

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 86-12000

Priority: May 31, 2011

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 2.0 AF

This is to certify, that TIMOTHY LINK
1110 ORCHARD LP
TROY ID 83871

And/Or

SHARYL KAMMERZELL
1110 ORCHARD LOOP
TROY ID 83871

has applied for a permit to appropriate water from:

Source: RUNNOFF**Tributary:** SINKS

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>	<u>ANNUAL VOLUME</u>
IRRIGATION	4/1 to 10/31	0.02 CFS	
IRRIGATION FROM STORAGE	04/01 to 10/31		2.0 AF
IRRIGATION STORAGE	04/01 to 10/31		0.8 AF
WILDLIFE STORAGE	01/01 to 12/31		0.8 AF
AESTHETIC STORAGE	01/01 to 12/31		0.8 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		0.8 AF

LOCATION OF POINT(S) OF DIVERSION:

RUNNOFF SW1/4SW1/4 Sec. 32, Twp 40N, Rge 03W, B.M. LATAH County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
40N 03W 32											.5						.5

Total Acres: 0.5

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 86-12000

PLACE OF USE: IRRIGATION FROM STORAGE And IRRIGATION STORAGE And WILDLIFE STORAGE And AESTHETIC STORAGE And FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
40N 03W 32	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											X						

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2012**.
2. Subject to all prior water rights.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. The pond established by the storage of water under this right shall not exceed a total capacity of 0.8 acre-feet.
5. Right 86-12000 authorize the diversion of an annual total of 2.8 acre-feet to be used for the initial filling of the pond and for the replacement of losses caused by seepage and evaporation.
6. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
7. 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 10 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 7, 2011

TIMOTHY LINK
1110 ORCHARD LP
TROY ID 83871

SHARYL KAMMERZELL
1110 ORCHARD LOOP
TROY ID 83871

RE: Permit No.86-12000

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.

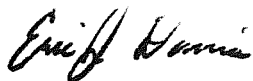
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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", written in a cursive style.

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 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.

86-12000

SHARYL KAMMERZELL
1110 ORCHARD LOOP
TROY ID 83871

TIMOTHY LINK
1110 ORCHARD LP
TROY ID 83871

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 10/6/11

ILLINOIS DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 86-12000 APPLICATION ID # 77303 ENT. ED BCA 9/23/11 OK to Publish 9/23/11
INITIAL REVIEW
APPLICANT: Timothy Link for Sharyl Kammerer BY: ED DATE: 7/13/2011

- 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 5-11 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: 5/31/2011

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

ADVERTISE IN: MP Latah County
Newspaper: _____
Dates scheduled for publication 10/6 + 13/11
Affidavit of Publication received: 10/14/11
Dates actually published: 10/6 + 13/11
Application published correctly. Yes ☒ No _____
If not, action taken: _____

Final Date for Protest: 10/29/11
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 \$ _____	_____	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? _____

Runoff

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

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

☒ Measuring device required
☒ Measuring port required
☒ Special conditions: _____
☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: *Ed*

Date: 12/06/2011 Sr. Agent initial *ED*

NEWS REVIEW PUBLISHING COMPANYThe Moscow-Pullman Daily News
P.O.Box 374Lewiston, Idaho 83501
(208) 743-9411

Date:

10/13/2011

INVOICE NO.

48683

Account No.

30010311

Description

48683 The follo

Times

2

Lines

34

Tab. lines

\$ 99.45

Sold To: IDAHO DEPT/ WATER RESOURCES Ste 100
7600 N. MINERAL DR STE10
COEUR D ALENE ID 83814

PO#

86-12000

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

Mandy Charbonneau, Legal Clerk
being first duly sworn, on oath deposes
and says: I am the printer of
Moscow-Pullman Daily News, a newspaper
of general circulation, published daily
except Sunday at Moscow, Latah County,
Idaho, in compliance with Sections 60-106,
60-107, and 60-108 of the Idaho Code and the
amendments thereto; and an official newspaper
for Whitman County, Washington as required
by R.C.W. 36.72.071 and other provisions of
the Revised Code of Washington and the
amendments thereto: that the notice of which the
annexed is a full, true and correct printed
copy was published in the regular and entire
issues of said newspaper and not in a
supplement thereto, upon the following dates:

Oct. 6+13, 2011

the same being the date designated for
the publication of said notice.

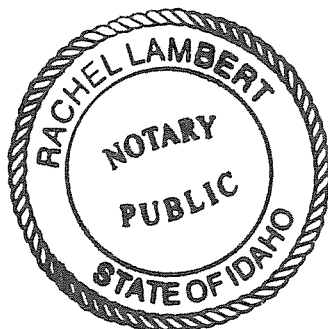
Mandy Charbonneau

On this 13th day of October
in the year of 2011, before me, a Notary Public,
personally appeared Mandy Charbonneau
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.

Rachel Lambert

Notary Public for Idaho,

Residing at Moscow, Idaho

My Commission Expires 4/30/15

48683
The following application(s) have been filed to appropriate
the public waters of the State of Idaho:

86-12000

TIMOTHY LINK
SHARYL KAMMERZELL
1110 ORCHARD LP
TROY, ID 83871Point of Diversion SWSW S32 T40N R03W LATAH CO
Source: RUNNOFF tributary SINKS

Use: Aesthetic Storage	01/01 to 12/31	0.8 AF
Use: Fire Protection Storage	01/01 to 12/31	0.8 AF
Use: Irrigation	04/01 to 10/31	0.02 CFS
Use: Irrigation from Storage	04/01 to 10/31	2.0 AF
Use: Irrigation Storage	04/01 to 10/31	0.8 AF
Use: Wildlife Storage	01/01 to 12/31	0.8 AF
Total Diversion:	0.02 CFS	2 AF

Date Filed: 5/31/2011

Place of Use: Irrigation T40N R03W S32 SWSW

Place of Use: Irrigation Storage T40N R03W S32 SWSW

Place of Use: All other uses same as IRRIGATION

Total Acres: 0.5

Permits will be subject to all prior water rights. For additional
information concerning the property location, contact North-
ern Region office at (208) 762-2800. Protests may be submit-
ted 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 pro-
test to the applicant.

GARY SPACKMAN, Interim Director

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

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

86-12000

TIMOTHY LINK

SHARYL KAMMERZELL

1110 ORCHARD LP

TROY, ID 83871

Point of Diversion SWSW S32 T40N R03W LATAH CO

Source: RUNNOFF tributary SINKS

Use: Aesthetic Storage 01/01 to 12/31 0.8 AF

Use: Fire Protection Storage 01/01 to 12/31 0.8 AF

Use: Irrigation 04/01 to 10/31 0.02 CFS

Use: Irrigation from Storage 04/01 to 10/31 2.0 AF

Use: Irrigation Storage 04/01 to 10/31 0.8 AF

Use: Wildlife Storage 01/01 to 12/31 0.8 AF

Total Diversion: 0.02 CFS 2 AF

Date Filed: 5/31/2011

Place of Use: Irrigation T40N R03W S32 SWSW

Place of Use: Irrigation Storage T40N R03W S32 SWSW

Place of Use: All other uses same as IRRIGATION

Total Acres: 0.5

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

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

Ball, Dianne

From: Ball, Dianne
Sent: Friday, September 23, 2011 4:20 PM
To: Legal Notices-MoscowPullmanDailyNews - Karen Lewis
Subject: Application for Permit No. 86-12000
Attachments: LegalNotice 09-23-11 MP e-mail 86-12000.doc

Hi, Karen, Happy Friday

Please publish the enclosed legal notice on the dates indicated, October 6 and 13, 2011, (once a week for two consecutive weekly issues). Hopefully, it should be press ready – for copy and paste, with plenty of lead time. If you're unable to publish the notice on the proposed dates, please contact us immediately.

Also, 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 always appreciated.

Thanks for all your great help.
Have a marvelous weekend. ☺

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: Ball, Dianne
Sent: Friday, September 23, 2011 4:23 PM
To: rhennekey@idfg.idaho.gov
Subject: Application for Permit No. 86-12000
Attachments: 86-12000_Link_-_Kammerzell.pdf

Dear Ray:

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 the application is attached for your reference.

This is being prepared for publication in the Moscow Pullman Daily News on October 6 and 13, 2011 with October 24, 2011 being 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



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

TIMOTHY LINK
SHARYL KAMMERZELL
1110 ORCHARD LOOP
TROY, ID 83871

Application For Permit No. 86-12000

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 MOSCOW-PULLMAN DAILY NEWS 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,

A handwritten signature in dark ink, appearing to read 'Eric J. Davis', is written over a light blue horizontal line.

Eric J. Davis
Senior Water Resource Agent