

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-16640

Priority: September 17, 2013

Maximum Diversion Rate: 0.04 CFS

This is to certify, that DOUG BURKHARDT
PO BOX 14687
SPOKANE VALLEY WA 99214-0687
(509) 927-5270

has applied for a permit to appropriate water from:

Source: COEUR D ALENE LAKE **Tributary:** SPOKANE 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

LOCATION OF POINT(S) OF DIVERSION:
COEUR D ALENE LAKE, NE1/4SW1/4, Sec. 23, Twp 49N, Rge 04W, B.M., KOOTENAI County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
49N 04W 23										X							

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2014**.
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. Domestic use is for external use for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.

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 24 day of October, 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

October 28, 2013

DOUG BURKHARDT
PO BOX 14687
SPOKANE VALLEY WA 99214-0687

RE: Permit No.95-16640

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)

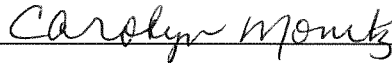
CERTIFICATE OF SERVICE

I hereby certify that on October 28, 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.

95-16640

**DOUG BURKHARDT
PO BOX 14687
SPOKANE VALLEY WA 99214-0687**

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

**Carolyn 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.

Tue, Oct 01, 2013
09:55:06

1 of 1

Coeur d'Alene Press
P.O. Box 7000
Coeur d'Alene, ID 83816
Phone (208) 664-8176
Fax (208) 664-0212

RECEIVED

OCT 11 2013

IDWR / NORTH

Ad Name: 3344528D Ad ID 3344528 Col:2 Depth: 15.61 Colors:

Acct: CD1109281

Phone: (208)762-2800

Fax:

Caller:

E-Mail:

Ad Name: 3344528D

Copyline: LEGAL 9411 - PUBLIC WATERS

Ad Status: -

IDAHO DEPT OF WATER
7600 MINERAL DR
SUITE 100

Split Billed: N

Reply Request:

Category: -

Date Entered: October 1, 2013

COEUR D ALENE ID 83815

Standby Type:

Rate: IDLEGL

Class: 3010

Lines: 140

Paytype: BL

Rep: CD HOUSE BLOC

Tear Sheets:

Client:

Start: October 3, 2013

Stop: October 10, 2013

Issues: 2

Editions: CD01/

DATE	DAY	EDITION	NET PRICE
10/03/13	THUR	COEUR D'ALENE PRESS	223.60
10/10/13	THUR	COEUR D'ALENE PRESS	188.16

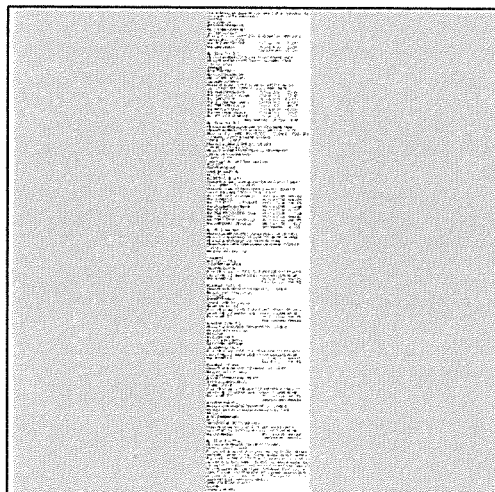
COPY

Price: 403.76

Other Charges: 8.00

Total: 411.76

Instructions:



Ad shown is not actual print size

This is proof of production. This is not a receipt

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

CORRIE BOUCHARD being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

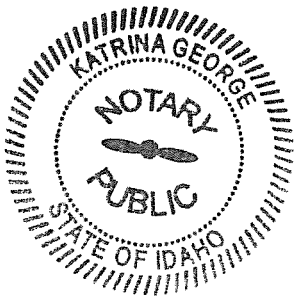
3. The LEGAL NOTICE

of which the annexed is a printed copy, was published in the regular THURSDAY issue of said newspaper for TWO consecutive WEEKS commencing on the 3RD day of OCTOBER 20 13, and ending on the 10TH day of OCTOBER 20 13, and such publication was made as often during said period as said newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice C. Bouchard. On this 10TH day of OCTOBER in the year of 2013, before me, a Notary Public, personally appeared C. Bouchard, 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.

Katrina George

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.



MY COMMISSION EXPIRES 8/29/17

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

94-9221

DON FERGUSON

JENNIFER FERGUSON

9198 S FERN CREEK RD

CATALDO, ID 83810

Point of Diversion (2) NESE S15 T49N R01W KOOTENAI CO

Source GROUND WATER

Use: FIRE PROTECTION

Use: IRRIGATION

01/01 to 12/31 0.31 CFS

03/15 to 10/31 0.31 CFS

Total Diversion: 0.31 CFS

Date Filed: 8/7/2013

Place of Use: IRRIGATION T49N R01W S15 SENE NESE

Place of Use: FIRE PROTECTION same as IRRIGATION

Total Acres: 15.5

94-9222

DON FERGUSON

JENNIFER FERGUSON

9198 S FERN CREEK RD

CATALDO, ID 83810

Point of Diversion NESE S15 T49N R01W KOOTENAI CO

Source UNNAMED STREAM tributary FERN CREEK

Use: FIRE PROTECTION 01/01 to 12/31 0.31 CFS

Use: Fire Protection Storage 01/01 to 12/31 3.3 AF

Use: IRRIGATION 03/15 to 10/31 0.31 CFS

Use: Irrigation from Storage 03/15 to 10/31 46.5 AF

Use: IRRIGATION Storage 01/01 to 12/31 49.8 AF

Use: STOCK WATER 01/01 to 12/31 0.02 CFS

Use: Stock Water Storage 01/01 to 12/31 3.5 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 3.3 AF

Total Diversion: 0.31 CFS 50 AF

Date Filed: 8/7/2013

Place of Use: IRRIGATION T49N R01W S15 SENE NESE

Place of Use: IRRIGATION STORAGE T49N R01W S15 NESE

Place of Use: FIRE PROTECTION STORAGE, WILDLIFE STORAGE and STOCKWATER STORAGE

T49N R01W S15 NESE

Place of Use: IRRIGATION from STORAGE

T49N R01W S15 SENE NESE

Place of Use: FIRE PROTECTION and STOCKWATER

T49N R01W S15 SENE NESE

Total Acres: 15.5

Stock water use is for 10 head mixed stock.

95-16555

GLENN BLEDSOE

VALERIE BLEDSOE

PO BOX 835

RATHDRUM, ID 83858

Point of Diversion NWNWNE S30 T53N R04W KOOTENAI CO

Source SPRING tributary SINKS

Point of Diversion NWNE S30 T53N R04W KOOTENAI CO

Source UNNAMED STREAM tributary SINKS

Use: DIVERSION to STORAGE 01/01 to 12/31 0.08 CFS

Use: DOMESTIC 01/01 to 12/31 0.06 CFS

Use: DOMESTIC from STORAGE 01/01 to 12/31 0.06 CFS

Use: DOMESTIC STORAGE 01/01 to 12/31 2.4 AF

Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS

Use: FIRE PROTECTION Storage 01/01 to 12/31 7.5 AF

Use: IRRIGATION 04/01 to 10/31 0.06 CFS

Use: IRRIGATION from Storage 04/01 to 10/31 0.06 CFS

Use: IRRIGATION STORAGE 04/01 to 10/31 3 AF

Total Diversion: 0.2 CFS

Date Filed: 3/4/2013

Place of Use: DIVERSION to Storage T53N R04W S30 NWNE

Place of Use: DOMESTIC STORAGE T53N R04W S30 NWNE

Place of Use: DOMESTIC T53N R04W 30 NWNE

Place of Use: All other listed places of use same as DOMESTIC

Total Acres: 1

Domestic use is for 2 homes.

95-16611

RONALD E OWEN

5823 E WILDROSE DR

ORANGE, CA 92867

Point of Diversion L1 (NENW) S31 T49N R03W KOOTENAI CO

Source COEUR D ALENE LAKE tributary SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 7/22/2013

Place of Use: DOMESTIC T49N R03W S31 L1 (NENW)

Domestic use is for one home.

95-16612

KENNETH DEAN

12801 S STORMY POINT LN

HARRISON, ID 83833

Point of Diversion L1 (NENW) S31 T49N R03W KOOTENAI CO

Source COEUR D ALENE LAKE tributary SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 7/29/2013

Place of Use: DOMESTIC T49N R03W S31 L1 (NENW)

Domestic use is for 1 home.

95-16621

DON FERGUSON

JENNIFER FERGUSON

9198 S FERN CREEK RD

CATALDO, ID 83810

Point of Diversion L2 (SWNE) S13 T49N R04W KOOTENAI CO

Source COEUR D ALENE LAKE tributary SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 8/7/2013

Place of Use: DOMESTIC T49N R04W S13 L2 (SWNE)

Domestic use is for 1 home.

95-16639

JIM CHAMBERLAIN 2007 TRUST

1050 W WASHINGTON ST

TEMPE, AZ 85281

Point of Diversion L1 (NENE) S11 T49N R04W KOOTENAI CO

Source COEUR D ALENE LAKE tributary SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 9/6/2013

Place of Use: DOMESTIC T49N R04W S11 L1 (NENE)

Domestic use is for landscaping purposes up to 1/2 acre.

95-16640

DOUG BURKHARDT

PO BOX 14687

SPOKANE VALLEY, WA 99214-0687

Point of Diversion NESW S23 T49N R04W KOOTENAI CO

Source COEUR D ALENE LAKE tributary SPOKANE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 9/17/2013

Place of Use: DOMESTIC T49N R04W S23 NESW

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 10/21/2013. The protestant must also

send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Legal 9411

October 3, 10, 2013

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

P-9/23/13

W.R. # 95-116640

APPLICATION ID # 78832

ENT. 9/17

BCA 9/18

OK to Publish 9/18/13

APPLICANT: Doug Burkhardt

INITIAL REVIEW

BY: KS

DATE: 9/17/2013

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 9/17/13 By: KS
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. Attached (>5cfs/500af)
- ☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 9/17/2013

☒ (Include Moratorium Remark)

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

ADVERTISE IN:

Newspaper: CDA Kootenai County

Dates scheduled for publication 10/3 + 10/13

Affidavit of Publication received: 10/11/2013

Dates actually published: 10/3 & 10/20/2013

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 10/21/13

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?

CDA Lake

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:

Keith L. Jankins

Date: 10/24/2013

Sr. Agent initial

KS