

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-11055

Priority: August 24, 2009

Maximum Diversion Rate: 0.08 CFS

This is to certify, that WESLEY L WARREN Or GENE WARREN
418 N 2ND ST
COEUR D ALENE ID 83814

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: HAYDEN LAKE

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>
IRRIGATION	03/15 to 11/15	0.06 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING NW1/4SE1/4SE1/4 Sec. 34, Twp 52N, Rge 03W, B.M.
KOOTENAI County

PLACE OF USE: IRRIGATION

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 34																2.0	2.0

PLACE OF USE: DOMESTIC And STOCKWATER

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 34																X	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2012**.
2. Subject to all prior water rights.
3. Domestic use is for 1 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
4. This right does not grant any right-of-way or easement across the land of another.
5. 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.
6. Stockwater use is for 3 horses.

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 14th day of December, 2009.


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

December 16, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

WESLEY L WARREN
418 N 2ND ST
COEUR D ALENE ID 83814

GENE WARREN
418 N 2ND ST
COEUR D ALENE ID 83814

RE: Permit No.95-11055

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)

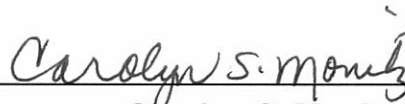
CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2009 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. 95-11055

**GENE WARREN
418 N 2ND ST
COEUR D ALENE ID 83814**

**WESLEY L WARREN
418 N 2ND ST
COEUR D ALENE ID 83814**

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.

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

W.R. # 95-11055

APPLICATION ID # 75888

ENT. ED

BCA 4/6/09

OK to Publish 10/29/09

INITIAL REVIEW

APPLICANT: WARREN

BY: ED

DATE: 8/27/2009

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 8-27 By: ED

☐ Field check: by _____

☐ Field report attached

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

☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 8/24/2009

☒
 ☒

(Include Moratorium Remark)

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

ADVERTISE IN:

Newspaper: Kootenai County

Dates scheduled for publication 11/5 & 12/09

Affidavit of Publication received: 11/14/09

Dates actually published: 11/5 & 12/09

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 11/23/09

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: Eric D...

Date: 11/25/2009 Sr. Agent initial E.D

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} SS.

NOV 16 2009

IDWR / NORTH

being first duly sworn

Kelli Bulley

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 5 day of November 2009, and ending on the 12 day of November 2009, 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 Bulley. On this 12 day of November in the year of 2009, before me, a Notary Public, personally appeared Kelli Bulley, 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:

94-7514

BLACK ROCK RANCH LLC

PO BOX 3070

COEUR D'ALENE, ID 83816

Point of Diversion L4(SWNE)S32 T48N R03WKOOTENAI CO
Source ANDERSON LAKE Tributary to COEUR D'ALENE
RIVER

Use: IRRIGATION

03/01 to 10/31 2.6 CFS

Use: STOCKWATER

01/01 to 12/31 0.07 CFS

Total Diversion: 2.67 CFS

Date Filed: 7/6/2009

Place Of Use: STOCKWATER

T47N R03W S4 L3(NENW) L4(NWNW) SWNW SENW

T48N R03W S32 L4(SWNE) L5(SENE)

T48N R03W S33 L4(SWNW)

Place Of Use: IRRIGATION same as STOCKWATER

Total Acres: 130

Stockwater use is for 300 head of mixed stock.

94-7527

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY

1410 N HILTON

BOISE, ID 83706

Point of Diversion NWSW S33 T49N R01E KOOTENAI CO

Source GROUND WATER

Use: INDUSTRIAL

01/01 to 12/31 0.2CFS

Total Diversion: 0.2 CFS

Date Filed: 9/3/2009

Place Of Use: INDUSTRIAL

T49N R01E S33 SWNW NESW NWSW

Industrial use is to support construction and operation of
waste soil repository as a part of a CERCLA remedial action in
connection with Bunker Hill Superfund cleanup project.

95-10877

SYLTE RANCH LLC

8626 W SYLTE RANCH RD

RATHDRUM, ID 83858-6820

Point of Diversion SESE S30 T52N R04W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION

03/15 to 11/15 0.08 CFS

Use: STOCKWATER

01/01 to 12/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 7/21/2009

Place Of Use: IRRIGATION T52N R04W S30 NESE SESE

Place Of Use: STOCKWATER T52N R04W S30 NESE SESE

Total Acres: 10

Stockwater use is for 20 head of mixed stock.

95-11037

JEANIE PEERY

17332 N WILKINSON RD

RATHDRUM, ID 83858

Point of Diversion NWNE S27 T52N R04W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION

03/15 to 11/15 0.15 CFS

Use: STOCKWATER

01/01 to 12/31 0.02 CFS

Total Diversion: 0.15 CFS

Date Filed: 8/24/2009

Place Of Use: IRRIGATION T52N R04W S27 NWNE

Place Of Use: STOCKWATER same as IRRIGATION

Total Acres: 5

Stockwater is for 3 head of mixed stock

95-11051

DANE HOSSLEY

KAY HOSSLEY

1500 TRIANGLE 7 RD

HAYDEN LAKE, ID 83835

Point of Diversion SESWNE S35 T52N R03W KOOTENAI CO

Source SPRING Tributary to STUMP CREEK

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Use: STOCKWATER

01/01 to 12/31 0.02 CFS

Use: STOCKWATER STORAGE

01/01 to 12/31 15.7 AF

Use: STOCKWATER

FROM STORAGE 01/01 to 12/31 0.7 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 15 AF

Use: RECREATION STORAGE 01/01 to 12/31 15 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.1 CFS

Total Diversion: 0.14 CFS 15.7 AF

Date Filed: 8/21/2009

Place Of Use: DOMESTIC T52N R03W S35 SWNE

Domestic use is for 1 home

Place Of Use: STOCKWATER T52N R03W S35 SWNE SENE

Stockwater use is for 40 head of mixed stock.

Place Of Use: All remaining uses same as STOCKWATER

95-11055

WESLEY L WARREN

GENE WARREN

418 N 2ND ST

COEUR D'ALENE, ID 83814

Point of Diversion NWSESE S34 T52N R03W KOOTENAI CO

Source SPRING Tributary to HAYDEN LAKE

Use: IRRIGATION

03/15 to 11/15 0.06 CFS

Use: STOCKWATER

01/01 to 12/31 0.02 CFS

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.08 CFS

Date Filed: 8/24/2009

Place Of Use: DOMESTIC T52N R03W S34 SESE

Place Of Use: Other uses same as DOMESTIC

Domestic use for 1 home. Stockwater use for 3 horses.

95-11057

JANET B HAAKENSON

ROBERT H HAAKENSON

PO BOX 308

HAYDEN, ID 83835

Point of Diversion L7(NESW) S3 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary to SINKS

Use: IRRIGATION

03/15 to 11/15 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 8/26/2009

Place Of Use: IRRIGATION T51N R03W S3 L7(NESW)

95-11058

DAVID L BROOM

MARY JANE BROOM

7107 E ROCKWOOD BLVD

SPOKANE, WA 99203

Point of Diversion L5(SENE)S10 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary to SINKS

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 8/21/2009

Place Of Use: DOMESTIC T51N R03W S10 L5(SENE)

Domestic use is for 1 home.

95-11059

JAMES HEINTZ

8224 N COOLIN DR

HAYDEN, ID 83835

Point of Diversion L5(NESE) S4 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary to SINKS

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 8/20/2009

Place Of Use: DOMESTIC T51N R03W S4 L5(NESE)

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 11/23/2009. The protestant must also send a
copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal 8170

November 5, 12, 2009

RECEIVED
NOV 16 2009
IDWR / NORTH