



State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 98-07925

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2018**.
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. 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.
5. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
6. The pond or reservoir established by the storage of water under this right shall not exceed a total capacity of 22 acre-feet.
7. This right authorizes the annual storage of 58.7 acre-feet to be used for the initial filling of the pond or reservoir, for the replacement of losses caused by evaporation from the pond or reservoir and for the storage of water for cooling and fire protection purposes.
8. Use of water under this right shall be non-consumptive.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
10. The impoundment of water under this right is contingent upon the issuance of a certificate of approval per the dam safety provisions of Idaho Code and subsequent written authorization by the dam safety program administered by the Department.

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 30 day of November, 2018.

  
For, GARY SPACKMAN, Director



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763  
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

November 20, 2013

YOUNG LIVING FARMS  
PO BOX 362  
NAPLES ID 83847

RE: Permit No.98-7925

### 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)

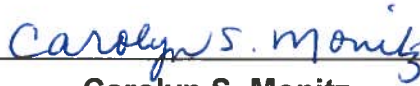
## **CERTIFICATE OF SERVICE**

I hereby certify that on November 20, 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.**

**98-7925**

**YOUNG LIVING FARMS  
PO BOX 362  
NAPLES ID 83847**



**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.

**SCANNED**

**NOV 25 2013**

40 DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 98-7925

APPLICATION ID # 78634

ENT. 8/7

BCA 11/2/13

OK to Publish Yes

APPLICANT: Young Living Farms

INITIAL REVIEW

BY: KJ

DATE: 8/7/2013

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 8/7/13 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: 6/14/2013

(Include Moratorium Remark)

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

ADVERTISE IN:

Newspaper: Boundary County

Dates scheduled for publication BONNERSFERRY HERALD

Affidavit of Publication received: 10/17/13 & 10/24/13

Dates actually published: 11/4/13

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: Dam Safety Approval
- ☐ Special conditions of approval supplement and/or cover letter attached: \_\_\_\_\_

Approval Recommended by: K. J. [Signature] Date: 11/20/2013 Sr. Agent initial KJ

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 Book keeper 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 17<sup>th</sup> day of Oct, 2013 and  
ending on the 24<sup>th</sup> day of Oct, 2013 and  
that said notice was published in said newspaper.

Jinda Johnson

SUBSCRIBED AND SWORN TO before me, this

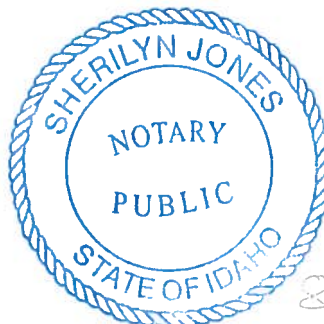
24<sup>th</sup> day of October, 2013

Sherilyn Jones

Notary Public-State of Idaho

Residing at:

Sandy Creek  
My Commission Expires: 2/24/17



RECEIVED  
NOV 06 2013  
FISCAL

RECEIVED  
NOV 04 2013  
IDWR / NORTH

2269

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