

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 97-07494

Priority: June 01, 2010

Maximum Diversion Rate: 0.20 CFS

This is to certify, that PAUL LARSEN
PO BOX 921465
DUTCH HARBOR AK 99692
(907) 581-5570

has applied for a permit to appropriate water from:

Source: SOLDIER CREEK

Tributary: PRIEST LAKE

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	0.12 CFS
FIRE PROTECTION	01/01 to 12/31	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

SOLDIER CREEK, L4 (NW1/4NW1/4), Sec. 2, Twp 59N, Rge 04W, B.M., BONNER County

PLACE OF USE: IRRIGATION, DOMESTIC, FIRE PROTECTION

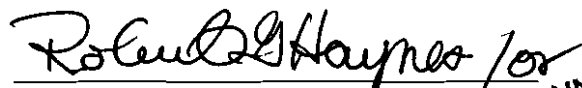
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
59N 04W 2						4.0											4.0
						L 4											

Total Acres: 4

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2013**.
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. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
8. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.

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 13th day of October, 2010.


GARY SPACKMAN, Interim Director

SCANNED



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 13, 2010

PAUL LARSEN
PO BOX 921465
DUTCH HARBOR AK 99692

RE: Permit No.97-7494

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.

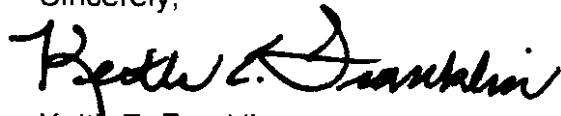
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

SCANNED
OCT 13 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,

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 Resources Agent

Enclosure(s)

SCANNED
11/11/2010

CERTIFICATE OF SERVICE

I hereby certify that on October 13, 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.

97-7494

PAUL LARSEN
PO BOX 921465
DUTCH HARBOR AK 99692

Carolyn S. Monitz

Carolyn S. Monitz

Technical Records Clerk

SCANNED
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.

RECEIVED
JUN 10 2011

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. # 97-7494

APPLICATION ID # 76588

ENT. 6/24

BCA 1/2/10

OK to Publish 1/2/10

APPLICANT: Paul Larsen

INITIAL REVIEW

BY: K8

DATE: 6/24/2010

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 6/24 By: K8
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. attached(>5cfs/500af)
- ☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 6/1/2010

(Include Moratorium Remark)

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

ADVERTISE IN:

Newspaper: Bonner County

Dates scheduled for publication 8/5 - 12/10

Affidavit of Publication received: 9/2/10

Dates actually published: 8/5 - 12/10

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 8/23/10

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?

Soldier Creek Trib. Trust

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: [Signature]

Date: 9/17/2010 Sr. Agent initial [Signature]

RECEIVED
SEP 02 2010
IDWR / NORTH

The following application(s) have been filed to
appropriate the public waters of the State of Idaho:
97-7494
PAUL LARSEN
PO BOX 921465
DUTCH HARBOR, AK 99692
Point of Diversion L4(NWNW) S2 T59N R04W BONNER CO
Source SOLDIER CREEK Tributary PRIEST LAKE
Use: IRRIGATION 04/01 to 10/31 0.12 CFS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 6/1/2010
Place Of Use: DOMESTIC T59N R04W S2 L4(NWNW)
Place Of Use: IRRIGATION & FIRE PROTECTION
T59N R04W S2 L4(NWNW)
Total Acres: 4
Domestic use is for one 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 8/23/2010. The protestant must also send a copy
of the protest to the applicant.
GARY SPACKMAN, Interim Director
SNP Legal 12132
August 5, 12, 2010

RECEIVED
SEP 02 2010
IDWR / NORTH

RECEIVED
SEP 02 2010
IDWR / NORTH

SCANNED

AFFIDAVIT OF PUBLICATION

RECEIVED
SEP 12 2010
IDWR / NORTH

STATE OF IDAHO)
) ss.
County of Bonner)

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

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 Legal Notice.
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.

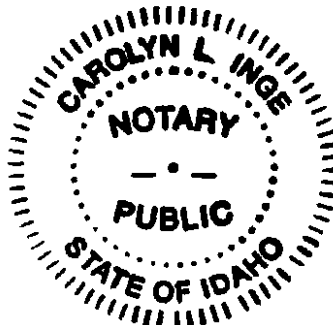
4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 5th day of August, 2010, and ending on the 12th day of August, 2010.

Jennifer Albert

State of Idaho, county of Bonner ss.

On this 17 day of Aug, 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.: 8-1-12



SCANNED

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

97-7494

PAUL LARSEN
PO BOX 921465

DUTCH HARBOR, AK 99692

Point of Diversion L4(NWNW) S2 T59N R04W BONNER CO

Source SOLDIER CREEK Tributary PRIEST LAKE

Use: IRRIGATION	04/01 to 10/31	0.12 CFS
Use: DOMESTIC	01/01 to 12/31	0.04 CFS
Use: FIRE PROTECTION	01/01 to 12/31	0.2 CFS
Total Diversion:		0.2 CFS

Date Filed: 6/1/2010

Place Of Use: DOMESTIC T59N R04W S2 L4(NWNW)

Place Of Use: IRRIGATION & FIRE PROTECTION

T59N R04W S2 L4(NWNW)

Total Acres: 4

Domestic use is for one 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 8/23/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 8/5/2010 and 8/12/2010

SCANNED

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, July 28, 2010 10:38 AM
To: Legal Notices-Priest River Times (prtimes@priestrivertimes.com); Legal Notices-PRT Shannon Foote (sfoote@priestrivertimes.com)
Subject: Legal Notice for publication 8/4 & 11/2010 - Application for Permit No. 97-7498 Fields

Good morning, Shannon,

Please publish the enclosed legal notice on the dates indicated, August 4 and 11, 2010, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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 8/23/2010. Your cooperation is, as always, GREATLY appreciated.

Thanks for all your super help.



LegalNotice
7-28-10 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

July 28, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

PAUL LARSEN
PO BOX 921465
DUTCH HARBOR, AK 99692

Application For Permit No. 97-7494

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, PRIEST RIVER TIMES on 8/5/2010 and 8/12/2010. 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. N024614

SCANNED
10/10

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, July 15, 2010 4:31 PM
To: mary.terra-berns@idfg.idaho.gov
Subject: FW: RE: Application for Permit No. 97-7494 Larasen - Soldier Creek

Mary

This did not go for publication on July 15 and 22, 2010 as I had hoped, but will publish August 5 and 12, making final date for protests to be received in our office of August 23, 2010.

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

Dianne

From: Ball, Dianne
Sent: Friday, July 02, 2010 12:20 PM
To: mary.terra-berns@idfg.idaho.gov
Subject: RE: Application for Permit No. 97-7494 Larasen - Soldier Creek

Dear Mary:

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 Bonner County Daily Bee on July 15 and 22, 2010 with final date for protests to be received in our office – August 2, 2010.



97-7494 Larsen.pdf

This office can publish notice of the application as soon as the initial review is completed; therefore, 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

Ball, Dianne

From: Ball, Dianne
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To: mary.terra-berns@idfg.idaho.gov
Subject: RE: Application for Permit No. 97-7494 Larasen - Soldier Creek

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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
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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 10, 2010

Paul J Larsen
PO Box 921465
Dutch Harbor, AK 99692

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
No. 97-7494

Dear Mr. Larson:

The Idaho Department of Water Resources in reviewing your recently submitted application found the need for a number of corrections and/or additions. All changes or corrections to an application must be made by the applicant.

Item #3 Location of the Point of Diversion

Please refer to the enclosed map. The point of diversion is only located within Government Lot 4. Government Lot 7 should be omitted from the application.

Item #4 Period of Use

The irrigation season for your area is between April 1 and October 31 of each year, so these dates should be on the application. The period of use for fire protection should be year round rather than from June 1 to October 30.

Item #5 Total Appropriation Quantity

The application indicates an amount greater than the totals applied for. The department recommends a total quantity of 0.2 cfs (90 gpm). You don't need to total the diversion rates. If you are diverting 0.2 cfs to fight a fire, one would assume water would not be diverted for domestic or irrigation uses at the same time. Also, a diversion rate of 0.2 cfs would keep you under the minimum fee of \$100.00 for the application and the department would owe you a refund since you paid \$250.00.

Item #7 Time to Complete the Project

An applicant can choose between 1 and 5 years to complete their project or perfect the water right. The application indicates 2.5 years, I would suggest 3 years.

Item #8(d)

Since domestic is going to be a use, the number of homes needs to be entered in this section.

COPY

SCANNED
2010

To expedite the process, I've enclosed a completed application form that has within it all of the changes discussed above. If this is satisfactory to you, please sign the form and return it 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

SCANNED

10/11