

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 86-12018

Priority: September 18, 2013

Maximum Diversion Rate: 0.24 CFS
Maximum Diversion Volume: 20.0 AF

This is to certify, that JOHN DAHLQUIST And/Or KELLY DAHLQUIST
23886 HOWARD GULCH
JULIAETTA ID 83535
(208) 276-3165

has applied for a permit to appropriate water from:

Source: SPRINGS**Tributary:** HOWARD 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>
FIRE PROTECTION	01/01 to 12/31	0.24 CFS	
DOMESTIC	01/01 to 12/31	0.04 CFS	
STOCKWATER	01/01 to 12/31	0.03 CFS	
STOCKWATER FROM STORAGE	01/01 to 12/31		0.5 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.24 CFS	
IRRIGATION	02/15 to 11/30	0.12 CFS	
IRRIGATION FROM STORAGE	02/15 to 11/30		18.0 AF
IRRIGATION STORAGE	02/15 to 11/30		18.6 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		0.6 AF
STOCKWATER STORAGE	01/01 to 12/31		1.1 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING, NW1/4SE1/4NE1/4, Sec. 12, Twp 36N, Rge 04W, B.M., NEZ PERCE County
 SPRING, NW1/4SE1/4NE1/4, Sec. 12, Twp 36N, Rge 04W, B.M., NEZ PERCE County
 SPRING, NW1/4SE1/4NE1/4, Sec. 12, Twp 36N, Rge 04W, B.M., NEZ PERCE County
 SPRING, NW1/4SE1/4NE1/4, Sec. 12, Twp 36N, Rge 04W, B.M., NEZ PERCE County
 SPRING, NW1/4SE1/4NE1/4, Sec. 12, Twp 36N, Rge 04W, B.M., NEZ PERCE County

PLACE OF USE: IRRIGATION, IRRIGATION FROM STORAGE, IRRIGATION STORAGE
 DOMESTIC, STOCKWATER, STOCKWATER STORAGE, FIRE PROTECTION
 FIRE PROTECTION STORAGE, STOCKWATER FROM STORAGE

Twp Rge Sec	NE			NW			SW			SE			Totals	
	NE	NW	SE	NE	NW	SW	NE	NW	SW	NE	NW	SW	SE	
36N 04W 12			6.0											6.0

Total Acres: 6

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 86-12018

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2015**.
2. Subject to all prior water rights.
3. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Stockwater use is for 20 cows and/or 100 goats.
5. 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.
6. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
7. 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.
8. 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.
9. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
10. The pond or reservoir established by the storage of water under this right shall not exceed a total capacity of 0.6 acre-feet.
11. Right 86-12018 authorize the diversion of an annual total of 0.6 acre-feet to be used for the initial filling of the pond or reservoirs and for the replacement of losses caused by seepage and evaporation.
12. This right does not grant any right-of-way or easement across the land of another.
13. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

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 21 day of November, 2013.


For, GARY SPACKMAN, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 25, 2013

JOHN DAHLQUIST
23886 HOWARD GULCH
JULIAETTA ID 83535

KELLY DAHLQUIST
23886 HOWARD GULCH
JULIAETTA ID 83535

RE: Permit No.86-12018

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.

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)

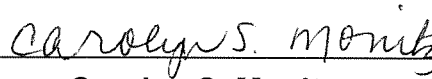
CERTIFICATE OF SERVICE

I hereby certify that on November 25, 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.

86-12018

**JOHN DAHLQUIST
KELLY DAHLQUIST
23886 HOWARD GULCH
JULIAETTA ID 83535**



**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 EET

P-11/18/13d

W.R. # 86 - 12018

APPLICATION ID # 78835

ENT. E.D

BCA 11/12/13

OK to Publish YES

APPLICANT: DAHLQUIST

INITIAL REVIEW

BY: E.D

DATE: 9/19/2013

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)

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

ADDITIONAL INFORMATION

(Yes)(No)

- ☒ Shape File Created Date 9-19-13 By: ED
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. Attached (>5cfs/500af)

☐ Water delivered by water master? Water District # _____

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: NEZ PERCE County

Newspaper: LEWISTON TRIBUNE

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

Affidavit of Publication received: 10/28/13

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 ☒

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: E.D Date: 11/18/2013 Sr. Agent initial E.D

MEMORANDUM

Date: November 21, 2013
To: Water Right File 86-12018
From: kfranklin
Re: Advertising Errors

This application was advertised as stockwater from storage 0.03 cfs it should have been 0.5 af and the stockwater storage was advertised as 1.4 af and it should have been 1.1 af. These errors were corrected at the time the permit was issued and the Northern Region did not believe the application should have to be re-advertised.

RECEIVED
OCT 28 2013
IDWR / NORTH

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
86-12018

JOHN DAHLQUIST
KELLY DAHLQUIST
23886 HOWARD GULCH
JULIAETTA, ID 83535

Point of Diversion NWSENE S12 T36N R04W
NEZ PERCE County

Source FIVE (5) UNDEVELOPED SPRINGS Tributary HOWARD CREEK

Point of Diversion NWSENE S12 T36N R04W

Use: DIVERSION TO STORAGE	01/01 to 12/31	0.24 CFS
Use: DOMESTIC	01/01 to 12/31	0.04 CFS
Use: FIRE PROTECTION	01/01 to 12/31	0.24 CFS
Use: FIRE PROTECTION STORAGE	01/01 to 12/31	0.6 AF
Use: IRRIGATION	02/15 to 11/30	0.24 CFS
Use: IRRIGATION FROM STORAGE	02/15 to 11/30	18 AF
Use: IRRIGATION STORAGE	02/15 to 11/30	18.6 AF
Use: STOCKWATER	01/01 to 12/31	0.03 CFS
Use: STOCKWATER FROM STORAGE	01/01 to 12/31	0.03 CFS
Use: STOCKWATER STORAGE	01/01 to 12/31	1.4 AF
Total Diversion:		0.24 CFS 20 AF

Date Filed: 9/18/2013

Place Of Use: FIRE PROTECTION, DOMESTIC, STOCKWATER STOCKWATER FROM STORAGE, IRRIGATION, IRRIGATION FROM STORAGE, IRRIGATION STORAGE, FIRE PROTECTION STORAGE

Total Acres: 6

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

Published on 10/17/2013 and 10/24/2013

TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date:

10/24/2013

INVOICE NO.

86876

Account No.

964750

Description

86876 The follo

**LEGAL ADVERTISING
INVOICE**

RECEIVED

NOV 06 2013

FISCAL

Times

2

Lines

35

Tab. lines

\$ 157.50

Sold To: ID DEPT. OF WATER RESOURCES Dianne Ball
7600 MINERAL DR #100
COEUR D ALENE ID 83814

PO#

86-12018

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

RECEIVED

OCT 28 2013

IDWR/NORTHERN

Karen J. Lewis , being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a news-paper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 86876 The follo attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune,

2 time(s). Publication being on 10/17 , or once a Week for 2 consecutive Week , the first publication thereof being on the 10/17/2013 , and the last publication thereof being on the 10/24/2013 , and said 86876 The follo was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

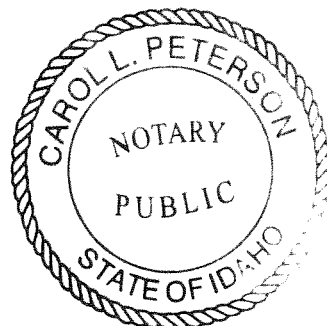
State of Idaho

S.S.

County of Nez Perce

On this 25th day of October in the year of 2013 , before me, a Notary Public, personally appeared Karen J. Lewis , 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.

Carol Peterson
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 9-1-2017



RECEIVED
OCT 28 2013
IDWR / NORTH