

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-16946

Priority: November 03, 2014

Maximum Diversion Rate: 0.04 CFS

This is to certify, that DALE MARLOW And/Or
JAN MARLOW
9881 W BOBCAT TRL
COEUR D ALENE ID 83814

has applied for a permit to appropriate water from:

Source: COUGAR CREEK

Tributary: COEUR D'ALENE LAKE

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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

COUGAR CREEK SE1/4NE1/4 Sec. 35, Twp 50N, Rge 05W, B.M. KOOTENAI County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
50N	05W	35				X													

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2020**.
2. Subject to all prior water rights.
3. Domestic use is for external use only.
4. 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.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. 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. 95B.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
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 8 day of January, 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

January 15, 2015

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

DALE MARLOW
JAN MARLOW
9881 W BOBCAT TRL
COEUR D ALENE ID 83814

RE: Permit No.95-16946

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 January 15, 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. 95-16946

**DALE MARLOW
JAN MARLOW
9881 W BOBCAT TRL
COEUR D ALENE ID 83814**



**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.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

RECEIVED
DEC 29 2014
IDWR / NORTH

Charrell White 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.

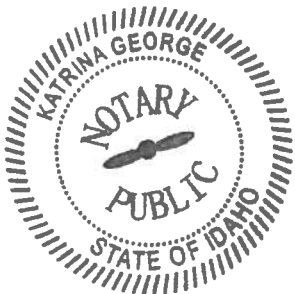
2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for Two consecutive weeks commencing on the 18 day of December, 20 14, and ending on the 25 day of December, 20 14, 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 Charrell White. On this 25 day of December in the year of 2014, before me, a Notary Public, personally appeared Charrell White, 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

DEC 29 2014

IDWR / NORTH

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

94-9362

BENJAMIN SCHEFFELMAIER

MELISSA SCHEFFELMAIER

PO BOX 66

AVERY, ID 83802

Point of Diversion NWNWSW S13 T48N R02W KOOTENAI CO

Source SPRING tributary SINKS

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 9/17/2014

Place of Use: DOMESTIC T48N R02W S13 NWSW

Domestic use is for 1 home.

95-16945

JOHN T YOCUM

CHERYL R YOCUM

32964 N SCENERY CT

ATHOL, ID 83801

DALE STOLLAR

32967 N SCENERY CT

ATHOL, ID 83801

CHRIS FIEGUTH

32919 N SCENERY CT

ATHOL, ID 83801

Point of Diversion SENE S6 T53N R03W KOOTENAI CO

Source GROUND WATER

Use: DOMESTIC 1/01 to 12/31 0.05 CFS

Use: IRRIGATION 04/01 to 10/31 0.05 CFS

Use: STOCKWATER 01/01 to 12/31 0.03 CFS

Total Diversion: 0.05 CFS

Date Filed: 11/3/2014

Place of Use: DOMESTIC T53N R03W S6 SWNE SENE

Place of Use: STOCKWATER and IRRIGATION

same as DOMESTIC

Total Acres: 1.5

Domestic use is for 3 homes.

Stockwater use is for 20 horses and 15 head mixed stock.

95-16946

DALE MARLOW

JAN MARLOW

9881 W BOBCAT TRL

COEUR D ALENE, ID 83814

Point of Diversion SENE S35 T50N R05W KOOTENAI CO

Source COUGAR CREEK tributary COEUR D'ALENE LAKE

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/3/2014

Place of Use: DOMESTIC T50N R05W S35 SENE

Domestic use is for irrigation of up to 1/2 acre only.

95-16952

WALLACE ERIC CHUN

MELANIE CHUN

2088 E BEST AVE.

COEUR D ALENE, ID 83814

Point of Diversion L1(NENE) S5 T49N R03W KOOTENAI CO

Source COEUR D ALENE LAKE tributary SPOKANE RIVER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/25/2014

Place of Use: DOMESTIC T49N R03W S5 L1(NENE)

Domestic use is for 1 home.

95-16955

KEITH HAMILTON

6734 W HARBOR DR

COEUR D ALENE, ID 83814

Point of Diversion L6(SENE) S7 T50N R04W KOOTENAI CO

Source SPOKANE RIVER tributary COLUMBIA RIVER

Use: IRRIGATION 03/15 to 11/15 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 12/4/2014

Place of Use: IRRIGATION T50N R04W S7 L6(SENE)

Total Acres: 0.5

95-16958

RAYMOND BRADLEY

351 S HIDDEN ISLAND LN

COEUR D ALENE, ID 83814

Point of Diversion L5(SENE) S8 T50N R04W KOOTENAI CO

Source SPOKANE RIVER tributary COLUMBIA RIVER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 12/5/2014

Place of Use: DOMESTIC T50N R04W S8 L6(SWNE) L5(SENE)

Domestic use is for 1 home with up to 1/2 AC irrigation.

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/WRFileing.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 1/5/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Legal 2083

December 18, 25, 2014