

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 95-16565

Priority: March 27, 2013

Maximum Diversion Rate: 0.18 CFS

This is to certify, that ROSEMARY DICKSON  
763 S MANOR HEIGHTS DR  
POST FALLS ID 83877

has applied for a permit to appropriate water from:

**Source:** GROUND WATER

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> |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 03/15 to 11/15       | 0.18 CFS                 |

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

GROUND WATER, SE1/4SE1/4, Sec. 8, Twp 50N, Rge 05W, B.M., KOOTENAI County

**PLACE OF USE:** IRRIGATION

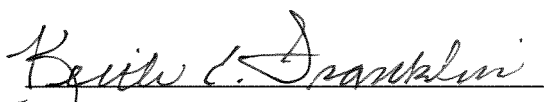
| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |     |        |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE  | Totals |
| 50N 05W 8   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 9.0 | 9.0    |

Total Acres: 9

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2015**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. This right does not grant any right-of-way or easement across the land of another.
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. 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 30 day of May, 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](http://www.idwr.idaho.gov)

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C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

May 30, 2013

ROSEMARY DICKSON  
763 S MANOR HEIGHTS DR  
POST FALLS ID 83877

RE: Permit No.95-16565

**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.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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 Davis". The signature is fluid and cursive, with the first name "Eric" and last name "Davis" clearly distinguishable.

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

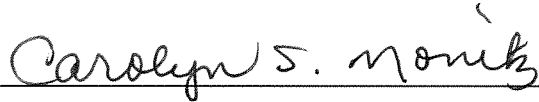
### **CERTIFICATE OF SERVICE**

I hereby certify that on May 31, 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.**

**95-16565**

**ROSEMARY DICKSON  
763 S MANOR HEIGHTS DR  
POST FALLS ID 83877**

A handwritten signature in cursive script that reads "Carolyn S. Monitz". The signature is written in dark ink and is positioned above 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.

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

W.R. # 95-16565 APPLICATION ID # 78499 ENT. ED BCA 4/9 OK to Publish 4/9/13  
 APPLICANT: Rosemary Dickson INITIAL REVIEW BY: ED DATE: 4/1/2013

- 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)

**PROCESSING**  
 (Yes)(No) PRIORITY DATE: 3/27/2013

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

ADVERTISE IN: Kootenai County  
 Newspaper: Ed  
 Dates scheduled for publication 4/18 & 25/13  
 Affidavit of Publication received: \_\_\_\_\_  
 Dates actually published: \_\_\_\_\_  
 Application published correctly. Yes ☒ No \_\_\_\_\_  
 If not, action taken: \_\_\_\_\_

Final Date for Protest: 5/6/13  
 Protests Received: Yes \_\_\_\_\_ No ☒

**LETTERS SENT REQUESTING:**  
☐ Dam Information ☐ Fish Information  
☐ Power Information ☐ Other: \_\_\_\_\_

**INFORMATION RECEIVED:**  
☐ Dam Information ☐ Fish Information  
☐ Power Information ☐ Other: \_\_\_\_\_

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

**ADDITIONAL INFORMATION**

(Yes)(No)  
☒ Shape File Created Date 4-1-13 By: ED  
 \_\_\_\_\_ Field check: by \_\_\_\_\_  
 \_\_\_\_\_ Field report attached  
 \_\_\_\_\_ Analysis Supp. Attached (>5cfs/500af)  
 \_\_\_\_\_ Water delivered by water master? Water District # \_\_\_\_\_

**GROUNDWATER SECTION**

| WD Permit No.'s: | Tag #          | Type:                                                   | Fees                  | Receipt No.     | Upgrade Needed?                                 |
|------------------|----------------|---------------------------------------------------------|-----------------------|-----------------|-------------------------------------------------|
| _____            | <u>D022134</u> | Dom. _____ Non-Dom. <input checked="" type="checkbox"/> | Paid \$ <u>125.00</u> | <u>11029702</u> | Y ( <input checked="" type="checkbox"/> ) 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: Beth S. [Signature] Date: 5/9/13 Sr. Agent initial KS

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,  
County of Kootenai,

} ss.

*Amber Jico*

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*

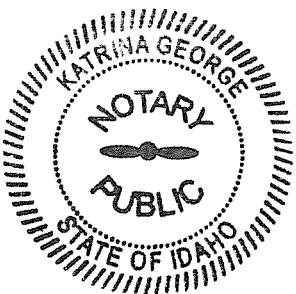
of which the annexed is a printed copy, was published in the regular *Thurs.* issue of said newspaper for *2* consecutive *weeks* commencing on the *18th* day of *April*, 20*13*, and ending on the *25th* day of *April*, 20*13*, and such publication was made as often during said period as said *daily* 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.

On this *18th* day of *April* in the year of *2013*, before me, a Notary Public, personally appeared *Amber Jico*, 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.



RECEIVED  
APR 30 2013  
IDWR / NORTH

MY COMMISSION EXPIRES 8/29/17

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

95-16547

EUGENE FLAMAND

NANCY FLAMAND

4970 N MANUFACTURING WAY STE. 2

COEUR D'ALENE, ID 83815-6082

Point of Diversion L3(NWSE) S17 T50N R03W KOOTENAI CO

Source FERNAN LAKE tributary COEUR D'ALENE LAKE

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

Use: IRRIGATION 03/15 to 11/15 0.16 CFS

Total Diversion: 0.2 CFS

Date Filed: 2/13/2013

Place of Use: IRRIGATION and FIRE PROTECTION

T50N R03W S17 SWNE L3(NWSE)

Total Acres: 8

95-16548

SCOTT BLEW

JEAN MARIE BLEW

4810 S MORROW PARK RD

SPOKANE, WA 99206

Point of Diversion L1(SWSE) S35 T53N R05W KOOTENAI CO

Source TWIN LAKES tributary RATHDRUM CREEK

Use: DOMESTIC 03/15 to 11/15 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 2/12/2013

Place of Use: DOMESTIC T53N R05W S35 L1(SWSE)

Domestic use is for 1 home with less than 1/2 acre irrigation.

95-16549

AVISTA CORPORATION

PO BOX 3727

SPOKANE, WA 99220-3727

Points of Diversion(2) L5(SENW) S3 T50N R05W KOOTENAI CO

Source SPOKANE RIVER tributary COLUMBIA RIVER

Use: AESTHETIC 01/01 to 12/31 0.09 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 7.1 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.3 CFS

Use: RECREATION 01/01 to 12/31 0.09 CFS

Use: RECREATION STORAGE 01/01 to 12/31 7.1 AF

Total Diversion: 0.3 CFS

Date Filed: 2/12/2013

Place of Use: RECREATION and RECREATION STORAGE

T50N R05W S3 L5(SWNW) L5(SENW)

Place of Use: AESTHETIC and AESTHETIC STORAGE

T50N R05W S3 L5(SWNW) L5(SENW)

Recreation use is for fishing

95-16550

STAN STRANG

12206 E 27TH AVE

SPOKANE VALLEY, WA 99206

Point of Diversion L4(SWSWSE) S13 T49N R04W KOOTENAI CO

Source SPRING tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 2/22/2013

Place of Use: DOMESTIC T49N R04W S13 L4(SWSE)

Domestic use is for 1 home.

95-16565

ROSEMARY DICKSON

763 S MANOR HEIGHTS DR

POST FALLS, ID 83877

Point of Diversion SESE S8 T50N R05W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.18 CFS

Total Diversion: 0.18 CFS

Date Filed: 3/27/2013

Place of Use: IRRIGATION T50N R05W S8 SESE

Total Acres: 9

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 5/6/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/18/2013 and 4/25/2013

Legal 8268

April 18, 25, 2013

RECEIVED  
APR 30 2013  
IDWR / NORTH