

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 95-10545

Priority: May 11, 2009

Maximum Diversion Rate: 0.06 CFS

This is to certify, that PANHANDLE WATER ASSOCIATION  
P O BOX 690  
ATHOL ID 83801

has applied for a permit to appropriate water from:

**Source:** GROUNDWATER

and a permit is APPROVED for development of water as follows:

|                              |                             |                                 |
|------------------------------|-----------------------------|---------------------------------|
| <u><b>BENEFICIAL USE</b></u> | <u><b>PERIOD OF USE</b></u> | <u><b>RATE OF DIVERSION</b></u> |
| DOMESTIC                     | 01/01 to 12/31              | 0.06 CFS                        |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUNDWATER NE $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 24, Twp 53N, Rge 03W, B.M. KOOTENAI County

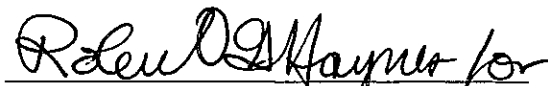
**PLACE OF USE:** DOMESTIC

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 53N 03W 13  |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |        |
| 53N 03W 24  |    |    |    |    | X  | X  | X  |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2010**.
2. Subject to all prior water rights.
3. Domestic use is for 9 homes.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
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 17<sup>th</sup> 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](http://www.idwr.idaho.gov)

July 24, 2009

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

PANHANDLE WATER ASSOCIATION  
P O BOX 690  
ATHOL ID 83801

RE: Permit No. 95-10545

**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.

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,

  
Keith E. Franklin  
Sr. Water Resources Agent

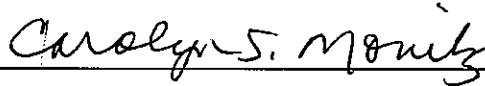
Enclosure(s)

**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.                      95-10545**

**PANHANDLE WATER ASSOCIATION  
P O BOX 690  
ATHOL ID 83801**



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**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.

# AFFIDAVIT OF PUBLICATION

RECEIVED

JUN 30 2009

IDWR / NORTH

STATE OF IDAHO,  
County of Kootenai,

ss.

*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*

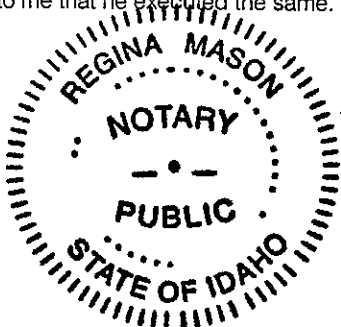
On this *25* day of *June*, in the year of *2009*, before me, a Notary Public, personally appeared *Kattie Hay*

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 water of the State of Idaho:

95-10481

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 reverse  
for Affidavit*

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

W.R. # 95-10545

APPLICATION ID # 75599

ENT. \_\_\_\_\_

BCA \_\_\_\_\_

6/11/09 OK to Publish 6/9/09

APPLICANT: Panhandle Water Assoc.

INITIAL REVIEW

BY: [Signature]

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 \_\_\_\_\_ By: \_\_\_\_\_
- \_\_\_\_ Field check: by \_\_\_\_\_
- \_\_\_\_ Field report attached
- \_\_\_\_ Analysis Supp. Attached (>5cfs/500af)

\_\_\_\_ Water delivered by water master? Water District # \_\_\_\_\_

**PROCESSING**

(Yes)(No)

PRIORITY DATE: 5/11/2009

\_\_\_\_ X

(Include Moratorium Remark)

\_\_\_\_ X

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

**ADVERTISE IN:**

Kootenai

County

Newspaper: Ida 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 \$ <u>165.00</u> | <u>N020634 5/19/09</u> | Y (X) 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.
- \_\_\_\_ Further information required from applicant \_\_\_\_\_

Final order response date: \_\_\_\_/\_\_\_\_/\_\_\_\_

- \_\_\_\_ 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 [Signature]