

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 97-07518

Priority: April 07, 2014

Maximum Diversion Rate: 0.10 CFS

This is to certify, that KEVIN HANSON And/Or
TERRY HANSON
13506 N CHURCH RD
RATHDRUM ID 83858

has applied for a permit to appropriate water from:

Source: SPRING
UNNAMED STREAM

Tributary: PRIEST RIVER
PRIEST 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>
DOMESTIC	01/01 to 12/31	0.04 CFS
IRRIGATION	04/01 to 10/31	0.03 CFS
POWER	01/01 to 12/31	0.10 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM, SW1/4NW1/4, Sec. 13, Twp 56N, Rge 05W, B.M., BONNER County

SPRING, NE1/4SW1/4NW1/4, Sec. 13, Twp 56N, Rge 05W, 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 05W 13							X										

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	
56N 05W 13							1.0										1.0

Total Acres: 1

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 97-07518

PLACE OF USE: POWER

Twp Rge Sec	NE				NW				SW				SE				Totals
56N 05W 13	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
							X										

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2019**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
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 Director retains jurisdiction of this right in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.
6. The term of this permit shall extend to December 31, 2039. Prior to the expiration of the term, the Director may issue an order canceling all or any part of the use authorized herein, may establish a new term, or may revise, delete, or add conditions under which the subsequent water right license may be exercised. The order shall take effect on the date the current term expires. If the Director does not issue such an order, the term shall automatically extend to a length equal to the project's prior term and any prior conditions on the water right permit shall remain in effect.
7. The right holder shall install a measuring device that can be used to determine the instantaneous rate of flow of water through the system, or the right holder shall provide to the department a flow rate measurement or computation made by a certified water right examiner in accordance with actual system design and operation.
8. This right does not grant any right-of-way or easement across the land of another.
9. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.

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 18 day of June, 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

June 25, 2014

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

KEVIN HANSON
13506 N CHURCH RD
RATHDRUM ID 83858

TERRY HANSON
13506 N CHURCH RD
RATHDRUM ID 83858

RE: Permit No.97-7518

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 cursive script that reads "Eric J. Davis".

Eric J. Davis

Sr. Water Resource Agent

Enclosure(s)

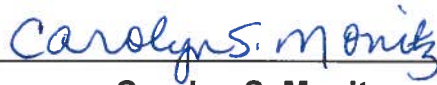
CERTIFICATE OF SERVICE

I hereby certify that on June 26, 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. 97-7518

**KEVIN HANSON
13506 N CHURCH RD
RATHDRUM ID 83858**

**TERRY HANSON
13506 N CHURCH RD
RATHDRUM ID 83858**



**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

RECEIVED

JUN 04 2014

IDWR / NORTH

State of Idaho

ss.

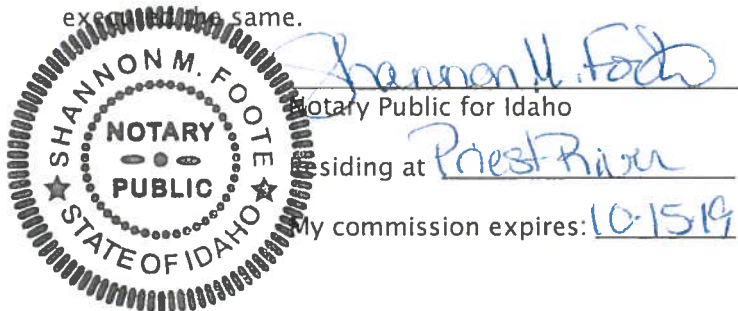
County of Bonner, Robin Haley

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:

Application 96-9541- V Matlock
Application 97-7518 Hansen

as it was published in the regular and entire issue of the said newspaper for a period of 2 consecutive weeks, commencing on the 21st day of May, 20 14 and ending on the 28th day of May, 20 14 and that said notice was published in said newspaper.

On this 28th day of May 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.



NOTICE OF APPLICATION OF WATER RIGHTS

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

96-9541

VICKY MATLOCK

PO BOX 3547

OLDTOWN, ID 83822

Point of Diversion SENE S1 T55N R06W BONNER CO

Source GROUND WATER

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

Use: IRRIGATION 04/01 to 10/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 4/14/2014

Place of Use: DOMESTIC T55N R06W S1 SENE

Place of Use: IRRIGATION same as DOMESTIC

Total Acres: 1.5

Domestic use is for 1 home.

97-7518

KEVIN HANSON

TERRY HANSON

13506 N CHURCH RD

RATHDRUM, ID 83858

Point of Diversion SWNW S13 T56N R05W BONNER CO

Source UNNAMED STREAM tributary PRIEST RIVER

Point of Diversion NESWNW S13 T56N R05W BONNER CO

Source SPRING tributary PRIEST RIVER

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

Use: IRRIGATION 04/01 to 10/31 0.03 CFS

Use: POWER 01/01 to 12/31 0.1 CFS

Total Diversion: 0.1 CFS

Date Filed: 4/7/2014

Place of Use: DOMESTIC T56N R05W S13 SWNW

Place of Use: IRRIGATION and POWER same as DOMESTIC

Total Acres: 1

Domestic use is for one home

Hydropower is for 250 Head - 1 KW.

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 6/9/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PRT legal 2738

May 21, 28, 2014

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

P-5-13-14

W.R. # 97-7518

APPLICATION ID # 79295

ENT. E.D LCA 5/9/14 OK to Publish 5/2/14

INITIAL REVIEW

APPLICANT: Kevin For Terry Hanson BY: E.D DATE: 5/1/2014

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)

PROCESSING

(Yes)(No) PRIORITY DATE: 4/7/2014

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

ADVERTISE IN: BONNER County

Newspaper: PRT

Dates scheduled for publication 5/21+28/14

Affidavit of Publication received: 6/14/14

Dates actually published: 5/21+28/14

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 6/9/14

Protests Received: Yes ☐ No ☒

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
() Power Information () Other: _____

INFORMATION RECEIVED:

- () Dam Information () Fish Information
() Power Information () Other: _____

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

ADDITIONAL INFORMATION

- (Yes)(No)
____ Shape File Created Date _____ By: _____
____ Field check: by _____
____ Field report attached
____ Analysis Supp. Attached (>5cfs/500af)
____ Water delivered by water master? Water District # _____

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 ()

Stream/Spring

- ____ 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: _____

Approval Recommended by: E.D Date: 6/12/2014 Sr. Acent initial E.D.