

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 96-09496

Priority: December 07, 2011

Maximum Diversion Rate: 0.04 CFS

This is to certify, that SHERRI L MITCHELL And JOHN T POLARINE
PO BOX 1345
SAGLE ID 83860

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	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUNDWATER L1 (NE1/4NE1/4) Sec. 27, Twp 56N, Rge 01W, 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
56N	01W	27	X																
			L1																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2013**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. 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 7 day of February, 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

February 8, 2012

SHERRI L MITCHELL
PO BOX 1345
SAGLE ID 83860

JOHN T POLARINE
PO BOX 1345
SAGLE ID 83860

RE: Permit No.96-9496

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 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

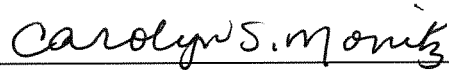
I hereby certify that on February 9, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

96-9496

**JOHN T POLARINE
PO BOX 1345
SAGLE ID 83860**

**SHERRI L MITCHELL
PO BOX 1345
SAGLE ID 83860**

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**

P 12/29/11

W.R. # 96 - 9496

APPLICATION ID # 77651

ENT. ED

BCA 12/28

OK to Publish

12/28/11

INITIAL REVIEW

APPLICANT: Mitchell & Polarine

BY: E.D

DATE: 12/08/2011

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 12-8-11 By: ED
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. Attached (>5cfs/500af)

☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 12/07/2011

☒ ☒

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

ADVERTISE IN:

Banner

County

Newspaper: BCDB

Dates scheduled for publication 1/5 & 12/12

Affidavit of Publication received: 2/2/12

Dates actually published: 1/5 & 12/12

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 1/23/12

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?
<u>862138</u>	<u>00059544</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?

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: _____
- ☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Emilia

Date: 2/6/2012 Sr. Agent initial

AFFIDAVIT OF PUBLICATION

RECEIVED

FEB 02 2012

IDWR / NORTH

STATE OF IDAHO)
) ss.
County of Bonner)

Nichelle Abbott, 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 filed.
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.

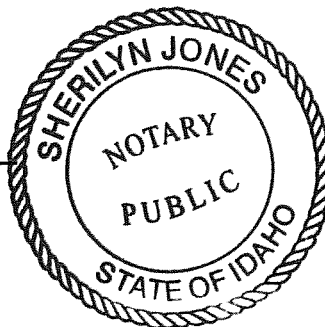
4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 5 day of January, 2012, and ending on the 12 day of January, 2012.

Nichelle Abbott

State of Idaho, county of Bonner ss.

On this 12 day of Jan, in the year of 2012, before me, Sherilyn Jones, Notary Public, personally appeared Nichelle Abbott, 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.: 2/24/17



RECEIVED
FEB 02 2012
IDWR / NORTH

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

95-16321

GREGORY A WILLIAMS

LINDA M WILLIAMS

PO BOX 03

BAYVIEW, ID 83803

Point of Diversion SESE S17 T54N R02W BONNER County

Source CAREYWOOD CREEK tributary SINKS

Use: IRRIGATION 03/15 to 10/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 11/21/2011

Place of Use: IRRIGATION T54N R02W S17 SESE

Total Acres: 1

95-16327

SCOTT SPRAY

2272 SUNSET RD

ATHOL, ID 83801

Point of Diversion SESE S17 T54N R02W BONNER County

Source CAREYWOOD CREEK Tributary SINKS

Use: IRRIGATION 03/15 to 10/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 11/21/2011

Place of Use: IRRIGATION T54N R02W S17 SESE

Total Acres: 1

95-16336

SCOTT SPRAY

2272 SUNSET RD

ATHOL, ID 83801

GREGORY A WILLIAMS

PO BOX 403

BAYVIEW, ID 83803

Point of Diversion SESE S17 T54N R02W BONNER County

Source GROUND WATER tributary SINKS

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

Total Diversion: 0.06 CFS

Date Filed: 11/21/2011

Place of Use: DOMESTIC T54N R02W S17 SESE

Domestic use is for 2 homes.

96-9495

WILLIAM NIETMANN

539 STONEY BROOKE LN

CLARK FORK, ID 83811

Point of Diversion L3(NWSE) S2 T56N R01E BONNER County

Source PEND OREILLE LAKE tributary PEND OREILLE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 11/22/2011

Place of Use: DOMESTIC T56N R01E S2 L3(NWSE)

Domestic use is for RV site for trailer.

96-9496

SHERRI L MITCHELL

JOHN T POLARINE

PO BOX 1345

SAGLE, ID 83860

Point of Diversion L1(NENE) S27 T56N R01W BONNER County

Source GROUNDWATER Tributary

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

Total Diversion: 0.04 CFS

Date Filed: 12/7/2011

Place of Use: DOMESTIC T56N R01W S27 L1(NENE)

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 1/23/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

SNP Legal 13710

January 5, 12, 2012

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, December 29, 2011 9:23 AM
To: Legal Notices-Bonner Co Daily Bee - Jennifer Albert (jalbert@bonnercountydailybee.com.)
Subject: Application for Permit No. 95-16321, 95-16327, 95-16336, 96-9495, 96-9496
Attachments: LegalNotice 12-29-11 BCDB e-mail 95-16321,327,336,96-9495,96.doc

Good morning, Jennifer,

I hope you had a blessed and delightful Christmas.

I'm trusting that this is submitted in time to publish the enclosed legal notice on the dates indicated, January 5 and 12, 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 1/23/2012. Your cooperation is so very much appreciated

It's a pleasure working with you, and my wish for you is a joyous and prosperous New Year.

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:

95-16321

GREGORY A WILLIAMS

LINDA M WILLIAMS

PO BOX 03

BAYVIEW, ID 83803

Point of Diversion SESE S17 T54N R02W BONNER County

Source CAREYWOOD CREEK tributary SINKS

Use: IRRIGATION 03/15 to 10/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 11/21/2011

Place of Use: IRRIGATION T54N R02W S17 SESE

Total Acres: 1

95-16327

SCOTT SPRAY

2272 SUNSET RD

ATHOL, ID 83801

Point of Diversion SESE S17 T54N R02W BONNER County

Source CAREYWOOD CREEK Tributary SINKS

Use: IRRIGATION 03/15 to 10/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 11/21/2011

Place of Use: IRRIGATION T54N R02W S17 SESE

Total Acres: 1

95-16336

SCOTT SPRAY

2272 SUNSET RD

ATHOL, ID 83801

GREGORY A WILLIAMS

PO BOX 403

BAYVIEW, ID 83803

Point of Diversion SESE S17 T54N R02W BONNER County

Source GROUND WATER tributary SINKS

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

Total Diversion: 0.06 CFS

Date Filed: 11/21/2011

Place of Use: DOMESTIC T54N R02W S17 SESE

Domestic use is for 2 homes.

96-9495

WILLIAM NIETMANN

539 STONEY BROOKE LN

CLARK FORK, ID 83811

Point of Diversion L3(NWSE) S2 T56N R01E BONNER County

Source PEND OREILLE LAKE tributary PEND OREILLE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 11/22/2011

Place of Use: DOMESTIC T56N R01E S2 L3(NWSE)

Domestic use is for RV site for trailer.

96-9496

SHERRI L MITCHELL

JOHN T POLARINE

PO BOX 1345

SAGLE, ID 83860

Point of Diversion L1(NENE) S27 T56N R01W BONNER County

Source GROUNDWATER Tributary

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

Total Diversion: 0.04 CFS

Date Filed: 12/7/2011

Place of Use: DOMESTIC T56N R01W S27 L1(NENE)

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 1/23/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Legal #
Published on 1/5/2012 and 1/12/2012



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

December 29, 2011

SHERRI L MITCHELL
JOHN T POLARINE
PO BOX 1345
SAGLE, ID 83860

Application For Permit No. 96-9496

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 1/5/2012 and 1/12/2012. 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 Davis
Senior Water Resource Agent