

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 82-12246

Priority: November 08, 2010

Maximum Diversion Rate: 0.02 CFS

This is to certify, that ROBERT W ROY And/Or
CONNIE A ROY
PO BOX 343
ELK CITY ID 83525
(208) 842-2986

has applied for a permit to appropriate water from:

Source: SPRING

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>
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING, NW1/4SW1/4NE1/4, Sec. 21, Twp 29N, Rge 08E, B.M., IDAHO County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
29N 08E 21	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X					X									

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 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.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.

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 12th day of January, 2011.

GARY SPACKMAN, Interim Director

Kenneth Knoblock
KENNETH KNOBLOCK



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 12, 2011

ROBERT W ROY
PO BOX 343
ELK CITY ID 83525

CONNIE A ROY
PO BOX 343
ELK CITY ID 83525

RE: Permit No.82-12246

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 "Keith E. Franklin". The signature is fluid and cursive, with the first name "Keith" being more prominent.

Keith E. Franklin

Sr. Water Resource Agent

Enclosure(s)

CERTIFICATE OF SERVICE

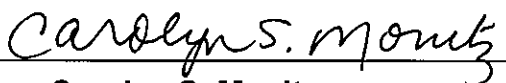
I hereby certify that on January 13, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

82-12246

**CONNIE A ROY
PO BOX 343
ELK CITY ID 83525**

**ROBERT W ROY
PO BOX 343
ELK CITY ID 83525**



**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.

Knoblock, Ken

From: Haynes, Bob
Sent: Monday, January 10, 2011 10:30 AM
To: Spackman, Gary; Peppersack, Jeff; Northern Region
Subject: My absense this week

Ken Knoblock is authorized to act for me while I am out this week.

Bob

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 82-12246

APPLICATION ID # 76922

ENT. 11/10 BCA 11/10 OK to Publish 11/10/10

APPLICANT: Robert & Connie Roy

INITIAL REVIEW

BY: KJ DATE: 11/10/2010

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 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: 11/18/2010

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

ADVERTISE IN: Idaho County

Newspaper: IC Free Press

Dates scheduled for publication 11/17 + 24/10

Affidavit of Publication received: 11/26/10

Dates actually published: 11/17 + 24/10

Application published correctly. Yes ☒ No _____

If not, action taken: _____

Final Date for Protest: 12/6/10

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?

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: Bertie J. Smith Date: 12/09/2010 Sr. Agent initial KJ

RECEIVED

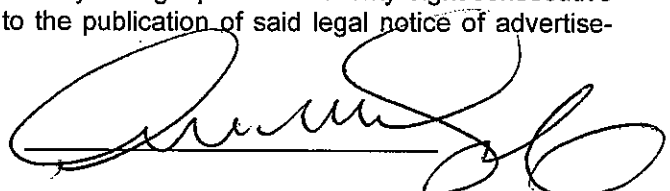
NOV 26 2010

IDWR / NORTH

AFFIDAVIT OF PUBLICATION

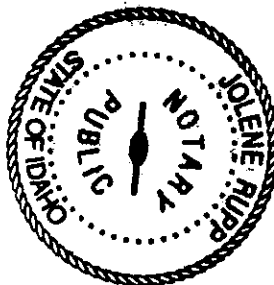
STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 17th day of November, 2010; and the last publication on the 24th day of November, 2010; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF IDAHO)

On this 24th day of November in the year of 2010, before me a Notary Public personally appeared Andrew J. McNab, 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.




Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 1-29-13

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
82-12246
ROBERT W. ROY
CONNIE A. ROY
PO BOX 343
ELK CITY, ID 83525
Point of Diversion NWSWNE S21
T29N R08E IDAHO County
Source SPRING Tributary SINKS
Use: DOMESTIC 01/01 to
12/31/02 CFS
Total Diversion: 0.02 CFS
Date Filed: 11/8/2010
Place Of Use: DOMESTIC T29N
R08E S21 SWNE 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 12/6/2010. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN,
Interim Director
Published on 11/17/2010 and
11/24/2010
N17-24



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370

C.L. "Butch" Otter, Governor
Toni Hardesty, Director

November 15, 2010

Mr. Keith Franklin
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

RECEIVED

NOV 16 2010

IDWR/NORTHERN

RE: Water Appropriation, Ident. No. 82-12246

Dear Mr. Franklin:

We received your request for comment along with a copy of the application for a water appropriation permit to withdraw 0.02 cfs from a spring located on property in Idaho County. The water will be collected in a 4' deep by 6' diameter in-ground collection tank, and a 1 1/2" line will run the water from the tank to the house for domestic and irrigation use from 1/1 to 12/31. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

The spring is described in the application as a sink. Because we assume any water of the State which occurs beneath the surface of the earth in a saturated geological formation of rock or soil to be groundwater (Idaho Code 58.01.02.010.38), we assume there to be hydrologic gradient connectivity to surface waters of the State. It is the policy of the State of Idaho Ground Water Management Plan that existing and projected beneficial uses of ground water and interconnected surface water be maintained and protected and degradation that would impair beneficial uses of ground water and interconnected surface water not be allowed.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards, please call us at (208) 799-4370.

Sincerely,

A handwritten signature in black ink that reads "Cindy Barrett". The signature is written in a cursive, flowing style.

Cindy Barrett
Water Quality Analyst

CC: Robert and Connie Roy, Elk City
Ray Hennekey, IDFG
Marti Bridges, IDEQ

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

82-12246

ROBERT W ROY

CONNIE A ROY

PO BOX 343

ELK CITY, ID 83525

Point of Diversion NWSWNE S21 T29N R08E IDAHO

County

Source SPRING Tributary SINKS

Use: DOMESTIC 01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 11/8/2010

Place Of Use: DOMESTIC T29N R08E S21 SWNE
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 12/6/2010. The protestant
must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 11/17/2010 and 11/24/2010

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, November 10, 2010 2:59 PM
To: Legal Notices-ID CO Free Press - Nona
Subject: Application for Permit No. 82-12246

Good afternoon, Nona,

Please publish the enclosed legal notice on the dates indicated, November 17 and 24, 2010, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. We prefer a 2 column if that work for you – it's pretty much straight copy and paste that way.

Please send me a proof/preview copy before this goes to press, for my review.

If you have ANY questions, please call me or reply to my e-mail. Our office will be closed tomorrow, Thursday, Veterans' Day, - I will be back in the office Friday morning.

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 12/6/2010. Your cooperation is appreciated.



LegalNotice
11-10-10 IC e-mail..

Thanks for all your super help. Trusting all is well with you.

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

November 10, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

ROBERT W ROY
CONNIE A ROY
PO BOX 343
ELK CITY, ID 83525

Application For Permit No. 82-12246

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 IDAHO COUNTY FREE PRESS on 11/17/2010 and 11/24/2010. 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
Sr. Water Resource Agent

Enc. – Receipt No. N026240

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, November 10, 2010 1:27 PM
To: rhennekey@idfg.idaho.gov
Subject: RE: Application for Permit No. 82-12246

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 enclosed for your reference. Source is a spring.

This is being prepared for publication in the Idaho County Free Press on November 17 and 24, 2010



82-12246 Roy.pdf

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 Keith Franklin in 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

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, November 10, 2010 3:50 PM
To: Cynthia.Barrett@deq.idaho.gov
Subject: RE: Application for Permit No. 82-12246

Hi Cindy:

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. Source is a spring tributary to sinks.

This is scheduled for publication on November 17 and 24, 2010 in the Idaho County Free Press, with final date for any protests to be received in our office no later than December 6, 2010.



82-12246 Roy.pdf

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 Keith Franklin or me at this office if you have any questions regarding the application.
Keith.Franklin@idwr.idaho.gov

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

Ball, Dianne

From: Case, Morgan
Sent: Tuesday, November 16, 2010 7:41 AM
To: Ball, Dianne; Franklin, Keith
Subject: RE: Application 82-12246

The Planning Bureau has no comments related to this application.

Thank you,

Morgan Case

*Morgan Case
Staff Biologist
Idaho Department of Water Resources
322 East Front St.
P.O. Box 83720
Boise, ID 83720-0098
Phone 208.287.4838
Fax 208.287.6700*

From: Ball, Dianne
Sent: Wednesday, November 10, 2010 4:53 PM
To: Case, Morgan
Subject: Application 82-12246

Good afternoon, Morgan,

Please review the attached application, and if you have comments, we would appreciate receiving them by no later than **December 6, 2010**. You may send comments by e-mail to dianne.ball@idwr.idaho.gov or to keith.franklin@idwr.idaho.gov.

This is scheduled for publication in the Idaho County Free Press on November 17 and 24, 2010, with final date for protests to be received – December 6, 2010.

<< File: 82-12246 Roy.pdf >>

This application is for a spring, tributary to sinks. No rivers or streams are involved.

Please feel free to contact Keith Franklin at this office if you have any questions regarding the application.

We request that you send a copy of your comments regarding, and/or notice if you intend to protest this application to the applicant as well as to our office.

Thanks for your response in this matter.

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, November 10, 2010 3:53 PM
To: Case, Morgan
Subject: Application 82-12246

Good afternoon, Morgan,

Please review the attached application, and if you have comments, we would appreciate receiving them by no later than **December 6, 2010**. You may send comments by e-mail to dianne.ball@idwr.idaho.gov or to keith.franklin@idwr.idaho.gov.

This is scheduled for publication in the Idaho County Free Press on November 17 and 24, 2010, with final date for protests to be received – December 6, 2010.



82-12246 Roy.pdf

This application is for a spring, tributary to sinks. No rivers or streams are involved.

Please feel free to contact Keith Franklin at this office if you have any questions regarding the application.

We request that you send a copy of your comments regarding, and/or notice it you intend to protest this application to the applicant as well as to our office.

Thanks for your response in this matter.

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