

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 94-07538

Priority: December 01, 2009

Maximum Diversion Rate: 0.02 CFS

This is to certify, that LARRY JONES And/Or
TERESA JONES
465 S LAROLYN RD
POST FALLS ID 83854
(208) 773-4258

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: TEPEE CREEK

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
FIRE PROTECTION	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM, NE1/4SE1/4, Sec. 12, Twp 51N, Rge 01E, B.M., SHOSHONE County

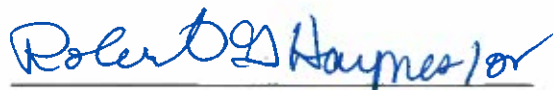
PLACE OF USE: DOMESTIC same as FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
51N 01E 12													X	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. Domestic use is for one campsite/cabin.
6. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
7. 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 4th 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 5, 2010

LARRY JONES
465 S LAROLYN RD
POST FALLS ID 83854

TERESA JONES
465 S LAROLYN RD
POST FALLS ID 83854

RE: Permit No.94-7538

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,


Keith E. Franklin
Sr. Water Resources Agent

Enclosure(s)

CERTIFICATE OF SERVICE

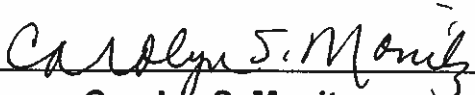
I hereby certify that on March 5, 2010 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

94-7538

**LARRY JONES
465 S LAROLYN RD
POST FALLS ID 83854**

**TERESA JONES
465 S LAROLYN RD
POST FALLS ID 83854**



**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. # 94-7538

APPLICATION ID # 76157

ENT. 12/1

BCA 12/10/09

OK to Publish

12/16/09

APPLICANT: Larry and/or Teresa Jones

BY: KJ

DATE: 12/1/2009

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 12/1 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: 12/1/2009

(Include Moratorium Remark)

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

ADVERTISE IN:

Shoshone County

Newspaper: Shoshone News Press

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: _____

Final Date for Protest: 1/25/10

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:

Beitha Sanchez

Date: 1/29/2010 Sr. Agent initial

KJ

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Shoshone }

Angela Abbott 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.

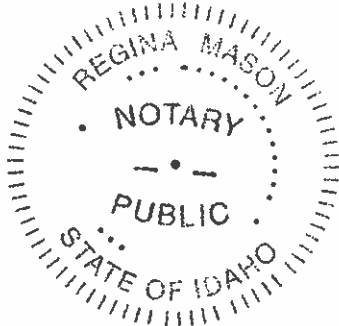
2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Shoshone News Press", a newspaper printed and published daily except Sunday and Monday in Kellogg, Shoshone County, Idaho, and having a general circulation in said county.

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 7th 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 Shoshone County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Angela Abbott.

On this 14th day of January in the year of 2010, before me, a Notary Public, personally appeared Angela Abbott, 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 in 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:

94-7538

LARRY JONES

TERESA JONES

465 S LAROLYN RD

POST FALLS, ID 83854

Point of Diversion NESE S12 T51N R01E SHOSHONE CO

Source UNNAMED STREAM Tributary TEPEE CREEK

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

Use: FIRE PROTECTION 01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 12/1/2009

Place Of Use: DOMESTIC T51N R01E S12 NESE NWSE

Place Of Use: FIRE PROTECTION same as DOMESTIC

Domestic use is for campsite and cabin.

94-7544

ROGER ATKINS

KAREN ATKINS

5476 N HIGH PRAIRIE RD

HAUSER, ID 83854

Point of Diversion L3(SWNW) S30 T50N R03E SHOSHONE CO

Source NORTH FORK COEUR D ALENE RIVER

Tributary COEUR D ALENE RIVER

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

Total Diversion: 0.02 CFS

Date Filed: 12/22/2009

Place Of Use: IRRIGATION T50N R03E S30 L3(SWNW)

Total Acres: 0.5

94-7545

JOHN D KIRSCH

TANYA J KIRSCH

14362 N HONU CT

RATHDRUM, ID 83858

Point of Diversion L2(SWSE) S27 T50N R02E SHOSHONE CO

Source COEUR D ALENE RIVER Tributary COEUR D ALENE LK

Use: IRRIGATION 04/01 to 10/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 12/16/2009

Place Of Use: IRRIGATION T50N R02E S27 L2(SWSE)

Total Acres: 1.2

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 #

Published on 1/7/2010 and 1/14/2010

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

94-7538

LARRY JONES

TERESA JONES

465 S LAROLYN RD

POST FALLS, ID 83854

Point of Diversion NESE S12 T51N R01E SHOSHONE CO

Source UNNAMED STREAM Tributary TEPPE CREEK

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

Use: FIRE PROTECTION 01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 12/1/2009

Place Of Use: DOMESTIC T51N R01E S12 NESE NWSE

Place Of Use: FIRE PROTECTION/same as DOMESTIC

Domestic use is for campsite and cabin.

94-7544

ROGER ATKINS

KAREN ATKINS

5476 N HIGH PRAIRIE RD

HAUSER, ID 83854

Point of Diversion L3(SWNW) S30 T50N R03E SHOSHONE CO

Source NORTH FORK COEUR D ALENE RIVER

Tributary COEUR D ALENE RIVER

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

Total Diversion: 0.02 CFS

Date Filed: 12/22/2009

Place Of Use: IRRIGATION T50N R03E S30 L3(SWNW)

Total Acres: 0.5

94-7545

JOHN D KIRSCH

TANYA J KIRSCH

14362 N HONU CT

RATHDRUM, ID 83858

Point of Diversion L2(SWSE) S27 T50N R02E SHOSHONE CO

Source COEUR D ALENE RIVER

Tributary COEUR D ALENE RIVER

Use: IRRIGATION 04/01 to 10/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 12/16/2009

Place Of Use: IRRIGATION T50N R02E S27 L2(SWSE)

Total Acres: 1.2

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

SHO Legal 754

January 7, 14, 2010

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, December 29, 2009 12:42 PM
To: Legal Notices-Shoshone NP Angie Abbott@cdapress.com;
ccampbell@shoshonenewspress.com
Subject: Application for Permit No. 94-7538, 94-7544, 94-7545
Attachments: LegalNotice 12-29-09 NP e-mail 94-7538,44,45.doc

Good afternoon, Angie,

Please publish the enclosed legal notice on the dates indicated, January 7 and 14, 2010, (once a week for two consecutive weekly issues in the Shoshone News Press). If you cannot publish the notice on the proposed dates, please contact us immediately.



LegalNotice
2-29-09 NP e-mail..

Also, please send me a proof prior to publication for my review.

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. Your cooperation is greatly appreciated.

Thanks for all you great 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

December 29, 2009

LARRY JONES
TERESA JONES
465 S LAROLYN RD
POST FALLS, ID 83854

Application For Permit No. 94-7538

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 SHOSHONE NEWS 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 C. Franklin', is written over a horizontal line.

Keith Franklin
Sr. Water Resource Agent

Enclosure(s)

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, December 16, 2009 1:58 PM
To: mary.terra-berns@idfg.idaho.gov
Subject: RE: Application for Permit No. 94-7538 Jones

Attachments: 94-7538 Jones.pdf

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.



94-7538 Jones.pdf
(674 KB)

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.

This will be scheduled for publication in Shoshone News Press on January 7 and 14, 2010 with final date for protest being January 25, 2010.

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 1, 2009

Larry Jones
465 S Larolyn Rd.
Post Falls, ID 83854

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

Dear Mr. Jones:

Enclosed please find a copy of the application submitted on December 1, 2009. Also attached to the application is a copy of the receipt for the fee.

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

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure

COPY