

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 95-16536

Priority: January 09, 2013

Maximum Diversion Rate: 0.39 CFS

This is to certify, that HAGADONE FAMILY TRUST  
PO BOX 6200  
COEUR D ALENE ID 83816

And/Or

DBH PROPERTIES LLLP  
PO BOX 6200  
COEUR D ALENE ID 83816

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> | <u>ANNUAL VOLUME</u> |
|-------------------------|----------------------|--------------------------|----------------------|
| IRRIGATION              | 03/15 to 11/15       | 0.35 CFS                 |                      |
| DIVERSION TO STORAGE    | 03/15 to 11/15       | 0.39 CFS                 |                      |
| IRRIGATION FROM STORAGE | 03/15 to 11/15       |                          | 52.8 AF              |
| IRRIGATION STORAGE      | 01/01 to 12/31       |                          | 66.1 AF              |

**LOCATION OF POINT(S) OF DIVERSION:**

COEUR D ALENE LAKE L4 (SW1/4SE1/4) Sec. 22, Twp 50N, Rge 04W, B.M. KOOTENAI County

COEUR D ALENE LAKE L4 (SW1/4SE1/4) Sec. 22, Twp 50N, Rge 04W, B.M. KOOTENAI 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   |        |
| 50N 04W 22  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | .6  | 17.0 | 17.6   |
|             |    |    |    |    |    |    |    |    |    |    |    |    |    |    | L 3 | L 4  |        |

Total Acres: 17.6

| Twp | Rge | Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | Totals |
|-----|-----|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|     |     |     | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> |        |
| 50N | 04W | 22  |           |           |           |           |           |           |           |           |           |           |           |           |           | .6        | 17.0      |           | 17.6   |
|     |     |     |           |           |           |           |           |           |           |           |           |           |           |           |           | L 3       | L 4       |           |        |

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |     |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW  | SE |        |
| 50N 04W 22  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X   |    |        |
|             |    |    |    |    |    |    |    |    |    |    |    |    |    |    | L 4 |    |        |

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2014**.
2. Subject to all prior water rights.
3. Right 95-16536 authorize the diversion of an annual total of 66.1 acre-feet to be used for the initial filling of the pond and for the replacement of losses caused by irrigation storage, seepage and evaporation.
4. The pond established by the storage of water under this right shall not exceed a total capacity of 1.3 acre-feet.
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.
6. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
7. This right does not grant any right-of-way or easement across the land of another.

*Gary Spackman*  
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](http://www.idwr.idaho.gov)

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C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 11, 2013

HAGADONE FAMILY TRUST  
PO BOX 6200  
COEUR D ALENE ID 83816

DBH PROPERTIES LLLP  
PO BOX 6200  
COEUR D ALENE ID 83816

RE: Permit No.95-16536

**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.

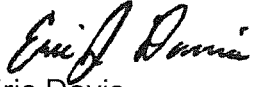
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 cursive script, appearing to read "Eric Davis".

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

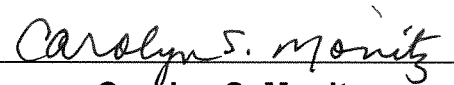
## CERTIFICATE OF SERVICE

I hereby certify that on June 12, 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.                      95-16536

DBH PROPERTIES LLLP  
PO BOX 6200  
COEUR D ALENE ID 83816

HAGADONE FAMILY TRUST  
PO BOX 6200  
COEUR D ALENE ID 83816

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

Carolyn S. Monitz  
Technical Records Specialist

## **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.

## MEMORANDUM

**Date:** June 11, 2013  
**To:** Water Right File 95-16536  
**From:** kfranklin  
**Re:** Irrigation POU

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The irrigated acreage was omitted for the Irrigation From Storage. The acreage was correct for the place of use for Irrigation. The acreage was added to Irrigation From Storage to match the Irrigation use when the permit was issued. The Northern Region determined it was not necessary to readvertise the application to correct this error.

IDAHO DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 95-16536 APPLICATION ID # 78380 ENT. ED BCA 5/9 OK to Publish 5/11/13  
APPLICANT: HAGADONE / DBH LLP INITIAL REVIEW BY: ED DATE: 3/19/2013

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 1-13 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: 3/19/2013

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

ADVERTISE IN:

Newspaper: Kootenai County

Dates scheduled for publication 5/16 + 23/13

Affidavit of Publication received: 5/28/13

Dates actually published: 5/16 + 23/13

Application published correctly. Yes ☒ No ☐

If not, action taken: \_\_\_\_\_

Final Date for Protest: 6/3/13

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 ( )     |

CDA LAKE

☐ 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: [Signature] Date: 6/6/2013 Sr. Agent initial ED

# AFFIDAVIT OF PUBLICATION

RECEIVED  
MAY 28 2013  
IDWR / NORTH

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

Paige Plew

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

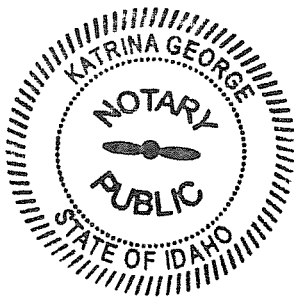
of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 16 day of May, 2013, and ending on the 23 day of May, 2013, and such publication was made as often during said period as said daily newspaper was regularly issued.

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 Paige Plew

On this 23 day of May in the year of 2013, before me, a Notary Public, personally appeared Paige Plew, 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

RECEIVED

MAY 28 2013

IDWR / NORTH

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

94-9198

GEORGE CARLSON  
PAMELA CARLSON  
14402 E BLACK LAKE RD  
ST MARIES, ID 83861

Point of Diversion L11(SWSE) S1 T47N R03W KOOTENAI CO  
Source BLACK LAKE tributary COEUR D'ALENE RIVER  
Use: DOMESTIC 03/15 to 11/15 0.04 CFS  
Total Diversion: 0.04 CFS

Date Filed: 4/10/2013

Place of Use: DOMESTIC T47N R03W S1 L11(SWSE)  
Domestic use is for lawn and garden up to 1/2 acre.

95-16536

HAGADONE FAMILY TRUST  
DBH PROPERTIES LLLP  
PO BOX 6200

COEUR D ALENE, ID 83816  
Point of Diversion L4(SWSE) S22 T50N R04W KOOTENAI CO  
Source COEUR D ALENE LAKE tributary SPOKANE RIVER  
Point of Diversion L4(SWSE) S22 T50N R04W KOOTENAI CO  
Source COEUR D ALENE LAKE tributary SPOKANE RIVER  
Use: DIVERSION to STORAGE 03/15 to 11/15 0.39 CFS  
Use: IRRIGATION 03/15 to 11/15 0.35 CFS  
Use: IRRIGATION from Storage 03/15 to 11/15 52.8 AF  
Use: IRRIGATION STORAGE 01/01 to 12/31 66.1 AF  
Total Diversion: 0.39 CFS

Date Filed: 1/9/2013

Place of Use: IRRIGATION  
T50N R04W S22 L3(NWSE) L4(SWSE)  
Place of Use: DIVERSION TO STORAGE  
T50N R04W S22 L4(SWSE)  
Place of Use: IRRIGATION FROM STORAGE  
T50N R04W S22 L4(SWSE)  
Place of Use: IRRIGATION STORAGE  
T50N R04W S22 L4(SWSE)  
Total Acres: 17.6

95-16539

BRADLEY D HAGADONE  
2731 W HORNED OWL RD  
COEUR D ALENE, ID 83815  
DBH PROPERTIES LLLP  
PO BOX 6200

COEUR D ALENE, ID 83816  
Point of Diversion SWSE S22 T50N R04W KOOTENAI CO  
Source COEUR D ALENE LAKE tributary SPOKANE RIVER  
Point of Diversion SWSE S22 T50N R04W KOOTENAI CO  
Source COEUR D ALENE LAKE tributary SPOKANE RIVER  
USE: DIVERSION TO Storage 03/15 to 11/15 0.39 CFS  
Use: IRRIGATION 03/15 to 11/15 0.06 CFS  
Use: IRRIGATION from Storage 03/15 to 11/15 6.3 AF  
Use: IRRIGATION STORAGE 03/15 to 11/15 19.6 AF  
Total Diversion: 0.39 CFS

Date Filed: 1/9/2013

Place of Use: IRRIGATION FROM STORAGE  
T50N R04W S22 SESW  
Place of Use: DIVERSION TO STORAGE  
T50N R04W S22 SESW  
Place of Use: IRRIGATION  
T50N R04W S22 SWSW SESW  
Place of Use: IRRIGATION STORAGE  
T50N R04W S22 SESW  
Total Acres: 2.1

95-16568

JOHN C ROCCHIO  
489 E DRIFTWOOD ST  
HARRISON, ID 83833  
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: 4/4/2013

Place of Use: DOMESTIC T49N R04W S13 L2(SWNE)  
Domestic use is for 1 home.

95-16571

GREGG SCHMIDT  
JULIE SCHMIDT  
5255 W CRAZY CREEK  
COEUR D ALENE, ID 83814

Point of Diversion NESE S20 T50N R04W KOOTENAI CO  
Source UNNAMED STREAM tributary COUGAR CREEK  
Use: FIRE PROTECTION 01/01 to 12/31 0.11 CFS  
Use: IRRIGATION 03/15 to 11/15 0.11 CFS  
Total Diversion: 0.11 CFS

Date Filed: 4/16/2013

Place of Use: IRRIGATION T50N R04W S20 NESE  
Place of Use: FIRE PROTECTION T50N R04W S20 NESE  
Total Acres: 3.5

95-16573

JEFFERY A ZUK  
P DIANE ZUK  
3145 E HUDLOW RD  
HAYDEN, ID 83835

Point of Diversion SENW S30 T52N R03W KOOTENAI CO  
Source GROUND WATER  
Use: DOMESTIC 01/01 to 12/31 0.04 CFS  
Use: IRRIGATION 03/15 to 11/15 0.12 CFS  
Use: STOCKWATER 01/01 to 12/31 0.02 CFS  
Total Diversion: 0.16 CFS

Date Filed: 4/19/2013

Place of Use: DOMESTIC T52N R03W S30 SENW  
Place of Use: IRRIGATION T52N R03W S30 SENW  
Place of Use: STOCKWATER T52N R03W S30 SENW  
Total Acres: 4

Domestic use is for 1 home  
Stockwater use is for 4 head of mixed stock.

95-16575

RENEE DUPREY  
LARRY DUPREY  
5406 N ORMOND RD  
OTIS ORCHARDS, WA 99027  
Point of Diversion NENWNE S24 T53N R05W KOOTENAI CO  
Source SPRING tributary SINKS  
Use: DOMESTIC 01/01 to 12/31 0.06 CFS  
Total Diversion: 0.06 CFS

Date Filed: 4/23/2013

Place of Use: DOMESTIC T53N R05W S24 L1(NENE) NWNE  
Domestic use is for 2 homes.

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 6/3/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Legal 8446

May 16, 23, 2013