

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09521

Priority: August 12, 2013

Maximum Diversion Rate: 0.02 CFS

This is to certify, that GERALD E SMITH
7110 N WALNUT CT
SPOKANE WA 99208
(509) 466-7014

has applied for a permit to appropriate water from:

Source: PEND OREILLE LAKE **Tributary:** PEND OREILLE RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/15 to 10/15

RATE OF DIVERSION

0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

PEND OREILLE LAKE, L1 (NW1/4NW1/4), Sec. 7, Twp 57N, Rge 01W, B.M., BONNER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N 01W 7						1.0											1.0
						L 1											

Total Acres: 1

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. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
5. 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.

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 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 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 23, 2013

GERALD E SMITH
7110 N WALNUT CT
SPOKANE WA 99208

RE: Permit No.96-9521

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)

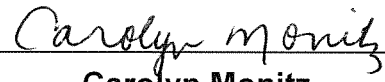
CERTIFICATE OF SERVICE

I hereby certify that on October 24, 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.

96-9521

**GERALD E SMITH
7110 N WALNUT CT
SPOKANE WA 99208**

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.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

) ss.

County of Bonner)

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

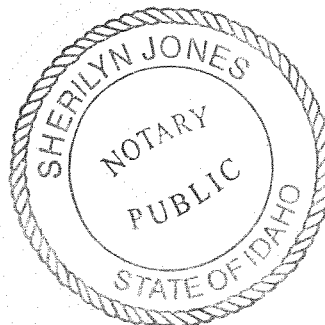
1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Application.
My business address is P.O. Box 159, Sandpoint, Idaho.
2. I am the Bookkeeper of the Bonner County Daily Bee, 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 19 day of September, 2013, and ending on the 26 day of September 2013.

Danielle Rucker

State of Idaho, county of Bonner ss.

On this 27 day of Sept., 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



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

96-9521

GERALD E SMITH
7110 N WALNUT CT
SPOKANE, WA 99208
Point of Diversion L1(NWNW) S7 T57N R01W BONNER CO
Source PEND OREILLE LAKE tributary PEND OREILLE RIVER
Use: IRRIGATION 03/15 to 10/15 0.02 CFS
Total Diversion: 0.02 CFS

Date Filed: 8/12/2013
Place of Use: IRRIGATION T57N R01W S7 L1(NWNW)
Total Acres: 1

96-9523

ROGER DUGVID
JANIS DUGVID
9888 NUTBY LANE
ESCONDIDO, CA 92026
Point of Diversion SWNW S1 T58N R01E BONNER County
Source RAPID LIGHTNING CREEK tributary PACK RIVER
Use: DOMESTIC 01/01 to 12/31 0.06 CFS
Use: FIRE PROTECTION 01/01 to 12/31 0.06 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.06 CFS

Date Filed: 8/30/2013
Place Of Use: DOMESTIC T58N R01E S1 SWNW NWSW
Place of Use: STOCKWATER and FIRE PROTECTION
Same as DOMESTIC

Domestic use is for 2 homes;

Stock water use for 10 head of mixed stock.

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 10/7/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/19/2013 and 9/26/2013

SNP Legal 2379

September 19, 26, 2013

Bonner County Daily Bee
P.O. Box 159
Sandpoint, ID 83864
Phone (208) 263-9534
Fax (208) 263-9091

RECEIVED

OCT 02 2013

IDWR / NORTH

ADVERTISING
INVOICE/STATEMENT

Statement		Client Name		
09/30/13				
Total Amount Due		Terms of Payment		
142.10		Remit payment by the 15th		
Current Due	1-30 Days	31-60 Days	61-90 days	Over 90 Days
142.10	0.00	0.00	0.00	0.00

Page #	Billed Account Name & Address	Billed Account #	Agency/Client Number
1	DEPARTMENT OF WATER RESOURCES 7600 MINERAL DRIVE SUITE 100 COEUR D ALENE, ID 83815 Acct Type: DB ROP/ CL DIS	DB30101775	
		Remittance Address:	
		Bonner County Daily Bee P.O. Box 159 310 Church St. Sandpoint, ID 83864	
	If paying by credit card, please fill out:		
	Amount	Card Number	Exp Date
		Signature	Card Type

PLEASE DETACH AND RETURN UPPER FORM WITH YOUR REMITTANCE

Date	Reference #	Description-Other Comments/Charges	Type	Units	Runs	Rate	Amount	Total
08/31/13		BALANCE FORWARD					132.88	132.88
09/18/13	126281497	Payment on Account	PAYMT				-132.88	0.00
09/26/13	3311012	#2379 #96-9521/9523	LINE	86.00 Li	2	IDLGTB	142.10	142.10

COPY

Statement of Account Aging of Past Due Amounts

Current Amount Due	1-30 Days	31-60 Days	61-90 days	Over 90 Days	Total Amount Due
142.10	0.00	0.00	0.00	0.00	142.10

Bonner County Daily Bee
P.O. Box 159
Sandpoint, ID 83864

Past due accounts are subject to finance charges of 1 1/2 % per month, which is an annual percentage of 18%, applied to the previous balance.

Advertiser Information

Statement Date	Billed Account #	Client Account Number	Client Name
09/30/13	DB30101775		

PLEASE CALL & MAKE PAYMENT ARRANGEMENTS

Ball, Dianne

From: Amber Bangeman [abangeman@bonnercountydailybee.com]
Sent: Friday, September 13, 2013 12:11 PM
To: Ball, Dianne
Subject: PROOF/COST \$142.10
Attachments: 3311012.pdf; ATT245699.htm

**IO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

P- 9/13/13

W.R. # 96-9521

APPLICATION ID # 78785

ENT. 8/20 BCA 9/12/13 OK to Publish 9/12/13

APPLICANT: Gerald E. Smith

INITIAL REVIEW

BY: KJ

DATE: 8/20/2013

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 8/20/13 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: 8/12/2013

(Include Moratorium Remark)

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

ADVERTISE IN:

Newspaper: BCOB Banner County

Dates scheduled for publication 8/19 & 26

Affidavit of Publication received: 8/10/2013

Dates actually published: 8/19 & 20, 2013

Application published correctly. Yes X No _____

If not, action taken: _____

Final Date for Protest: 10/2/13

Protests Received: Yes _____ No X

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:

[Signature] Date: 10/21/2013 Sr. Agent initial KJ