

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-10768

Priority: July 06, 2009

Maximum Diversion Rate: 0.15 CFS

This is to certify, that CLYDE L EDWARDS And
TRACIE EDWARDS
17484 N WILKINSON RD
RATHDRUM ID 83858

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 11/01	0.15 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW1/4NE1/4 Sec. 27, Twp 52N, Rge 04W, B.M. KOOTENAI County

PLACE OF USE: IRRIGATION

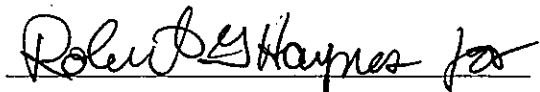
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
52N 04W 27		5.0															5.0

Total Acres: 5

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.
5. 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.

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

CLYDE L EDWARDS
17484 N WILKINSON RD
RATHDRUM ID 83858

TRACIE EDWARDS
17484 N WILKINSON RD
RATHDRUM ID 83858

RE: Permit No.95-10768

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 written in a cursive, flowing style.

Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

CERTIFICATE OF SERVICE

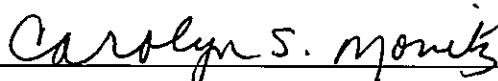
I hereby certify that on November 6, 2009 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

95-10768

**CLYDE L EDWARDS
17484 N WILKINSON RD
RATHDRUM ID 83858**

**TRACIE EDWARDS
17484 N WILKINSON RD
RATHDRUM ID 83858**

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

**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. # 95-10768

APPLICATION ID # 75726

ENT. EPK

BCA 8/25/09

OK to Publish

8/13/09

APPLICANT: EDWARDS

INITIAL REVIEW

BY: EPK

DATE: 7/7/2009

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: 7/6/2009

☒
 ☒

(Include Moratorium Remark)

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

ADVERTISE IN:

Kootenai

County

Newspaper: CEA

Dates scheduled for publication 8/20 + 27/09

Affidavit of Publication received: 8/28/09

Dates actually published: 8/20 + 27/09

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 9/8/09

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 7-7-09 By: EPK

Field check: by _____

Field report attached _____

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

Water delivered by water master? Water District # _____

GROUNDWATER SECTION

WD Permit No.'s:

Tag #

Type:

Fees

Receipt No.

Upgrade Needed?

95-43-N-0226-000

Dom. ☐ Non-Dom. ☐

Paid \$ 16500

N021150

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:

Eric J. Pinner

Date:

9/18/2009

Sr. Agent initial

EPK

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Kelli Bukey

being first duly sworn

upon oath deposes and says:

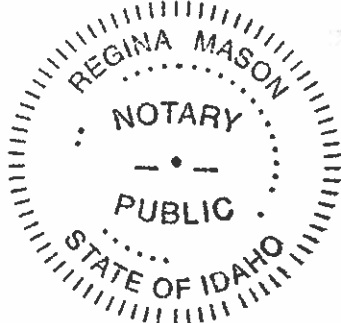
1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

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 20 day of August 2009, and ending on the 27 day of August 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 Bukey
On this 27 day of August 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
AUG 28 2009
IDWR / NORTH

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

95-10696

EMILY M SMEDLEY
JESSE SMEDLEY
PO BOX 1015
ATHOL, ID 83801
Point of Diversion L3(NWNE) S3 T53N R03W KOOTENAI Co
Source GROUND WATER
Use: IRRIGATION 03/15 to 11/15 0.15 CFS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.19 CFS

Date Filed: 7/2/2009
Place Of Use: DOMESTIC T53N R03W S3 NWNE Lot 3
Place Of Use: IRRIGATION same as DOMESTIC
Total acres 5
Domestic use is for 1 home.

95-10742

CHARLES S HUSBAND
PO BOX 489
ATHOL, ID 83801
Points of Diversion(2) NENE S2 T51N R05W KOOTENAI Co
Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 6/29/2009
Place Of Use: DOMESTIC T51N R05W S2 NENE
Domestic use is for 1 home.

95-10743

WEST SIDE WATER WORKS LLC
PO BOX 291
ATHOL, ID 83801
Point of Diversion SENE S10 T53N R03W KOOTENAI Co
Source GROUND WATER
Use: IRRIGATION 03/15 to 11/15 0.09 CFS
Use: DOMESTIC 01/01 to 12/31 0.12 CFS
Total Diversion: 0.2 CFS

Date Filed: 6/29/2009
Place Of Use: DOMESTIC
T53N R03W S10 NENE SENE NESE

Place Of Use: IRRIGATION same as DOMESTIC
Total acres 4
Domestic use is for 6 homes.

95-10745

JOHN MCCONNELL
PEARL MCCONNELL
6097 W PRAIRIE AVE
POST FALLS, ID 83854-5909
Point of Diversion SWSW S20 T51N R04W KOOTENAI Co
Source GROUND WATER
Use: IRRIGATION 03/15 to 11/15 0.09 CFS
Total Diversion: 0.09 CFS

Date Filed: 6/30/2009
Place Of Use: IRRIGATION T51N R04W S20 SWSW
Total acres: 3

95-10749

JOHN WHEELER
PO BOX 454
ATHOL, ID 83801
Point of Diversion NWSE S11 T53N R03W KOOTENAI Co
Source GROUND WATER
Use: IRRIGATION 03/15 to 11/15 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 7/1/2009
Place Of Use: IRRIGATION
T53N R03W S11 NESW NWSE SWNE
Total acres: 10

95-10751

CALVIN C KARBOWSKI
PO BOX 1663
SUMNER, WA 98390
Point of Diversion L1 S36 T53N R05W 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: 7/1/2009
Place Of Use: DOMESTIC T53N R05W S36 NESE Lot 1
Domestic use is for lawn watering.

95-10768

CLYDE L EDWARDS
TRACIE EDWARDS
17484 N WILKINSON RD
RATHDRUM, ID 83858
Point of Diversion NWNE S27 T52N R04W KOOTENAI Co
Source GROUND WATER
Use: IRRIGATION 03/15 to 11/01 0.15 CFS
Total Diversion: 0.15 CFS

Date Filed: 7/6/2009
Place Of Use: IRRIGATION T52N R04W S27 NWNE
Total Acres: 5

95-10818

BRADY HANSEN
JULIE HANSEN
6569 E OHIO MATCH RD.
HAYDEN, ID 83835
Point of Diversion L1(NWNW) S21 T52N R03W KOOTENAI County
Source UNNAMED STREAM tributary to SINKS
Use: IRRIGATION 03/15 to 11/15 0.12 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.18 CFS

Date Filed: 7/6/2009
Place Of Use: DOMESTIC T52N R03W S21 NENW
NWNW Lot 1
Place Of Use: IRRIGATION & STOCKWATER same as DOMESTIC
Total Acres 4
Domestic use is for 1 home.
Stockwater use is for 5 head of mixed stock.

95-10819

BRADY HANSEN
JULIE HANSEN
6569 E OHIO MATCH RD
HAYDEN, ID 83835
Point of Diversion NENW S21 T52N R03W KOOTENAI Co
Source GROUND WATER
Use: IRRIGATION 03/15 to 11/15 0.12 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.18 CFS

Date Filed: 7/6/2009
Place Of Use: DOMESTIC T52N R03W S21 NWNW Lot 1
Place Of Use: IRRIGATION
T52N R03W S21 NENW NWNW Lot 1 SWNW Lot 2 SENW
Place Of Use: STOCKWATER
T52N R03W S21 NWNW Lot 1 SWNW Lot 2
Total acres 4

Domestic use is for 1 home.
Stockwater use is for 5 head of mixed stock.
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 9/8/2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

CDA Legal 7429
August 20, 27, 2009

RECEIVED
AUG 28 2009
IDWR / NORTH