

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-10781

Priority: July 07, 2009

Maximum Diversion Rate: 0.12 CFS

This is to certify, that MICHAEL HICKLE And/Or DONNA HICKLE
920 N 8TH ST
COUER 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	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW1/4NE1/4 Sec. 35, Twp 50N, Rge 05W, B.M. KOOTENAI County

PLACE OF USE: IRRIGATION

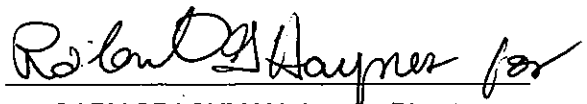
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50N 05W 35		3.0			1.0												4.0

Total Acres: 4

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 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. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
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 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

November 6, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

MICHAEL HICKLE
920 N 8TH ST
COUER D ALENE ID 83814

DONNA HICKLE
920 N 8TH ST
COUER D ALENE ID 83814

RE: Permit No.95-10781

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.

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,


Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

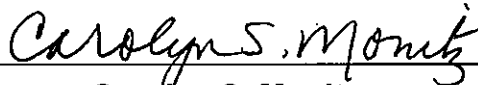
CERTIFICATE OF SERVICE

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. 95-10781

**DONNA HICKLE
920 N 8TH ST
COUER D ALENE ID 83814**

**MICHAEL HICKLE
920 N 8TH ST
COUER 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 - 10781

APPLICATION ID # 75734

ENT. SPR

BCA 8/27

OK to Publish 8/26/09

APPLICANT: HICKLE

INITIAL REVIEW

BY: SPR

DATE: 7/10/2009

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 8/10/09 By: SPR

☐ Field check: by _____

☐ Field report attached

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

☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 7/7/2009

☐ 2

(Include Moratorium Remark)

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

ADVERTISE IN:

Kootenai

County

Newspaper: Cda Press

Dates scheduled for publication 9/3 + 10/09

Affidavit of Publication received: 9/11/09

Dates actually published: 9/3 + 10/09

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 9/21/09

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:

0004343

Tag #

Type:

Fees

Receipt No.

Upgrade Needed?

Dom. Non-Dom. Paid \$ 125.00 Receipt No. N021165

Dom. Non-Dom. Paid \$ _____

Dom. Non-Dom. Paid \$ _____

☐ 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 [Signature]

Date: 9/22/09

Sr. Agent initial SPR

D

RECEIVED

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

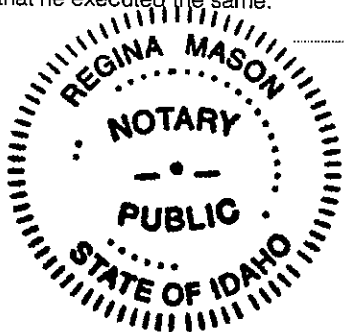
of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 3 day of September 20 09, and ending on the 10 day of September 20 09, and such publication was made as often during said period as said Daily newspaper was 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:

94-7311

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