

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-15826

Priority: September 16, 2011

Maximum Diversion Rate: 0.03 CFS

This is to certify, that JAMES WALTON And/Or ALOHAE WALTON
6192 S PANORAMA VIEW DR
HARRISON ID 83833

has applied for a permit to appropriate water from:

Source: COEUR D ALENE LAKE **Tributary:** SPOKANE 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>
IRRIGATION	03/15 to 10/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

COEUR D ALENE LAKE L4 (SE 1/4 NE 1/4) Sec. 7, Twp 49N, Rge 03W, B.M. KOOTENAI County

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	
49N	03W	7			.5	.5													1.0
					L 3	L 4													

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2013**.
2. Subject to all prior water rights.
3. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
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 28 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

JAMES WALTON
6192 S PANORAMA VIEW DR
HARRISON ID 83833

ALOHAE WALTON
6192 S PANORAMA VIEW DR
HARRISON ID 83833

RE: Permit No.95-15826

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 that reads "Eric J. Davis". The signature is written in a cursive style with a large, stylized "E" and "D".

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

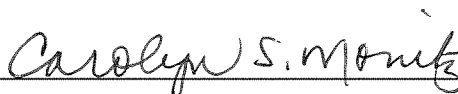
CERTIFICATE OF SERVICE

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. 95-15826

**ALOHAE WALTON
6192 S PANORAMA VIEW DR
HARRISON ID 83833**

**JAMES WALTON
6192 S PANORAMA VIEW DR
HARRISON ID 83833**

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.

P 11/30/11

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 95-15826

APPLICATION ID # 77521

ENT. ED, BCA

OK to Publish 11/22/11

INITIAL REVIEW

APPLICANT: WALTON

BY: ED

DATE: 9/16/2011

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 9-16-11 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: 9/16/2011

☐ (Include Moratorium Remark)

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

ADVERTISE IN:

Kootenai

County

Newspaper: CDA

Dates scheduled for publication 12/1+8/11

Affidavit of Publication received: 12/19/11

Dates actually published: 12/1+8/11

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 12/19/11

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?

_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____

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?

CDA 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: 1/4 inch screen at Point of diversion.

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

Approval Recommended by: Eric Adams

Date: 12/20/2011

Sr. Agent initial ED

RECEIVED

DEC 09 2011

IDWR / NORTH

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

Ken Jeffers

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 "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai 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 two consecutive weeks commencing on the 1 day of December, 20 11, and ending on the 8 day of December, 20 11, 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 Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

On this 8 day of December in the year of 2011, before me, a Notary Public, personally appeared Ken Jeffers,

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 at Coeur d'Alene, Idaho.



MY COMMISSION EXPIRES 8/29/17

RECEIVED
DEC 09 2011
IDWR / NORTH

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

95-15826

JAMES WALTON
ALOHAE WALTON
6192 S PANORAMA VIEW DR
HARRISON, ID 83833

Point of Diversion L4(ENE) S7 T49N R03W KOOTENAI CO
Source COEUR D ALENE LAKE Tributary SPOKANE RIVER
Use: IRRIGATION 03/15 to 10/31 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 9/16/2011

Place of Use: Irrigation T49N R03W S7 L3(SWNE) L4(ENE)
Total Acres: 1

95-15870

JAMES NELSON
2018 S VERA CREST DR
SPOKANE VALLEY, WA 99037
Point of Diversion L4(NWNW) S15 T49N R04W KOOTENAI CO
Source COEUR D ALENE LAKE tributary SPOKANE RIVER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 6/10/2011

Place of Use: DOMESTIC T49N R04W S15 L4(NWNW) SWNW
Domestic use is for 1 home.

95-16181

RED FIR INVESTMENTS LLC
PO BOX 905
SANDPOINT, ID 83864
Point of Diversion NWSW S13 T53N R03W KOOTENAI CO
Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.09 CFS
Use: IRRIGATION 04/01 to 10/31 0.06 CFS
Total Diversion: 0.15 CFS

Date Filed: 9/20/2011

Place of Use: DOMESTIC T53N R03W S13 NWSW

Place of Use: IRRIGATION same as DOMESTIC

Total Acres: 2

Domestic use is for 4 homes.

95-16186

RED FIR INVESTMENTS LLC
PO BOX 905
SANDPOINT, ID 83864
Point of Diversion NWSW S13 T53N R03W KOOTENAI CO
Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.03 CFS
Use: IRRIGATION 04/01 to 10/31 0.05 CFS
Total Diversion: 0.08 CFS

Date Filed: 9/20/2011

Place of Use: DOMESTIC T53N R03W S13 SWSW

Place of Use: IRRIGATION same as DOMESTIC

Total Acres: 1.5

Domestic use is for 3 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 12/19/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal 4243

December 1, 8, 2011

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, November 22, 2011 3:04 PM
To: Legal Notices-CdA Press; Legal Notices, CdAPress - Kattie George
Subject: Application for Permit No. 95-15826, 95-15870, 95-16181, 95-16186
Attachments: LegalNotice 11-22-11 CDA e-mail 95-15826,15870,16181,16186.doc

Hi, Kattie,

Please publish the enclosed legal notice on the dates indicated, December 1 and 8, 2011, (once a week for two consecutive weekly issues). If you can't publish the notice on the proposed dates, please contact me 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 12/19/2011. Your cooperation is truly greatly appreciated.

Thanks for all your great help, and I hope you have a happy and blessed Thanksgiving holiday.

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:

95-15826

JAMES WALTON
ALOHAE WALTON
6192 S PANORAMA VIEW DR
HARRISON, ID 83833

Point of Diversion L4(SENE) S7 T49N R03W KOOTENAI CO
Source COEUR D ALENE LAKE Tributary SPOKANE RIVER
Use: IRRIGATION 03/15 to 10/31 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 9/16/2011

Place of Use: Irrigation T49N R03W S7 L3(SWNE) L4(SENE)

Total Acres: 1

95-15870

JAMES NELSON
2018 S VERA CREST DR
SPOKANE VALLEY, WA 99037
Point of Diversion L4(NWNW) S15 T49N R04W KOOTENAI CO
Source COEUR D ALENE LAKE tributary SPOKANE RIVER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 6/10/2011

Place of Use: DOMESTIC T49N R04W S15 L4(NWNW) SWNW

Domestic use is for 1 home.

95-16181

RED FIR INVESTMENTS LLC
PO BOX 905
SANDPOINT, ID 83864
Point of Diversion NWSW S13 T53N R03W KOOTENAI CO
Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.09 CFS
Use: IRRIGATION 04/01 to 10/31 0.06 CFS
Total Diversion: 0.15 CFS

Date Filed: 9/20/2011

Place of Use: DOMESTIC T53N R03W S13 NWSW

Place of Use: IRRIGATION same as DOMESTIC

Total Acres: 2

Domestic use is for 4 homes.

95-16186

RED FIR INVESTMENTS LLC
PO BOX 905
SANDPOINT, ID 83864
Point of Diversion NWSW S13 T53N R03W KOOTENAI CO
Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.03 CFS
Use: IRRIGATION 04/01 to 10/31 0.05 CFS
Total Diversion: 0.08 CFS

Date Filed: 9/20/2011

Place of Use: DOMESTIC T53N R03W S13 SWSW

Place of Use: IRRIGATION same as DOMESTIC

Total Acres: 1.5

Domestic use is for 3 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 12/19/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 12/1/2011 and 12/8/2011



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 22, 2011

JAMES WALTON
ALOHAE WALTON
6192 S PANORAMA VIEW DR
HARRISON, ID 83833

Application For Permit No. 95-15826

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 COEUR D ALENE PRESS on 12/1/2011 and 12/8/2011. 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,

Eric J. Davis
Senior Water Resource Agent

Ball, Dianne

From: Roger Johnson [rjohnson@idl.idaho.gov]
Sent: Tuesday, November 29, 2011 10:07 AM
To: Ball, Dianne
Subject: Permit No. 95-15826 and 95-15870

Dear Dianne,

RE: Permits for James Nelson (95-15870) and James Walton (95-15826)

At this time both applicants do not have an encroachment permit for waterlines. James Nelson has been notified of this requirement per phone conversation with me on 11/23/11. Mr. Walton has been notified by letter sent on 11-28-11.

If you have any questions please let me know.

Thank You,
Roger Johnson

Roger Johnson
Lands Resource Specialist
Idaho Department of Lands
Mica Supervisory Area
3258 W. Industrial Loop
Coeur d'Alene, ID 83815
(208) 769-1577
(208) 769-1597

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, November 22, 2011 4:48 PM
To: mary.terra-berns@idfg.idaho.gov; bbaeumel@idl.idaho.gov
Cc: jbrady@idl.idaho.gov
Subject: RE: Application for Permit No. 95-15826 CDA Lk, 95-15870 CDA Lk,
Attachments: 95-15826_Walton.pdf; 95-15870_Nelson.pdf

Dear Mary and Brittany:

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

Being prepared for publication in the CDA Press on December 1 and 8, 2011, with final date for protests to be received in our office December 19, 2011.

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