

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-11052

Priority: August 26, 2009

Maximum Diversion Rate: 0.04 CFS

This is to certify, that HARRY HAMMACK And/Or BEVERLY HAMMACK
11960 W COUGAR GULCH RD
COEUR D ALENE ID 83814

has applied for a permit to appropriate water from:

Source: SPRING

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

LOCATION OF POINT(S) OF DIVERSION:

SPRING SE1/4NW1/4SE1/4 Sec. 35, Twp 50N, Rge 05W, B.M. KOOTENAI County

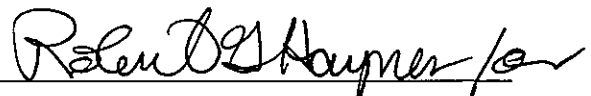
PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
50N 05W 35														X			

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2011**.
2. Subject to all prior water rights.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
4. Domestic use is for 1 home.
5. 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 8th day of January, 20 10.


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 9, 2010

HARRY HAMMACK
11960 W COUGAR GULCH RD
COEUR D ALENE ID 83814

BEVERLY HAMMACK
11960 W COUGAR GULCH RD
COEUR D ALENE ID 83814

RE: Permit No.95-11052

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,



Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

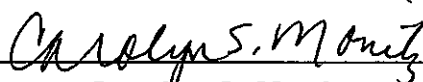
CERTIFICATE OF SERVICE

I hereby certify that on January 9, 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.

95-11052

**BEVERLY HAMMACK
HARRY HAMMACK
11960 W COUGAR GULCH RD
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**

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.

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

W.R. # 95-11052

APPLICATION ID # 75884

ENT. ED

BCA 10/27

OK to Publish 10/22/09

APPLICANT: Hammack

INITIAL REVIEW

BY: ED

DATE: 8/26/09

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 8-26-09 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: 8/26/09

☒

(Include Moratorium Remark)

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

ADVERTISE IN:

Newspaper: COA Rootway 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: _____

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:

Eir

Date: 12/7/2009 Sr. Agent initial ED

RECEIVED
AFFIDAVIT OF PUBLICATION

NOV 16 2009

STATE OF IDAHO,
County of Kootenai,

} ss.

IDWR / NORTH

Kelli Builey

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

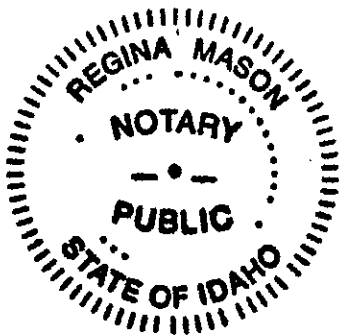
of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 5 day of November, 2009, and ending on the 12 day of November, 2009, and such publication was made as often during said period as said Daily newspaper was regularly 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 Builey. On this 12 day of November in the year of 2009, before me, a Notary Public, personally appeared Kelli Builey, 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 + appropriate
the public waters of the State of Idaho:

95-11009
JERRY L HANSON ET UX TRUSTEES
9295 S TALL PINES RD
COEUR D ALENE, ID 83814
Point of Diversion SWNWSW S9 T49N R04W KOOTENAI CO
Source SPRINGS tributary to MICA CREEK
Points of Diversion(2) NWSWSW S9 T49N R04W KOOTENAI CO
Source SPRINGS
Use: WILDLIFE 01/01 to 12/31 0.2 CFS
Use: WILDLIFE STORAGE 01/01 to 12/31 4.7 AF
Use: RECREATION 01/01 to 12/31 0.2 CFS
Use: RECREATION STORAGE 01/01 to 12/31 4.7 AF
Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS
Use: FIRE PROTECTION STORAGE 01/01 to 12/31 6.1 AF
Use: AESTHETIC 01/01 to 12/31 0.2 CFS
Use: AESTHETIC STORAGE 01/01 to 12/31 6.1 AF
Total Diversion: 0.2 CFS

Date Filed: 8/20/2009
Place Of Use: RECREATION T49N R04W S9 NWSW SWSW
Place Of Use: All other uses same as RECREATION
Recreation use is for fish

95-11024
DOUGLAS O NUSTAD
PO BOX 2776
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.

95-11041
KEN GIMBEL
JON SCHWARTZ
ANN CLEVINGER
PO BOX 569
HAYDEN, ID 83835
Point of Diversion L1(NENE) S4 T49N R03W KOOTENAI CO
Source GROUND WATER
Use: IRRIGATION 03/15 to 11/15 0.12 CFS
Use: DOMESTIC 01/01 to 12/31 0.08 CFS
Total Diversion: 0.2 CFS

Date Filed: 7/23/2009
Place Of Use: DOMESTIC T49N R03W S4 L1(NENE)
Place Of Use: IRRIGATION same as DOMESTIC
Total Acres: 5
Domestic use is for 3 homes.

95-11042
DON L BUTLER
PO BOX 2889
POST FALLS, ID 83877
Point of Diversion NWSW S17 T51N R04W KOOTENAI CO
Source GROUND WATER
Use: IRRIGATION 03/15 to 11/15 0.18 CFS
Total Diversion: 0.18 CFS

Date Filed: 8/25/2009
Place Of Use: IRRIGATION T51N R04W S17 NWSW
Total Acres: 9

95-11043
RANDY HURST
1920 S ROCKY RIDGE DR
SPOKANE VALLEY, WA 99212
Point of Diversion NESE S18 T53N R04W KOOTENAI CO
Source SPIRIT LAKE tributary to SPIRIT CREEK
Use: IRRIGATION 03/15 to 11/15 0.03 CFS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 7/29/2009
Place Of Use: DOMESTIC T53N R04W S18 NESE
Place Of Use: IRRIGATION same as DOMESTIC
Total Acres: 1
Domestic use is for 1 home.

95-11044
LEO R SIMPSON
PO BOX 989
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: 8/25/2009
Place Of Use: DOMESTIC T51N R03W S4 L5(NESE)
Domestic use is for 1 home.

95-11046
RANDY BATES
SUSAN BATES
841 S PLEASANTVIEW RD
POST FALLS, ID 83854
Point of Diversion L1(SWNW) S8 T50N R05W KOOTENAI CO
Source SPOKANE RIVER tributary to COLUMBIA RIVER
Use: IRRIGATION 03/15 to 11/15 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 8/18/2009
Place Of Use: IRRIGATION
T50N R05W S7 L3(SENE)
T50N R05W S8 L1(SWNW)
Total Acres: 1.5

95-11048
DAVID M HESKETT
S 2614 VIEWMONT CT
SPOKANE VALLEY, WA 99016
Point of Diversion L6(SWSE) S13 T53N R05W KOOTENAI CO
Source SPIRIT LAKE tributary to SPIRIT CREEK
Use: DOMESTIC 01/01 to 12/31 0.01 CFS
Total Diversion: 0.01 CFS

Date Filed: 8/21/2009
Place Of Use: DOMESTIC T53N R05W S13 L6(SWSE)
Domestic use is for 1 home.

95-11052
HARRY HAMMACK
BEVERLY HAMMACK
11960 W COUGAR GULCH RD
COEUR D ALENE, ID 83814
Point of Diversion SENWSE S35 T50N R05W KOOTENAI CO
Source SPRING tributary to SINKS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 8/26/2009
Place Of Use: DOMESTIC T50N R05W S35 NWSE
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 8173

November 5, 12, 2009

RECEIVED
NOV 16 2009
IDWR / NORTH