

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO.      92-07229

Priority: June 29, 1997

Maximum Diversion Rate:      0.45 CFS  
Maximum Diversion Volume:      56.4 AF

It is hereby certified that EVERGREEN TERRACE WATER ASSN  
248 EVERGREEN TERRACE RD  
SAINT MARIES ID 83861 has complied with the terms and conditions of  
the permit, issued pursuant to Application for Permit dated April 21, 1997; and has submitted Proof of  
Beneficial Use on November 09, 2009. An examination confirms water is diverted from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

| <b><u>BENEFICIAL USE</u></b> | <b><u>PERIOD OF USE</u></b> | <b><u>DIVERSION RATE</u></b> | <b><u>ANNUAL<br/>DIVERSION VOLUME</u></b> |
|------------------------------|-----------------------------|------------------------------|-------------------------------------------|
| MUNICIPAL                    | 01/01 to 12/31              | 0.45 CFS                     | 56.4 AF                                   |

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

|              |            |          |          |               |                |
|--------------|------------|----------|----------|---------------|----------------|
| GROUND WATER | SW1/4NE1/4 | Sec. 25, | Twp 46N, | Rge 02W, B.M. | BENEWAH County |
| GROUND WATER | SW1/4NE1/4 | Sec. 25, | Twp 46N, | Rge 02W, B.M. | BENEWAH County |

**CONDITIONS OF APPROVAL**

1. 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 determine the amount of water diverted from power records and shall annually report the information to the department.
2. Place of use is within the area served by the public water supply system of Evergreen Terrace Water Association, Inc. The place of use is generally located within Section 25 of Township 46 North, Range 2 West.
3. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.

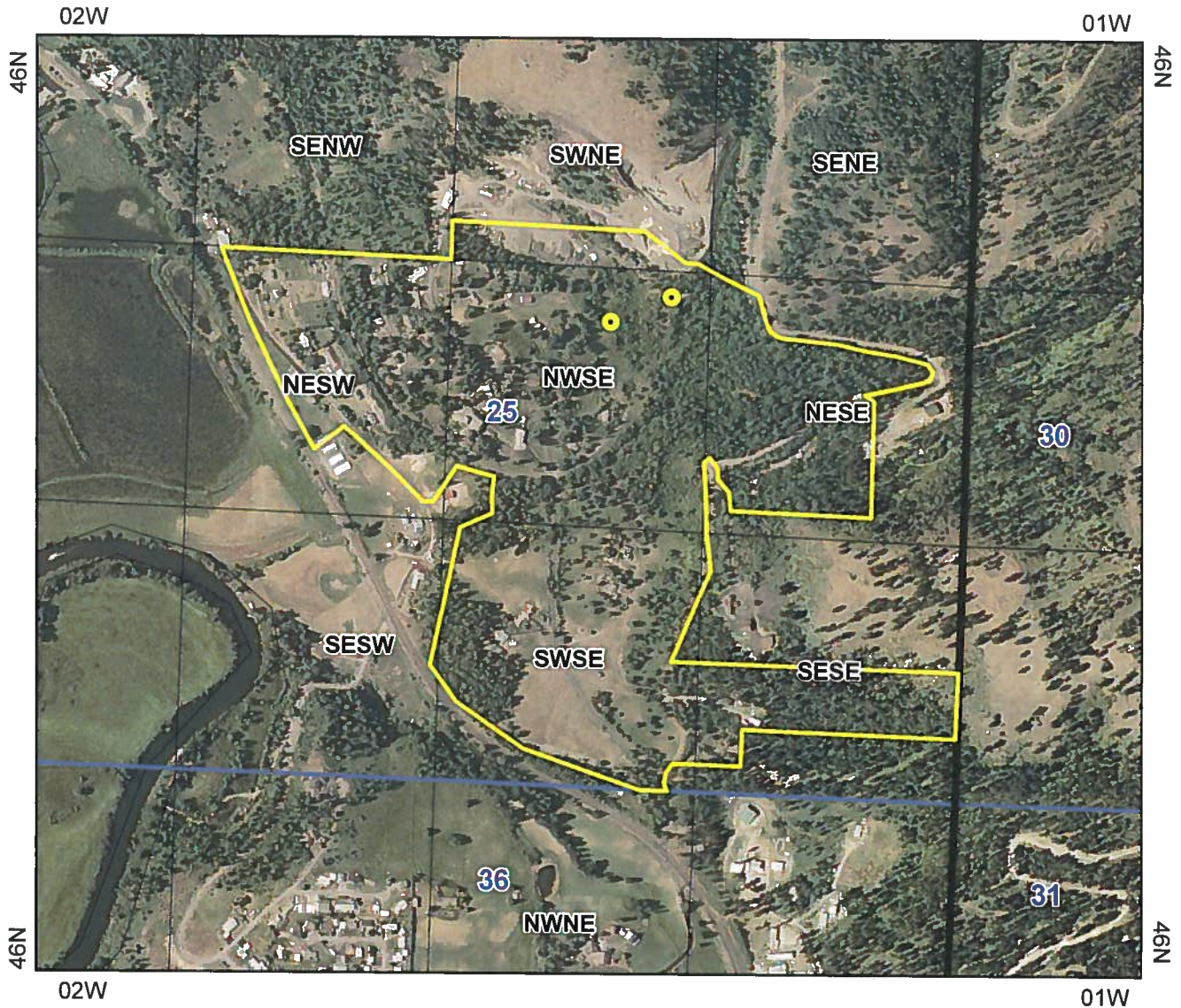
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 22<sup>nd</sup> day of April, 2014.

  
for GARY SPACKMAN  
Director

State of Idaho  
Department of Water Resources  
**Attachment To Water Right License**  
92-7229

This map depicts the MUNICIPAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Water Service Area Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.1 0.2 0.4 Miles





State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

April 22, 2014

EVERGREEN TERRACE WATER ASSN  
248 EVERGREEN TERRACE RD  
SAINT MARIES ID 83861

RE: License No. 92-7229

**Issuance of License**

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

The license 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.

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 208-287-4916.

Sincerely,

Craig L. Saxton

Water Rights Supervisor

Enclosure(s)

## **CERTIFICATE OF SERVICE**

I hereby certify that on April 23, 2014, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**Approved License**) to the person(s) listed below:

**RE: WATER RIGHT NO.**

**92-7229**

**EVERGREEN TERRACE WATER ASSN  
248 EVERGREEN TERRACE RD  
SAINT MARIES ID 83861**



---

Darla Block  
Technical Records Specialist

## **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.

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**

(For Licensing Purposes)

**WATER RIGHT NO. 92-07229**

**RECEIVED**  
**APR 21 2014**  
**DEPARTMENT OF**  
**WATER RESOURCES**

**Date of Priority:** June 29, 1997

Maximum Diversion Rate: 0.45 CFS

Maximum Diversion Volume: 56.4 AF

Comes now EVERGREEN TERRACE WATER ASSOCIATION

248 EVERGREEN TERRACE RD

SAINT MARIES ID 83861

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 92-07229, and requests that the permit be changed as follows:

**Source:** GROUND WATER

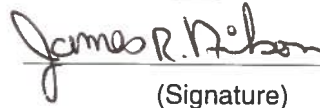
| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| MUNICIPAL             | 01/01 to 12/31       | 0.45 CFS                 | 56.4 AF              |

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

GROUND WATER SW1/4NE1/4 Sec. 25, Twp 46N, Rge 02W, B.M. BENEWAH County

GROUND WATER SW1/4NE1/4 Sec. 25, Twp 46N, Rge 02W, B.M. BENEWAH County

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 17th day of APRIL, 2004.

  
(Signature)

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**

(For Licensing Purposes)  
**WATER RIGHT NO. 92-07229**

\*\*\*\*\*  
FOR DEPARTMENT USE ONLY

Preliminary check by \_\_\_\_\_ Fee = \$125<sup>00</sup> Receipted by CS # C098715 Date 4/21/14

\* \$100 Amendment Fee - \$25<sup>00</sup> change of ownership fee DAD

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the  
above Application for Amendment for Permit No. 92-07229 with the following:

**CONDITIONS OF APPROVAL**

1. 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 determine the amount of water diverted from power records and shall annually report the information to the department.
2. Place of use is within the area served by the public water supply system of Evergreen Terrace Water Association, Inc. The place of use is generally located within Section 25 of Township 46 North, Range 2 West.
3. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.

Witness my hand this 22<sup>nd</sup> day of April, 2014.

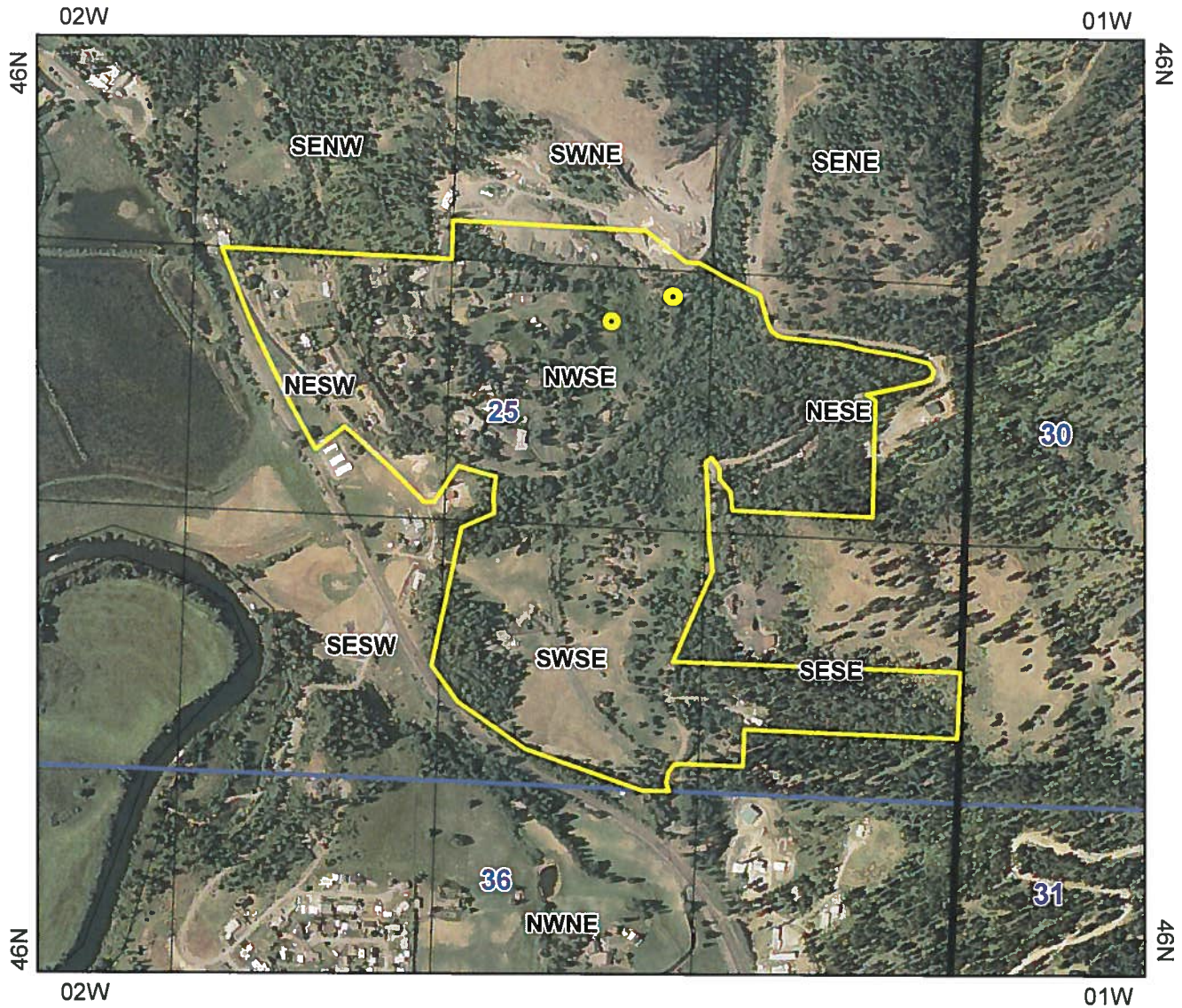
for Shelley W. Keen  
GARY SPACKMAN  
Director

State of Idaho  
Department of Water Resources

# Attachment For Amendment To Water Right License

92-7229

This map depicts the MUNICIPAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.1 0.2 0.4 Miles



**Nelson, Dan**

---

**From:** Nelson, Dan  
**Sent:** Tuesday, April 08, 2014 8:54 AM  
**To:** 'Arlo Slack'; Mae & Bryce Coulter; bryce@coulter.us  
**Subject:** RE: Evergreen Terrace Water Right 92-7229  
**Attachments:** DOC.pdf

Gentlemen,

Attached you will find a copy of the amendment of permit that I sent to you today by regular mail. Please review the amendment, and if you agree with the amendment please return it within 14 days. The fee for the amendment is \$100.00 and you will also need to pay the \$25.00 fee to change the ownership of the water right from Evergreen Water Company to Evergreen Terrace Water Association Inc. The total fee required is \$125.00.

The amendment changes the water use from Domestic and Irrigation to municipal use. For a municipal use the map is the borders of the municipal provider, and that can be changed as necessary. With the municipal use you will not be limited to a specific number of homes or ground irrigated, but you will be limited to the diversion rate of 0.45 cfs and the annual volume of 56.4 acre feet. I honestly feel that would be more than adequate for your needs, but if you wish to check with your system designer or engineer.

I have sent this amendment by regular mail, but if you wish, you can print this amendment out and sign it, and send it back to me with the \$125.00. We do need the original signature, but you can print it, sign it, and send it in if that is easier for you.

Once I receive the signed amendment and fees, I am expecting that the licensed will be issued within a week or two.

Thank you for your time, and I really enjoyed working with you.

Daniel Nelson  
Staff Hydrologist  
Idaho Department of Water Resources  
Telephone (208) 287-4856  
Fax (208) 287-6700 (attn: Dan Nelson)



State of Idaho

## DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

4/8/2014

EVERGREEN TERRACE WATER ASSOCIATION, INC.  
248 EVERGREEN TERRACE RD  
ST MARIES ID 83861

RE: Water Right Permit No. 92-7229

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the domestic and irrigation use was changed to a municipal use, and the points of diversion were corrected. This change was also confirmed by email with the applicant. A Change of Ownership form was also sent by email to change the name on the water right from Evergreen Water Company to Evergreen Terrace Water Association Inc., but I can find that the \$25.00 fee for this change was sent to our office.

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee for the amendment and the \$25.00 fee for the change of ownership for a total of \$125.00 within 14 days.

If you have any questions, please contact me.

Sincerely,

Daniel A. Nelson  
Staff Hydrologist  
Planning Bureau  
Idaho Department of Water Resources  
Telephone # (208) 287-4856

Enclosure(s)

CC Bryce Coulter and Arlo Slack – by email