

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 96-09452

Priority: November 05, 2009

Maximum Diversion Rate: 0.20 CFS

This is to certify, that J MARSHALL STANTON  
PO BOX 147  
BLANCHARD ID 83804

has applied for a permit to appropriate water from:

**Source:** UNNAMED STREAM      **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       | 0.04 CFS                 |
| FIRE PROTECTION       | 01/01 to 12/31       | 0.20 CFS                 |

**LOCATION OF POINT(S) OF DIVERSION:**

UNNAMED STREAM NE1/4NE1/4 Sec. 31, Twp 55N, Rge 05W, B.M. BONNER County

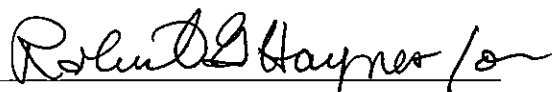
**PLACE OF USE:** DOMESTIC And FIRE PROTECTION

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 55N 05W 31  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2011**.
2. Subject to all prior water rights.
3. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
5. Domestic use is for 1 home.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 12<sup>th</sup> day of March, 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](http://www.idwr.idaho.gov)

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**C. L. "BUTCH" OTTER**  
Governor

**GARY SPACKMAN**  
Interim Director

March 15, 2010

J MARSHALL STANTON  
PO BOX 147  
BLANCHARD ID 83804

RE: Permit No.96-9452

**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 stylized with a large, looped "K" and "F".

Sr. Water Resources Agent

Enclosure(s)

# **CERTIFICATE OF SERVICE**

I hereby certify that on March 15, 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.**

**96-9452**

**J MARSHALL STANTON  
PO BOX 147  
BLANCHARD ID 83804**

  
\_\_\_\_\_  
**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.

**IDaho DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 96-9452

APPLICATION ID # 76090

ENT. 11/5

BCA 11/27

OK to Publish 11/24/09

APPLICANT: J. Marshall Stanton INITIAL REVIEW

BY: KJ

DATE: 11/5/2009

**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 11/5 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: 11/5/2009

(Include Moratorium Remark)

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

**ADVERTISE IN:**

Newspaper: PRT Bonner County

Dates scheduled for publication 12/2+09/09

Affidavit of Publication received: 11/21/10

Dates actually published: 12/2+9/09

Application published correctly. Yes ☒ No ☐

If not, action taken: \_\_\_\_\_

Final Date for Protest: 12/21

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. <input type="checkbox"/> Non-Dom. <input type="checkbox"/> | Paid \$ _____ | _____       | Y( ) N( )       |
| _____            | _____ | Dom. <input type="checkbox"/> Non-Dom. <input type="checkbox"/> | Paid \$ _____ | _____       | Y( ) N( )       |
| _____            | _____ | Dom. <input type="checkbox"/> Non-Dom. <input type="checkbox"/> | 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: E. J. Davis

Date: 1/22/2010 Sr. Agent initial EJD

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

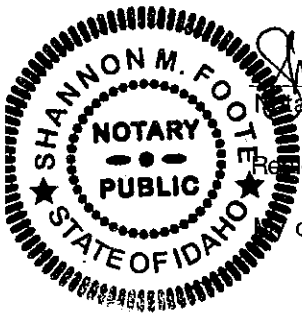
County of Bonner, Terri Ivie

being first duly sworn on oath deposes and says that he/she is Managing Editor of the Priest River Times, a newspaper printed and published at Priest River, Bonner County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Bonner County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of:

Application 96-9452 Stanton  
96-9453 Reichle

as it was published in the regular and entire issue of the said newspaper for a period of 2 consecutive weeks, commencing on 2nd day of December, 20 09 and ending on the 9th day of December, 20 09 and that said notice was published in said newspaper.

On this 9th day of December in the year of 2009, before me, a Notary Public, personally appeared [Signature], known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Shannon M. Foote  
Notary Public for Idaho  
Residing at Priest River  
commission expires: 10.9.13

RECEIVED  
JAN 21 2010  
IDWR / NORTH

**NOTICE OF APPLICATION OF WATER RIGHTS**  
The following application(s) have been filed to appropriate the public waters of the State of Idaho:  
**96-9452**  
J MARSHALL STANTON  
PO BOX 147  
BLANCHARD, ID 83804  
Point of Diversion NENE S31 T55N R05W BONNER County  
Source UNNAMED STREAM Tributary SINKS  
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: 11/5/2009  
Place Of Use: DOMESTIC T55N R05W S31 NENE  
Place Of Use: FIRE PROTECTION same as DOMESTIC  
Domestic use is for 1 home.  
**96-9453**  
STEPHEN JAMES REICHLER  
PO BOX 72  
NEWPORT, WA 99156  
Point of Diversion NWNE S31 T55N R05W BONNER County  
Source UNNAMED STREAM Tributary SINKS  
Use: DOMESTIC 01/01 to 12/31 0.04 CFS  
Total Diversion: 0.04 CFS  
Date Filed: 11/5/2009  
Place Of Use: DOMESTIC T55N R05W S31 NWNE  
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 § 42-211. 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 12/21/2009. The protestant must also send a copy of the protest to the applicant.  
GARY SPACKMAN, Interim Director  
PRT legal #2095  
December 2, 9, 2009

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

96-9452

J MARSHALL STANTON

PO BOX 147

BLANCHARD, ID 83804

Point of Diversion NENE S31 T55N R05W BONNER County

Source UNNAMED STREAM Tributary SINKS

|               |                |          |
|---------------|----------------|----------|
| 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: 11/5/2009

Place Of Use: DOMESTIC T55N R05W S31 NENE

Place Of Use: FIRE PROTECTION same as DOMESTIC

Domestic use is for 1 home.

96-9453

STEPHEN JAMES REICHLER

PO BOX 72

NEWPORT, WA 99156

Point of Diversion NWNE S31 T55N R05W BONNER County

Source UNNAMED STREAM Tributary SINKS

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

|                  |          |
|------------------|----------|
| Total Diversion: | 0.04 CFS |
|------------------|----------|

Date Filed: 11/5/2009

Place Of Use: DOMESTIC T55N R05W S31 NWNE

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 § 42-211. 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 12/21/2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 12/02/2009 and 12/09/2009

**Ball, Dianne**

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**From:** Ball, Dianne  
**Sent:** Wednesday, November 25, 2009 1:46 PM  
**To:** Legal Notices-Priest River Times - Shannon Foote; Legal Notices-PRT Shannon Foote  
**Subject:** Application for Permit No. 96-9452, 96-9453

**Attachments:** LegalNotice 11-25-09 PRT e-mail 96-9452,53.doc

Good afternoon, Shannon,

Please publish the attached legal notice on the dates indicated, December 2 and 9, 2009, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/21/2009. Your cooperation is appreciated.



LegalNotice  
1-25-09 PRT e-mai..

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

Thanks for all your 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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

November 25, 2009

J MARSHALL STANTON  
PO BOX 147  
BLANCHARD, ID 83804

Application For Permit No. 96-9452

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the PRIEST RIVER TIMES on 12/02/2009 and 12/09/2009. 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

Enclosure(s) Receipt No. N022734

## Ball, Dianne

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**From:** Ball, Dianne  
**Sent:** Tuesday, November 24, 2009 4:25 PM  
**To:** mary.terra-berns@idfg.idaho.gov  
**Subject:** RE: Application for Permit No. 96-9452 Stanton, and 96-9453 Reichle  
**Attachments:** 96-9452 Stanton.pdf; 96-9453 Reichle.pdf

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. A copy of each of the applications is enclosed for your reference.



96-9452  
Stanton.pdf (220 KB)



96-9453  
Reichle.pdf (291 KB)

Both of these are from unnamed streams - tributary to SINKS.

Final date for protests to be received in our office should be December 21, 2009.

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 these applications, 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 at 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