

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-10981

Priority: August 12, 2009

Maximum Diversion Rate: 0.03 CFS

This is to certify, that JOHN L ANDREWS And DEBRA L ANDREWS
132 OAKVIEW DR
CRANBERRY TWP PA 16066

has applied for a permit to appropriate water from:

Source: TWIN LAKES

Tributary: RATHDRUM 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>
IRRIGATION	03/15 to 11/15	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

TWIN LAKES L5 (SW1/4NW1/4) Sec. 5, Twp 52N, Rge 04W, B.M. KOOTENAI County

PLACE OF USE: IRRIGATION

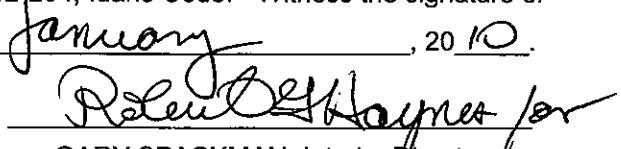
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
52N 04W 5							1.0										1.0
							L 5										

Total Acres: 1

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. 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.
4. 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 95C.
5. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
6. 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

JOHN L ANDREWS
132 OAKVIEW DR
CRANBERRY TWP PA 16066

DEBRA L ANDREWS
132 OAKVIEW DR
CRANBERRY TWP PA 16066

RE: Permit No.95-10981

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 B. Franklin". The signature is fluid and cursive, with the first name "Keith" being more prominent.

Keith B. Franklin

Sr. Water Resources Agent

Enclosure(s)

CERTIFICATE OF SERVICE

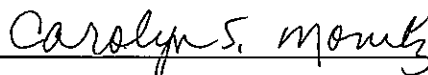
I hereby certify that on January 9, 2010 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

95-10981

**DEBRA L ANDREWS
132 OAKVIEW DR
CRANBERRY TWP PA 16066**

**JOHN L ANDREWS
132 OAKVIEW DR
CRANBERRY TWP PA 16066**



**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 - 10981

APPLICATION ID # 75837

ENT. ED BCA 10/19 OK to Publish 10/15/09

APPLICANT: Andrews

INITIAL REVIEW

BY: ED DATE: 8/12/2009

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 8-12-09 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: 8/12/2009

☒
☒

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

ADVERTISE IN:

Kootenai County
Newspaper: Idaho
Dates scheduled for publication 11/5 & 12/09
Affidavit of Publication received: 11/16/09
Dates actually published: 11/5 & 12/07
Application published correctly. Yes ☒ No ☐
If not, action taken: _____

Final Date for Protest: 11/23

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 District 95C & 1/4 inch fish screen
- ☐ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: E. J. [Signature]

Date: 12/15/2009 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

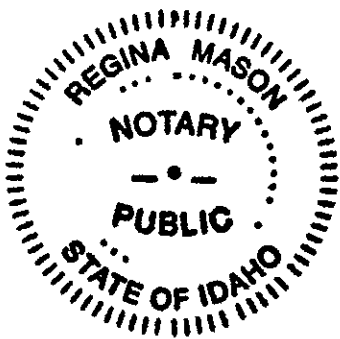
of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 5 day of November, 2009, and ending on the 12 day of November, 2009, and such publication was made as often during said period as said Daily newspaper was regularly 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 to appropriate the public waters of the State of Idaho:

94-7522

THOMAS G COLLINS

34714 SHWY 3

ST MARIES, ID 83861

Point of Diversion L4(NWNW) S5 T47N R02W KOOTENAI CO

Source CAVE LAKE tributary to Coeur d'Alene River

Use: IRRIGATION	03/15 to 10/31	0.04 CFS
Total Diversion:		0.04 CFS

Date Filed: 8/10/2009

Place Of Use: IRRIGATION T47N R02W S5 L4(NWNW)

Total Acres: 2

95-10970

CHRIS KRAFT

LINDA KRAFT

5173 E HUDLOW RD

HAYDEN, ID 83835-7758

Point of Diversion SESWNE S29 T52N R03W KOOTENAI County

Source SPRING tributary to UNNAMED STREAM

Point of Diversion SWNE S29 T52N R03W KOOTENAI County

Source UNNAMED STREAM tributary to UNNAMED STREAM

Use: IRRIGATION	03/15 to 11/15	0.2 CFS
Use: IRRIGATION STORAGE	01/01 to 12/31	34.4 AF
Use: IRRIGATION FROM STORAGE	03/15 to 11/15	30 AF
Use: FIRE PROTECTION	01/01 to 12/31	0.2 CFS
Use: FIRE PROTECTION STORAGE	01/01 to 12/31	4.4 AF
Total Diversion:		0.2 CFS 34.4 AF

Date Filed: 8/7/2009

Place Of Use: IRRIGATION T52N R03W S29 SWNE

Place Of Use: All other uses same as IRRIGATION

Total Acres: 10

95-10980

BRADFORD H BODLEY

19709 27TH AVE NW

SEATTLE, WA 98177

Point of Diversion L3(SWNE) S15 T51N R03W KOOTENAI County

Source HAYDEN LAKE tributary to SINKS

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

Date Filed: 8/17/2009

Place Of Use: DOMESTIC T51N R03W S15 L3(SWNE)

Domestic use is for 1 home.

95-10981

JOHN L ANDREWS

DEBRA L ANDREWS

132 OAKVIEW DR

CRANBERRY TWP, PA 16066

Point of Diversion L5(SWNW) S5 T52N R04W KOOTENAI County

Source TWIN LAKES tributary to Rathdrum Creek

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

Date Filed: 8/12/2009

Place Of Use: IRRIGATION T52N R04W S5 L5(SWNW)

Total Acres: 1

95-10984

FRANZ VISOUL

DIANE VISOUL

2304 E VENTURE TRAIL

HARRISON, ID 83833

Point of Diversion SWNW S29 T49N R03W KOOTENAI County

Source UNNAMED STREAM tributary to TURNER CREEK

Use: IRRIGATION	03/15 to 11/15	0.03 CFS
Use: IRRIGATION STORAGE	01/01 to 12/31	6.7 AF
Use: IRRIGATION FROM STORAGE	03/15 to 11/15	3 AF
Use: WILDLIFE	01/01 to 12/31	0.03 CFS
Use: WILDLIFE STORAGE	01/01 to 12/31	3.7 AF
Use: RECREATION	01/01 to 12/31	0.03 CFS
Use: RECREATION STORAGE	01/01 to 12/31	3.7 AF
Use: FIRE PROTECTION	01/01 to 12/31	0.2 CFS
Use: FIRE PROTECTION STORAGE	01/01 to 12/31	3.7 AF
Use: AESTHETIC	01/01 to 12/31	0.03 CFS
Use: AESTHETIC STORAGE	01/01 to 12/31	3.7 AF
Use: DIVERSION TO STORAGE	01/01 to 12/31	0.2 CFS
Total Diversion:		0.2 CFS 6.7 AF

Date Filed: 8/20/2009

Place Of Use: IRRIGATION T49N R03W S29 SWNW

Place Of Use: All other uses same as IRRIGATION

Total Acres: 1

Recreational use is for swimming and fishing

95-10985

FLOYD A DAMON

316 W HIGH DR

SPOKANE, WA 99203

Point of Diversion L2(ENE) S15 T51N R03W KOOTENAI County

Source HAYDEN LAKE tributary to SINKS

Use: IRRIGATION	03/15 to 11/15	0.06 CFS
Use: DOMESTIC	01/01 to 12/31	0.04 CFS
Total Diversion:		0.06 CFS

Date Filed: 8/13/2009

Place Of Use: DOMESTIC T51N R03W S15 L2(ENE)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 2

Domestic use is for 1 home.

95-10991

TERRY J HORNICK

30972 HORNICK LN

SPIRIT LAKE, ID 83869

Point of Diversion L2(NWSW) S8 T53N R04W KOOTENAI County

Source SPIRIT LAKE tributary to SPIRIT CREEK

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

Date Filed: 8/14/2009

Place Of Use: DOMESTIC T53N R04W S8 L2(NWSW)

Domestic use is for 1 home.

95-10992

UPPER COLUMBIA CORPORATION OF SEVENTH DAY

ADVENTISTS

PO BOX 19039

SPOKANE, WA 99219-0039

Point of Diversion L4(SENW) S11 T51N R03W KOOTENAI County

Source HAYDEN LAKE tributary to SINKS

Use: IRRIGATION	04/01 to 10/31	0.7 CFS
Use: IRRIGATION STORAGE	01/01 to 12/31	116.5 AF
Use: IRRIGATION FROM STORAGE	04/01 to 10/31	105 AF
Use: FIRE PROTECTION	01/01 to 12/31	0.7 CFS
Use: FIRE PROTECTION STORAGE	01/01 to 12/31	11.5 AF
Use: DIVERSION TO STORAGE	01/01 to 12/31	0.7 CFS
Total Diversion:		0.7 CFS 116.5 AF

Date Filed: 7/23/2009

Place Of Use: DIVERSION TO STORAGE

T51N R03W S11 L4(SENW)

Place Of Use: FIRE PROTECTION STORAGE

T51N R03W S11 NWSE

Place Of Use: IRRIGATION STORAGE T51N R03W S11 NWSE

Place Of Use: IRRIGATION and IRRIGATION FROM STORAGE

T51N R03W S11 L4(SENW) L6(NESW) NWSE

Place Of Use: FIRE PROTECTION same as IRRIGATION

T51N R03W S11 L4(SENW) L6(NESW) NWSE

Total Acres: 35

95-11008

WILLIAM J BAIR

578 CLERMONT DR

RICHLAND, WA 99352

Point of Diversion L6(NESE) S18 T53N R04W KOOTENAI County

Source SPIRIT LAKE tributary to SPIRIT CREEK

Use: DOMESTIC	01/01 to 12/31	0.01 CFS
Total Diversion:		0.01 CFS

Date Filed: 8/13/2009

Place Of Use: DOMESTIC T53N R04W S18 L6(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 8172

November 5, 12, 2009

RECEIVED
NOV 16 2009
IDWR / NORTH

Ball, Dianne

From: Carl Washburn [cwashburn@idl.idaho.gov]
Sent: Tuesday, November 03, 2009 11:49 AM
To: Ball, Dianne
Subject: RE: Application for Permit No. 95-10981

Enclosure
b

Dianne,

Application 95-10981 will require an encroachment permit from IDL for the water line encroachment into Twin Lakes. Please term you permit stating a permit is required from the Department of Lands prior to installing the water intake line. The Mica Area will forward a letter to the applicant advising them that a permit is needed.

Thank you for the opportunity to offer comments.

Carl

From: Ball, Dianne [mailto:Dianne.Ball@idwr.idaho.gov]
Sent: Thursday, October 15, 2009 2:55 PM
To: Carl Washburn
Subject: RE: Application for Permit No. 95-10981

Dear Carl:

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.

<<95-10981 Andrews.pdf>>

Scheduled to publish 11/5 and 12/2009 with final date for protests to be received in our office Nov. 23, 2009.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt reponse 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

11/3/2009

MICA SUPERVISORY AREA
3258 W. Industrial Loop
Coeur d'Alene ID 83815
Phone (208) 769-1577
Fax (208) 769-1597



GEORGE BACON, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
C.L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Donna M. Jones, State Controller
Tom Luna, Sup't of Public Instruction

November 3, 2009

Debra Andrews
132 Oak View Dr.
Cranberry Township, PA 16066

RECEIVED
NOV 05 2009
IDWR / NORTH

Dear Ms. Andrews:

Re: Encroachment Application

The Idaho Department of Lands (Department) received a copy of your water right application from the Idaho Department of Water Resources. You will also need an encroachment permit from the Department to place a water intake line on the bed of the Twin Lakes.

For your convenience, I have enclosed an encroachment application. If you are intending to bury the line, a permit will be required from the Army Corps of Engineers. In addition, the Department requires a \$1,000.00 processing fee for waterlines. The Department will begin processing an application upon receiving a complete application and fee.

Sincerely,

CARL WASHBURN, Specialist
Navigable Waters/Submerged Lands Leasing

C: Idaho Department of Water Resources

Enclosure