

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09470

Priority: August 04, 2010

Maximum Diversion Rate: 0.15 CFS

This is to certify, that KIMBERLY MOORE
9425 RIVERSIDE DR #226
SANDY UT 84070
(919) 724-0032

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
IRRIGATION	04/01 to 10/31	0.09 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER, NE1/4SW1/4, Sec. 13, Twp 58N, Rge 01E, B.M., BONNER County

PLACE OF USE: IRRIGATION, STOCKWATER, DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
58N 01E 13	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	3.0

Total Acres: 3

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2015**.
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. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
5. Domestic use is for 1 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
6. 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 lands above.
7. Stockwater use is for 10 head of mixed stock.

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 23rd day of November, 2010.


GARY SPACKMAN, Interim Director

SCANNED
DEC - 7 011



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 24, 2010

KIMBERLY MOORE
9425 RIVERSIDE DR #226
SANDY UT 84070

RE: Permit No.96-9470

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

RECORDED
DEC - 7 2010

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 Resources Agent

Enclosure(s)

RECORDED
DEC - 7 1996

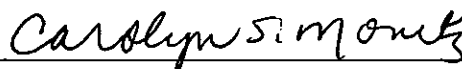
CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2010 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.

96-9470

**KIMBERLY MOORE
9425 RIVERSIDE DR #226
SANDY UT 84070**

A handwritten signature in black ink, reading "Carolyn S. Monitz", is written over a horizontal line.

Carolyn S. Monitz

Technical Records Clerk

RECORDED
DEC - 7 2010

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.

EX-1112
DEC -7 1988

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

W.R. # 96-9470

APPLICATION ID # 74767

ENT. 8/31 BCA 9/9/10 OK to Publish 9/9/10

APPLICANT: Kimberly Moore INITIAL REVIEW

BY: KS DATE: 8/31/2010

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 8/31 By: KS
 ___ Field check: by _____
 ___ Field report attached
 ___ Analysis Supp. attached(>5cfs/500af)
 ___ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 8/4/2010

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

ADVERTISE IN: Banner County

Newspaper: BCDB

Dates scheduled for publication 9/16 & 23/10

Affidavit of Publication received: 10/14/10

Dates actually published: 9/16 & 23/10

Application published correctly. Yes ___ No ☒

If not, action taken: _____

Final Date for Protest: 10/4/10

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: Hand constructed well less than 18 ft deep.

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: Beatrix Franklin Date: 11/22/2010 Sr. Agent initial KS

RECEIVED
OCT 04 2010
IDWR / NORTH

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

95-13148

CHARLES S HUSBAND

PO BOX 489

ATHOL, ID 83801

Point of Diversion SWNE S21 T54N R03W BONNER CO

Source UNNAMED STREAM Tributary KELSO LAKE

Use: IRRIGATION 03/15 to 11/15 0.1 CFS

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

Total Diversion: 0.12 CFS

Date Filed: 8/2/2010

Place Of Use: IRRIGATION and STOCKWATER

T54N R03W S21 L2(NWSE)

Total Acres: 5

Stockwater use is for 5 head of mixed stock.

96-9470

KIMBERLY MOORE

9425 RIVERSIDE DR #226

SANDY, UT 84070

Point of Diversion NESW S13 T58N R01E BONNER CO

Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.09 CFS

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

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.15 CFS

Date Filed: 8/4/2010

Place Of Use: STOCKWATER T58N R01E S13 NESW

Place Of Use: DOMESTIC and IRRIGATION

Total Acres: 3

Domestic use is for 1 home.

Stockwater use is for 10 head of mixed stock.

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 10/4/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

SNP Legal 12299

September 16, 23, 2010

SEP 16 2010
DEC - 1 2010

AFFIDAVIT OF PUBLICATION

RECEIVED
OCT 04 2010
IDWR / NORTH

STATE OF IDAHO)
) ss.
County of Bonner)

Jennifer Albert, being first duly sworn on oath, deposes and states:

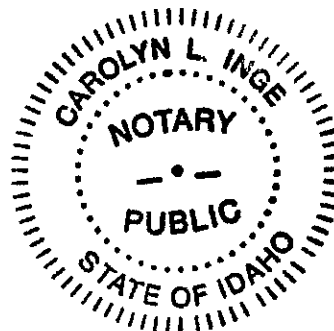
1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached application.
My business address is P.O. Box 159, Sandpoint, Idaho.
2. I am the bookkeeper of the Bonner County Daily Bee, 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 16th day of September, 2010, and ending on the 23rd day of September, 2010.

Jennifer Albert

State of Idaho, county of Bonner ss.

On this 28 day of Sept, in the year of 2010, before me, Carolyn Inge, Notary Public, personally appeared Jennifer 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.

Carolyn L Inge
Notary Public
Residing at: Sandpoint
Comm. Exp.: 8-7-12



SCANNED
DEC - 1 2010

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

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CHARLES S HUSBAND

PO BOX 489

ATHOL, ID 83801

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96-9470

KIMBERLY MOORE

9425 RIVERSIDE DR #226

SANDY, UT 84070

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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 10/4/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 9/16/2010 and 9/23/2010

SCANNED
DEC - 7 2010

Ball, Dianne

From: Ball, Dianne
Sent: Friday, September 10, 2010 9:37 AM
To: Legal Notices-Bonner Co Daily Bee-Sheri Jones
Subject: FW: Application for Permit No. 95-13148, 96-9470

This is my original e-mail – being re-sent. Notice the attachment at the bottom. I don't know what happened.

I will also attach it again here.



LegalNotice
9-09-10 BCDB e-ma.

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

Dianne

From: Ball, Dianne
Sent: Thursday, September 09, 2010 4:56 PM
To: Legal Notices-Bonner Co Daily Bee-Sheri Jones
Subject: Application for Permit No. 95-13148, 96-9470

A happy day to you, Sheri,

Please publish the enclosed legal notice on the dates indicated, September 16 and 23, 2010, (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. (This is for the Daily Bee only.)

Also – as a reminder, sometimes there is a blind/hidden tab before Gary Spackman's name, causing that to move to the right hand margin. If that happens, please re-position that back to the left hand margin.

If you have ANY questions, please call me or reply to this e-mail.

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 10/4/2010. Your cooperation is as always, greatly appreciated.



LegalNotice
9-09-10 BCDB e-ma.

Thanks for all your wonderful help. It's always a joy to work with you.

COANNED
REC-1101

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, September 09, 2010 4:56 PM
To: Legal Notices-Bonner Co Daily Bee-Sheri Jones
Subject: Application for Permit No. 95-13148, 96-9470

A happy day to you, Sheri,

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If you have ANY questions, please call me or reply to this e-mail.

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LegalNotice
9-09-10 BCDB e-ma.

Thanks for all your wonderful help. It's always a joy to work with you.



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 9, 2010

KIMBERLY MOORE
9425 RIVERSIDE DR #226
SANDY, UT 84070

Application For Permit No. 96-9470

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 9/16/2010 and 9/23/2010. 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

SCANNED
100-4-100



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 17, 2010

Kimberly Moore
9425 Riverside Dr., #226
Sandy, UT 84070

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho

Dear Ms. Moore:

Enclosed please find a corrected application as previously discussed with Erin. Please look it over and if it meets with your approval, sign and return the document to me within the next 30 days so as not to delay processing.

If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure

COPY

RECORDED
INDEXED



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

96-9470

August 9, 2010

Kimberly Moore
9425 Riverside Dr., #226
Sandy, UT 84070

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho

Dear Ms. Moore:

The Idaho Department of Water Resources is in receipt of your application for a new water right and has several questions that need to be addressed before processing can begin. Please contact me at 208-762-2800 at your earliest convenience.

Thank you.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

COPY

RECEIVED
AUG 11 2010