

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

NO. 93-07432

Priority: December 10, 2012

Maximum Diversion Rate: 0.15 CFS  
Maximum Diversion Volume: 1.0 AF

This is to certify, that COREY JOHNSON And RACHEL JOHNSON  
25435 LAKE CAVANAUGH RD  
MOUNT VERNON WA 98274

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>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.06 CFS	
STOCKWATER	01/01 to 12/31	0.02 CFS	
STOCKWATER STORAGE	01/01 to 12/31		1.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.02 CFS	
IRRIGATION	04/01 to 10/31	0.15 CFS	

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

GROUND WATER, NE1/4SE1/4, Sec. 19, Twp 45N, Rge 04W, B.M., BENEWAH County

**PLACE OF USE:** DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
45N 04W 19	X																

**PLACE OF USE:** STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
45N 04W 19	X																

**PLACE OF USE:** STOCKWATER 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
45N 04W 19	X																

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

NO. 93-07432

PLACE OF USE: IRRIGATION

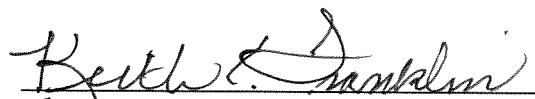
Twp Rge Sec	NE				NW				SW				SE				Totals
45N 04W 19	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	5.0
	5.0																

Total Acres: 5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2018**.
2. Subject to all prior water rights.
3. 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.
4. Domestic use is for 2 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
5. Stockwater use is for 10 head of mixed stock.
6. Right 93-7432 authorize the diversion of an annual total of 1.0 acre-feet to be used for the initial filling of the pond or and for the replacement of losses caused by seepage and evaporation.
7. The pond established by the storage of water under this right shall not exceed a total capacity of 1.0 acre-feet.
8. This right does not grant any right-of-way or easement across the land of another.
9. This right when combined with all other rights shall provide no more than 0.03 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 23 day of April, 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

April 23, 2013

COREY JOHNSON  
25435 LAKE CAVANAUGH RD  
MOUNT VERNON WA 98274

RACHEL JOHNSON  
25435 LAKE CAVANAUGH RD  
MOUNT VERNON WA 98274

RE: Permit No.93-7432

**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", written in a cursive style.

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

## CERTIFICATE OF SERVICE

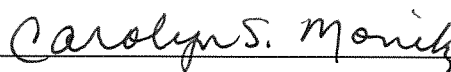
I hereby certify that on April 24, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

93-7432

COREY JOHNSON  
25435 LAKE CAVANAUGH RD  
MOUNT VERNON WA 98274

RACHEL JOHNSON  
25435 LAKE CAVANAUGH RD  
MOUNT VERNON WA 98274

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.

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

P 4/11/13

W.R.# 93-7432

APPLICATION ID # 78264

ENT ED

BCA 2/20/13

OK to Publish 2/20/13

APPLICANT: Johnson

INITIAL REVIEW

BY: ED

DATE: 12/20/2012

**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: 12/10/2012

☒  
☒

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

**ADVERTISE IN:**

Beneviah County

Newspaper: SM Gazette

Dates scheduled for publication 3/6 & 13/13

Affidavit of Publication received: 3/15/13

Dates actually published: 3/6 & 13/13

Application published correctly. Yes ☒ No ☐

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

Final Date for Protest: 3/55/13

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 12-7-12 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:

D003688

Tag #

Type:

Fees

Receipt No.

Upgrade Needed?

Dom. <input checked="" type="checkbox"/> Non-Dom. _____	Paid \$ <u>125.00</u>	<u>N029604</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: Keith L. Dinkley Date: 4/23/2013 Sr. Agent initial KLD



RECEIVED  
MAR 15 2013  
IDWR / NORTH

Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of two issues, the first publication being on the 6 day of March, 2013 and the last on the 13 day of March, 2013

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Dated this 13 day of March, 2013

Cynthia Ann Hammes

STATE OF IDAHO )

COUNTY OF BENEWAH )

On this 13 day of March, in the year of 2013 before me, a Notary Public, personally appeared Cynthia Ann Hammes, known or identified to me to be the person whose name subscribed to within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

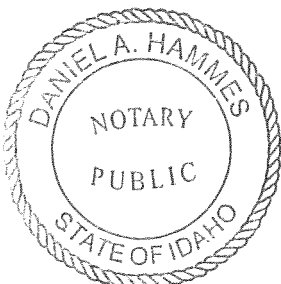
Daniel A. Hammes

Notary Public for Idaho

Residing at St. Maries, Idaho

My commission expires:

07-13-2013



NOTICE OF APPLICATION

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

92-10889

ELYSHA JOHNSON

JOHN THOR JOHNSON

PO BOX 362

TWISP, WA 98856

Point of Diversion SWNW S9 T45N R02W BENEWAH CO

Source UNNAMED STREAM tributary ST MARIES RIVER

Use: IRRIGATION 03/15 to 10/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 11/28/2012

Place Of Use: IRRIGATION T45N R02W S9 SWNW

Total Acres: 10

93-7432

COREY JOHNSON

RACHEL JOHNSON

25435 LAKE CAVANAUGH RD

MOUNT VERNON, WA 98274

Point of Diversion NESE S19 T45N R04W BENEWAH CO

Source GROUND WATER tributary SINKS

Use: Diversion to Storage 01/01 to 12/31 0.02 CFS

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

Use: IRRIGATION 04/01 to 10/31 0.15 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Use: Stockwater Storage 01/01 to 12/31 1 AF

Total Diversion: 0.15 CFS

Date Filed: 12/10/2012

ALL Places of Use: T45N R04W S19 NENE

Place Of Use: DIVERSION TO STORAGE

Domestic use is for 2 homes

Stockwater use is 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 3/25/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

8506 March 6-March 13