

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09552

Priority: September 08, 2014

Maximum Diversion Rate: 0.04 CFS

This is to certify, that JEFF HEITMAN And/Or MERCEDES HEITMAN
706 SOUSA CT
PETALUMA CA 94952

has applied for a permit to appropriate water from:

Source: PEND OREILLE LAKE

Tributary: PEND OREILLE RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

PEND OREILLE LAKE L2 (SW1/4NW1/4) Sec. 8, Twp 56N, Rge 01E, B.M. BONNER County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	01E	8										X							
												L 2							

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2015**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
5. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
6. 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 10 day of November, 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

November 19, 2014

JEFF HEITMAN
706 SOUSA CT
PETALUMA CA 94952

MERCEDES HEITMAN
706 SOUSA CT
PETALUMA CA 94952

RE: Permit No.96-9552

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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 black 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

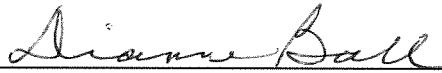
I hereby certify that on November 19, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

96-9552

**JEFF HEITMAN
706 SOUSA CT
PETALUMA CA 94952**

**MERCEDES HEITMAN
706 SOUSA CT
PETALUMA CA 94952**

A handwritten signature in cursive script, reading "Dianne Ball", is positioned above a horizontal line.

**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
NOV 04 2014
IDWR / NORTH

NOTICE OF APPLICATION

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

96-9551

JUDY DABROWSKI
877 HEATH LAKE RD
SAGLE, ID 83860

Point of Diversion SWSE S21 T56N R02W BONNER County

Source GROUND WATER

Use: DIVERSION to STORAGE	01/01 to 12/31	0.4 CFS
Use: FIRE PROTECTION Storage	01/01 to 12/31	3.6 AF
Use: IRRIGATION	04/01 to 10/31	0.4 CFS
Use: IRRIGATION from STORAGE	04/01 to 10/31	10.5 AF
Use: IRRIGATION STORAGE	01/01 to 12/31	14.1 AF
Use: RECREATION STORAGE	01/01 to 12/31	3.6 AF
Use: STOCKWATER	01/01 to 12/31	0.02 CFS

Total Diversion: 0.4 CFS 14.1 AF

Date Filed: 10/1/2014

Place of Use: FIRE PROTECTION STORAGE, IRRIGATION
STORAGE, and RECREATION STORAGE

T56N R02W S21 SESW

Place of Use: IRRIGATION from STORAGE

T56N R02W S21SESW

Total Acres: 3.5

Place of Use: IRRIGATION T56N R02W S21 SESW SWSE

Total Acres: 16.5

Place of Use: STOCKWATER T56N R02W S21 SESW SWSE

Stockwater use is for 10 head of mixed stock

Recreation Storage is for swimming

96-9552

JEFF HEITMAN
MERCEDES HEITMAN
706 SOUSA CT

PETALUMA, CA 94952

Point of Diversion L2(SWNW) S8 T56N R01E BONNER County

Source PEND OREILLE LAKE tributary PEND OREILLE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 9/8/2014

Place of Use: DOMESTIC T56N R01E S8 L2(SWNW)

Domestic use is for 1 home.

96-9553

STERN TRUST, STERN, GERALD G & FRANCES

3437 WESTMOND RD

SAGLE, ID 83860

Point of Diversion NWNE S34 T56N R02W 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: 9/23/2014

Place of Use: DOMESTIC 56N R02WS34 NWNE

Place of Use: STOCKWATER T56N R02W S34 NWNE

Domestic use is for 1 home

Stockwater use is for 6 head of range cattle.

96-9555

SCOTT PERCHYNSKI
1007 LAKE STREET
SANDPOINT, ID 83864

Point of Diversion L8(SWSE) S6 T55N R02W BONNER County

Source COCOLALLA LAKE tributary COCOLALLA CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 9/23/2014

Place of Use: DOMESTIC T55N R02W S6 L8(SWSE)

Domestic use is for irrigation up to 0.5 AC, only.

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 11/3/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

SNP Legal 3209

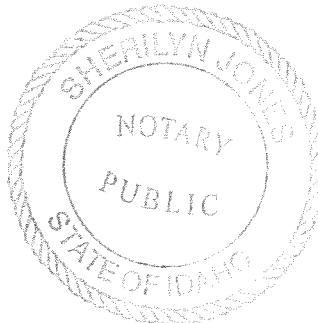
October 16, 23, 2014

RECEIVED
NOV 04 2014
IDWR / NORTH

Danielle Rucker, being first duly sworn on oath, deposes and states:

- Daniela Rucker

Shirley Jones
Notary Public
Residing at: Shadyside
Comm. Exp.: 2/24/17



Ball, Dianne

From: Mike Ahmer [mahmer@idl.idaho.gov]
Sent: Monday, October 20, 2014 9:10 AM
To: Ball, Dianne
Subject: RE: Application for Permit No. 96-9552, and 96-9555

I was aware of Heitman and have been working with him with his permit with us. I was not aware of Perchynski and have written him a letter letting him know a permit with IDL is needed as well.

Thanks,
Mike Ahmer

From: Ball, Dianne [mailto:Dianne.Ball@idwr.idaho.gov]
Sent: Friday, October 10, 2014 12:32 PM
To: Terra Berns,Mary; Mike Ahmer
Subject: RE: Application for Permit No. 96-9552, and 96-9555

Dear Mary and Mike:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of each of the applications is attached for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated.

These are being prepared for publication in Bonner County Daily Bee on October 16 and 23, 2014 with November 3 as final date for protests to be received in our office.

If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact Eric Davis in this office if you have any questions regarding these applications.

Sincerely,
Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819