KANDI CHILDRESS
739 PENINSULA RD
HOPE, ID 83836
Point of Diversion NENW S12 T56N R01E BONNER County
Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.06 CFS
Date Filed: 2/26/2015
Place of Use: DOMESTIC T56N R01E S12 NENW
Place of Use: STOCKWATER T56N R01E S12 NENW
Domestic use is for 1 home.
Stockwater use is for 2 horses

96-9561

JACK CHILDRESS
KANDI CHILDRESS
739 PENINSULA RD
HOPE, ID 83836
Point of Diversion NENW S12 T56N R01E BONNER County
Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 2/26/2015
Place of Use: DOMESTIC T56N R01E S12 NENW
Domestic use is for seasonal guest cottage.

97-7521

OUTLET WATER ASSN
PO BOX 846
PRIEST RIVER, ID 83856
Point of Diversion SWNE S6 T59N R04W BONNER County
Point of Diversion SWNE S6 T59N R04W BONNER County
Source GROUND WATER
Use: MUNICIPAL 01/01 to 12/31 0.56 CFS
Total Diversion: 0.56 CFS

Date Filed: 2/27/2015
Place of Use: MUNICIPAL
Municipal use is within service area of applicant.
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 4/6/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
SNP Legal 3469
March 19, 26, 2015

Frederick, Adam

From: Spencer, Steven M -FS [sspencer@fs.fed.us]
Sent: Tuesday, March 31, 2015 3:19 PM
To: Franklin, Keith
Cc: Frederick, Adam
Subject: Application 97-07521
Attachments: Permit 77-14340.pdf

Gentlemen,

Outlet Water Association (Association) has filed Application For Permit 97-07521 which is being advertised right now. The location for this well is on National Forest System (NFS) Land. The Forest Service (FS) has been working with the Association for several years anticipating issuing a new special use permit that would include authorization for this new well and access to the well. In order to get the facts aligned for all parties to see the Forest Service wrote a letter to the Association dated March 27, 2015. You were included as a 'cc' to that letter.

We do not want to unnecessarily delay or retard processing of the application. Although we think we are within a couple weeks of the federal approvals, we nevertheless need to assure that the state and federal processes are somewhat concurrent. There are times when the federal processes can take a long time. In light of those lengthy timeframe John Westra came up with a method of doing business that allows the Department to continue processing Applications for Permit while still meeting the needs of other regulating entities, including both state and federal authorizations. By including a clause in the Permit such as Condition No. 9 in 77-14340, those other entities interests and needs are accommodated. This particular clause in this permit is:

This water right is also subject to the Plan of Operations approved by the Forest Service as well as other state and federal laws.

This clause protects FS interests as well as some issues that sometimes surface with the State DEQ. If possible in 97-07521 a similar clause would meet FS needs, allow uninterrupted processing of the Application for Permit and not unnecessarily delay implementation for the Association. While John and Steve have both retired I'm hopeful there is another agent at the Western Region who is also familiar with how this protocol developed and may have some insight as to how it is working for them.

If you have any questions about this matter please contact me.

Thank you,

Steve



Steven M. Spencer
Water Use Specialist

Forest Service
Intermountain Region

p: 208-365-7055

sspencer@fs.fed.us

1805 Hwy 16 Rm 5

Emmett, ID 83617

<http://www.fs.usda.gov/r4>



Maxey, Shaun

From: Maxey, Shaun
Sent: Wednesday, April 01, 2015 11:42 AM
To: 'sspencer@fs.fed.us'
Subject: Outlet Water Association letter

Steve:

You asked in a March 30, 2015 telephone conversation that IDWR acknowledge receipt of a copy of the USFS letter sent to Outlet Water Association. The subject letter arrived in today's mail and will be reviewed by my supervisor next week.

Shaun Maxey

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral DR Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762.2816 /2800
Fax (208) 762.2819
www.idwr.idaho.gov