

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-16190

Priority: September 20, 2011

Maximum Diversion Rate: 0.20 CFS

This is to certify, that GJ DEVELOPMENT LLC
PO BOX 905
SANDPOINT ID 83864 (208) 263-1877

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	0.10 CFS
IRRIGATION	04/01 to 10/31	0.16 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUNDWATER, SW1/4NE1/4, Sec. 21,, Twp 54N,, Rge 05W, B.M., BONNER County

PLACE OF USE: IRRIGATION, 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	
54N	05W	21		1.0	7.0														8.0

Total Acres: 8

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2017**.
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 4 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
9. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

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 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

January 3, 2012

GJ DEVELOPMENT LLC
PO BOX 905
SANDPOINT ID 83864

RE: Permit No.95-16190

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 black ink, appearing to read "Eric Davis". The signature is written in a cursive, flowing style.

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

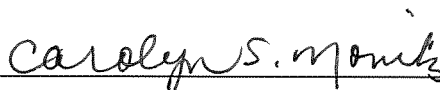
CERTIFICATE OF SERVICE

I hereby certify that on January 4, 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.

95-16190

**GJ DEVELOPMENT LLC
PO BOX 905
SANDPOINT ID 83864**

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. 11-17-11

W.R. # 95-16190

APPLICATION ID # 77613

ENT. 11/18

BCA 11/16

OK to Publish 11/9/11

APPLICANT: GJ Development LLC

INITIAL REVIEW

BY: KJ

DATE: 11/18/2011

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 11/10/11 By: KJ
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. Attached (>5cfs/500af)
- ☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 9/20/2011

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

ADVERTISE IN:

Newspaper: PRT Bonner County

Dates scheduled for publication 11/16 + 23/11

Affidavit of Publication received: 12/16/11

Dates actually published: 11/16 + 23/11

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 12/5/11

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?

00099294 Dom. ☒ Non-Dom. ☐ Paid \$ 125.00 Receipt No. 6093989

Dom. ☐ Non-Dom. ☐ Paid \$ _____

Dom. ☐ Non-Dom. ☐ Paid \$ _____

Not Needed
Y () N ()
Y () N ()
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: Spokane Bathedrum Prairie Aquifer

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

Approval Recommended by: Kathleen Anderson

Date: 12/21/2011 Sr. Agent initial KJ

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, Terri Ivis

being first duly sworn on oath deposes and says that he/she is Managing Editor of the Priest River Times, a newspaper printed and published at Priest River, Bonner County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Bonner County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of:

95-16190 GJ Development

as it was published in the regular and entire issue of the said newspaper for a period of 2 consecutive weeks, commencing on the 16th day of November, 20 11 and ending on the 23rd day of November, 20 11 and that said notice was published in said newspaper.

On this 23rd day of November in the year of 2011, before me, a Notary Public, personally appeared Terri Ivis

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.

Shannon M. Foote
Notary Public for Idaho

Residing at Priest River

My commission expires: 10.9.13

RECEIVED
DEC 06 2011
IDWR / NORTH

NOTICE OF APPLICATION FOR WATER RIGHTS

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

95-16190

GJ DEVELOPMENT LLC

PO BOX 905

SANDPOINT, ID 83864

Point of Diversion SWNE S21 T54N R05W BONNER County

Source GROUNDWATER

Use: DOMESTIC 01/01 to 12/31 0.1 CFS

Use: IRRIGATION 04/01 to 10/31 0.16 CFS

Total Diversion: 0.2 CFS

Date Filed: 9/20/2011

Place of Use: DOMESTIC T54N R05W S21 NWNE SWNE

Place of Use: IRRIGATION same as DOMESTIC

Total Acres: 8

Domestic use is for 4 homes

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 12/5/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

PRT legal 2389

November 16, 23, 2011



Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, November 09, 2011 2:52 PM
To: Legal Notices-Priest River Times (prtimes@priestrivertimes.com); Legal Notices-PRT
Shannon Foote (sfoote@priestrivertimes.com)
Subject: Application for Permit No. 95-16190
Attachments: LegalNotice 11-09-11 PRT e-mail 95-16190.doc

Good afternoon, Shannon,

Please publish the enclosed legal notice on the dates indicated, November 16 and 23, 2011, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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 12/5/2011. Your cooperation is always greatly appreciated.

If you have any questions, please call me or reply to my e-mail.

Thanks 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

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GARY SPACKMAN, Interim Director

Legal #

Published on 11/16/2011 and 11/23/2011



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

November 9, 2011

COPY

GJ DEVELOPMENT LLC
PO BOX 905
SANDPOINT, ID 83864

Application For Permit No. 95-16190

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 PRIEST RIVER TIMES on 11/16/2011 and 11/23/2011. 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 Franklin
Interim Program Manager

95-16190



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 23, 2011

GJ Development LLC
PO Box 905
Sandpoint, ID 83864

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho

Gentlemen:

The Idaho Department of Water Resources is returning you recently submitted application for a new water right for corrections and /or clarification.

The application is for the development of four lots with 8 acres of irrigation, presumably 2 acres per lot, with all of the irrigation taking place within the SW1/4 of the NE1/4 of Section 21.

Please refer to the attached aerial photograph. According to Bonner County tax records, the very northern lot is divided by two section quarter quarters. It appears one half of the lot is in the NW1/4 of the NE1/4 and the other in the SW1/4 of the NE1/4. Is any of the irrigation for this lot going to take place in the NW1/4 of the NE1/4? If there is, so indicate on line item #8 of the application.

Once the corrections and or clarification have been made, please resubmit the application within the next 30 days so as not to delay processing. If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E Franklin
Interim Program Manager

Enclosure

COPY

95-16190

GL DEVELOPMENT, LLC
PO BOX 905
SANDPOINT, ID 83864

GENTLEMEN:

ATTACHED IS AN AERIAL PHOTOGRAPH THAT WAS SUPPOSED TO ACCOMPANY THE
DEPARTMENTS LETTER TO YOU DATED SEPTEMBER 23, 2011. WE APPOLOGIZE FOR ANY
INCONVENIENCE.