

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 97-07507

Priority: September 14, 2011

Maximum Diversion Rate: 0.04 CFS

This is to certify, that PATRICK M THOMAS And
DIANE J THOMAS
369 N RIVERPOINT BLVD UNIT 5W
SPOKANE WA 99202
(509) 995-7367

has applied for a permit to appropriate water from:

Source: PRIEST LAKE

Tributary: PRIEST RIVER

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	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

PRIEST LAKE, L2 (NW1/4NE1/4), Sec. 3, Twp 59N, Rge 04W, B.M., BONNER 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
59N	04W	3		X															
				L 2															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2016**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. 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.
5. Domestic use is for 1 home.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
8. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
9. Water shall not be diverted under this right when flows in the Priest River are below minimum flow amounts as defined by Right 97-7380.

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 5 day of December, 2011.


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

December 6, 2011

PATRICK M THOMAS
369 N RIVERPOINT BLVD UNIT 5W
SPOKANE WA 99202

DIANE J THOMAS
369 N RIVERPOINT BLVD UNIT 5W
SPOKANE WA 99202

RE: Permit No.97-7507

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.

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 J. Davis".

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

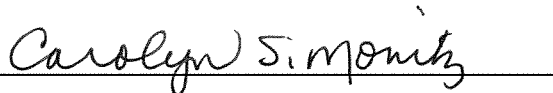
CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2011 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. 97-7507

**DIANE J THOMAS
369 N RIVERPOINT BLVD UNIT 5W
SPOKANE WA 99202**

**PATRICK M THOMAS
369 N RIVERPOINT BLVD UNIT 5W
SPOKANE WA 99202**

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.

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

W.R. # 97-7507

APPLICATION ID # 77512

ENT. A.T. BCA 9/30/11 OK to Publish YES

APPLICANT: Thomas

INITIAL REVIEW

BY: A.T. DATE: 9/1/11

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: 9/1/11

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

ADVERTISE IN:

News paper: BONNER County
BCDB
 Dates scheduled for publication 10/6 & 13/11
 Affidavit of Publication received: 11/2/11
 Dates actually published: 10/6 & 13/11
 Application published correctly. Yes ☒ No _____
 If not, action taken: _____

Final Date for Protest: 10/24/11
 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?
_____	<u>N/A</u>	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	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?

Frank Lake

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

- (Yes)(No)
- ☒ Notice of pending void order issued.
- ☒ Further information required from applicant _____
- Final order response date: _____/_____/_____

- ☒ Measuring device required
- ☒ Measuring port required
- ☒ Special conditions: Priest River Min. Stream Flow
- ☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: [Signature] Date: 9/19/11 Sr. Agent initial N.S.

AFFIDAVIT OF PUBLICATION

RECEIVED
NOV 02 2011
IDWR / NORTH

STATE OF IDAHO)
) ss.
County of Bonner)

Janifer Albert, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached application for permits. My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 6th day of October, 2011, and ending on the 13th day of October, 2011.

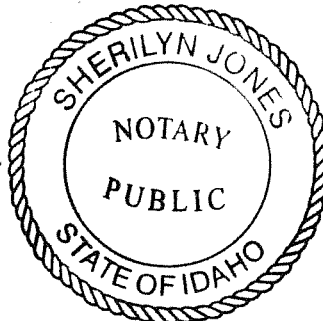
Janifer Albert

State of Idaho, county of Bonner ss.

On this 13 day of Oct, in the year of 2011, before me, Sherilyn Jones, Notary Public, personally appeared

Janifer Albert, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Sherilyn Jones
Notary Public
Residing at: Sandpoint
Comm. Exp.: 2/20/17



RECEIVED
NOV 02 2011
IDWR/NORTH

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

96-9492

WILLIAM LUCE
445 TAM TAM DR
SAGLE, ID 83860

Point of Diversion SWSW S25 T56N R03W BONNER County
Source GROUNDWATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 04/01 to 10/31 0.03 CFS
Total Diversion: 0.07 CFS

Date Filed: 9/20/2011

Place of Use: DOMESTIC T56N R03W S25 SWSW

Place of Use: IRRIGATION same as DOMESTIC

Total Acres: 1

Domestic use is for 1 home.

96-9493

CRAIG LEONI
447 TAM TAM DR
SAGLE, ID 83860

Point of Diversion SWSW S25 T56N R03W BONNER County
Source GROUNDWATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 04/01 to 10/31 0.03 CFS
Total Diversion: 0.07 CFS

Date Filed: 9/20/2011

Place of Use: DOMESTIC T56N R03W S25 SWSW

Place of Use: IRRIGATION T56N R03W S25 NWSW SWSW

Total Acres: 2

Domestic use is for 1 home.

97-7507

PATRICK M THOMAS
DIANE J THOMAS
369 N RIVERPOINT BLVD UNIT 5W
SPOKANE, WA 99202

Point of Diversion L2 S3 T59N R04W BONNER County

Source PRIEST LAKE tributary PRIEST RIVER

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

Date Filed: 9/14/2011

Place of Use: DOMESTIC T59N R04W S3 L2

Domestic use is for 1 home.

97-7508

JULIE HEISKELL
1316 N RIVER VISTA ST
SPOKANE, WA 99224

Point of Diversion L2 S3 T59N R04W BONNER County

Source PRIEST LAKE tributary PRIEST RIVER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CF

Date Filed: 9/14/2011

Place of Use: DOMESTIC T59N R04W S3 L2

Domestic use is for 1 home.

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 10/24/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

SNP Legal 13418

October 6, 13, 2011



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

October 4, 2011

PATRICK M THOMAS
DIANE J THOMAS
369 N RIVERPOINT BLVD UNIT 5W
SPOKANE, WA 99202

COPY

Application For Permit No. 97-7507

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 BONNER COUNTY DAILY BEE on 10/6/2011 and 10/13/2011. 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,

Keith E. Franklin
Interim Program Manager

Enc. Receipt No. N028093

Ball, Dianne

From: Ball, Dianne
Sent: Monday, October 03, 2011 2:58 PM
To: Legal Notices-Bonner Co Daily Bee - Jennifer Albert (jalbert@bonnercountydailybee.com.)
Subject: Application for Permit No. 96-9492, 96-9493, 97-7507, 97-7508,
Attachments: LegalNotice 09-30-11 BCDB e-mail 96-9492,93, 97-7507,08.doc

Hi, Jennifer,

I'm hoping I still have time to get this into the paper starting this Thursday. Please let me know as soon as possible if this is going to be OK to run.

Please publish the enclosed legal notice on the dates indicated, October 6 and 13, 2011, (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 10/24/2011. Your cooperation is very much appreciated.

Thank you for all your wonderful help.

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:

96-9492

WILLIAM LUCE

445 TAM TAM DR

SAGLE, ID 83860

Point of Diversion SWSW S25 T56N R03W BONNER County

Source GROUNDWATER

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

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

Total Diversion: 0.07 CFS

Date Filed: 9/20/2011

Place of Use: DOMESTIC T56N R03W S25 SWSW

Place of Use: IRRIGATION same as DOMESTIC

Total Acres: 1

Domestic use is for 1 home.

96-9493

CRAIG LEONI

447 TAM TAM DR

SAGLE, ID 83860

Point of Diversion SWSW S25 T56N R03W BONNER CO

Source GROUNDWATER

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

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

Total Diversion: 0.07 CFS

Date Filed: 9/20/2011

Place of Use: DOMESTIC T56N R03W S25 SWSW

Place of Use: IRRIGATION T56N R03W S25 NWSW SWSW

Total Acres: 2

Domestic use is for 1 home.

97-7507

PATRICK M THOMAS

DIANE J THOMAS

369 N RIVERPOINT BLVD UNIT 5W

SPOKANE, WA 99202

Point of Diversion L2 S3 T59N R04W BONNER CO

Source PRIEST LAKE tributary PRIEST RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 9/14/2011

Place of Use: DOMESTIC T59N R04W S3 L2

Domestic use is for 1 home.

97-7508

JULIE HEISKELL

1316 N RIVER VISTA ST

SPOKANE, WA 99224

Point of Diversion L2 S3 T59N R04W BONNER County

Source PRIEST LAKE tributary PRIEST RIVER

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

Total Diversion: 0.04 CF

Date Filed: 9/14/2011

Place of Use: DOMESTIC T59N R04W S3 L2

Domestic use is for 1 home.

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 10/24/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 10/6/2011 and 10/13/2011

Ball, Dianne

From: Ball, Dianne
Sent: Monday, October 03, 2011 3:16 PM
To: mary.terra-berns@idfg.idaho.gov; jbrady@idl.idaho.gov
Subject: RE: Application for Permit No. 97-7507 Priest Lake; 97-7508 Priest Lake
Attachments: 97-7507_Thomas.pdf; 97-7508_Heiskel.pdf

Dear Mary and Jim:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. A copy of each of the applications is enclosed for your reference.

Being prepared for publication in Bonner County Daily Bee on October 6 and 13, 2011 with October 24 as final date for protests to be received in our office.

Your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

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

Ball, Dianne

From: Taylor, Greg
Sent: Monday, October 03, 2011 9:34 AM
To: Ball, Dianne
Subject: Applications

Dianne,

Advertise 97-7507 and 7508 with Govt lot number and no QQ.

Greg



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

September 14, 2011

COPY

PATRICK & DIANE THOMAS
639 N RIVERPOINT BLVD UNIT SW
SPOKANE WA 99202-1674

RE: BLANK CHECK #12922

Dear Mr. and Mrs. Thomas:

Your Application for Permit to draw water has been received through Sewell, and will be processed in the order in which it was received.

In addition to your check No. 12921 made payable to IDWR in the amount of \$100.00 there was also attached to that check, a blank check No. 12922. I am enclosing (returning) that blank check for your records. I thought perhaps you might be looking for it and wondering what happened to it.

Sincerely,

Dianne Ball
Administrative Assistant

Enclosed – your blank check No. 12922