

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 3-10268

Priority: April 19, 2010

Maximum Diversion Rate: 0.17 CFS

This is to certify, that PAUL HANSON
261 MOSER CT.
MOSCOW ID 83843
(208) 882-4263

has applied for a permit to appropriate water from:

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

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
STOCKWATER	01/01 to 12/31	0.02 CFS
IRRIGATION	02/15 to 11/30	0.03 CFS
FIRE PROTECTION	01/01 to 12/31	0.10 CFS

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER, L2 (SW1/4NW1/4), Sec. 11, Twp 31N, Rge 05W, B.M., NEZ PERCE County

PLACE OF USE: STOCKWATER, FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
31N 05W 11	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
							X	X									
							L 2	L 1									

PLACE OF USE: IRRIGATION, DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
31N 05W 11	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
							1.0										1.0
							L 2										

Total Acres: 1

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 3-10268

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 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. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. Stockwater use is for 2 horses.
7. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
8. 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.

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 30th day of July, 2010.


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

August 2, 2010

PAUL HANSON
261 MOSER CT.
MOSCOW ID 83843

RE: Permit No.3-10268

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.

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 the most prominent.

Keith E. Franklin
Sr. Water Resources Agent

Enclosure(s)

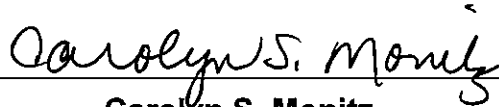
CERTIFICATE OF SERVICE

I hereby certify that on August 2, 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.

3-10268

**PAUL HANSON
261 MOSER CT.
MOSCOW ID 83843**

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

Carolyn S. Monitz

Technical Records Clerk

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: Wednesday, July 28, 2010 2:39 PM
To: Spackman, Gary; Peppersack, Jeff; Galloway, Chuck; Northern Region
Subject: Delegation

I'll be out of the office from July 28 thru August 2. Ken Knoblock is authorized to act in my place.

Bob

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 3-10268

APPLICATION ID # 76443

ENT. 4/26/10 BCA 5/4/10 OK to Publish 4/30/10

APPLICANT: Paul Hanson

INITIAL REVIEW

BY: KSA DATE: 4/26/2010

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 4/26 By: KSA
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. attached(>5cfs/500af)
- ☐ Water delivered by water master? Water District # _____

PROCESSING

- (Yes)(No) PRIORITY DATE: 4/19/2010
- ☒ (Include Moratorium Remark)
- ☒ Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).
- ADVERTISE IN: Nez Perce County
- Newspaper: LT
- Dates scheduled for publication 5/6 + 13/10
- Affidavit of Publication received: 5/17/10
- Dates actually published: 5/6 + 13/10
- Application published correctly. Yes ☒ No ☐
- If not, action taken: _____

Final Date for Protest: 5/24/10

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: Brittany Smith Date: 7/8/2010 Sr. Agent initial KSA

TRIBUNE PUBLISHING COMPANY, INC
The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

LEGAL ADVERTISING
INVOICE

Date: 05/13/2010
Account No. 964750
Description 15996 The follo
Times 2
Lines 32
Tab. lines
\$ 98.40
PO# 3-10268

Sold To: ID DEPT. OF WATER RESOURCES
7600 MINERAL DR #100
COEUR D ALENE ID 83814

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

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

3-10268
PAUL HANSON
261 MOSER CT.
MOSCOW, ID 83843
Point of Diversion L2(SWNW) S11 T31N R05W NEZ PERCE CO
Source SNAKE RIVER Tributary COLUMBIA RIVER
Use: IRRIGATION 02/15 to 11/30 0.03 CF
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Use: DOMESTIC 01/01 to 12/31 0.02 CFS
Use: FIRE PROTECTION 01/01 to 12/31 0.1 CFS
Total Diversion: 0.17 CFS

Date Filed: 4/19/2010

Place Of Use: DOMESTIC and IRRIGATION

T31N R05W S11 L2(SWNW)

Place Of Use: STOCKWATER and FIRE PROTECTION

T31N R05W S11 L2(SWNW) L1(SENW)

Total Acres: 1

Domestic use is for small cabin

Stockwater use is for 2 horses.

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 5/24/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 5/6/2010 and 5/13/2010

Karen J. Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 15996 The follo attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 2 time(s). Publication being on 05/06, or once a week, for 2 consecutive weeks, the first publication thereof being on the 05/06/2010, and the last publication thereof being on the 05/13/2010, and said 15996 The follo was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

State of Idaho

S.S.

County of Nez Perce

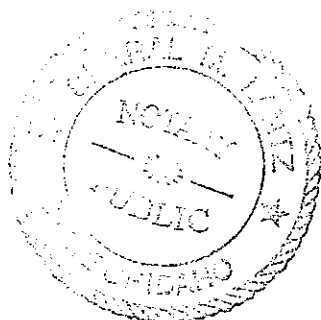
On this 13th day of May in the year of 2010, before me, a Notary Public, personally appeared Karen J. Lewis, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Sherral M. Lentz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 6/04/15

RECEIVED

MAY 17 2010

IDWR / NORTH



Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, May 04, 2010 11:16 AM
To: rhennekey@idfg.idaho.gov; IDL - OROFINO - Bob McKnight
Subject: RE: Application for Permit No. 3-10268

Dear Ray and Bob:

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.

This is scheduled for publication in the Lewiston Tribune on May 6 and 13, 2010. Final date for protests to be received in our office will be May 24, 2010.



3-10268
Hanson.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,

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

3-10268

PAUL HANSON

261 MOSER CT.

MOSCOW, ID 83843

Point of Diversion L2(SWNW) S11 T31N R05W NEZ PERCE CO

Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION	02/15 to 11/30	0.03 CF
Use: STOCKWATER	01/01 to 12/31	0.02 CFS
Use: DOMESTIC	01/01 to 12/31	0.02 CFS
Use: FIRE PROTECTION	01/01 to 12/31	0.1 CFS
Total Diversion:		0.17 CFS

Date Filed: 4/19/2010

Place Of Use: DOMESTIC and IRRIGATION

T31N R05W S11 L2(SWNW)

Place Of Use: STOCKWATER and FIRE PROTECTION

T31N R05W S11 L2(SWNW) L1(SENW)

Total Acres: 1

Domestic use is for small cabin

Stockwater use is for 2 horses.

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 5/24/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 5/6/2010 and 5/13/2010

Ball, Dianne

From: Ball, Dianne
Sent: Friday, April 30, 2010 4:24 PM
To: Legal Notices-Lewiston Tribune - Karen Lewis
Subject: Application for Permit No. 3-10268 to publish 5/6 and 13/2010

Hi, Karen,

Another one and in such a short time.

Please publish the enclosed legal notice on the dates indicated, May 6 and 13, 2010, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.



LegalNotice
14-30-10 LT e-mail..

Our standard 2-column please, and a proof for my review before publication.

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 5/24/2010. Your cooperation is greatly appreciated.

Thanks for all you 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

April 30, 2010

PAUL HANSON
261 MOSER CT.
MOSCOW, ID 83843

Application For Permit No. 3-10268

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 LEWISTON TRIBUNE on 5/6/2010 and 5/13/2010. 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



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

DAVID R. TUTHILL, JR.
Director

April 20, 2010

Paul Hanson
261 Moser Ct.
Moscow, ID 83843

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

Dear Mr. Hanson:

The Idaho Department of Water Resources is in the process of reviewing your recently submitted application and need additional information and/or clarification. To save time I have enclosed and electronic version of the application that includes all the uses your are requesting and the locations as per information in the States' data base.

Please review the application 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.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure(s)

COPY

RECEIVED

APR 19 2010

IDWR/NORTH

SITUATE IN NEZ PERCE COUNTY, STATE OF IDAHO TO WIT:

That part of Government Lots 1 and 2 of Section 11 of Township 31 North, Range 5 West of the Boise Meridian, Nez Perce County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said Lot 1; thence South $0^{\circ}01'$ East along the East line of said Lot 1 a distance of 457.0 feet TO THE TRUE PLACE OF BEGINNING; thence continue South $0^{\circ}01'$ East a distance of 154.47 feet; thence North $81^{\circ}59'$ West a distance of 1932.41 feet; thence South $43^{\circ}30'$ West a distance of 322.0 feet, more or less, to a point on the ordinary high water line on the right bank of the SNAKE RIVER; thence Northwesterly along said high water line a distance of 136 feet, more or less; thence North $43^{\circ}00'$ East a distance of 219.81 feet, more or less; thence South $85^{\circ}30'$ East a distance of 2057.36 feet TO THE TRUE PLACE OF BEGINNING.