

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-11276

PLACE OF USE: 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	
52N 03W 28															X		
52N 03W 33		X															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 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. Stockwater use is for 10 head of mixed stock.
6. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
7. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
8. The pond established by the storage of water under this right shall not exceed a total capacity of 1.2 acre-feet.
9. This right authorizes the annual storage of 2 acre-feet to be used for the initial filling of the pond, for the replacement of losses caused by evaporation and for stockwater.
10. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 95A.

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 10th 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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 11, 2010

LEONARD MASON
16155 N BUCKHORN RD
HAYDEN LAKE ID 83835

MAXINE MASON
16155 N BUCKHORN RD
HAYDEN LAKE ID 83835

RE: Permit No.95-11276

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 more prominent.

Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

CERTIFICATE OF SERVICE

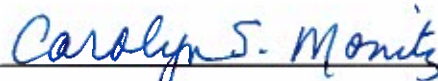
I hereby certify that on March 11, 2010 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

95-11276

**LEONARD MASON
16155 N BUCKHORN RD
HAYDEN LAKE ID 83835**

**MAXINE MASON
16155 N BUCKHORN RD
HAYDEN LAKE ID 83835**



**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. # 95-11276

APPLICATION ID # 76011

ENT. 10/2 BCA 12/28

OK to Publish 12/17/09

INITIAL REVIEW

APPLICANT: Leonard and Maxine Mason BY: KJ DATE: 10/2/2009

ITEM REQUIRED INFORMATION

PROCESSING

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)

(Yes)(No) **PRIORITY DATE:** 10/1/2009

(Include Moratorium Remark)

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

ADVERTISE IN: Kootenai County

Newspaper: CLC

Dates scheduled for publication: 1/7 + 14/10

Affidavit of Publication received: 1/15/10

Dates actually published: 1/7 + 14/10

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

(Yes)(No)

☒ **Shape File Created** Date 10/2 By: KJ

☐ Field check: by _____

☐ Field report attached

☐ Analysis Supp. attached(>5cfs/500af)

☐ Water delivered by water master? Water District # _____

Final Date for Protest: 1/25

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: Water Dist. 95A
- ☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Keith L. Mahlin Date: 1/28/2010 Sr. Agent initial KJ

RECEIVED

JAN 15 2010

IDWR / NORTH

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

Kelli Buley

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

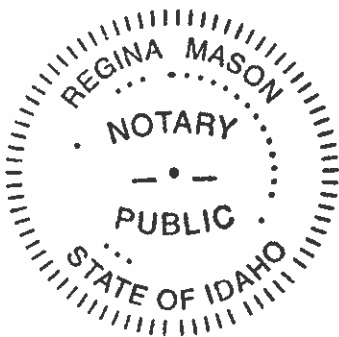
of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 7 day of January, 20 10, and ending on the 14 day of January, 20 10, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Kelli Buley.
On this 14 day of January in the year of 2010, before me, a Notary Public, personally appeared Kelli Buley, 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.

Regina Mason

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/15



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

95-11260

ROBERT K WEST

34857 E HAYDEN LAKE RD

HAYDEN, ID 83835-7243

Point of Diversion L1(SENE) S33 T52N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

Use: IRRIGATION 03/15 to 11/15 0.03 CFS

Use: FIRE PROTECTION 01/01 to 12/31 0.06 CFS

Total Diversion 0.06 CFS

Date Filed: 9/30/2009

Place Of Use: IRRIGATION T52N R03W S33 L1(SENE)

Place Of Use: FIRE PROTECTION same as IRRIGATION

Total Acres: 0.25

95-11275

ROGER G HESKETT

2311 SOUTH STARLIGHT LANE

SPOKANE VLY, WA 99016

Point of Diversion L3(NENW) S13 T53N R05W KOOTENAI CO

Source SPIRIT LAKE Tributary SPIRIT CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 10/2/2009

Place Of Use: DOMESTIC T53N R05W S13 L3(NENW)

Domestic use is for 1 home.

95-11276

LEONARD MASON

MAXINE MASON

16155 N BUCKHORN RD

HAYDEN LAKE, ID 83835

Point of Diversion NWNWNE S33 T52N R03W KOOTENAI CO

Source SPRING Tributary HAYDEN LAKE

Point of Diversion NWNWNE S33 T52N R03W KOOTENAI CO

Source UNNAMED STREAM Tributary HAYDEN LAKE

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

Use: STOCKWATER STORAGE 01/01 to 12/31 2 AF

Use: STOCKWATER FROM STORAGE 01/01 to 12/31 0.1 AF

Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 1.9 AF

Total Diversion: 0.2 CFS

Date Filed: 10/1/2009

Place Of Use: STOCKWATER STORAGE and

FIRE PROTECTION STORAGE T52N R03W S33 NWNE

Place Of Use: STOCKWATER T52N R03W S33 NWNE

Place Of Use: STOCKWATER T52N R03W S28 SWSE

Place Of Use: STOCKWATER FROM STORAGE

T52N R03W S33 NWNE and T52N R03W S28 SWSE

Place Of Use: FIRE PROTECTION

T52N R03W S33 NWNE and T52N R03W S28 SWSE

STOCKWATER USE IS FOR 10 HEAD OF MIXED STOCK

95-11289

JOHN AND SJOUKJE BUNGEN FAMILY TRUST

23148 NORTH RIMROCK RD

HAYDEN, ID 83835

Point of Diversion L1(NENWNW) S9 T52N R03W KOOTENAI CO

Source SPRING Tributary SINKS

Use: IRRIGATION 03/15 to 11/15 0.06 CFS

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

Total Diversion: 0.06 CFS

Date Filed: 10/5/2009

Place Of Use: IRRIGATION T52N R03W S9 L1(NWNW)

Place Of Use: STOCKWATER T52N R03W S9 L1(NWNW)

Total Acres: 3

Stockwater use is for 4 head of range stock.

95-11307

PATRICK KEGLEY

SANDRA KEGLEY

21946 S LOFFS BAY RD

COEUR D'ALENE, ID 83814

Point of Diversion SWNE S4 T48N R04W KOOTENAI County

Source GROUNDWATER

Use: IRRIGATION 03/15 to 11/15 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: 10/7/2009

Place Of Use: DOMESTIC T48N R04W S4 SWNE

Place Of Use: STOCKWATER same as DOMESTIC

Place Of Use: IRRIGATION T48N R04W S4 L2(NWNE) SWNE

Total Acres: 3

Domestic use is for 1 home. Stockwater use is for 8 horses

95-11308

PATRICK KEGLEY

SANDRA KEGLEY

21946 S LOFFS BAY RD

COEUR D'ALENE, ID 83814

Point of Diversion L8(SENE) S11 T48N R05W KOOTENAI CO

Source GROUNDWATER

Use: IRRIGATION 03/15 to 11/15 0.06 CFS

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

Use: FIRE PROTECTION 01/01 to 12/31 0.14 CFS

Total Diversion: 0.14 CFS

Date Filed: 10/7/2009

Place Of Use: DOMESTIC T48N R05W S11 L8(SENE)

Place Of Use: FIRE PROTECTION & IRRIGATION

T48N R05W S11 L8(SENE)

Total Acres: 2

Domestic use is for 1 home.

95-11311

JOSE J JARA

1094 SOUTH E STREET

SAN BERNARDINO, CA 92408

Points of Diversion(2) L3(NWNE) S10 T50N R05W KOOTENAI CO

Source SPOKANE RIVER Tributary COLUMBIA RIVER

Point of Diversion L3(NWNE) S10 T50N R05W KOOTENAI CO

Source UNNAMED STREAM Tributary SPOKANE RIVER

Use: IRRIGATION 03/15 to 11/15 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 10/7/2009

Place Of Use: IRRIGATION T50N R05W S10 L3(NWNE)

95-11320

ROY I'SOLTAU

20594 S LOFFS BAY RD

COEUR D'ALENE, ID 83814

Point of Diversion L7(SESE) S33 T49N R04W KOOTENAI CO

Source GROUNDWATER

Use: IRRIGATION 03/15 to 11/15 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 10/8/2009

Place Of Use: IRRIGATION

T48N R04W S4 L1(NENE) L2(NWNE)

T49N R04W S33 L7(SESE)

Total Acres: 7

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 1/25/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal 8684

January 7, 14, 2010

Ball, Dianne

From: Ball, Dianne
Sent: Monday, December 28, 2009 11:04 AM
To: mary.terra-berns@idfg.idaho.gov; cwashburn@idl.idaho.gov
Subject: Application for Permit No. 95-11260 West (Hayden Lk), 95-11275 Heskett (Spirit Lk), 95-11276 Mason (Spring & unnamed stream tributary to Hayden Lk), 95-11289 Bungen Family Trust (Spring only), 95-11311 Jara (Spokane River)

Attachments: 95-11260 West, Robert.pdf; 95-11275 Heskett.pdf; 95-11276 Mason.pdf; 95-11289 Bungen Family Trust.pdf; 95-11311 Jara.pdf

Dear Mary and Carl:

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 the application is enclosed for your reference.



95-11260 West,
Robert.pdf (298...



95-11275



95-11276



95-11289 Bungen
Family Trust.p...



95-11311 Jara.pdf
(558 KB)

Carl you probably won't be interested in Bungen Family Trust since it's spring only, but might be interested in Mason since it's tributary to Hayden Lake.

Others - West, Heskett & Jara should be of interest to both of you, Mary and Carl.

Being scheduled to publish in CDA Press on January 7 and 14, 2010 with final date for protest being January 25, 2010.

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
Sent: Monday, December 28, 2009 1:13 PM
To: Legal Notices-CdA Press; Legal Notices-CdAPress - Kelli Buley
Subject: Application for Permit No. 95-11260, 95-11275, 95-11276, 95-11289, 95-11307, 95-11308, 95-11311, 95-11320

Attachments: LegalNotice 12-28-09 CDA e-mail 95-11260,75,76,89,307,08,11,20.doc

Good afternoon, Kelli,

This is one of our regular legal notices. I will try to get one more like this to you also for publication starting on January 7 - to run January 7 and 14, 2010.

Please publish the enclosed legal notice on the dates indicated, January 7 and 14, 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 copy to me 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 1/25/2010.



LegalNotice
2-28-09 CDA e-mai.

Your cooperation is greatly appreciated, as always.
Thanks once again 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

December 28, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

LEONARD MASON
MAXINE MASON
16155 N BUCKHORN RD
HAYDEN LAKE, ID 83835

Application For Permit No. 95-11276

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 COEUR D ALENE PRESS on 1/7/2010 and 1/14/2010. 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,

A handwritten signature in black ink, appearing to read 'Keith E. Franklin', is written over a horizontal line.

Keith E. Franklin
Sr. Water Resource Agent

Mason

Pond Size : 1.2 AF

0.02 Stock Water

2.0 Stock Water Storage a) Pond size 1.2 AF
b) Evap. 0.7 AF
c) Seep. (instream) 0
d) Stock, 10 head 0.1 AF

0.1 Stock Water from Stor. a) 0.1 AF

1.9 Fire Prot. Stor.

a) 1.2 AF
b) 0.7 AF