

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-16745

Priority: March 04, 2014

Maximum Diversion Rate: 0.12 CFS

This is to certify, that JOSEPH CULBRETH And/Or
SHARON CULBRETH
206 N HUBBARD ST
COEUR D ALENE ID 83814

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
IRRIGATION	03/15 to 11/15	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER, SE1/4SW1/4, Sec. 34, Twp 52N, Rge 04W, B.M., KOOTENAI County

PLACE OF USE: IRRIGATION And 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	
52N 04W 34												4.0					4.0

Total Acres: 4

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 authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 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.
6. This right does not grant any right-of-way or easement across the land of another.
7. 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 14 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

GARY SPACKMAN
Director

April 17, 2014

JOSEPH CULBRETH
206 N HUBBARD ST
COEUR D ALENE ID 83814

SHARON CULBRETH
206 HUBBARD ST
COEUR D ALENE ID 83814

RE: Permit No.95-16745

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.

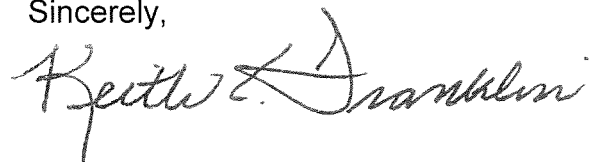
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

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)

CERTIFICATE OF SERVICE

I hereby certify that on April 17, 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. 95-16745

**JOSEPH CULBRETH
206 N HUBBARD ST
COEUR D ALENE ID 83814**

**SHARON CULBRETH
206 HUBBARD ST
COEUR D ALENE ID 83814**

A handwritten signature in cursive script that reads "Dianne Ball".

**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.

RECEIVED
MAR 28 2014
IDWR/NORTH

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

95-16654

UPPER COLUMBIA CORPORATION OF SEVENTH DAY ADVENTISTS

PO BOX 19039

SPOKANE, WA 99219-9039

Point of Diversion NWSESE S11 T51N R03W KOOTENAI CO

Source AGROUND WATER

Use: INDUSTRIAL

01/01 to 12/310.03 CFS

Use: IRRIGATION

03/15 to 11/150.03 CFS

Total Diversion:

0.06 CFS

Date Filed: 11/14/2013

Place of Use: IRRIGATION T51N R03W S11 SWSE

Place of Use: INDUSTRIAL T51N R03W S11 SESE

Total Acres: 1

Industrial use is for operation and maintenance of wastewater site.

95-16745

JOSEPH CULBRETH

SHARON CULBRETH

206 N HUBBARD ST

COEUR D'ALENE, ID 83814

Point of Diversion SESW S34 T52N R04W KOOTENAI CO

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/310.04 CFS

Use: IRRIGATION

01/01 to 12/310.12 CFS

Total Diversion:

0.12 CFS

Date Filed: 3/4/2014

Place of Use: DOMESTIC T52N R04W S34 SESW

Place of Use: IRRIGATION T52N R04W S34 SESW

Total Acres: 4

Domestic use is for one home.

95-16746

JOSEPH CULBRETH

SHARON CULBRETH

206 N HUBBARD ST

COEUR D'ALENE, ID 83814

Point of Diversion SESW S34 T52N R04W KOOTENAI CO

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/310.06 CFS

Use: IRRIGATION

03/15 to 11/010.18 CFS

Total Diversion:

0.18 CFS

Date Filed: 3/4/2014

Place of Use: DOMESTIC T52N R04W S34 SESW

Place of Use: IRRIGATION same as IRRIGATION

Total Acres: 9

Domestic use is for 1 home, 1 barn & 1 shop.

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 4/7/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

LEGAL 482

MARCH 20, 27, 2014

AFFIDAVIT OF PUBLICATION

RECEIVED
MAR 28 2014
IDWR / NORTH

STATE OF IDAHO, }
County of Kootenai, } ss.

Paige R

being first duly sworn
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*

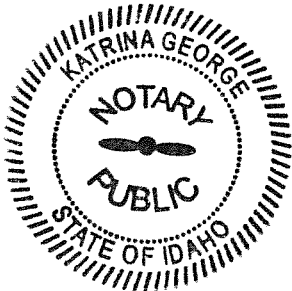
of which the annexed is a printed copy, was published in the regular *Thursday* issue of said newspaper for *2* consecutive *weeks* commencing on the *20th* day of *march*, 20 *14*, and ending on the *27th* day of *march*, 20 *14*, and such publication was made as often during said period as said *daily* 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 *Paige R*

On this *27th* day of *march* in the year of *2014*, before me, a Notary Public, personally appeared *Paige R*, 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.

Katrina George

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



MY COMMISSION EXPIRES 8/29/17

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

P-3/17/14

W.R. # 95-16745 APPLICATION ID # 79177 ENT. E.D. BCA 3/14/14 OK to Publish 3/14/14
INITIAL REVIEW
APPLICANT: Joseph, Sharon Culbert BY: E.D. DATE: 3/4/2014

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 3-4-14 By: E.D.
Field check: by _____
Field report attached _____
Analysis Supp. Attached (>5cfs/500af) _____

Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 3/4/2014

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

ADVERTISE IN: Kootenai County
Newspaper: Call
Dates scheduled for publication 3/20 & 27/14
Affidavit of Publication received: 3/28/14
Dates actually published: 3/20 & 27/14
Application published correctly. Yes ☒ No _____
If not, action taken: _____

Final Date for Protest: 4/7/14
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>New Well</u>		Dom. Non-Dom.	Paid \$		Y () N ☒
		Dom. Non-Dom.	Paid \$		Y () N ()
		Dom. Non-Dom.	Paid \$		Y () N ()

Groundwater management area _____ Remarks: _____
Critical ground water area _____
Well Drilling Permit required _____
Well Drilling Application and Fees received _____
Well Drilling Application approved? _____

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: RP6WMA
Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: [Signature] Date: 4/9/2014 Sr. Agent initial E.D.