

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09492

Priority: September 20, 2011

Maximum Diversion Rate: 0.07 CFS

This is to certify, that WILLIAM LUCE
445 TAM TAM DR
SAGLE ID 83860
(208) 263-7646

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
IRRIGATION	04/01 to 10/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUNDWATER, SW1/4SW1/4, Sec. 25, Twp 56N, Rge 03W, B.M., BONNER County

PLACE OF USE: IRRIGATION, DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
56N 03W 25	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	1.0

Total Acres: 1

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. This right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
5. 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.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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 30 day of November, 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

November 30, 2011

WILLIAM LUCE
445 TAM TAM DR
SAGLE ID 83860

RE: Permit No.96-9492

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.

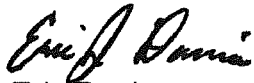
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

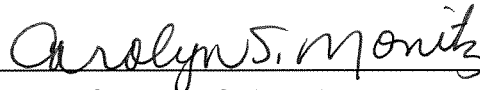
CERTIFICATE OF SERVICE

I hereby certify that on November 30, 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.

96-9492

**WILLIAM LUCE
445 TAM TAM DR
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.

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

P-10/6/11

W.R. # 96 - 9492

APPLICATION ID # 77530

ENT. E.D

BCA 9/30/11

OK to Publish 9/30/11

INITIAL REVIEW

APPLICANT: William, Luce

BY: E.D

DATE: 9/21/2011

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 9-21-11 By: E.D
- ☐ 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:

Bonner

County

Newspaper: BCDB

Dates scheduled for publication 10/6-13

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:

D0039690

Tag #

Type:

Fees

Receipt No.

Upgrade Needed?

Dom. ☐ Non-Dom. ☒ Paid \$ 125.00

Dom. ☐ Non-Dom. ☐ Paid \$ _____

Dom. ☐ Non-Dom. ☐ Paid \$ _____

N028131

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

Approval Recommended by:

Keith L. Smith

Date: 11/23/2011 Sr. Agent initial

KD

RECEIVED
NOV 02 2011 db
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

AFFIDAVIT OF PUBLICATION

RECEIVED
NOV 02 2011
IDWR / NORTH

STATE OF IDAHO)
) ss.
County of Bonner)

Sherilyn 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.

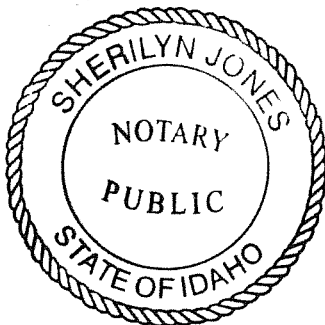
Sherilyn Albert

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

Sherilyn 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.: 2/24/17



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 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



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,

COPY

WILLIAM LUCE
445 TAM TAM DR
SAGLE, ID 83860

Application For Permit No. 96-9492

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,

Eric J. Davis
Senior Water Resource Agent