

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09525

Priority: September 24, 2013

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 52.1 AF

This is to certify, that ROBERT GARRISON And/Or
LORETTA M GARRISON
627 ELIZABETH RD
SAN ANTONIO TX 78209

has applied for a permit to appropriate water from:

Source: MIRROR CREEK
GROUND WATER

Tributary: TALACHE 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>
IRRIGATION STORAGE	01/01 to 12/31		52.1 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
RECREATION	01/01 to 12/31	0.04 CFS	
RECREATION STORAGE	01/01 to 12/31		22.1 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		22.1 AF
WILDLIFE STORAGE	01/01 to 12/31		22.1 AF
IRRIGATION	04/01 to 10/31	0.20 CFS	
IRRIGATION FROM STORAGE	04/01 to 10/31		30.0 AF

LOCATION OF POINT(S) OF DIVERSION:

MIRROR CREEK, NW1/4NE1/4, Sec. 6, Twp 55N, Rge 01W, B.M., BONNER County
GROUND WATER, NW1/4NE1/4, Sec. 6, Twp 55N, Rge 01W, B.M., BONNER County

PLACE OF USE: RECREATION, RECREATION STORAGE, FIRE PROTECTION STORAGE
IRRIGATION STORAGE, WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
55N	01W	6	X	X															

PLACE OF USE: IRRIGATION, IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
55N	01W	6	10.0	10.0	10.0														10

Total Acres: 10

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 96-09525

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2019**.
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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
5. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
9. The pond established by the storage of water under this right shall not exceed a total capacity of 12 acre-feet or a total surface area of 1.5 acres.
10. This authorizes the diversion of an annual total of 52.1 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 recreation, fire protection, irrigation and wildlife purposes.
11. Recreation is for fishing.

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 10 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

January 13, 2014

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

ROBERT GARRISON
627 ELIZABETH RD
SAN ANTONIO TX 78209

LORETTA M GARRISON
627 ELIZABETH RD
SAN ANTONIO TX 78209

RE: Permit No.96-9525

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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.

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

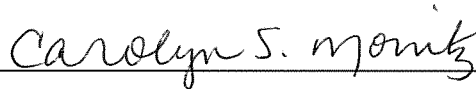
I hereby certify that on January 14, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

96-9525

**LORETTA M GARRISON
627 ELIZABETH RD
SAN ANTONIO TX 78209**

**ROBERT GARRISON
627 ELIZABETH RD
SAN ANTONIO X 78209**

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.

P-11-26-13

(Amended)

IDA DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

R. # 96-9525

APPLICATION ID # 78830

ENT. 11/31

BCA

OK to Publish 11/26/13

APPLICANT: Garrison

INITIAL REVIEW

BY: KJ

DATE: 11/21/2013

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)

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

ADDITIONAL INFORMATION

- (Yes)(No)
- ☒ Shape File Created Date 11/6 By: KJ
 - ☐ Field check: by _____
 - ☐ Field report attached
 - ☐ Analysis Supp. Attached (>5cfs/500af)
 - ☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 9/24/2013

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

ADVERTISE IN: Bonner County

Newspaper: BODB

Dates scheduled for publication 12/5 + 12/13

Affidavit of Publication received: 1/3/14

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 ☒

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.
 - ☒ Further information required from applicant _____
- Final order response date: ____/____/____

- ☒ Measuring device required
- ☒ Measuring port required
- ☒ Special conditions: _____
- ☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by:

Beith L. Jordan

Date: 1/10/2014

Sr. Agent initial

KJ

MEMORANDUM

Date: January 10, 2014
To: Water Right File 96-9525
From: kfranklin
Re: Amended Application

While the application was still in advertising the applicant amended the application by relocating the pond and ground water point of diversion along with including Mirror Creek as a source. Once the application came out of advertising it was amended and re-advertised.

RECEIVED
JAN 03 2014
IDWR / NORTH

AFFIDAVIT OF PUBLICATION

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 Application For Permit. 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.

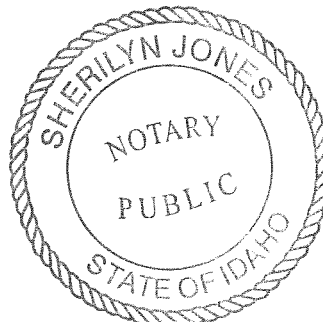
4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 5 day of December, 2013, and ending on the 12 day of December 2013.

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



*This one for
second
publication
different dates*

RECEIVED
JAN 03 2014
IDWR / NORTH

APPLICATION FOR PERMIT

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

96-9525

ROBERT GARRISON
LORETTA M GARRISON
627 ELIZABETH RD
SAN ANTONIO, TX 78209

Point of Diversion NWNE S6 T55N R01W BONNER County

Source MIRROR CREEK tributary TALACHE CREEK

Point of Diversion NWNE S6 T55N R01W BONNER County

Source GROUND WATER

Use: DIVERSION TO STORAGE	01/01 to 12/31	0.2 CFS
Use: FIRE PROTECTION STORAGE	01/01 to 12/31	22.1 AF
Use: IRRIGATION	04/01 to 10/31	0.2 CFS
Use: IRRIGATION FROM STORAGE	04/01 to 10/31	30 AF
Use: IRRIGATION STORAGE	01/01 to 12/31	52.1 AF
Use: RECREATION	01/01 to 12/31	0.04 CFS
Use: RECREATION STORAGE	01/01 to 12/31	22.1 AF
Use: WILDLIFE STORAGE	01/01 to 12/31	22.1 AF
Total Diversion:		0.2 CFS 52.1 AF

Date Filed: 9/24/2013

Place of Use: IRRIGATION STORAGE, WILDLIFE STORAGE,
FIRE PROTECTION STORAGE, RECREATION STORAGE,

T55N R01W S6 NENE NWNE

Place of Use: RECREATION T55N R01W S6 NENE NWNE

Place of Use: IRRIGATION T55N R01W S6 NENE NWNE SENE

Place of Use: IRRIGATION from STORAGE T55N R01W S6
NENE NWNE SENE

Total Acres: 10

Recreation use is for fishing

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 2521

December 5, 12, 2013

Ball, Dianne

From: Amber Bangeman [abangeman@bonnercountydailybee.com]
Sent: Tuesday, November 26, 2013 2:21 PM
To: Ball, Dianne
Subject: Re: PROOF/COST \$134.01
Attachments: 3458268.pdf

Thank you,
Amber Bangeman
AR/Legals Clerk

On Tue, Nov 26, 2013 at 10:21 AM, Ball, Dianne <Dianne.Ball@idwr.idaho.gov> wrote:

Good morning, Amber,

Please publish the attached legal notice on the dates indicated, December 5 and 12, 2013, in the Bonner County Daily Bee, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

This is prepared for 2-column publication. Please send a proof/preview copy for my review before this actually goes to press.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/23/2013. Your cooperation is always appreciated.

If you have any questions or comments, please contact me at the phone listed below or reply to this e-mail.

Thanks for all your super help with our legals. Have a great rest of the day and a marvelous time of Thanksgiving. (Please tell Sheri "Hi" from me.)

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 – Fax 208-762-2819

AFFIDAVIT OF PUBLICATION

RECEIVED

NOV - 4 2013

IDWR/NORTHERN

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 Application of Permit.
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.

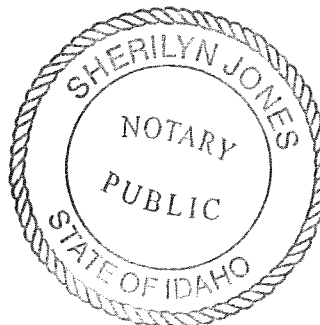
4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 17 day of October, 2013, and ending on the 24 day of October, 2013.

Danielle Rucker

State of Idaho, county of Bonner ss.

On this 24 day of Oct., 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



for 1st
Publication
(Had to be
re-addressed)

RECEIVED
NOV 04 2013
IDWR / NORTH

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

96-9524

WANOOKA FARMS INC

1410 EVERGREEN RD

FARMINGTON, WA 99128

Point of Diversion L3(NWSE) S8 T57N R01W

BONNER County

Source LAKE PEND OREILLE Tributary PEND OREILLE RIVER

Use: DOMESTIC 1/01 to 12/31 0.04 CFS

Total Diversion 0.04 CFS

Date Filed: 9/10/2013

Place Of Use: DOMESTIC

L3(NESW) L3(NWSE) T57N R01W S8

96-9525

ROBERT GARRISON

LORETTA M GARRISON

627 ELIZABETH RD

SAN ANTONIO, TX 78209

Point of Diversion NWNE S6 T55N R01W

BONNER County

Source GROUND WATER Tributary

Point of Diversion SENE S6 T55N R01W

BONNER County

Source GROUND WATER Tributary

Use: DIVERSION TO STORAGE 1/02 to 12/31 0.2 CFS

Use: FIRE PROTECTION STORAGE 1/01 to 12/31 22.1 AF

Use: IRRIGATION 4/01 to 10/31 0.2 CFS

Use: IRRIGATION FROM STORAGE 4/01 to 10/31 30 AF

Use: IRRIGATION STORAGE 1/01 to 12/31 52.1 AF

Use: RECREATION 1/01 to 12/31 0.04 CFS

Use: RECREATION STORAGE 1/01 to 12/31 22.1 AF

Use: WILDLIFE STORAGE 1/01 to 12/31 22.1 AF

Total Diversion: 0.2 CFS
52.1 AF

Date Filed: 9/24/2013

Place Of Use: IRRIGATION STORAGE, RECREATION STORAGE

WILDLIFE STORAGE, FIRE PROTECTION STORAGE,

RECREATION IRRIGATION

T55N R01W S6 NENE NWNE

Place Of Use: IRRIGATION, IRRIGATION FROM STORAGE

T55N R01W S6 NENE NWNE SENE

Total Acres: 30

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

SNP Legal 2421

October 17, 24, 2013