

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 97-07517

Priority: November 18, 2013

Maximum Diversion Rate: 0.04 CFS

This is to certify, that WILLIAM FALOON  
6618 TOMAKER LN  
SPOKANE WA 99223

has applied for a permit to appropriate water from:

**Source:** PRIEST LAKE

**Tributary:** PRIEST RIVER

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                 |
| FIRE PROTECTION       | 01/01 to 12/31       | 0.04 CFS                 |

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

PRIEST LAKE, L1 (SE1/4NE1/4), Sec. 9, Twp 61N, Rge 04W, B.M., BONNER County

**PLACE OF USE:** DOMESTIC, FIRE PROTECTION

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 61N 04W 9   |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |        |
|             |    |    |    | L1 |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2015**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
5. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
6. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
7. This right does not grant any right-of-way or easement across the land of another.
8. This Right when combined with Right 97-7516 cannot exceed a total diversion rate of 0.04 cfs or irrigate more than 1/2 acre.

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 13 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)

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

January 14, 2014

WILLIAM FALOON  
6618 TOMAKER LN  
SPOKANE WA 99223

RE: Permit No.97-7517

**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)

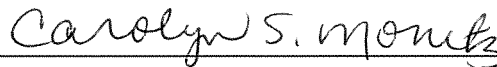
## CERTIFICATE OF SERVICE

I hereby certify that on January 15, 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.

97-7517

WILLIAM FALOON  
6618 TOMAKER LN  
SPOKANE WA 99223

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  
APPROPRIATION APPLICATION ANALYSIS SHEET

P-11/27/13

W.R. # 97-7517

APPLICATION ID # 78922

ENT. E.D.

BCA 4/25

OK to Publish 11/25/13

APPLICANT: William FALCON

INITIAL REVIEW

BY: E.D.

DATE: 11/19/2013

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: 11/18/2013

☒ ☒

(Include Moratorium Remark)

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

ADVERTISE IN:

BONNER

County

Newspaper: BCD B

Dates scheduled for publication 12/5 + 12/13

Affidavit of Publication received: 11/3/13

Dates actually published: 12/5 + 12/13

Application published correctly. Yes ☒ No ☐

If not, action taken:

Final Date for Protest: 12/23/13

Protests Received: Yes ☐ No ☒

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

ADDITIONAL INFORMATION

(Yes)(No)

☒ Shape File Created Date 11-19-13 By: E.D.

☐ 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?

PRIEST LAKE

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.D.*

Date:

1/9/2014

Sr. Agent initial

E.D.

AFFIDAVIT OF PUBLICATION

RECEIVED  
JAN 03 2014  
IDWR / NORTH

STATE OF IDAHO )  
 ) ss.  
County of Bonner )

Danielle Rucker, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Notice of Application.  
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

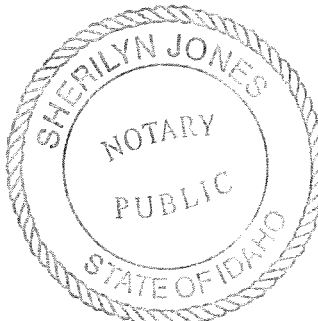
4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 5 day of December, 2013, and ending on the 12 day of December, 2013.

Danielle Rucker

State of Idaho, county of Bonner ss.

On this 12 day of Dec, in the year of 2013, before me, Sherilyn Jones, Notary Public, personally appeared Danielle Rucker, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he  
(or they) executed the same.

Sherilyn Jones  
Notary Public  
Residing at: Sandpoint  
Comm. Exp.: 2/24/17



RECEIVED  
JAN 03 2014  
IDWR / NORTH

#### NOTICE OF APPLICATION

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

96-9529

LEE ANDRING

TERESA ANDRING

PO BOX 164

COCOLALLA, ID 83813

Point of Diversion L8(SWSE) S6 T55N R02W BONNER County

Source COCOLALLA LAKE tributary COCOLALLA CREEK

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/12/2013

Place of Use: DOMESTIC T55N R02W S6 L8(SWSE)

Domestic use is for 1 home.

97-7516

WILLIAM FALOON

6618 TOMAKER LN

SPOKANE, WA 99223

Point of Diversion L1(ENE) S9 T61N R04W BONNER County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Use: FIRE PROTECTION

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/18/2013

Place of Use: DOMESTIC T61N R04W S9 L1(ENE)

Place of Use: FIRE PROTECTION T61N R04W S9 L1(ENE)

Domestic use is for 1 home.

97-7517

WILLIAM FALOON

6618 TOMAKER LN

SPOKANE, WA 99223

Point of Diversion L1(ENE) S9 T61N R04W BONNER County

Source: PRIEST LAKE tributary PRIEST RIVER

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Use: FIRE PROTECTION

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/18/2013

Place of Use: DOMESTIC T61N R04W S9 L1(ENE)

Place of Use: FIRE PROTECTION T61N R04W S9 L1(ENE)

Domestic use is for 1 home.

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 12/23/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

SNP Legal 2522

December 5, 12, 2013