

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 98-07851

Priority: March 16, 2006

Maximum Storage Volume: 1.5 AF

It is hereby certified that SCOTT SOULTS And
LISA SOULTS
1203 CHRISTMAS LANE
NAPLES ID 83847 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated March 16, 2006; and has
submitted Proof of Beneficial Use on May 03, 2007. An examination confirms water is diverted from:

SOURCE

UNNAMED STREAM

Tributary: DEEP CREEK

and a water right has been established as follows:

BENEFICIAL USE

PERIOD OF USE

**ANNUAL
STORAGE VOLUME**

FIRE PROTECTION

01/01 to 12/31

1.5 AF

STORAGE

WILDLIFE STORAGE

01/01 to 12/31

1.5 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM, SE¼NE¼, Sec. 32, Twp 60N, Rge 01W, B.M., BOUNDARY County

PLACE OF USE: FIRE PROTECTION STORAGE, WILDLIFE STORAGE

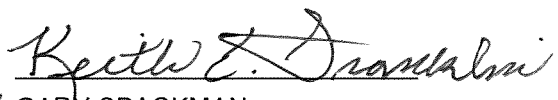
Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
60N 01W 32				X													

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. Water shall not be diverted from storage for fire protection use under this right except to fight or repel an existing fire.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 0.7 acre-feet.
4. This right authorizes the annual storage of 1.5 acre-feet to be used for the initial filling of the pond, for the replacement of losses caused by seepage and evaporation from the pond and for the storage of water for fire protection and wildlife purposes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed on this 17 day of June, 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

June 17, 2013

SCOTT SOULTS
LISA SOULTS
1203 CHRISTMAS LANE
NAPLES ID 83847

RE: License No. 98-7851
Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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,

Eric Davis
Sr. Water Resource Agent

Enclosure(s)

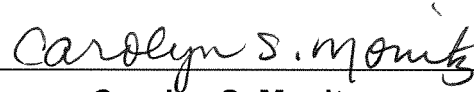
CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

98-7851

**LISA SOULTS
SCOTT SOULTS
1203 CHRISTMAS LANE
NAPLES ID 83847**

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

TO: Keith Franklin

FROM: Gio Del Papa

CC: Eric Davis

SUBJECT: 98-7851 Pond Size – Lisa Robbe

DATE: 06/11/2013

On June 4, 2013, I visited the subject pond with Eric Davis of IDWR. The height of the hydraulic barrier and hydraulic height were measured using a hand level, Philadelphia Rod, and folding hand rod (for level/instrument height). The field height measurements are shown in the table below.

Project:	98-7851				
Date:	6/4/2013				
Weather:	Sunny, Mild				
		HI	FS	Height	Notes
		(ft)	(ft)	(ft)	
		(-)			
DS Toe			13.1		
Top Embankment		1.1		12.0	
DS Toe			12.9		
Water Level		3.0		9.9	Note 1.
Instrument:	Gio Del Papa				
	TopCon 56210 Hand Level				
	Lufkin 6-ft Folding Rod				
Rod:	Eric Davis				
	Aluminum Philadelphia Rod				
Notes:					
1. Water Level Approximately at Invert of 18-inch CHDPE Outlet					

At the time of the visit, the hydraulic barrier consisted of an earthen embankment approximately 30-35 yards in length with a top width of approximately 10 feet. The upstream and downstream side slopes were estimated to be around 1H:1 V to 1.5H:1V. The pond had a single outlet/spillway that consisted of an 18-inch diameter corrugated HDPE pipe set at a relatively flat slope. Based upon a rough pond surface area of 0.2 acres from ArcMap (Bing Maps) and an estimated maximum depth of about 10 feet, the resulting storage capacity of the pond would be significantly less than 10 ac-ft (IC 42-1711). The downstream drainage appears to be wooded and no homes or improvements were observed immediately downstream of the embankment during the visit (other than a dirt driveway). The current downstream hazard appears low. Considering the storage capacity, hydraulic height, and the low downstream hazard condition, this barrier currently falls under the exceptions of IC 42-1711 (1) and (2) as a non-regulated dam.

D

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Davis, Eric

From: Lisa [lisarobbe@gmail.com]
Sent: Monday, August 20, 2012 10:44 AM
To: Davis, Eric
Subject: 987851
Attachments: Property Warranty Deed.pdf

Hi Eric,

Sorry I missed you up at my place last week. As discussed, there are actually 2 water rights with my property. The rights I believe have been in my ex-husband's name and then I think one of them might have me listed on it too. Please let me know what I need to do to get them switched over.

I've attached the property deed. Thanks so much! :)

Lisa Robbe - 1203 Christmas Lane - Naples ID 83847. 208-660-2519

248810

WARRANTY DEED

STATE OF IDAHO
County of BOUNDARY
Filed by: Community title
on 12-29-10 at 11:35
Glenda Poston
County Recorder C. Poston
By Deputy
Fee \$ 10.00
Mail to CT

20516
FOR VALUE RECEIVED

Scott Soultis, an Unmarried Man and Lisa Robbe, an Unmarried Woman (who acquired Title as Scott Soultis and Lisa Soultis)

the grantors, do(es) hereby grant, bargain, sell and convey unto

Lisa Robbe, an Unmarried Woman,

whose current address is 1203 Christmas Lane, Naples, ID 83847,

the grantee, the following described premises, in Boundary County, Idaho, TO WIT:

The Southeast Quarter of the Northeast Quarter of Section 32, Township 60 North, Range 1 West, Boise Meridian, Boundary County, Idaho

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he/she the owner in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that they will warrant and defend the same from all lawful claims whatsoever.

Dated: December 13, 2010
[Signature]
Scott Soultis

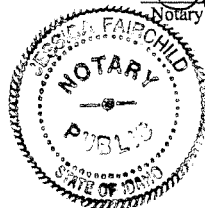
[Signature]
Lisa Robbe

STATE OF IDAHO }
COUNTY OF BOUNDARY } SS.

On this 28 day of December, 2010 before me, a Notary Public in and for said state, personally appeared Scott Soultis and Lisa Robbe known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

Residing at: Bonniers Ferry
Commission Expires: 2/2/2011



[Signature]
Notary Public for the State of Idaho