

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 97-07504

Priority: June 15, 2011

Maximum Diversion Rate: 0.04 CFS

This is to certify, that SALLY DODGE And/Or MIKE DODGE
770 GOVERNMENT WAY
COEUR D ALENE ID 83814

has applied for a permit to appropriate water from:

Source: PRIEST RIVER

Tributary: LAKE PEND OREILLE

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

PRIEST RIVER SE1/4NW1/4 Sec. 29, Twp 57N, Rge 04W, B.M. BONNER County

PLACE OF USE: 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	
57N	04W	29							X	X									

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2012**.
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. Water shall not be diverted under this right when flows in the Priest River are below minimum flow amounts as defined by Right 97-7380.
6. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
7. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
8. 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 15 day of September, 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

September 19, 2011

SALLY DODGE
770 GOVERNMENT WAY
COEUR D ALENE ID 83814

MIKE DODGE
770 GOVERNMENT WAY
COEUR D ALENE ID 83814

RE: Permit No.97-7504

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,


Keith E. Franklin

Sr. Water Resource Agent

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 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.

97-7504

**MIKE DODGE
770 GOVERNMENT WAY
COEUR D ALENE ID 83814**

**SALLY DODGE
770 GOVERNMENT WAY
COEUR D ALENE ID 83814**

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**

7/22/11 P

W.R. # 97-7504

APPLICATION ID # 77344

ENT. E.D. BCA 6/28/11 OK to Publish 6/28

APPLICANT: DODGE

INITIAL REVIEW

BY: E.D.

DATE: 6/17/2011

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 6-17-11 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: 6/15/2011

☒
☒

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

ADVERTISE IN:

Newspaper: PR Times Bonner County

Dates scheduled for publication 8/3 & 10/11

Affidavit of Publication received: _____

Dates actually published: _____

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 8/22/11

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?

Priest River

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: MSF & 1/4 inch SCREEN at Point of Diversion

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

Approval Recommended by: E.D.

Date: 9/15/2011 Sr. Agent initial E.D.

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

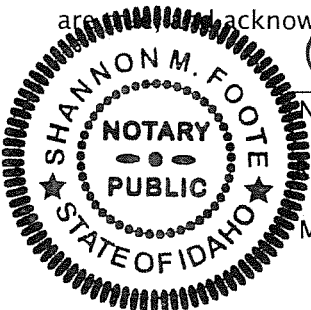
County of Bonner, Terni Ivie

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:

Applications - 96-9481 Perry
97-7504 Dodge

as it was published in the regular and entire issue of the said
newspaper for a period of 2 consecutive weeks,
commencing on the 3rd day of
August, 20 11 and ending on the
10th day of August, 20 11 and that said
notice was published in said newspaper.

On this 10th day of August in the
year of 2011, before me, a Notary Public, personally appeared
Juni Dore, 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
SEP 06 2011
IDWR / NORTH

NOTICE OF APPLICATION OF WATER RIGHTS

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

96-9481

MARK PERRY

2037 W SLATON DR

MERIDIAN, ID 83642

Points of Diversion NWSW S14 T56N R04W BONNER CO.

Source UNNAMED STREAM tributary to MANLEY CREEK

Use: POWER 10/01 to 3/31 0.030 CFS

Use: POWER 04/01 to 9/30 0.060 CFS

Total Diversion: 0.060 CFS

Date Filed: 6/3/2011

Place of Use: POWER T56N R04W S14 NWSW

97-7504

SALLY DODGE

MIKE DODGE

770 GOVERNMENT WAY

COEUR D'ALENE, ID 83814

Point of Diversion SENW S29 T57N R04W BONNER CO

Source PRIEST RIVER Tributary LAKE PEND OREILLE

Use: DOMESTIC 01/01 to 12/31 0.040 CFS

Total Diversion: 0.040 CFS

Date Filed: 06/15/2011

Place of Use: DOMESTIC

T57N R04W S29 SWNW

T57N R04W S29 SENW

Domestic use is for 1 home

Permits will be subject to all prior water rights. 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 8/22/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

PRT legal #2323

August 3, 10, 2011

Ball, Dianne

From: Jim Brady [jbrady@idl.idaho.gov]
Sent: Thursday, July 21, 2011 12:11 PM
To: Ball, Dianne
Subject: RE: 95-7504

I'm sorry, it is 97-7504, Sally Dodge.

Jim Brady

From: Ball, Dianne [mailto:Dianne.Ball@idwr.idaho.gov]
Sent: Thursday, July 21, 2011 11:43 AM
To: Jim Brady
Subject: RE: 95-7504

Jim, will you please clarify a name on this. This seems to be a very old number in the 95 basin.
Thanks,

Don 't count the days, let the days count.

Dianne

From: Jim Brady [mailto:jbrady@idl.idaho.gov]
Sent: Thursday, July 21, 2011 8:43 AM
To: Ball, Dianne
Subject: 95-7504

Dianne, the Department has no objection to the above application. Thanks and have a good day.

Jim Brady, Lands Resource Specialist Sr.-
Minerals and Navigable Waters
Idaho Department of Lands
3258 West Industrial Loop
Coeur d'Alene, Idaho 83815
(208) 769-1577 (208) 769-1597 fax

<http://www.idl.idaho.gov>

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MARK PERRY

2037 W SLATON DR

MERIDIAN, ID 83642

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Use: POWER 10/01 to 3/31 0.030 CFS

Use: POWER 04/01 to 9/30 0.060 CFS

Total Diversion: 0.060 CFS

Date Filed: 6/3/2011

Place of Use: POWER T56N R04W S14 NWSW

97-7504

SALLY DODGE

MIKE DODGE

770 GOVERNMENT WAY

COEUR D'ALENE, ID 83814

Point of Diversion SENW S29 T57N R04W BONNER CO

Source PRIEST RIVER Tributary LAKE PEND OREILLE

Use: DOMESTIC 01/01 to 12/31 0.040 CFS

Total Diversion: 0.040 CFS

Date Filed: 06/15/2011

Place of Use: DOMESTIC

T57N R04W S29 SWNW

T57N R04W S29 SENW

Domestic use is for 1 home

Permits will be subject to all prior water rights. 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 8/22/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 8/3/2011 and 8/10/2011

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, July 19, 2011 1:27 PM
To: Legal Notices-Priest River Times (prtimes@priestrivertimes.com); Legal Notices-PRT
Shannon Foote (sfoote@priestrivertimes.com)
Subject: Application for Permit No. 97-7504, 96-9481

Good afternoon, Shannon,

We are requesting that you please publish the enclosed legal notice on the dates indicated, August 3 and 10, 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 8/22/2011. Your cooperation is always greatly appreciated.

Thank you.



LegalNotice
7-19-11 PRT e-mai..

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

July 19, 2011

SALLY DODGE
MIKE DODGE
770 GOVERNMENT WAY
COEUR D ALENE, ID 83814

Water Right No.97-7504

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 8/3/2011 and 8/10/2011. 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
Sr. Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, July 19, 2011 3:07 PM
To: mary.terra-berns@idfg.idaho.gov; critchie@idl.idaho.gov
Subject: RE: Application for Permit No. 97-7504

Dear Mary and Carl:

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 enclosed for your reference.

Being prepared for publication in the Priest River Times on August 3 and 10, 2011 with August 22, 2011 as final date for protests to be received in our office.



97-7504_Dodge.pdf
f

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