

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-10806

Priority: July 13, 2009

Maximum Diversion Rate: 0.06 CFS

This is to certify, that JUDITH A HORTON And/Or THOMAS A BACON
6863 W MEADOWBROOK LOOP
COEUR D ALENE ID 83814

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	03/15 to 11/15	0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE1/4SW1/4 Sec. 20, Twp 50N, Rge 04W, B.M. KOOTENAI County
GROUND WATER SE1/4SW1/4 Sec. 20, Twp 50N, Rge 04W, B.M. KOOTENAI County

PLACE OF USE: IRRIGATION

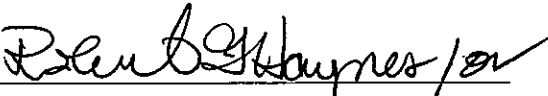
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50N 04W 20												2.0					2.0

Total Acres: 2

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2010**.
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. 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 5th day of November, 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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 6, 2009

JUDITH A HORTON
6863 W MEADOWBROOK LOOP
COEUR D ALENE ID 83814

THOMAS A BACON
6863 W MEADOWBROOK LOOP
COEUR D ALENE ID 83814

RE: Permit No.95-10806

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 fluid and cursive, with the first name "Keith" being more prominent and the last name "Franklin" written in a more compact, cursive style.

Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 6, 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. 95-10806

**JUDITH A HORTON
6863 W MEADOWBROOK LOOP
COEUR D ALENE ID 83814**

**THOMAS A BACON
6863 W MEADOWBROOK LOOP
COEUR D ALENE ID 83814**



**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. # 95-10806

APPLICATION ID # 75740

ENT. Re

BCA 427

OK to Publish 8/26/09

APPLICANT: Horton for Bacon

BY: EPL

DATE: 7/14/2009

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)

PROCESSING

(Yes)(No) PRIORITY DATE: 7/13/2009

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

ADVERTISE IN: Kootenai County

Newspaper: Coeur d'Alene

Dates scheduled for publication 9/3 & 10/09

Affidavit of Publication received: 9/10/09

Dates actually published: 9/3 & 10/09

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 9/31/09

Protests Received: Yes ☐ No ☐

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
() Power Information () Other: _____

INFORMATION RECEIVED:

- () Dam Information () Fish Information
() Power Information () Other: _____

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

ADDITIONAL INFORMATION

(Yes)(No)

☒ Shape File Created Date 7-14-09 By: EPL

Field check: by _____

Field report attached _____

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

Water delivered by water master? Water District # _____

GROUNDWATER SECTION

WD Permit No.'s:

95-91-N-194

Tag #

Type:

Dom. _____ Non-Dom. ☒

Dom. _____ Non-Dom. _____

Dom. _____ Non-Dom. _____

Fees

Paid \$ 165⁰⁰

Paid \$ _____

Paid \$ _____

Receipt No.

N021260

Upgrade Needed?

Y (☒) N ()

Y () N ()

Y () N ()

- _____ Groundwater management area
_____ Critical ground water area
_____ Well Drilling Permit required
_____ Well Drilling Application and Fees received
_____ Well Drilling Application approved?

Remarks: other well
Hand dug 1936

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:

EPL

Date: 7/22/2009

Sr. Agent initial E.D.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

SEP 11 2009

IDWR / NORTH

Kelli Buley

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 3 day of September 20 09, and ending on the 10 day of September 20 09, and such publication was made as often during said period as said Daily newspaper was regularly issued.

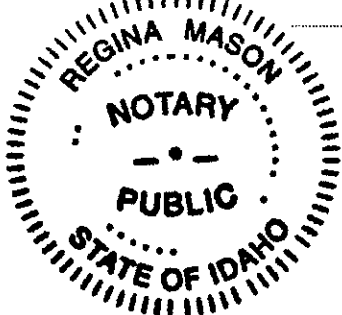
4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

On this 10 day of September in the year of 2009, before me, a Notary Public, personally appeared Kelli Buley,

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:

94-7511

BLACK ROCK RANCH LLC
PO BOX 3070
COEUR D'ALENE, ID 83816
Point of Diversion L6(SWNE) S1 T47N R03W KOOTENAI CO
Source BLACK LAKE tributary to COEUR D'ALENE RIVER
Use: IRRIGATION 03/15 to 10/31 4.31 CFS
Use: STOCKWATER 01/01 to 12/31 0.1 CFS
Total Diversion: 4.41 CFS

Date Filed: 7/6/2009

Place Of Use: IRRIGATION

T47N R02W S6 NENE NENW NESW NWNE NWSW
SWNE SWNW SENW

T47N R03W S1 NESE NWNE SWNE SENE

Total Acres: 215.5

Place Of Use: STOCKWATER same as IRRIGATION

Stockwater use is for 450 head of mixed stock.

95-10771

DAVID D RENNER

5776 S ELK RD

HARRISON, ID 83833

Point of Diversion SWSWSE S20 T49N R03W KOOTENAI CO

Source SPRING tributary to SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 7/7/2009

Place Of Use: DOMESTIC

T49N R03W S20 SWSE

Domestic use is for 1 home.

95-10775

THOMAS LARIVIERE

KATHRYN LARIVIERE

24290 N VLAZYS LANE

ATHOL, ID 83801

Point of Diversion SESW S34 T53N R03W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.09 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 2 AF

Use: RECREATION STORAGE 01/01 to 12/31 2 AF

Use: AESTHETIC 01/01 to 12/31 0.03 CFS

Use: DIVERSION to STORAGE 01/01 to 12/31 0.03 CFS

Total Diversion: 0.11 CFS

Date Filed: 7/7/2009

Place Of Use: IRRIGATION T53N R03W S34 SESW

Place Of Use: All other uses same as IRRIGATION

Total Acres: 3

95-10781

MICHAEL HICKLE

DONNA HICKLE

920 N 8TH ST

COEUR D'ALENE, ID 83814

Point of Diversion NWNE S35 T50N R05W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 7/7/2009

Place Of Use: IRRIGATION

T50N R05W S35 NENW NWNE

Total Acres: 4

95-10793

BRANDON PAUL

JEANA PAUL

7083 W MAHOGANY

COEUR D'ALENE, ID 83814

Point of Diversion SWNE S30 T50N R04W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.16 CFS

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

Total Diversion: 0.16 CFS

Date Filed: 7/9/2009

Place Of Use: IRRIGATION T50N R04W S30 SWNE

Place Of Use: STOCKWATER same as IRRIGATION

Total Acres: 8

Stockwater use is for 10 head of mixed stock.

95-10806

JUDITH A HORTON

THOMAS A BACON

6863 W MEADOWBROOK LOOP

COEUR D'ALENE, ID 83814

Points of Diversion(2) SESW S20 T50N R04W

KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 7/13/2009

Place Of Use: IRRIGATION T50N R04W S20 SESW

Total Acres: 2

95-10808

JOANE SCHILLING

7281 W MAHOGANY RD

COEUR D'ALENE, ID 83814

Point of Diversion SENW S30 50N 04W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.11 CFS

Total Diversion: 0.11 CFS

Date Filed: 7/9/2009

Place Of Use: IRRIGATION T50N R04W S30 SENW

Total Acres: 4.2

95-10816

JAY R KEISER AND JUNE W KEISER LIVING TRUST

PO BOX 231

LIBERTY LAKE, WA 99019

Point of Diversion L3 S23 T53N R05W KOOTENAI CO

Source SPIRIT LAKE tributary to SPIRIT CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 7/13/2009

Place Of Use: DOMESTIC T53N R05W S23 Lot 3

Domestic use is for 1 home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

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 9/21/2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

CDA Legal 7569

September 3, 10, 2009

RECEIVED
SEP 11 2009
IDWR / NORTH