

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-10205

Priority: March 16, 2009

Maximum Diversion Rate: 0.06 CFS
Maximum Storage Volume: 6.0 AF

This is to certify, that JOHN T MONTEE And/Or
VIRGINIA M MONTEE
15198 N HAMLET TRAIL
HAYDEN ID 83835

has applied for a permit to appropriate water from:

Source: SPRINGS

Tributary: STUMP CREEK

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>
DOMESTIC	01/01 to 12/31	0.04 CFS	
STOCKWATER	01/01 to 12/31	0.02 CFS	
RECREATION STORAGE	01/01 to 12/31		6.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS, NE1/4NE1/4SE1/4, Sec. 35, Twp 52N, Rge 03W, B.M., KOOTENAI County

PLACE OF USE: DOMESTIC And STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
52N	03W	35													X	X			

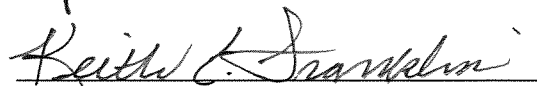
PLACE OF USE: RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
52N	03W	35													X				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2015**.
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. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. Stockwater use is for 10 head of range cattle.
7. Recreation storage is for fishing and swimming.
8. The pond established by the storage of water under this right shall not exceed a total capacity of 6 acre-feet.
9. This right authorizes the annual storage of 6 acre-feet to be used for the initial filling of the pond, for the replacement of losses caused by seepage and evaporation from the pond and for the storage of water for recreational purposes.

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 15 day of April, 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

C.L. "BUTCH" OTTER
Governor

April 30, 2014

GARY SPACKMAN
Director

JOHN T MONTEE
15198 N HAMLET TRAIL
HAYDEN ID 83835

VIRGINIA M MONTEE
15198 N HAMLET TRAIL
HAYDEN ID 83835

RE: Permit No.95-10205

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.

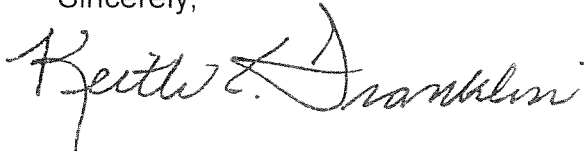
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

CERTIFICATE OF SERVICE

I hereby certify that on April 30, 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. 95-10205

**JOHN T MONTEE
15198 N HAMLET TRAIL
HAYDEN ID 83835**

**VIRGINIA M MONTEE
15198 N HAMLET TRAIL
HAYDEN ID 83835**

A handwritten signature in cursive script, reading "Dianne Ball", 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,
County of Kootenai,

} SS.

RECEIVED

APR 14 2009

Kattie Hay

IDWR/Nonn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Legal Notice

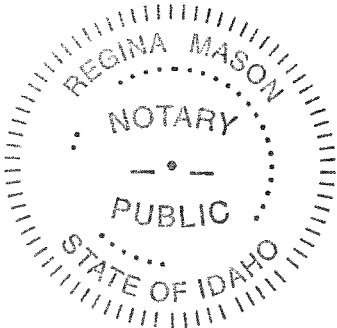
of which the annexed is a printed copy, was published in the regular *Thursday* issue of said newspaper for *2* consecutive *weeks* commencing on the *9* day of *April*, 20*09*, and ending on the *9* day of *April*, 20*09*, and such publication was made as often during said period as said *Daily* newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice *Kattie Hay*. On this *9* day of *April* in the year of *2009*, before me, a Notary Public, personally appeared *Kattie Hay*, 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.

Regina Mason

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/09



*See attached
Legal notice
Copy*

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

95-1

JORDAN INTERNATIONAL CONSTRUCTION

5030 N STONEHEDGE AVE

COEUR D'ALENE ID 83815

Point of Diversion L1 (NENE) S5 T49N R04W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION	03/15 To 11/15	0.02 CFS
Use: IRRIGATION STORAGE	01/01 To 12/31	4.9 AFA
Use: IRRIGATION FROM STORAGE	03/15 To 11/15	4.5 AFA
Use: DOMESTIC	01/01 To 12/31	0.02 CFS
Use: DOMESTIC STORAGE	01/01 To 12/31	1 AFA
Use: DOMESTIC FROM STORAGE	01/01 To 12/31	0.6 AFA
Use: FIRE PROTECTION	01/01 To 12/31	0.02 CFS
Use: FIRE PROTECTION STORAGE	01/01 To 12/31	0.4 AFA
Use: DIVERSION TO STORAGE	01/01 To 12/31	0.02 CFS
Total Diversion:	0.02 CFS	5.9 AFA

Date Filed: 01/23/2009

Place Of Use: DOMESTIC

T49N R04W S5 NENE Lot 1 SENE

Place Of Use: DOMESTIC STORAGE

T49N R04W S5 NENE Lot 1

Place Of Use: DOMESTIC FROM STORAGE

T49N R04W S5 NENE Lot 1 SENE

Place Of Use: IRRIGATION

T49N R04W S5 NENE Lot 1 SENE

Number of Acres 1.5

Place Of Use: IRRIGATION STORAGE

T49N R04W S5 NENE Lot 1

Place Of Use: FIRE PROTECTION

T49N R04W S5 NENE Lot 1 SENE

Remark: Domestic use is for two on site bathrooms.

95-10203

TIMOTHY KASTNING

10035 N HAPPY TL

RATHDRUM ID 83858

Point of Diversion SENESW S17 T51N R04W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION	03/15 To 11/15	0.18 CFS
Use: DOMESTIC	01/01 To 12/31	0.04 CFS
Total Diversion:		0.2 CFS

Date Filed: 03/17/2009

Place Of Use: DOMESTIC

T51N R04W S17 NESW

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres 9

Remark: Domestic use is for 1 home.

95-10205

JOHN T MONTEE

VIRGINIA M MONTEE

15198 N HAMLET TRAIL

HAYDEN ID 83835

Point of Diversion NENESE S35 T52N R03W KOOTENAI County

Source SPRINGS tributary to STUMP CREEK

Use: STOCKWATER	01/01 To 12/31	0.02 CFS
Use: DOMESTIC	01/01 To 12/31	0.04 CFS
Use: RECREATION STORAGE	01/01 To 12/31	6 AFA
Total Diversion:	0.06 CFS	6 AFA

Date Filed: 03/16/2009

Place Of Use: DOMESTIC

T52N R03W S35 NESE NWSE

Place Of Use: STOCKWATER same as DOMESTIC

Place Of Use: RECREATION STORAGE

T52N R03W S35 NESE

Remark: Domestic use is for 1 home.

Stockwater use is for 10 head of range cattle.

95-10207

TERRY A MARVIN

REGINA E MARVIN

461 W. REMINGTON RD

ATHOL ID 838101

Point of Diversion SWSE S14 T53N R04W KOOTENAI County

Source GROUNDWATER

Use: IRRIGATION	04/01 To 10/31	0.2 CFS
Use: STOCKWATER	01/01 To 12/31	0.02 CFS
Use: DOMESTIC	01/01 To 12/31	0.04 CFS
Total Diversion:		0.2 CFS

Date Filed: 03/19/2009

Place Of Use: IRRIGATION

T53N R04W S14 SWSE

Number of Acres 10

Place Of Use: DOMESTIC & STOCKWATER same as IRRIGATION

Remark: Domestic use is for 1 home.

Stockwater use is for 10 head of mixed stock.

95-10209

SHIRLEY FREEMAN

1513 N 3RD

COEUR D'ALENE ID 83814

Point of Diversion L6 (NESE) S3 T49N R03W KOOTENAI County

Source COEUR D'ALENE LAKE tributary to SPOKANE RIVER

Use: DOMESTIC	01/01 To 12/31	0.04 CFS
Total Diversion:		0.04 CFS

Date Filed: 02/23/2009

Place Of Use: DOMESTIC T49N R03W S3 NESE Lot 6

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

W.R. # 95 - 10205

APPLICATION ID # 75467

ENT. 3/17 BCA 3/18/09 OK to Publish 3/18/09

APPLICANT: John T. and/or Virginia M. Montee INITIAL REVIEW BY: KJ DATE: 3/17/2009

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: 3/16/2009

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

ADVERTISE IN: Kootenai County

Newspaper: Coe Press

Dates scheduled for publication 4/2 + 9/09

Affidavit of Publication received: 4/14/09

Dates actually published: 4/2 + 9/09

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 4/20/09

Protests Received: Yes ☒ No ☐

Resolved 4/15/14

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 3/17/09 By: KJ

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 ()

- _____ 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: Kait St. James Date: 4/15/2014 Sr. Agent initial KJ