

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-10546

Priority: May 14, 2009

Maximum Diversion Rate: 0.04 CFS

This is to certify, that BILL F BIXBY And/Or LORELEI BIXBY
PO BOX 2606
HAYDEN ID 83835

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: UNAMED STREAM

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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING SE1/4SW1/4NE1/4 Sec. 9, Twp 52N, Rge 03W, B.M. KOOTENAI County

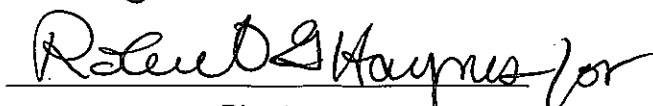
PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
52N 03W 9			X														

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2014**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
5. This right does not grant any right-of-way or easement across the land of another.
6. 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.

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 17th day of July, 2009.


Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

July 24, 2009

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

BILL F BIXBY
LORELEI BIXBY
PO BOX 2606
HAYDEN ID 83835

RE: Permit No. 95-10546

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 E. Franklin". The signature is stylized with a large, sweeping initial "K" and a long, horizontal flourish extending to the right.

Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

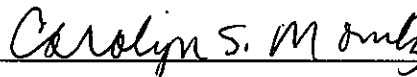
CERTIFICATE OF SERVICE

I hereby certify that on July 24, 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. 95-10546

**BILL F BIXBY
PO BOX 2606
HAYDEN ID 83835**

**LORELEI BIXBY
PO BOX 2606
HAYDEN ID 83835**

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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AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO,
County of Kootenai,

ss.

JUN 30 2009

IDWR / NORTH

Kattie Hay 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

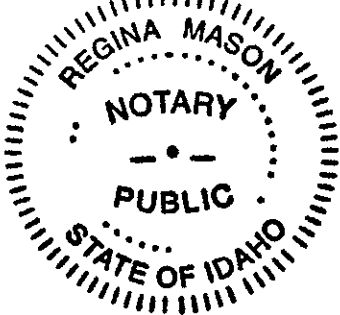
of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 18 day of June 2009, and ending on the 25 day of June 2009, and such publication was made as often during said period as said Daily newspaper was regularly issued.

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 Kattie Hay. On this 25 day of June in the year of 2009, before me, a Notary Public, personally appeared Kattie Hay, 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



*See reverse for
Legal*

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

95-10484

THEODORE ARMSTRONG

CATHY ARMSTRONG

1704 JENNY LYNN LN

COEUR D'ALENE ID 83815

Point of Diversion L3 (NESW) S34 T54N R02W KOOTENAI County

Source BAYVIEW CREEK tributary to LAKE PEND OREILLE

Use: IRRIGATION

04/01 To 10/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 05/06/2009

Place Of Use: IRRIGATION

T54N R02W S34 NESW Lot 3

Number of Acres 0.5

95-10487

CICELY J WINGATE

905 E YOUNG

COEUR D'ALENE ID 83814

Point of Diversion L4 (SWNW) S14 T53N R05W 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: 05/06/2009

Place Of Use: DOMESTIC

T53N R05W S14 SWNW Lot 4

Remark: Domestic use is for 1 home.

95-10514

ANDY HORTHER

P O BOX 232

HAYDEN ID 83835

Point of Diversion SWNE S2 T51N R04W KOOTENAI County

Source GROUNDWATER

Use: IRRIGATION

03/15 To 11/15

0.03 CFS

Use: COMMERCIAL

01/01 To 12/31

0.06 CFS

Use: DOMESTIC

01/01 To 12/31

0.04 CFS

Total Diversion:

0.06 CFS

Date Filed: 05/08/2009

Place Of Use: DOMESTIC

T51N R04W S2 SWNE

Place Of Use: COMMERCIAL

T51N R04W S2 NWNE SWNE

Place Of Use: IRRIGATION same as domestic

Number of Acres 1

Remark: Domestic use is for 1 home.

Commercial use is for nursery tree farm.

95-10522

PONDEROSA WATER ASSOCIATION INC

P O BOX 232

HAYDEN ID 83835

Point of Diversion SESW S7 T53N R03W KOOTENAI County

Source GROUNDWATER

Use: IRRIGATION

04/01 To 10/31

0.2 CFS

Use: DOMESTIC

01/01 To 12/31

0.14 CFS

Total Diversion:

0.2 CFS

Date Filed: 05/08/2009

Place Of Use: DOMESTIC

T53N R03W S7 NESW SESW

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres 18

Remark: Domestic use is for 9 homes.

95-10527

WEST SEASONS ACRES HOME OWNERS ASSN

27494 N CARRIE RD

SPIRIT LAKE ID 83869

Point of Diversion NWNW S28 T53N R04W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION

04/01 To 10/31

0.2 CFS

Use: DOMESTIC

01/01 To 12/31

0.2 CFS

Total Diversion:

0.2 CFS

Date Filed: 5/07/2009

Place Of Use: DOMESTIC

T53N R04W S28 NWNW SWNW

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres 10

Remark: Domestic use is for 10 homes

95-10545

PANHANDLE WATER ASSOCIATION

P O BOX 690

ATHOL ID 83801

Point of Diversion NENW S24 T53N R03W KOOTENAI County

Source GROUNDWATER

Use: DOMESTIC

01/01 To 12/31

0.06 CFS

Total Diversion:

0.06 CFS

Date Filed: 05/11/2009

Place Of Use: DOMESTIC

T53N R03W S13 SESW

T53N R03W S24 NENW NWNW SWNW

Remark: Domestic use is for 9 homes.

95-10546

BILL F BIXBY

LORELEI BIXBY

PO BOX 2606

HAYDEN ID 83835

Point of Diversion SESWNE S9 T52N R03W KOOTENAI County

Source SPRING tributary to UNAMED STREAM

Use: DOMESTIC

01/01 To 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 05/14/2009

Place Of Use: DOMESTIC

T52N R03W S9 SWNE

Remark: 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 Resource, 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 07/06/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Legal 6763

June 18, 25, 2009

RECEIVED

JUN 30 2009

IDWR / NORTH

*See review
for Affidavit*

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 95-10546

APPLICATION ID # 75600

ENT. 5/14/09 BCA 6/11/09 OK to Publish 6/9/09

APPLICANT: Bill and/or Lorelei Bixby INITIAL REVIEW

BY: KJS DATE: 5/14/2009

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)

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

ADDITIONAL INFORMATION

(Yes)(No)
☒ Shape File Created Date 5/14/09 By: KJS
☐ Field check: by _____
☐ Field report attached
☐ Analysis Supp. attached(>5cfs/500af)
☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 5/14/2009

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

ADVERTISE IN: Kootenai County

Newspaper: Challis Press

Dates scheduled for publication 6/18+25/09

Affidavit of Publication received: 6/30/09

Dates actually published: 6/18+25/09

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 7/6/09

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:	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: _____
☐ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: [Signature] Date: 7/16/2009 Sr. Agent initial ED