

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 85-15759

Priority: April 14, 2014

Maximum Diversion Rate: 0.38 CFS

This is to certify, that GREGORY E PHILLIPS
800 TAMMANY RIDGE
LEWISTON ID 83501
(208) 816-0929

has applied for a permit to appropriate water from:

Source: GROUND WATER

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
IRRIGATION	02/15 to 11/30	0.32 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER, NW1/4SE1/4, Sec. 20, Twp 35N, Rge 05W, B.M., NEZ PERCE 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	
35N 05W 20															X		

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N 05W 20													X	X	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	
35N 05W 20													2.0	13.0	1.0		16.0

Total Acres: 16

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 85-15759

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 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. 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. 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.
7. Stockwater use is for 40 head of mixed stock.
8. 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.
9. This right authorizes the diversion of ground water within the Lewiston Plateau Ground Water Management Area (LPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the LPGWMA.
10. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

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 16 day of May, 2014.

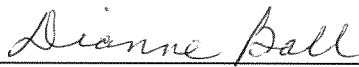

For, GARY SPACKMAN, Director

CERTIFICATE OF SERVICE

I hereby certify that on May 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. 85-15759

**GREGORY E PHILLIPS
800 TAMMANY RIDGE
LEWISTON ID 83501**

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

**Dianne Ball
Administrative Assistant**



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

May 21, 2014

GREGORY E PHILLIPS
800 TAMMANY RIDGE
LEWISTON ID 83501

RE: Permit No.85-15759

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.

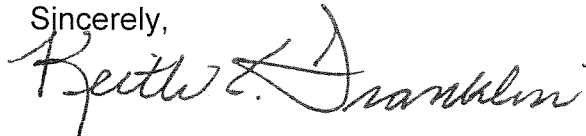
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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)

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.

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

P - 4-18-14

W.R. # 85-15759

APPLICATION ID # 19252

ENT. 4/14

BCA 4/15/14

OK to Publish 4/15/14

APPLICANT: Phillips

INITIAL REVIEW

BY: KD

DATE: 4/14/2014

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 4/14 By: KD
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. Attached (>5cfs/500af)
- ☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 4/14/2014

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

ADVERTISE IN:

Newspaper: Nez Perce County

Dates scheduled for publication 4/17 + 24/14

Affidavit of Publication received: _____

Dates actually published: _____

Application published correctly. Yes _____ No _____

If not, action taken: _____

Final Date for Protest: 5/5/14

Protests Received: Yes _____ No ☒

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?

<u>00061755</u>	Dom. _____ Non-Dom. _____	Paid \$ <u>75.00</u>	<u>N030146</u>	Y () N ()
_____	Dom. _____ Non-Dom. _____	Paid \$ <u>125.00</u>	<u>N03076</u>	Y () N ()
_____	Dom. _____ Non-Dom. _____	Paid \$ _____	<u>(N030376)</u>	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.
- ☐ Further information required from applicant _____
- Final order response date: _____/_____/_____

- ☐ Measuring device required
- ☐ Measuring port required
- ☒ Special conditions: Lewis and Plateau G.W.M.A.
- ☐ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by:

Kevin Z. [Signature]

Date: 5/16/2014

Sr. Agent initial

KD

MEMORANDUM

To: Water Right Application # 85-15759

From: Keith E. Franklin

Date: May 16, 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 Department of Environmental Quality had no adverse comments towards the applicant withdrawing up to an instantaneous ground water diversion of 0.38 cfs for domestic, irrigation and stock water purposes on the applicants property. The Idaho Department of Fish and Game did not comment.

Good Faith, Delay, or Speculative Information.

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

Financial Resources Information.

The development of this water right will be by the applicants own financing.

Local Public Interest.

The Idaho Department of Fish & Game and the Department of Environmental Quality have been ask to comment, by the department. The Idaho Department of Environmental Quality had no negative comments, however the Idaho Department of Fish & Game did not comment or file a protest during advertising period.

Injury to Other Water Rights.

There isn't any foreseen potential to impact area water right holders. The applicant plans to construct the well within the Regional Aquifer located in the Lewiston Plateau Ground Water Management Area. The Regional Aquifer is recharged by the Snake River.

Recommendation.

Northern Region recommends proceeding with the processing of this water right application.



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED
MAY 02 2014
IDWR / NORTH

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

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

April 30, 2014

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

Subject: Application for Permit to Appropriate the Public Waters of the State, Ident. No. 85-15759

Dear Mr. Franklin:

DEQ has received a request for comment on the approval of an application to construct a well and draw a total quantity of 0.38 cfs of ground water for irrigation, domestic, and stock water use from January 1 to December 31. Based on the information that has been provided, DEQ cannot estimate nor predict impairments to surface or ground water beneficial uses resulting from the requested withdrawal. However, assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we can offer the following comment.

This activity will comply with all aspects of the Well Construction Standards Rules, IDAPA 37, Title 03, Chapter 09. In addition, all work will be completed following the guidelines, best management practices, rules and regulations found in "Idaho Well-Driller's Regulatory Compliance Guidebook", Marc McGregor, UI, distributed by the Idaho Department of Water Resources.

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 requesting our review and comment of your activity.

Sincerely,

A handwritten signature in black ink that reads "Cindy Barrett".

Cindy Barrett
Regional Water Quality Program Manager

cc: Gregory Phillips, Lewiston
Ray Hennekey, IDFG
John Cardwell, DEQ

TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date: 04/24/2014 INVOICE NO. 94193
Account No. 964750
Description 94193 The follo
Times 2 Lines 34
Tab. lines
\$ 99.45

**LEGAL ADVERTISING
INVOICE**

Sold To: ID DEPT. OF WATER RESOURCES Dianne Ball
7600 MINERAL DR #100
COEUR D'ALENE ID 83814

PO# 85-15759

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.

RECEIVED
APR 28 2014
IDWR / NORTH

AFFIDAVIT OF PUBLICATION

The following application(s) have been filed to appropriate
the public waters of the State of Idaho:
85-15759

GREGORY E PHILLIPS
800 TAMMANY RIDGE
LEWISTON, ID 83501

Point of Diversion NWSE S20 T35N R05W NEZ PERCE CO

Source GROUND WATER

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

Use: IRRIGATION 02/15 to 11/30 0.32 CFS

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

Total Diversion: 0.38 CFS

Date Filed: 4/14/2014

Place of Use: DOMESTIC T35N R05W S20 NWSE

Place of Use: STOCKWATER

T35N R05W S20 NESE NWSE SWSE

Place of Use: IRRIGATION same as STOCKWATER

Total Acres: 16

Domestic use is for 1 home.

Stockwater use is for 40 head of range cattle.

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. Protests may be submit-
ted 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
5/5/2014. The protestant must also send a copy of the protest
to the applicant.

GARY SPACKMAN, Director

Published on 4/17/2014 and 4/24/2014

Karen J. Lewis, being duly sworn, deposes and
says, I am the Legal Clerk of the Tribune
Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho
and under and by virtue of the laws of the State of Washington,
publishers of the Lewiston Tribune, a news-
paper of general circulation published at Lewiston, Nez Perce
County, Idaho; That the said Lewiston Tribune is
an established newspaper and has been published regularly
and issued regularly at least once a day for more than 105
consecutive years next immediately preceding the first
publication of this notice, and has been so published
uninterrupted for said period; that the 94193 The follo
attached hereto and which is made a part of this affidavit
was published in the said Lewiston Tribune,

2 time(s). Publication being on
04/17, or once a Week
for 2 consecutive Week,
the first publication thereof being on the 04/17/2014,
and the last publication thereof being on the 04/24/2014,
and said 94193 The follo was so published in the
regular and entire issue of said newspaper and was not in a
supplement thereof and was so published in every issue and
number of the said paper, during the period and times of
publication as set forth above.

Karen J. Lewis

State of Idaho

S.S.

County of Nez Perce

On this 25th day of April 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.

Carol L. Peterson
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 9-1-2017

