

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 98-07927

Priority: August 05, 2013

Maximum Diversion Rate: 0.23 CFS

This is to certify, that DEER PARK RANCH LLC
357 LAURAL LN
NAPLES ID 83847

has applied for a permit to appropriate water from:

Source: DEEP CREEK**Tributary:** KOOTENAI RIVER

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>
IRRIGATION	04/01 to 10/31	0.20 CFS	
IRRIGATION STORAGE	04/01 to 10/31		43.9 AF
IRRIGATION FROM STORAGE	04/01 to 10/31	0.20 CFS	30.0 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		13.9 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.23 CFS	

LOCATION OF POINT(S) OF DIVERSION:

DEEP CREEK SE1/4SE1/4 Sec. 25, Twp 61N, Rge 01W, B.M. BOUNDARY County
DEEP CREEK SW1/4SE1/4 Sec. 25, Twp 61N, Rge 01W, B.M. BOUNDARY County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
61N 01E 30											.1	.2					.3
61N 01W 25														.7		9.0	9.7

Total Acres: 10

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
61N 01W 25														X			

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 98-07927

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
61N 01E 30									.1	.2							.3
61N 01W 25													.7			9.0	9.7

Total Acres: 10

PLACE OF USE: FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
61N 01W 25													X				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2019**.
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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
5. This right authorizes the diversion of 6.2 acre-feet to be used for the initial filling of the pond, 7.7 acre-feet for losses due to seepage and evaporation, and up to 30 acre-feet for additional refills for the irrigation storage use for a total annual storage volume of 43.9 acre-feet and surface area of 1.4 acre.
6. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
7. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
8. 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 13 day of February, 2014.

Gary Spackman
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

February 18, 2014

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

DEER PARK RANCH LLC
357 LAURAL LN
NAPLES ID 83847

RE: Permit No.98-7927

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 black ink, appearing to read "Eric J. Davis". The signature is written in a cursive, flowing style.

Eric J. Davis

Sr. Water Resource Agent

Enclosure(s)

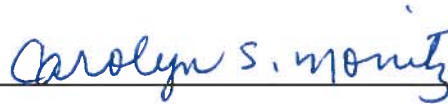
CERTIFICATE OF SERVICE

I hereby certify that on February 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.

98-7927

**DEER PARK RANCH LLC
357 LAURAL LN
NAPLES ID 83847**



**Carolyn S. Monitz
Technical Records Clerk**

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 Boundary, Jinda Johnson

being first duly sworn on oath deposes and says that he/she is book keeper of the Bonners Ferry Herald, a newspaper printed and published at Bonners Ferry, Boundary County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Boundary County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of:

Notice of Correction -
Permit NO. 98-7927 as it

was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 2nd day of Jan., 2014 and ending on the 9th day of Jan., 2014 and that said notice was published in said newspaper.

Jinda Johnson

SUBSCRIBED AND SWORN TO before me, this

30th day of January, 2014.

Sherilyn Jones

Notary Public-State of Idaho

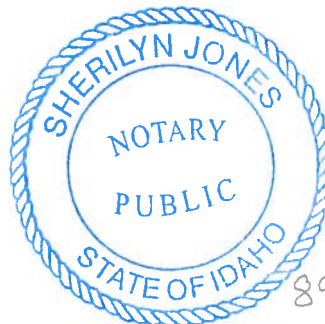
Residing at: Sandpoint

My Commission Expires: 2/24/17

RECEIVED
FEB 04 2014
IDWR / NORTH

NOTICE OF CORRECTION
NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 98-7927 in the name of DEER PARK RANCH LLC, 357 LAURAL LN, NAPLES, ID 83847, was incorrectly advertised on December 5 and 12, 2013.
The Place of Use for Irrigation Storage and Fire Protection Storage was incorrectly advertised as T61N R01E S25, whereas correctly it should be T61N R01W S25.
(For additional information concerning the property location, call the Northern Regional Office at 762-2800.)
Any protests against the approval of the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 7600 N Mineral Drive, Suite 100, Coeur d'Alene, Id. 83815, together with a protest fee of \$25.00 on or before January 20, 2014.
GARY SPACKMAN, Director
Legal #8913
January 2, 9, 2014

Second Publication



AFFIDAVIT OF PUBLICATION

State of Idaho

ss

County of Boundary, Jinda Johnson
being first duly sworn on oath deposes and says that
he/she is book keeper of the
Bonners Ferry Herald, a newspaper printed and
published at Bonners Ferry, Boundary County, Idaho;
that the said newspaper has been continuously and
uninterruptedly published in said Boundary County
during a period of 12 months prior to the first publication
of the hereto attached notice of publication in the case
of:

Application to Appropriate
Public Water as it
was published in the regular and entire issue of the said
paper for a period of 2 consecutive weeks,
commencing on 5th day of Dec., 2013 and
ending on the 12th day of Dec., 2013 and
that said notice was published in said newspaper.

Jinda Johnson

SUBSCRIBED AND SWORN TO before me, this

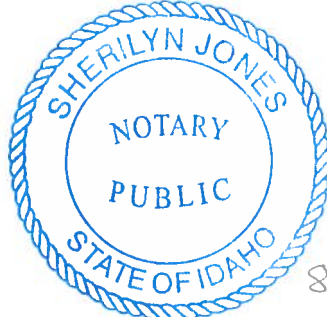
12th day of December, 2013.

Sherilyn Jones

Notary Public-State of Idaho

Residing at: Sandpoint

My Commission Expires: 2/24/17



8898

RECEIVED
JAN 03 2014
IDWR / NORTH

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
98-7927
DEER PARK RANCH LLC
357 LAURAL LN
NAPLES ID 83847
Point of Diversion SESE S25 T61N R01W BOUNDARY CO
Source DEEP CREEK tributary KOOTENAI RIVER
Point of Diversion SWSE S25 T61N R01W BOUNDARY CO
Source DEEP CREEK tributary KOOTENAI RIVER
Use: DIVERSION to STORAGE 01/01 to 12/31 0.23 CFS
Use: FIRE Protection Storage 01/01 to 12/31 13.9 AF
Use: IRRIGATION 04/01 to 10/31 0.2 CFS
Use: IRRIGATION from Storage 04/01 to 10/31 0.2CFS 30AF
Use: IRRIGATION STORAGE 04/01 to 10/31 43.9 AF
Total Diversion: 0.23 CFS
Date Filed: 8/05/2013
Place of Use: IRRIGATION T61N R01E S30 NWSW SWSW T61N R01W S25 NESE SESE
Place of Use: IRRIGATION Storage T61N R01E S25 NESE
Place of Use: IRRIGATION from STORAGE T61N R01E S30 NWSW SWSW T61N R01W S25 NESE SESE
Place of Use: FIRE PROTECTION STORAGE T61N R01E S25 NESE
Total Acres: 10
Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800. 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 12/23/2013. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
BFH Legal 8898
December 5, 12, 2013

original publication

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, December 18, 2013 3:03 PM
To: Hersley, Jean
Cc: Davis, Eric
Subject: 98-7927 DEER PARK RANCH LLC

Hi, Jean,

I have re-scanned the entire file for Deer Park Ranch LLC through the initial submission to the paper and the new submission to the paper regarding the Notice of Correction which is now scheduled for publication January 2 and 9, 2014. The final date for protest will move to January 20, 2014.

Will you please remove the original scanned document No. 676239 – the item that was profiled on November 22, 2013? That was the original scanning through the initial submission to the paper.

Thanks for your help.

Dianne

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS (ET)

P-12-18-13

W.R. # 98-7927

APPLICATION ID # 78797

ENT. E.D BCA 11/25 OK to Publish 11/19/13

INITIAL REVIEW

APPLICANT: Deer Park Ranch LLC

BY: E.D

DATE: 8/28/2013

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)

PROCESSING

(Yes)(No)

PRIORITY DATE: 8/5/2013

(Include Moratorium Remark)

Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN:

Boundary

County

Newspaper: BPHerald

Dates scheduled for publication 12/5 & 12/13

Affidavit of Publication received:

Dates actually published:

Application published correctly. Yes

No ☒

If not, action taken: Re-published 11/2 & 9/14

Final Date for Protest: 12/23/13 11/20/14

Protests Received: Yes No

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

ADDITIONAL INFORMATION

(Yes)(No)

☒ Shape File Created Date 8-28-13 By: E.D

☐ Field check: by

☐ Field report attached

☐ Analysis Supp. Attached (>5cfs/500af)

☐ Water delivered by water master? Water District #

LETTERS SENT REQUESTING:

☐ Dam Information ☐ Fish Information

☐ 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 ()

- Deep Creek
- ☐ 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: 1/4 inch screen at POD

☐ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: E.D

Date: 02/06/2014 Sr. Agent initial E.D