

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 86-12027

Priority: October 07, 2014

Maximum Diversion Rate: 0.04 CFS

This is to certify, that DARYL SWANSTROM
PO BOX 106
DEARY ID 83823

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

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
STOCKWATER	01/01 to 12/31	0.02 CFS
FIRE PROTECTION	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING, SE1/4NW1/4SW1/4, Sec. 8, Twp 40N, Rge 02W, B.M., LATAH County

PLACE OF USE: DOMESTIC, STOCKWATER, FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
40N 02W 8										X							

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2019**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for 1 home.
5. Stockwater use is for 50 head of mixed stock.
6. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre.

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 2 day of December, 2014.


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

December 8, 2014

DARYL SWANSTROM
PO BOX 106
DEARY ID 83823

RE: Permit No.86-12027

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,



Keith E. Franklin
Program Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2014 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.

86-12027

**DARYL SWANSTROM
PO BOX 106
DEARY ID 83823**



**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.

MEMORANDUM

To: Water Right Applications #86-12025, #86-12026, #86-12027

From: Keith E. Franklin

Date: December 2, 2014

Re: Application for a Permit to Appropriate Water within the Salmon and Clearwater River Basins.

Re: Regional Analysis and Recommendation in accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05).

Water Supply Information.

The Idaho Department of Fish & Game as well as the Department of Environmental Quality have no adverse comments towards the applications. All of the springs originate and sink on the applicant's property.

Good Faith, Delay, or Speculative Information.

The applicant plans to divert water for the applicants own use on property that the applicant owns and there are no known issues with any other party

Financial Resources Information.

The applicant will use its own resources to complete the project.

Local Public Interest.

The Idaho Department of Fish & Game and the Department of Environmental Quality have been asked to comment by the department. The Department of Environmental Quality responded by letter and there was no response by the end of the comment period by the Department of Fish & Game.

Injury to Other Water Rights.

There isn't any foreseen potential to impact other area water right holders.

Recommendation.

Northern Region recommends proceeding with the processing of these water right applications.

NEWS REVIEW PUBLISHING COMPANY

The Moscow-Pullman Daily News

P.O.Box 374

Lewiston, Idaho 83501

(208) 743-9411

Date:

11/13/2014

INVOICE NO.

102707

Account No.

30010311

Description

102707 The foll

Times

2

Lines

66

Tab. lines

\$ 193.05

**LEGAL ADVERTISING
INVOICE**

RECEIVED

NOV 17 2014

IDWR / NORTH

Sold To: IDAHO DEPT/ WATER RESOURCES
7600 N. MINERAL DR STE 100
COEUR D ALENE ID 83814

PO#

86-12025

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

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

86-12025

DARYL SWANSTROM

PO BOX 106

DEARY, ID 83823

Point of Diversion NESESW S8 T40N R02W LATAH CO

Source SPRING tributary SINKS

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

Use: FIRE PROTECTION 01/01 to 12/31 0.04 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/2/2014

Place of Use: STOCKWATER T40N R02W S8 SWSW

T40N R02W S17 NENW NWNW

Place of Use: FIRE PROTECTION same as STOCKWATER

Place of Use: DOMESTIC T40N R02W S17 NENW

Domestic use is for 1 home.

Stockwater use is for 50 head of mixed stock.

86-12026

DARYL SWANSTROM

PO BOX 106

DEARY, ID 83823

Point of Diversion NWNESEW S7 T40N R02W LATAH CO

Source SPRING tributary SINKS

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

Use: FIRE PROTECTION 01/01 to 12/31 0.04 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/2/2014

Place of Use: DOMESTIC T40N R02W S7 NESW

Place of Use: STOCKWATER T40N R02W S7 NESW

Place of Use: FIRE PROTECTION T40N R02W S7 NESW

Domestic use is for 1 home.

Stockwater use is for 50 head of mixed stock.

86-12027

DARYL SWANSTROM

PO BOX 106

DEARY, ID 83823

Point of Diversion SENSW S8 T40N R02W LATAH CO

Source SPRING tributary SINKS

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

Use: FIRE PROTECTION 1/01 to 12/31 0.04 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/2/2014

Place of Use: DOMESTIC T40N R02W S8 NWSW

Place of Use: STOCKWATER T40N R02W S8 NWSW

Place of Use: FIRE PROTECTION T40N R02W S8 NWSW

Domestic use is for 1 home.

Stockwater use is for 50 head of mixed stock.

Permits will be subject to all prior water rights. For additional
information concerning the property location, contact North-
ern 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 ap-
plication must be filed with the Director, Dept. of Water Re-
sources, 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 11/24/2014. The protestant
must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/6/2014 and 11/13/2014

AFFIDAVIT OF PUBLICATION

Karen J. Lewis, Legal Clerk
being first duly sworn, on oath deposes
and says: I am the printer of
Moscow-Pullman Daily News, a newspaper
of general circulation, published daily
except Sunday at Moscow, Latah County,
Idaho, in compliance with Sections 60-106,
60-107, and 60-108 of the Idaho Code and the
amendments thereto; and an official newspaper
for Whitman County, Washington as required
by R.C.W. 36.72.071 and other provisions of
the Revised Code of Washington and the
amendments thereto: that the notice of which the
annexed is a full, true and correct printed
copy was published in the regular and entire
issues of said newspaper and not in a
supplement thereto, upon the following dates:

Nov. 6, 13, 2014

the same being the date designated for
the publication of said notice.

Karen J. Lewis

On this 14th day of November
in the year of 2014, before me, a Notary Public,
personally appeared Karen J. Lewis,
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.

Case F. Peterson

Notary Public for Idaho,

Residing at Lewiston, Idaho

My Commission Expires 9-1-2017



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370
www.deq.idaho.gov

C.L. "Butch" Otter, Governor
Curt Fransen, Director

October 24, 2014

Mr. Keith Franklin
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

RECEIVED

OCT 27 2014

IDWR/NORTHERN

Subject: Water Appropriation, Permits # 86-12025, 86-12026, 86-12027

Dear Mr. Franklin:

We received a request for comment along with a copy of an application for a water appropriation permit 86-12025 to appropriate 0.04 cfs from a spring on property in Latah County. The water will be diverted from the source by pumping. The appropriated water will be used for stock water, fire protection, and domestic use from January 1 to December 31.

Permit # 86-12026 requests to appropriate 0.04 cfs from a spring on property in Latah County. The water will be diverted from the source by pumping to a home. The appropriated water will be used for stock water, fire protection, and domestic use from January 1 to December 31.

Permit # 86-12027 requests to appropriate 0.04 cfs from a spring on property in Latah County. The water will be diverted from the source by pumping to a home. The appropriated water will be used for stock water, fire protection, and domestic use from January 1 to December 31.

Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

The springs are described in the application as sinks. Because we assume any water of the State which occurs beneath the surface of the earth in a saturated geological formation of rock or soil to be ground water (Idaho Code 58.01.02.010.38), we assume there to be hydrologic gradient connectivity to surface waters of the State. It is the policy of the State of Idaho Ground Water Management Plan that existing and projected beneficial uses of ground water and interconnected surface water be maintained and protected and degradation that would impair beneficial uses of ground water and interconnected surface water not be allowed.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards, please call us at (208) 799-4370.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel D. Stewart".

Daniel D. Stewart
Watershed Monitoring Coordinator

ec: Daryl Swanstrom, Deary, ID
Cyndi Barrett, DEQ
John Cardwell, DEQ
Ray Hennekey, IDFG