

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-10922

Priority: July 28, 2009

Maximum Diversion Rate: 0.10 CFS

This is to certify, that BYRON HATLEY And/Or TAMMY HATLEY
PO BOX 88
SPIRIT LAKE ID 83869

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>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.09 CFS
DOMESTIC	01/01 to 12/31	0.06 CFS
COMMERCIAL	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4NE1/4 Sec. 20, Twp 53N, Rge 04W, B.M. KOOTENAI County

PLACE OF USE: IRRIGATION

[illegible]

Total Acres: 3

PLACE OF USE: DOMESTIC

[illegible]

State of Idaho
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NO. 95-10922

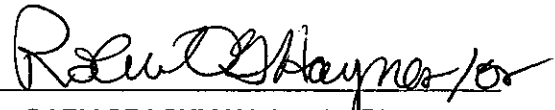
PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
53N 04W 20	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	X																

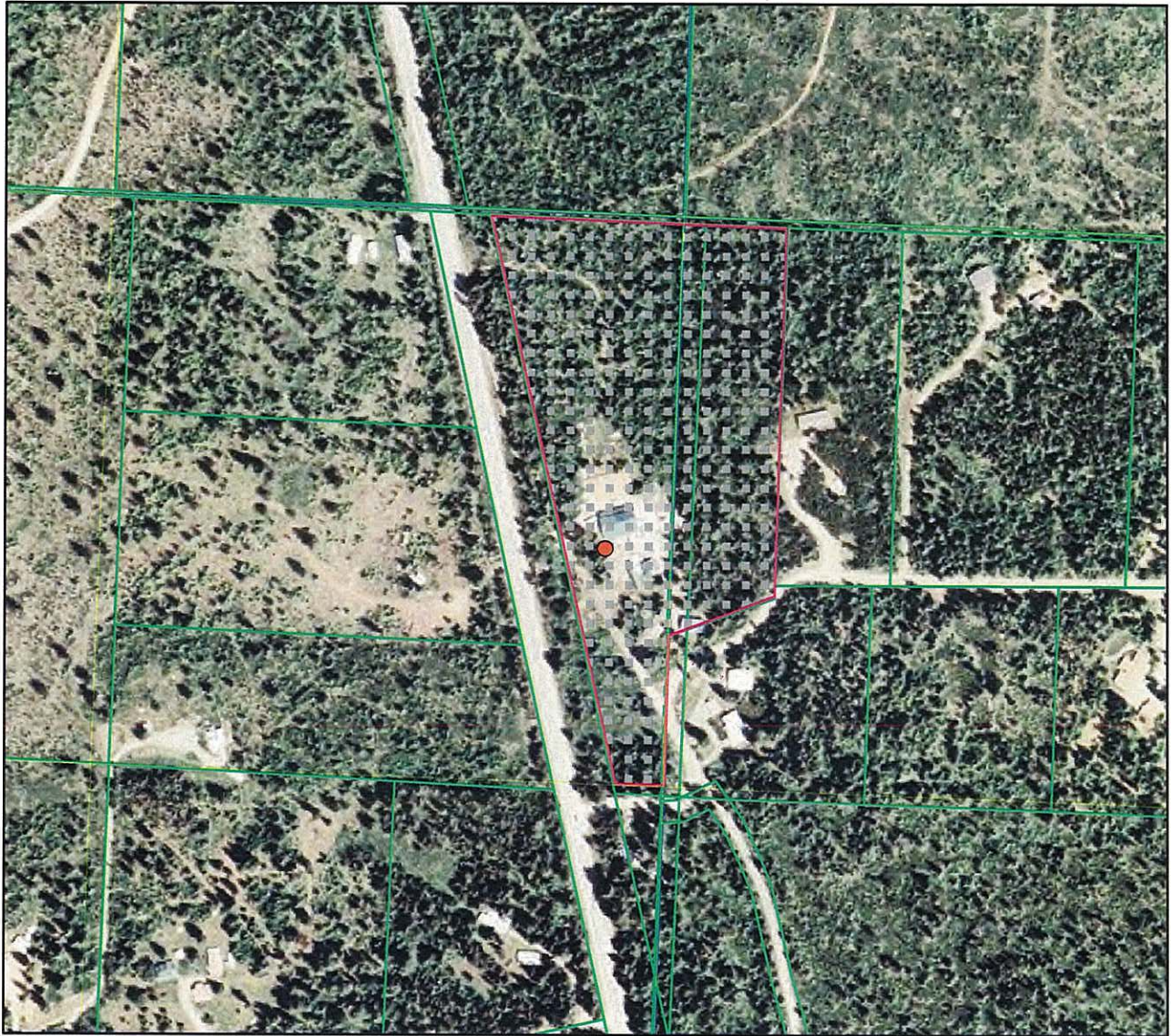
CONDITIONS OF APPROVAL

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. Domestic use is for 2 homes.
4. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
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. The place of commercial use is for a shop and office.

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, 2010.


GARY SPACKMAN, Interim Director

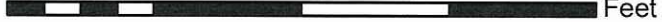
95-10922



Legend

-  Application POD
-  Application POU
-  Taxlots

0 155 310 620 930 1,240 Feet





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

BYRON HATLEY
PO BOX 88
SPIRIT LAKE ID 83869

TAMMY HATLEY
PO BOX 88
SPIRIT LAKE ID 83869

RE: Permit No.95-10922

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.

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 stylized with a large, prominent "K" and "F".

Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

CERTIFICATE OF SERVICE

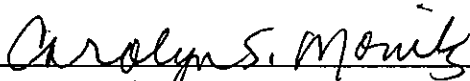
I hereby certify that on January 9, 2010 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

95-10922

**BYRON HATLEY
PO BOX 88
SPIRIT LAKE ID 83869**

**TAMMY HATLEY
PO BOX 88
SPIRIT LAKE ID 83869**

A handwritten signature in cursive script, reading "Carolyn S. Monitz", is written over a horizontal line.

**Carolyn S. Monitz
Technical Records Clerk**

**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.

Date: 12/14/2009 Sr. Agent initial ED

RECEIVED
AFFIDAVIT OF PUBLICATION

NOV 16 2009

STATE OF IDAHO,
County of Kootenai,

SS.

IDWR / NORTH

Kelli Bukey 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.

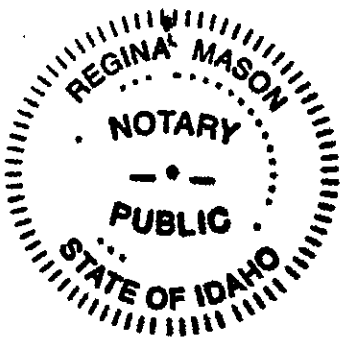
3. The Legal Notice

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 20 09, and ending on the 12 day of November 20 09, 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 Bukey
On this 12 day of November in the year of 2009, before me, a Notary Public, personally appeared Kelli Bukey, 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

RECEIVED

NOV 16 2009

IDWR / NORTH

The following application(s) have been filed to appropriate the public waters of the State of Idaho: 95-10896

GERALD J WELLER
1421 S MAPLE ST
SPOKANE, WA 99203
Point of Diversion NESE S6 T52N R04W KOOTENAI County
Source TWIN LAKES tributary to RATHDRUM CREEK
Use: DOMESTIC 01/01 to 12/31 0.02 CFS
Total Diversion: 0.02 CFS

Date Filed: 7/23/2009
Place Of Use: DOMESTIC T52N R04W S6 NESE
Domestic use is for 1 home.

95-10897
ANDREW & LUCILLE BARLAY LIVING TRUST
15184 N SHENANDOAH DR
HAYDEN LAKE, ID 83839
Point of Diversion L3(SWSW) S34 T52N 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: 7/28/2009
Place Of Use: DOMESTIC T52N R03W S34 L3(SWSW)
Domestic use is for 1 home.

95-10904
JAMES E MAXFIELD
EVA MAXFIELD
10286 W LAKE FORREST LOOP
RATHDRUM, ID 83858
Point of Diversion L1(SWSE) S35 T53N R05W KOOTENAI CO
Source TWIN LAKES tributary to Rathdrum Creek
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 7/28/2009
Place Of Use: DOMESTIC T53N R05W S35 L1(SWSE)
DOMESTIC USE IS FOR 1 HOME.

95-10907
THE TEETS FAMILY TRUST
4468 E DEEPWATER CT
HAYDEN, ID 83835
Point of Diversion L2(NWNE) S17 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: 7/28/2009
Place Of Use: DOMESTIC T51N R03W S17 L2(NWNE)
Domestic use is for 1 home.

95-10917
JIM AND ONA O CONNELL FAMILY LLC
10126 E FERRET DR
SPOKANE VALLEY, WA 99206
Point of Diversion L3(NWNW) S4 T49N R03W KOOTENAI CO
Source COEUR D ALENE LAKE tributary to SPOKANE RIVER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 7/29/2009
Place Of Use: DOMESTIC T49N R03W S4 L3(NWNW)
Domestic use is for 1 home

95-10920
PETER PUGLISI
11966 BOB WORST LN
HAYDEN LAKE, ID 83835
Point of Diversion L3(NESE) S9 T51N R03W KOOTENAI CO
Source HAYDEN LAKE tributary to SINKS
Use: DOMESTIC 01/01 to 12/31 0.06 CFS
Total Diversion: 0.06 CFS

Date Filed: 7/30/2009
Place Of Use: DOMESTIC T51N R03W S9 L3(NESE)
Domestic use is for 2 homes.

95-10922
BYRON HATLEY
TAMMY HATLEY
PO BOX 88
SPIRIT LAKE, ID 83869
Point of Diversion NENE S20 T53N R04W KOOTENAI CO
Source GROUND WATER
Use: IRRIGATION 04/01 to 10/31 0.09 CFS
Use: COMMERCIAL 01/01 to 12/31 0.04 CFS
Use: DOMESTIC 01/01 to 12/31 0.06 CFS
Total Diversion: 0.1 CFS

Date Filed: 7/28/2009
Place Of Use: IRRIGATION T53N R04W S20 NENE
T53N R04W S21 NWNW
Place Of Use: DOMESTIC same as IRRIGATION
Place Of Use: COMMERCIAL T53N R04W S20 NENE
Total Acres: 3
Domestic use is for 2 homes.

Commercial use is for sheet metal shop with bathrooms and break room. -

95-10936
RAY MILKS
LAURA MILKS
6249 STURGEON RD
RATHDRUM, ID 83858
Point of Diversion SWSW S17 T52N R04W KOOTENAI CO
Source RATHDRUM CREEK tributary to SINKS
Use: IRRIGATION 03/15 to 11/15 0.09 CFS
Total Diversion: 0.09 CFS

Date Filed: 7/31/2009
Place Of Use: IRRIGATION T52N R04W S17 SWSW
Total Acres: 3

95-10937
GREGORY L PARKER
CAROLYN PARKER
15005 N JACKPINE TRL
HAYDEN, ID 83835
Point of Diversion L3(SENWSW) S31 T52N R03W KOOTENAI CO
Source UNNAMED STREAM tributary to SINKS
Point of Diversion L3(SENWSW) S31 T52N R03W KOOTENAI CO

Source SPRING tributary to UNNAMED STREAM
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Use: STOCKWATER STORAGE 01/01 to 12/31 3.4 AF
Use: STOCKWATER FROM STORAGE 01/01 to 12/31 0.3 AF
Use: RECREATION STORAGE 01/01 to 12/31 3.1 AF
Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS
Use: FIRE PROTECTION STORAGE 01/01 to 12/31 3.1 AF
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS 3.4 AF

Date Filed: 7/30/2009
Place Of Use: DIVERSION TO STORAGE
T52N R03W S31 L3(NWSW)
Place Of Use: STOCKWATER T52N R03W S31 L3(NWSW)
Place Of Use: All other uses same as STOCKWATER
Stockwater use is for 20 head of mixed stock.
Recreation use is for fishing and boating.

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 8171
November 5, 12, 2009