

UNNAMED STREAM NE1/4NW1/4 Sec. 24, Twp 63N, Rge 01W, B.M. BOUNDARY County

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 98-07918

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
63N 01W 11				X L 5													
63N 01W 12		X L 2	X	X L 3	X	X	X	X	X	X	X	X	X	X	X	X	
63N 01W 13	X	X	X	X	X	X		X	X				X	X			

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2017**.
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. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. The ponds established by the storage of water under this right shall not exceed a total capacity of 1100 acre-feet.
6. Right 98-7918 authorize the diversion of an annual total of 2784 .0 acre-feet to be used for the initial filling of the ponds and for the replacement of losses caused by seepage, evaporation and for transpiration from riparian vegetation.
7. 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 24 day of September, 2012

Heath E. 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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 26, 2012

THE NATURE CONSERVANCY
65 MC CLINTOCK RD
MOYIE SPRINGS ID 83845

RE: Permit No.98-7918

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.

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 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 September 26, 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. 98-7918

**THE NATURE CONSERVANCY
65 MC CLINTOCK RD
MOYIE SPRINGS ID 83845**

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.

AFFIDAVIT OF PUBLICATION

State of Idaho

ss

County of Boundary, Rinda Johnson

being first duly sworn on oath deposes and says that

he/she is book keeper of the

Bonnors Ferry Herald, a newspaper printed and published at Bonnors Ferry, Boundary County, Idaho;

that the said newspaper has been continuously and uninterruptedly published in said Boundary County

during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case

of:

Appropriate Public Waters

_____ as it

was published in the regular and entire issue of the said

paper for a period of 2 consecutive weeks,

commencing on 2nd day of Aug, 2012 and

ending on the 9th day of Aug, 2012 and

that said notice was published in said newspaper.

Rinda Johnson

SUBSCRIBED AND SWORN TO before me, this

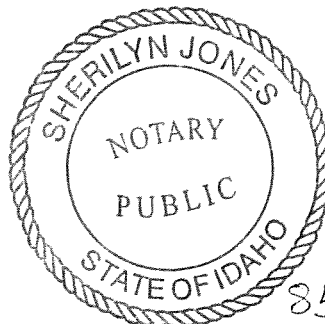
9th day of August, 2012.

Sherilyn Jones

Notary Public-State of Idaho

Residing at: Sandpoint

My Commission Expires: 2/24/17



8582

RECEIVED
SEP 05 2012
IDWR/NORTH

RECEIVED
SEP 05 2012
IDWR / NORTH

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

98-7918

THE NATURE CONSERVANCY
65 MC CLINTOCK RD
MOYIE SPRINGS, ID 83845
Point of Diversion SENW S13 T63N R01W BOUNDARY CO
Source UNNAMED STREAM Tributary SINKS
Point of Diversion SENE S13 T63N R01W BOUNDARY CO
Source GROUNDWATER
Point of Diversion NWSW S12 T63N R01W BOUNDARY CO
Source UNNAMED STREAM Tributary SINKS
Point of Diversion SENW S12 T63N R01W BOUNDARY CO
Source GROUNDWATER
Point of Diversion NESW S13 T63N R01W BOUNDARY CO
Source UNNAMED STREAM Tributary SINKS
Point of Diversion NESE S13 T63N R01W BOUNDARY CO
Source GROUNDWATER
Point of Diversion NESE S13 T63N R01W BOUNDARY CO
Source UNNAMED STREAM Tributary SINKS
Point of Diversion NESE S13 T63N R01W BOUNDARY CO
Source RUNOFF Tributary SINKS
Point of Diversion NENW S24 T63N R01W BOUNDARY CO
Source UNNAMED STREAM Tributary SINKS
Use: DIVERSION to STORAGE 01/01 to 12/31 5 CFS
Use: WILDLIFE STORAGE 01/01 to 12/31 2784 AF
Total Diversion: 5 CFS

Date Filed: 7/16/2012
Place of Use: WILDLIFE STORAGE T63N R01W S11 L5(SENE)
T63N R01W S12 L2(NWNE) SWNE L3(SENE) NENW
NWNW SWNW SENW NESW NWSW SWSW SESW
NESE NWSE SWSE SESE
T63N R01W S13 NENE NWNE SWNE SENE NENW
NWNW SENW NESW NESE NWSE

98-7919

DEANNA GALBRAITH
6528 NORTH RIVER DRIVE
BONNERS FERRY, ID 83805
Point of Diversion SWNE S27 T62N R01E BOUNDARY CO
Source KOOTENAI RIVER tributary COLUMBIA RIVER
Use: IRRIGATION 04/01 to 10/31 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 7/20/2012
Place of Use: IRRIGATION T62N R01E S27 L2(NWNE)
Total Acres: 0.5

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 8/20/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

BFH Legal 8582

August 2, 9, 2012

Ball, Dianne

From: Ball, Dianne
Sent: Friday, July 27, 2012 12:45 PM
To: Legal Notices BFHerald-Amber Bangeman
Subject: Application for Permit No. 98-7918, 98-7919
Attachments: LegalNotice 07-27-12 BFH e-mail 98-7918,7919.doc

Please publish the enclosed legal notice in the Bonners Ferry Herald on the dates indicated, August 2 and 9, 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 goes to press.

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 8/20/2012. Your cooperation is greatly appreciated.

Thanks for all your help on this.

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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98-7918

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65 MC CLINTOCK RD

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Point of Diversion SENW S13 T63N R01W BOUNDARY CO

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Point of Diversion NESE S13 T63N R01W BOUNDARY CO

Source GROUNDWATER

Point of Diversion NESE S13 T63N R01W BOUNDARY CO

Source UNNAMED STREAM Tributary SINKS

Point of Diversion NESE S13 T63N R01W BOUNDARY CO

Source RUNOFF Tributary SINKS

Point of Diversion NENW S24 T63N R01W BOUNDARY CO

Source UNNAMED STREAM Tributary SINKS

Use: DIVERSION to STORAGE 01/01 to 12/31 5 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 2784 AF

Total Diversion: 5 CFS

Date Filed: 7/16/2012

Place of Use: WILDLIFE STORAGE T63N R01W S11 L5(SENE)

T63N R01W S12 L2(NWNE) SWNE L3(SENE) NENW

NWNW SWNW SENW NESW NWSW SWSW SESW

NESE NWSE SWSE SESE

T63N R01W S13 NENE NWNE SWNE SENE NENW

NWNW SENW NESW NESE NWSE

98-7919

DEANNA GALBRAITH

6528 NORTH RIVER DRIVE

BONNERS FERRY, ID 83805

Point of Diversion SWNE S27 T62N R01E BOUNDARY CO

Source KOOTENAI RIVER tributary COLUMBIA RIVER

Use: IRRIGATION 04/01 to 10/31 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 7/20/2012

Place of Use: IRRIGATION T62N R01E S27 L2(NWNE)

Total Acres: 0.5

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 8/20/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/2/2012 and 8/9/2012



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
Interim Director

July 27, 2012

THE NATURE CONSERVANCY
65 MC CLINTOCK RD
MOYIE SPRINGS, ID 83845

Application For Permit No. 98-7918

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 BONNERS FERRY HERALD on 8/2/2012 and 8/9/2012. 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