

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 87-10077

Priority: October 09, 2013

Maximum Diversion Rate: 0.09 CFS

This is to certify, that WAYNE OLSON Or ANNETTE OLSON  
1049 JOHN RUBY RD  
MOSCOW ID 83843

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       | 0.06 CFS                 |
| STOCKWATER            | 01/01 to 12/31       | 0.03 CFS                 |

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

GROUND WATER NE1/4NE1/4 Sec. 12, Twp 38N, Rge 06W, B.M. LATAH County

**PLACE OF USE:** DOMESTIC And 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 |        |
| 38N 06W 12  | 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. Domestic use is for 1 home, 1 shop/ apartment.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
5. Stockwater use is for 51 mixed head.
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 23 day of January, 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)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

January 27, 2014

WAYNE OLSON  
1049 JOHN RUBY RD  
MOSCOW ID 83843

ANNETTE OLSON  
1049 JOHN RUBY RD  
MOSCOW ID 83843

RE: Permit No.87-10077

**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.

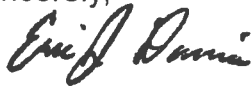
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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, 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 January 28, 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.                      87-10077**

**ANNETTE OLSON  
1049 JOHN RUBY RD  
MOSCOW ID 83843**

**WAYNE OLSON  
1049 JOHN RUBY RD  
MOSCOW ID 83843**



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**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.

**Davis, Eric**

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**From:** Hennekey, Ray [ray.hennekey@idfg.idaho.gov]  
**Sent:** Tuesday, January 14, 2014 11:18 AM  
**To:** Davis, Eric  
**Cc:** John.Cardwell@deq.idaho.gov; Cadwallader, Dave; Kiefer, Sharon  
**Subject:** FW: RE: Application for Permit No. 87-10076 and Permit No. 87-1077 both for Olson

Hello Eric –

Sorry for the delayed response.

I have reviewed both of the Olson applications for water rights for two wells at different sites. The 87-10076 application is for 0.12 cfs for domestic, stockwater and irrigation at John Ruby Road near Moscow; that well has apparently been in use since 1973. Application No. 87-10077 is for 0.09 cfs for domestic, stockwater use on a property off Jacksha Road, Moscow; that well has apparently been in use since 1984. Although we don't know the rate of historical use for either well or how rates of withdrawal may change with these applications, we are not aware of any past impacts on fish or wildlife resulting from prior use of these wells. We do not anticipate future impacts from either well at the rates requested, unless withdrawals effect discharge to surface waters.

**Ray Hennekey**

Environmental Staff Biologist  
Idaho Department of Fish and Game  
Clearwater Region  
3316 16<sup>th</sup> Street  
Lewiston, Idaho 83501

(208) 799-5010

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**From:** Ball, Dianne [<mailto:Dianne.Ball@idwr.idaho.gov>]  
**Sent:** Tuesday, January 14, 2014 10:43 AM  
**To:** Hennekey, Ray  
**Cc:** Davis, Eric  
**Subject:** FW: RE: Application for Permit No. 87-10076 and Permit No. 87-1077 both for Olson

Good morning, Ray,

We sent a request for comments to you on these two files, back on December 5, 2013, but have not yet heard from you regarding them, both in the name of Wayne Olson.

Due to their location, comments from you are required. We can't finalize these and issue permits until we have your comments.

The publication process has been completed. Please send your comments to Eric Davis – letter by e-mail will be great. Eric's e-mail is [Eric.Davis@idwr.idaho.gov](mailto:Eric.Davis@idwr.idaho.gov)

If you have any questions, please call Eric at 208-762-2800. We've already received the comments back from DEQ – just waiting for yours.

Thanks, and have a great rest of the day.

**Dianne Ball**

Administrative Assistant

**NEWS REVIEW PUBLISHING COMPANY**

The Moscow-Pullman Daily News

P.O.Box 374

Lewiston, Idaho 83501

(208) 743-9411

|             |                        |             |               |
|-------------|------------------------|-------------|---------------|
| Date:       | <u>12/26/2013</u>      | INVOICE NO. | <u>89292</u>  |
| Account No. | <u>30010311</u>        |             |               |
| Description | <u>89292 The follo</u> |             |               |
| Times       | <u>2</u>               | Lines       | <u>48</u>     |
|             |                        | Tab. lines  |               |
|             |                        | \$          | <u>140.40</u> |

**LEGAL ADVERTISING  
INVOICE**

Sold To: IDAHO DEPT/ WATER RESOURCES  
7600 N. MINERAL DR STE 100  
COEUR D ALENE ID 83814

**RECEIVED****JAN 03 2014**

PO#

**IDWR / NORTH**

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.

**AFFIDAVIT OF PUBLICATION**

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

87-10076

WAYNE OLSON

ANNETTE OLSON

1049 JOHN RUBY RD

MOSCOW, ID 83843

Point of Diversion NESE S25 T40N R06W LATAH CO

Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.06 CFS

Use: IRRIGATION 03/15 to 10/31 0.06 CFS

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

Total Diversion: 0.12 CFS

Date Filed: 10/24/2013

Place of Use: DOMESTIC T40N R06W S25 NESE

Place of Use: IRRIGATION and STOCKWATER

Same as DOMESTIC

Total Acres: 2

Domestic use is for 3 homes.

Stock water use is for 10 head of mixed stock.

87-10077

WAYNE OLSON

ANNETTE OLSON

1049 JOHN RUBY RD

MOSCOW, ID 83843

Point of Diversion NENE S12 T38N R06W LATAH CO

Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.06 CFS

Use: STOCKWATER 01/01 to 12/31 0.03 CFS

Total Diversion: 0.09 CFS

Date Filed: 10/29/2013

Place of Use: DOMESTIC 38N R06W S12 NENE

Place of Use: STOCKWATER same as DOMESTIC

Domestic use is for 2 homes

Stock water use is for 51 head of mixed stock.

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  
1/6/2014. The protestant must also send a copy of the protest  
to the applicant.

GARY SPACKMAN, Director

Published on 12/19/2013 and 12/26/2013

Karen J. Lewis, Legal Clerk  
being first duly sworn, on oath deposes  
and says: I am the printer of  
Moscow-Pullman Daily News, a newspaper  
of general circulation, published daily  
except Sunday at Mosocw, Latah County,  
Idaho, in compliance with Sections 60-106,  
60-107, and 60-108 of the Idaho Code and the  
amendments thereto; and an official newspaper  
for Whitman County, Washington as required  
by R.C.W. 36.72.071 and other provisions of  
the Revised Code of Washington and the  
amendments thereto: that the notice of which the  
annexed is a full, true and correct printed  
copy was published in the regular and entire  
issues of said newspaper and not in a  
supplement thereto, upon the following dates:

Dec. 19, 26, 2013

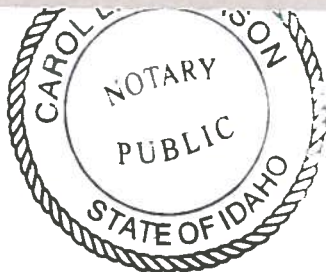
the same being the date designated for  
the publication of said notice.

Karen J. Lewis

On this 31st day of December  
in the year of 2013, 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 Z. Peterson

Notary Public in and for the State of Idaho,  
residing at Lewiston, therein  
Commission Expires 9/1/2017



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

I.R. # 87-10077

APPLICATION ID # 78900

ENT. ED

BCA 12/6/13 OK to Publish 12/4/13

INITIAL REVIEW

APPLICANT: OLSON

BY: ED

DATE: 11/6/2013

**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: 10/9/2013

(Include Moratorium Remark)

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

**ADVERTISE IN:**

LATAH

County

Newspaper: MPP News

Dates scheduled for publication 12/19 & 26/13

Affidavit of Publication received: 1/3/14

Dates actually published: 12/19 & 26/13

Application published correctly. Yes ☒ No ☐

If not, action taken: \_\_\_\_\_

Final Date for Protest: 1/6/14

Protests Received: Yes ☐ No ☒

**LETTERS SENT REQUESTING:**

☐ Dam Information ☐ Fish Information

☐ Power Information ☐ Other: \_\_\_\_\_

**INFORMATION RECEIVED:**

☐ Dam Information ☐ Fish Information

☐ Power Information ☐ Other: \_\_\_\_\_

**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 ( <input checked="" type="checkbox"/> ) |
| _____            | _____ | 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: \_\_\_\_\_

Approval Recommended by: E. P. Olson

Date: 1/15/2014 Sr. Agent initial ED