

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 98-07931

Priority: September 18, 2013

Maximum Diversion Rate: 0.10 CFS

This is to certify, that CLIFTY VIEW NURSERY INC
312 CLIFTY VIEW RD
BONNERS FERRY ID 83805

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: COW 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>
DOMESTIC	01/01 to 12/31	0.06 CFS
COMMERCIAL	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SE1/4SW1/4 Sec. 8, Twp 61N, Rge 02E, B.M. BOUNDARY County

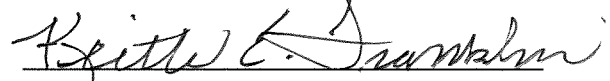
PLACE OF USE: DOMESTIC And COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
61N 02E 7														X			
61N 02E 8										X							

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2014**.
2. Subject to all prior water rights.
3. Domestic use is for 2 homes and does not include lawn, garden, landscape, or other types of irrigation.
4. The place of commercial use authorized by this water right is for misting of trees for packing and restrooms.
5. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
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 11 day of December, 2013.


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

December 17, 2013

GARY SPACKMAN
Director

CLIFTY VIEW NURSERY INC
312 CLIFTY VIEW RD
BONNERS FERRY ID 83805

RE: Permit No.98-7931

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.

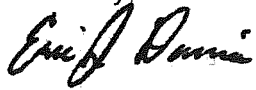
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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, appearing to read "Eric J. Davis". The signature is written in a cursive, flowing style.

Eric J. Davis

Sr. Water Resource Agent

Enclosure(s)

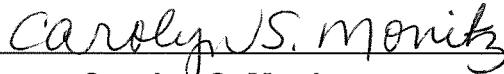
CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2013 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.

98-7931

**CLIFTY VIEW NURSERY INC
312 CLIFTY VIEW RD
BONNERS FERRY ID 83805**

A handwritten signature in cursive script, reading "Carolyn S. Monitz", is written over a horizontal line.

**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.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION ANALYSIS SHEET

P-11-19-13 b

W.R. # 98-7931

APPLICATION ID # 78840

ENT. ED

BCA 11/12/13

OK to Publish yes

APPLICANT: Clifty View Nursery INC.

INITIAL REVIEW

BY: ED.

DATE: 9/25/2013

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: 9/18/2013

☒ ☒

(Include Moratorium Remark)

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

ADVERTISE IN:

Boundary

County

Newspaper: BONNERS FERRY HERALD

Dates scheduled for publication 10/17/13 & 10/24/13

Affidavit of Publication received: 11/4/13

Dates actually published: 10/17 & 24/13

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 11/4/13

Protests Received: Yes ☐ No ☒

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

(Yes)(No)

☒ Shape File Created Date 9-25-13 By: ED

☐ Field check: by _____

☐ Field report attached

☐ Analysis Supp. Attached (>5cfs/500af)

☐ Water delivered by water master? Water District # _____

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?
_____	_____	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: Einfleur

Date: 11/20/2013

Sr. Agent initial E.D.

AFFIDAVIT OF PUBLICATION

State of Idaho

ss

County of Boundary, Jinda Johnson
being first duly sworn on oath deposes and says that
he/she is Leeb Cooper of the
Bonners Ferry Herald, a newspaper printed and
published at Bonners Ferry, Boundary County, Idaho;
that the said newspaper has been continuously and
uninterruptedly published in said Boundary County
during a period of 12 months prior to the first publication
of the hereto attached notice of publication in the case
of:

Application to Appropriate
Public Waters as it
was published in the regular and entire issue of the said
paper for a period of 2 consecutive weeks,
commencing on 17th day of Oct, 2013 and
ending on the 24th day of Oct, 2013 and
that said notice was published in said newspaper.

Jinda Johnson

SUBSCRIBED AND SWORN TO before me, this

24th day of October, 2013

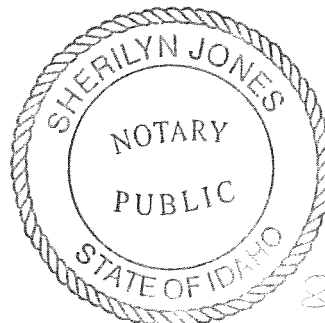
Sherilyn Jones

Notary Public-State of Idaho

Residing at:

My Commission Expires:

Sandpoint
2/24/17



2869

RECEIVED
NOV 04 2013
IDWR / NORTH

RECEIVED
NOV 06 2013
FISCAL

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

96-9517

VERN SEVERTSON
SHARON SEVERTSON
6960 MT CARROL ST
DALTON GARDENS, ID 83815
Point of Diversion NESE S21 T60N R02W
BOUNDARY County

Source PACK RIVER Tributary LAKE PEND OREILLE
Use: DIVERSION TO STORAGE 1/01 to 12/31 0.2 CFS
Use: IRRIGATION 4/01 to 10/31 0.09 CFS
Use: IRRIGATION FROM STORAGE 4/01 to 10/31 9 AF
Use: IRRIGATION STORAGE 1/01 to 12/31 1.6 AF
Use: WILDLIFE STORAGE 1/01 to 12/31 2.6 AF
Total Diversion: 0.2 CFS
Date Filed: 6/10/2013 11.6 AF

Place Of Use: IRRIGATION AND WILDLIFE STORAGE,
IRRIGATION FROM STORAGE, IRRIGATION
T60N R02W S21 NESE

Total Acres: 3

98-7925

YOUNG LIVING FARMS

PO BOX 362

NAPLES, ID 83847

Point of Diversion SWSE S3 T60N R01W

BOUNDARY County

Source UNNAMED STREAM Tributary FALL CREEK

Use: COOLING 12/01 to 3/31 0.11 CFS
Use: COOLING FROM STORAGE 12/01 to 3/31 30 AF
Use: COOLING STORAGE 1/01 to 12/31 58.7 AF
Use: FIRE PROTECTION STORAGE 1/01 to 12/31 28.7 AF
Total Diversion: 0.11 CFS
Date Filed: 6/14/2013 58.7 AF

Place Of Use: COOLING STORAGE AND FIRE PROTECTION

STORAGE

T60N R01W S3 SWSE SESE

Place Of Use: COOLING FROM STORAGE AND COOLING

T60N R01W S3 SWSE

98-7930

DELTON ISAAC

TRACIE ISAAC

427 BALDY MOUNTAIN RD

MOYIE SPRINGS, ID 83845

Point of Diversion NWNWSE S9 T62N R02E

BOUNDARY County

Source SPRING Tributary SINKS

Point of Diversion NWNESW S9 T62N R02E

BOUNDARY County

Source SPRING Tributary SINKS

Use: DOMESTIC 1/01 to 12/31 0.04 CFS
Use: IRRIGATION 3/15 to 11/15 0.03 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: .09 CFS

Date Filed: 9/9/2013

Place Of Use: DOMESTIC and STOCKWATER

T62N R02E S9 NESW

Total Acres: 1

98-7931

CLIFTY VIEW NURSERY INC

312 CLIFTY VIEW RD

BONNERS FERRY, ID 83805

Point of Diversion SESW S8 T61N R02E

BOUNDARY County

Source UNNAMED STREAM Tributary COW CREEK

Use: COMMERCIAL 1/01 to 12/31 0.04 CFS
Use: DOMESTIC 1/01 to 12/31 0.06 CFS
Total Diversion: 0.1 CFS

Date Filed: 9/18/2013

Place Of Use: DOMESTIC and COMMERCIAL

T61N R02E S7 NESE

T61N R02E S8 NWSW

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 11/4/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

BFH Legal 8869

October 17, 24, 2013

RECEIVED
NOV 04 2013
IDWR / NORTH