

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 86-12010

Priority: August 27, 2012

Maximum Diversion Rate: 0.02 CFS

This is to certify, that TONNA WHITTLESEY
1145 LARCH PL
KENDRICK ID 83537

And

RANDALL RUSSELL
1145 LARCH PL
KENDRICK ID 83537

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

BENEFICIAL USE

STOCKWATER

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4SW1/4 Sec. 3, Twp 38N, Rge 01W, B.M. LATAH County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
38N 01W 3											X						

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2013**.
2. Subject to all prior water rights.
3. Stockwater use is for 20 horses.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right does not grant any right-of-way or easement across the land of another.

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 16 day of November, 2012.


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

November 19, 2012

TONNA WHITTLESEY
1145 LARCH PL
KENDRICK ID 83537

RANDALL RUSSELL
1145 LARCH PL
KENDRICK ID 83537

RE: Permit No.86-12010

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.

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 written in a cursive, flowing style.

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

CERTIFICATE OF SERVICE

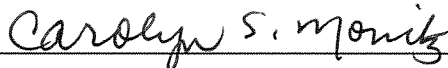
I hereby certify that on November 20, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

86-12010

**RANDALL RUSSELL
1145 LARCH PL
KENDRICK ID 83537**

**TONNA WHITTLESEY
1145 LARCH PL
KENDRICK ID 83537**

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-9127/12

W.R. # 86-12010

APPLICATION ID # 78114

ENT. E.D

BCA 9/24/12 OK to Publish 9/21/12

APPLICANT: Whittlesey and Russell

BY: E.D

DATE: 8/28/2012

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)

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

ADDITIONAL INFORMATION

(Yes)(No)

Shape File Created Date By:
Field check: by
Field report attached
Analysis Supp. Attached (>5cfs/500af)

Water delivered by water master? Water District #

PROCESSING

(Yes)(No)

PRIORITY DATE: 8/27/2012

☒ ☒

(Include Moratorium Remark)

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

ADVERTISE IN:

Latah

County

Newspaper: MP Daily News

Dates scheduled for publication 10/4 & 11/12

Affidavit of Publication received: 10/15/12

Dates actually published: 10/4 & 11/12

Application published correctly. Yes ☒ No ☐

If not, action taken:

Final Date for Protest: 10/22/12

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 \$	Hand Dug	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. 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: 11/16/2012 Sr. Agent initial: EP

NEWS REVIEW PUBLISHING COMPANY

The Moscow-Pullman Daily News

P.O.Box 374

Lewiston, Idaho 83501

(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Sold To: IDAHO DEPT/ WATER RESOURCES
7600 N. MINERAL DR STE 100
COEUR D ALENE ID 83814

Date:	<u>10/11/2012</u>	INVOICE NO.	<u>68706</u>
Account No.	<u>30010311</u>		
Description	<u>68706 The follo</u>		
Times	<u>2</u>	Lines	<u>27</u>
		Tab. lines	
		\$	<u>78.98</u>
	PO#	<u>86-12010</u>	

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

Karen J. Lewis, Legal Clerk
being first duly sworn, on oath deposes
and says: I am the printer of
Moscow-Pullman Daily News, a newspaper
of general circulation, published daily
except Sunday at Mosocw, Latah County,
Idaho, in compliance with Sections 60-106,
60-107, and 60-108 of the Idaho Code and the
amendments thereto; and an official newspaper
for Whitman County, Washington as required
by R.C.W. 36.72.071 and other provisions of
the Revised Code of Washington and the
amendments thereto: that the notice of which the
annexed is a full, true and correct printed
copy was published in the regular and entire
issues of said newspaper and not in a
supplement thereto, upon the following dates:

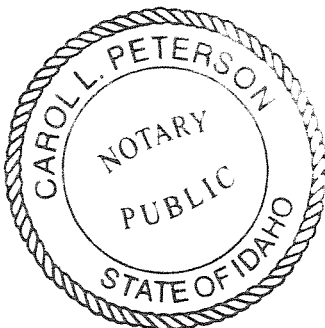
Oct. 4, 11, 2012

the same being the date designated for
the publication of said notice.

Karen J. Lewis

On this 11th day of October
in the year of 2012, before me, a Notary Public,
personally appeared Karen J. Lewis,
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.

Carol L. Peterson
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 9/1/2017



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

86-12010

TONNA WHITTLESEY

RANDALL RUSSELL

1145 LARCH PL

KENDRICK, ID 83537

Point of Diversion SWSW S3 T38N R01W LATAH County

Source GROUND WATER

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

Total Diversion: 0.02 CFS

Date Filed: 8/27/2012

Place of Use: STOCKWATER T38N R01W S3 SWSW

Stockwater use is for 20 horses.

Permits will be subject to all prior water rights. For additional
information concerning the property location, contact North-
ern Region office at (208) 762-2800. Protests may be submit-
ted 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
10/22/2012. The protestant must also send a copy of the pro-
test to the applicant.

GARY SPACKMAN, Director

Published on 10/4/2012 and 10/11/2012

RECEIVED
OCT 15 2012
IDWR / NORTH

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, September 25, 2012 4:31 PM
To: Legal Notices-MoscowPullmanDailyNews
Subject: Application for Permit No. 86-12010
Attachments: LegalNotice 09-25-12 MP e-mail 86-12010.doc

Hi Karen,

Please publish the enclosed legal notice in the Moscow Pullman Daily News on the dates indicated, October 4 and 11, 2012, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof/preview copy for my review before this actually goes to press.

It should be pretty much press ready – 2-column. If you have any questions, please call me or reply to this e-mail

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/22/2012. Your cooperation is very much appreciated.

Thanks for all your great help with our legals. You make us look good.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

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GARY SPACKMAN, Director

Published on 10/4/2012 and 10/11/2012



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

September 25, 2012

TONNA WHITTLESEY
RANDALL RUSSELL
1145 LARCH PL
KENDRICK, ID 83537

Application For Permit No. 86-12010

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the MOSCOW-PULLMAN DAILY NEWS on 10/4/2012 and 10/11/2012. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Eric J. Davis
Sr. Water Resource Agent