

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 94-09086

Priority: March 29, 2012

Maximum Diversion Rate: 0.10 CFS

This is to certify, that JAMES R ATHA And GAYE A ATHA
31401 S HWY 3
MEDIMONT ID 83842

has applied for a permit to appropriate water from:

Source: GROUNDWATER

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>
DOMESTIC	01/01 to 12/31	0.06 CFS
IRRIGATION	04/01 to 10/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUNDWATER L7 (NW1/4SE1/4) Sec. 34, Twp 50N, Rge 02E, B.M. SHOSHONE County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50N	02E	34										X					X		
												L 7					L 7		

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50N	02E	34															1.5		
																	L 7		

Total Acres: 1.5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2013**.
2. Subject to all prior water rights.
3. Domestic use is for 1 cabin 3 RV sites. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
4. 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.
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 25 day of May, 2012


GARY SPACKMAN, Interim 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
Interim Director

May 29, 2012

JAMES R ATHA
31401 S HWY 3
MEDIMONT ID 83842

GAYE A ATHA
31401 S HWY 3
MEDIMONT ID 83842

RE: Permit No.94-9086

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.

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 cursive script, appearing to read "Eric Davis".

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

CERTIFICATE OF SERVICE

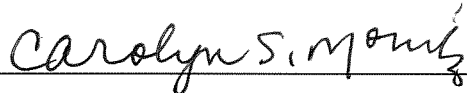
I hereby certify that on May 30, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

94-9086

**GAYE A ATHA
31401 S HWY 3
MEDIMONT ID 83842**

**JAMES R ATHA
31401 S HWY 3
MEDIMONT ID 83842**

A handwritten signature in cursive script, reading "Carolyn S. Monitz", is written over a horizontal line.

**Carolyn S. Monitz
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (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 issuance 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

Date: May 17, 2012
To: Water Right File 94-9086
From: edavis
Re: Quantity

The domestic quantity was advertised as 0.04cfs and the correct quantity is 0.06cfs. The Northern Regional office has determined that due to the total quantity was advertised at 0.10cfs. The department will not to correct the advertisement.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Shoshone

RECEIVED
APR 27 2012
IDWR / NORTH

Angela Abbott 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 "Shoshone News Press", a newspaper printed and published daily except Sunday and Monday in Kellogg, Shoshone 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 Thursday issue of said newspaper for 2 consecutive Weeks commencing on the 19th day of April, 2012, 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 Shoshone County, during a period of more then seventy-eight consecutive weeks immediately prior to the first publication of said notice Angela Abbott.

On this 26th day of April in the year of 2012, before me, a Notary Public, personally appeared Angela Abbott, 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 in Coeur d'Alene, Idaho



MY COMMISSION EXPIRES 8/29/17

RECEIVED
APR 27 2012
IDWR / NORTH

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

94-9067

SHARON SHAW

4426 REDDING RD

COEUR D'ALENE, ID 83815

Point of Diversion L4(SSEW) S24 T50N R02E SHOSHONE CO

Source COEUR D'ALENE RVR tributary COEUR D'ALENE LK

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

Total Diversion: 0.04 CFS

Date Filed: 2/22/2012

Place of Use: DOMESTIC T50N R02E S24 L4(SSEW)

Domestic use is for 4 RV sites and lawn.

94-9082

RICHARD MUNSON

2917 HAYDEN VIEW DR

COEUR D'ALENE, ID 83815

Point of Diversion L2(NWNE) S25 T50N R02E SHOSHONE CO

Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 2/24/2012

Place of Use: IRRIGATION T50N R02E S25 L2(NWNE)

Total Acres: 1.5

94-9086

JAMES RATHA

GAYE AATHA

31401 S HWY 3

MEDIMONT, ID 83842

Point of Diversion L7(NWSE) S34 T50N R02E SHOSHONE CO

Source GROUND WATER

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

Use: IRRIGATION 04/01 to 10/31 0.04 CFS

Total Diversion: 0.1 CFS

Date Filed: 3/29/2012

Place of Use: DOMESTIC T50N R02E S34 L7(NESW) L7(NWSE)

Place of Use: IRRIGATION T50N R02E S34 L7(NWSE)

Total Acres: 1.5

Domestic use is for 1 cabin and 3 RV sites.

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 5/7/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

SHO Legal 789

April 19, 26, 2012

Ball, Dianne

From: Ball, Dianne
Sent: Friday, April 13, 2012 3:19 PM
To: Legal Notices-Shoshone NP Angie Abbott@cdapress.com; Legal Notices Shoshone NP-CdA Charlene Harwood billing-collections
Subject: Application for Permit No. 94-9067, 94-9082, 94-9086
Attachments: LegalNotice 04-13-12 NP e-mail 94-9067,9082,9086.doc

Hi, Angela,

Please publish the enclosed legal notice on the dates indicated, April 19 and 26, 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 5/7/2012. Your cooperation is appreciated.

Thanks for all your help. It's always a pleasure to work with you.

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

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

94-9067

SHARON SHAW

4426 REDDING RD

COEUR D ALENE, ID 83815

Point of Diversion L4(SESW) S24 T50N R02E SHOSHONE CO

Source COEUR D ALENE RVR tributary COEUR D ALENE LK

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

Total Diversion: 0.04 CFS

Date Filed: 2/22/2012

Place of Use: DOMESTIC T50N R02E S24 L4(SESW)

Domestic use is for 4 RV sites and lawn.

94-9082

RICHARD MUNSON

2917 HAYDEN VIEW DR

COEUR D ALENE, ID 83815

Point of Diversion L2(NWNE) S25 T50N R02E SHOSHONE CO

Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 2/24/2012

Place of Use: IRRIGATION T50N R02E S25 L2(NWNE)

Total Acres: 1.5

94-9086

JAMES R ATHA

GAYE A ATHA

31401 S HWY 3

MEDIMONT, ID 83842

Point of Diversion L7(NWSE) S34 T50N R02E SHOSHONE CO

Source GROUNDWATER

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

Use: IRRIGATION 04/01 to 10/31 0.04 CFS

Total Diversion: 0.1 CFS

Date Filed: 3/29/2012

Place of Use: DOMESTIC T50N R02E S34 L7(NESW) L7(NWSE)

Place of Use: IRRIGATION T50N R02E S34 L7(NWSE)

Total Acres: 1.5

Domestic use is for 1 cabin and 3 RV sites.

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 5/7/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 4/19/2012 and 4/26/2012



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

April 13, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

JAMES R ATHA
GAYE A ATHA
31401 S HWY 3
MEDIMONT, ID 83842

Application For Permit No. 94-9086

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 SHOSHONE NEWS PRESS on 4/19/2012 and 4/26/2012. 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

RECEIVED
MAR 29 2012
IDWR / NORTH

REQUEST FOR WITHDRAWAL OF CLAIM
WITH FILING FEES APPLIED TO APPLICATION FOR PERMIT

Name of Claimant: James R. and Gaye A. Atha
Mailing Address: 31401 S. Hwy 3, Medimont, ID 83842
Amount: \$54.⁰⁰ Receipt No.: NO 28863
Claim No(s): 94-8838

I/We wish to withdraw the Notice(s) of Claim to a Water Right which number(s) appear above and for which I/We previously paid a filing fee to the Idaho Department of Water Resources. I request the filing fee I/We paid on the receipt referenced above be applied to filing an Application for Permit.

For Individuals:

James R. Atha
(Signature of Claimant)
Gaye A. Atha
(Signature of Claimant)

3-29-12
(Date)
3/29/12
(Date)

For Organizations:

(Signature of Authorized Agent) _____
(Date)

(Title)

(Name of Organization)

Return to: Idaho Department of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098

For IDWR Use

	<u>Initials</u>	<u>Date</u>
Approval Region	_____	_____
Approval State Office	_____	_____
Data Entry	_____	_____

6/30/09

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, March 29, 2012 11:17 AM
To: Marston, Sascha
Subject: RECEIPT MODIFICATION NEEDED

Good morning again,

Just received an application for a new water right permit for James & Gaye Atha.

We need Receipt No. N028863 in amount of \$54.00 modified from NIA Filing Fees to Water Right Permit App Fees – 65103.

NIA Claim was withdrawn.

See attached paperwork – including “Request for Withdrawal of Claim with Filing Fees Applied to Application for Permit”.

If you need additional information, please contact me or Eric Davis.

Thanks.

Have a great day,
Dianne

Idaho Department of Water Resources Receipt

Receipt ID: N029080

Payment Amount \$46.00 Date Received 3/29/2012 11:53 AM Region NORTHERN

Payment Type Check Check Number 1132

Payer ATHA, GAYE A

Comments BALANCE OF WR PERMIT APP FEE \$46
INITIAL PAID ON RECEIPT N028863 \$54 FOR NIA CLAIM FUNDS TO BE TRANSFERRED)

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$46.00	PERMITS	65103	0229	21		1155

Full Copy

Signature Line (Department Representative)

Receipt Details for ID N028863

Status	Adjustment Type	Version
		3

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
12/14/2011 3:26:13 PM	12/14/2011 4:23:00 PM	NORTHERN	\$54.00	Check
Payee: ATHA, JAMES AND GAYE				

Account Information

Check Number	1102
--------------	------

Comment	ADJ. CLAIM
---------	------------

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$54.00	PERMITS	65103	0229	21		1155