

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 96-09546

Priority: June 16, 2014

Maximum Diversion Rate: 0.12 CFS

This is to certify, that DIAMOND T RANCH  
5361 RIVER RD  
CLARK FORK ID 83811

has applied for a permit to appropriate water from:

**Source:** UNNAMED SPRINGS      **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> |
|-----------------------|----------------------|--------------------------|
| FIRE PROTECTION       | 01/01 to 12/31       | 0.12 CFS                 |
| DOMESTIC              | 01/01 to 12/31       | 0.12 CFS                 |

**LOCATION OF POINT(S) OF DIVERSION:**

UNNAMED SPRINGS SW1/4SW1/4NW1/4 Sec. 29, Twp 55N, Rge 03E, B.M. BONNER County

**PLACE OF USE:** DOMESTIC And FIRE PROTECTION

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 55N 03E 29  |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2015**.
2. Subject to all prior water rights.
3. Domestic internal use is for 7 cabins.
4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
5. 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 20 day of August, 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](http://www.idwr.idaho.gov)

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

August 21, 2014

DIAMOND T RANCH  
5361 RIVER RD  
CLARK FORK ID 83811

RE: Permit No. 96-9546

**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.

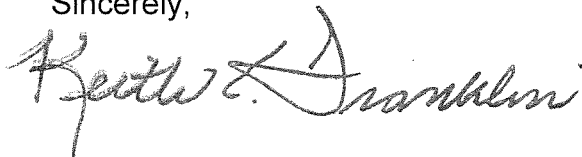
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

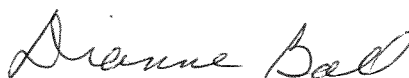
### **CERTIFICATE OF SERVICE**

I hereby certify that on August 21, 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.**

**96-9546**

**DIAMOND T RANCH  
5361 RIVER RD  
CLARK FORK ID 83811**

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.

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, Robin Haley

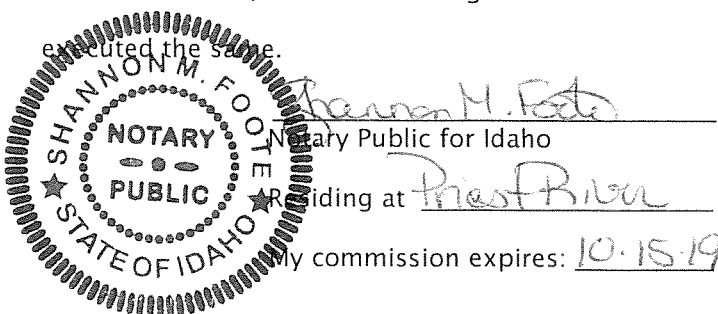
being first duly sworn on oath deposes and says that he/she is Advertising Manager of the Priest River Times, a newspaper printed and published at Priest River, Bonner County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Bonner County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of:

Applications - 96-9545 Fosdick  
96-9546 Diamond T Ranch

as it was published in the regular and entire issue of the said newspaper for a period of 2 consecutive weeks, commencing on the 2nd day of July, 20 14 and ending on the 9th day of July, 20 14 and that said notice was published in said newspaper.

On this 9th day of July in the year of 2014, before me, a Notary Public, personally appeared Robin Haley, 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.



RECEIVED

AUG 06 2014

IDWR / NORTH

APPLICATIONS OF WATER RIGHTS

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

**96-9545**

FRANK FOSDICK

PO BOX 250

LACLEDE, ID 83841

Point of Diversion L1(NWNE) S31 T56N R03W BONNER County

Source PEND OREILLE RIVER Tributary LAKE PEND OREILLE

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

Total Diversion: 0.04 CFS

Date Filed: 6/16/2014

Place Of Use: DOMESTIC

T56N R03W S31 L1(NWNE)

**96-9546**

DIAMOND T RANCH

5361 RIVER RD

CLARK FORK, ID 83811

Point of Diversion SWSWNW S29 T55N R03E BONNER County

Source UNNAMED SPRINGS Tributary SINKS

Use: DOMESTIC 01/01 to 12/31 0.12 CFS

Use: FIRE PROTECTION 01/01 to 12/31 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 6/16/2014

Place Of Use: FIRE PROTECTION DOMESTIC

T55N R03E S29 SWNW

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](http://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 N Mineral Dr., Ste 100, Coeur d'Alene, ID 83815 together with a protest fee of \$25.00 for each application on or before 7/21/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PRT legal 2760

July 2, 9, 2014

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 96-9546 APPLICATION ID # 79383 ENT. ED BCA 8/6/14 OK to Publish \_\_\_\_\_  
 APPLICANT: Diamond T Ranch INITIAL REVIEW BY: ED DATE: 6/17/2014

- ITEM REQUIRED INFORMATION**
1. ☒ Name and Address
  2. ☐ Source
  3. ☐ Point of Diversion & County
  4. ☐ Quantity
  5. ☐ Nature of Proposed Use
  6. ☐ Period of Use
  7. ☐ Total Quantity
  8. ☐ Description of diverting works
  9. ☐ Time required for b/u
  10. ☐ Proposed use
  11. ☐ Place of use or acres irrigated
  12. ☐ Other water Rights
  13. ☐ Ownership
  14. ☐ Map
  15. ☐ Signature
  16. ☒ Fee (Amt, receipt, acknowledgement)

\*\*\* Send info sheet Y ( ) N ( )

**ADDITIONAL INFORMATION**

(Yes)(No)  
☒ Shape File Created Date 6-17-14 By: ED  
☐ Field check: by \_\_\_\_\_  
☐ Field report attached  
☐ Analysis Supp. Attached (>5cfs/500af)  
☐ Water delivered by water master? Water District # \_\_\_\_\_

**PROCESSING**

(Yes)(No) PRIORITY DATE: 6/16/2014  
☒ (Include Moratorium Remark)  
☒ Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).  
 ADVERTISE IN: BONNER County  
 Newspaper: PRIEST RIVER TIMES  
 Dates scheduled for publication 7/3 & 7/10/2014  
 Affidavit of Publication received: \_\_\_\_\_  
 Dates actually published: \_\_\_\_\_  
 Application published correctly. Yes \_\_\_\_\_ No \_\_\_\_\_  
 If not, action taken: \_\_\_\_\_  
 Final Date for Protest: 7/21/2014  
 Protests Received: Yes \_\_\_\_\_ No \_\_\_\_\_

**LETTERS SENT REQUESTING:**

( ) Dam Information ( ☒ ) Fish Information IDFG  
 ( ) Power Information ( ) Other: \_\_\_\_\_

**INFORMATION RECEIVED:**

( ) Dam Information ( ) Fish Information  
 ( ) Power Information ( ) Other: \_\_\_\_\_

**GROUNDWATER SECTION**

| WD Permit No.'s: | Tag # | Type:         | Fees          | Receipt No. | Upgrade Needed? |
|------------------|-------|---------------|---------------|-------------|-----------------|
| _____            | _____ | Dom. Non-Dom. | Paid \$ _____ | _____       | Y ( ) N ( )     |
| _____            | _____ | Dom. Non-Dom. | Paid \$ _____ | _____       | Y ( ) N ( )     |
| _____            | _____ | Dom. Non-Dom. | Paid \$ _____ | _____       | Y ( ) N ( )     |

- ☐ Groundwater management area  
☐ Critical ground water area  
☐ Well Drilling Permit required  
☐ Well Drilling Application and Fees received  
☐ Well Drilling Application approved?

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**FINAL REGIONAL PROCESSING/REVIEW**

(Yes)(No)  
☐ Notice of pending void order issued. Final order response date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
☐ Further information required from applicant \_\_\_\_\_  
 \_\_\_\_\_

☐ Measuring device required  
☐ Measuring port required  
☐ Special conditions: \_\_\_\_\_  
☐ Special conditions of approval supplement and/or cover letter attached: \_\_\_\_\_

**SCANNED**  
**JUN 26 2014**

Approval Recommended by: E. J. Jones Date: 8/7/2014 Sr. Agent initial ED