

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 98-07898

Priority: September 28, 2009

Maximum Diversion Volume: 14.6 AF

This is to certify, that STEVEN R MOYER And/Or
JANICE A MOYER
347 MOUNTAIN MEADOWS RD
NAPLES ID 83847
(208) 267-3789

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION FROM STORAGE	04/01 to 10/31	6.0 AF
WILDLIFE STORAGE	01/01 to 12/31	8.5 AF
RECREATION STORAGE	01/01 to 12/31	8.5 AF
FIRE PROTECTION STORAGE	01/01 to 12/31	8.5 AF
STOCKWATER STORAGE	01/01 to 12/31	8.6 AF
STOCKWATER FROM STORAGE	01/01 to 12/31	0.1 AF
IRRIGATION STORAGE	01/01 to 12/31	14.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER, L2 (NW1/4NE1/4), Sec. 6, Twp 60N, Rge 01E, B.M. BOUNDARY County
GROUND WATER, L2 (NW1/4NE1/4), Sec. 6, Twp 60N, Rge 01E, B.M., BOUNDARY County

PLACE OF USE: IRRIGATION FROM STORAGE same as IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
60N 01E 6	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	2.0
	2.0 L 2																

Total Acres: 2

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 98-07898

PLACE OF USE: WILDLIFE STORAGE same as RECREATION STORAGE same as
FIRE PROTECTION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
60N	01E	6		X															
				L 2															

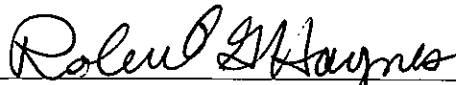
PLACE OF USE: STOCKWATER FROM STORAGE same as STOCKWATER STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
60N	01E	6		X															
				L 2															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
7. Recreational use is for fishing, swimming and boating.
8. Stockwater use is for 5 head of mixed stock.
9. The two ponds or established by the storage of water under this right shall not exceed a total capacity of 4.5 acre-feet or a total surface area of 0.6 acres.
10. This right authorizes a total annual storage of 14.6 acre-feet to be used for the initial filling of the ponds, the replacement of losses caused by evaporation and storage for stockwater, fire protection, irrigation and recreation water.

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 22nd day of January, 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

January 25, 2010

STEVEN R MOYER
347 MOUNTAIN MEADOWS RD
NAPLES ID 83847

JANICE A MOYER
347 MOUNTAIN MEADOWS RD
NAPLES ID 83847

RE: Permit No.98-7898

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.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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)

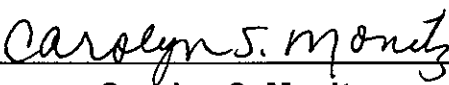
CERTIFICATE OF SERVICE

I hereby certify that on January 25, 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. 98-7898

**JANICE A MOYER
347 MOUNTAIN MEADOWS RD
NAPLES ID 83847**

**STEVEN R MOYER
347 MOUNTAIN MEADOWS RD
NAPLES ID 83847**



**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. # 98-7898

APPLICATION ID # 75965

ENT. 9/28/09 BCA 11/27

OK to Publish 11/27/09

APPLICANT: Steven & Janice Moyer

BY: KD

DATE: 9/28/2009

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
- ☒ Nature of Proposed Use
- ☒ Period of Use
5. ☒ Total Quantity
6. ☒ Description of diverting works
7. ☒ Time required for b/u
8. ☒ Proposed use
9. ☒ Place of use or acres irrigated
10. ☒ Other water Rights
11. ☒ Ownership
12. ☒ Map
- ☒ Signature
- ☒ Fee (Amt, receipt, acknowledgement)

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

ADDITIONAL INFORMATION

(Yes)(No)
☒ Shape File Created Date 9/28 By: KD
☐ Field check: by _____
☐ Field report attached
☐ Analysis Supp. attached(>5cfs/500af)
☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 9/28/2009

☐ ☒ (Include Moratorium Remark)
 Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: Boundary County

Newspaper: BEH 12/3 + 10/09

Dates scheduled for publication 12/17 + 24/09

Affidavit of Publication received: 1/8/10

Dates actually published: _____

Application published correctly. Yes ☒ No ☐

If not, action taken: didn't publish as originally submitted - redo for 12/17 + 24/09

Final Date for Protest: 12/21/09 1/04/2010 (argued)

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:

Beth Franklin Date: 1/15/2010 Sr. Agent initial KD

RECEIVED

JAN 08 2010

IDWR / NORTH

AFFIDAVIT OF PUBLICATION

State of Idaho

SS

County of Boundary, Shirley C. Clenshaw
being first duly sworn on oath deposes and says that
he/she is Bookkeeper of the
Bonners Ferry Herald, a newspaper printed and
published at Bonners Ferry, Boundary County, Idaho;
that the said newspaper has been continuously and
uninterruptedly published in said Boundary County
during a period of 12 months prior to the first publication
of the hereto attached notice of publication in the case
of:

Applications Filed

_____ as it
was published in the regular and entire issue of the said
paper for a period of 2 consecutive weeks,
commencing on 17 day of December, 2009 and
ending on the 24 day of December, 2009 and
that said notice was published in said newspaper.

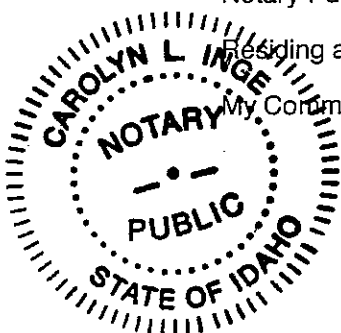
SUBSCRIBED AND SWORN TO before me, this

24 day of December, 2009.

Carolyn L. Inge
Notary Public-State of Idaho

Residing at: Sandpoint

My Commission Expires: 8-7-12



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

98-7898

STEVEN R MOYER

JANICE A MOYER

347 MOUNTAIN MEADOWS RD

NAPLES, ID 83847

Points of Diversion(2) L2(NWNE) S6 T60N R01E

BOUNDARY CO

Source GROUND WATER

Use: IRRIGATION STORAGE 01/01 to 12/31 14.5 AF

Use: IRRIGATION FROM STORAGE 04/01 to 10/31 6 AF

Use: STOCKWATER STORAGE 01/01 to 12/31 8.6 AF

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

Use: WILDLIFE STORAGE 01/01 to 12/31 8.5 AF

Use: RECREATION STORAGE 01/01 to 12/31 8.5 AF

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 8.5 AF

Total Diversion 14.6 AF

Date Filed: 9/28/2009

Place Of Use: IRRIGATION STORAGE T60N R01E S6

L2(NWNE)

Place Of Use: All other uses same as IRRIGATION STORAGE

Total Acres: 2

Stockwater use is for 5 head of mixed stock

98-7899

DAWSON CARRIERE

CANDACE CARRIERE

PO BOX 1813

BONNERS FERRY, ID 83805

Point of Diversion SESW S17 T63N R02E BOUNDARY CO

Source MEADOW CREEK Tributary MOYIE RIVER

Use: IRRIGATION 04/15 to 10/31 0.18 CFS

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

Total Diversion: 0.2 CFS

Date Filed: 11/16/2009

Place Of Use: IRRIGATION T63N R02E S17 SESW

Place Of Use: STOCKWATER same as IRRIGATION

Total Acres: 9

Stockwater use is for 10 head of mixed stock.

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 01/04/2010. The protestant must also send a

copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #6935

Published on 12/17/2009 and 12/24/2009