

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 95-11044

Priority: August 25, 2009

Maximum Diversion Rate: 0.04 CFS

This is to certify, that LEO R SIMPSON  
PO BOX 989  
HAYDEN ID 83835  
(208) 762-2426

has applied for a permit to appropriate water from:

**Source:** HAYDEN LAKE

**Tributary:** SINKS

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:**

HAYDEN LAKE, L5 (NE1/4SE1/4), Sec. 4, Twp 51N, 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 |        |
| 51N 03W 4   |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    | L 5    |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2015**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
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. Domestic use is for 1 home.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 95 A.
8. This right when combined with right 95-037, the annual volume cannot exceed 1.2 acre-feet.

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 10<sup>th</sup> day of February, 2010.

  
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](http://www.idwr.idaho.gov)

**C. L. "BUTCH" OTTER**  
Governor

**GARY SPACKMAN**  
Interim Director

February 11, 2010

LEO R SIMPSON  
PO BOX 989  
HAYDEN ID 83835

RE: Permit No.95-11044

**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,

  
Keith E. Franklin  
Sr. Water Resources Agent

Enclosure(s)

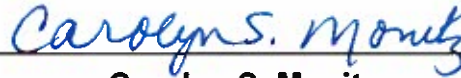
## **CERTIFICATE OF SERVICE**

I hereby certify that on February 11, 2010 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.**

**95-11044**

**LEO R SIMPSON  
PO BOX 989  
HAYDEN ID 83835**



**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. # 95-11044

APPLICATION ID # 75878

ENT. 8/26 BCA 10/23 OK to Publish 10/22/09

APPLICANT: Leo Simpson

INITIAL REVIEW

BY: KJ DATE: 8/26/2009

**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 8/26 By: KJ
- ☐ Field check: by \_\_\_\_\_
- ☐ Field report attached
- ☐ Analysis Supp. attached (>5cfs/500af)
- ☐ Water delivered by water master? Water District # \_\_\_\_\_

**PROCESSING**

(Yes)(No)

PRIORITY DATE: 8/25/2009

(Include Moratorium Remark)

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

**ADVERTISE IN:**

Newspaper: Chapman Kootenai County

Dates scheduled for publication 11/5 & 12/09

Affidavit of Publication received: 11/16/09

Dates actually published: 11/5 & 12/09

Application published correctly. Yes ☒ No ☐

If not, action taken: \_\_\_\_\_

Final Date for Protest: \_\_\_\_\_

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: Water District 95A
- ☒ Special conditions of approval supplement and/or cover letter attached: \_\_\_\_\_

Approval Recommended by: Keith Simpson Date: 12/14/2009 Sr. Agent initial KJ

**Ball, Dianne**

*Guidance*

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**From:** Carl Washburn [cwashburn@idl.idaho.gov]  
**Sent:** Wednesday, November 04, 2009 6:56 AM  
**To:** Ball, Dianne  
**Subject:** RE: Application for Permit No. 95-11043 Hurst, 95-11044 Simpson, 95-11046 Bates, and 95-11048 Heskett

Dianne,

95-11043, Hurst will require a permit from the Department of Lands for the intake line. Please provide a term in your permit stating a permit is required from IDL. Mica Area will send the applicant a letter advising them of the permit requirement.

95-11044, Simpson will require a permit from the Department of Lands for the intake line. Please provide a term in your permit stating a permit is required from IDL. Mica Area will send the applicant a letter advising them of the permit requirement.

95-11046, Bates will not require an encroachment permit from The Department of Lands.

95-11044, Heskett will require a permit from the Department of Lands for the intake line. Please provide a term in your permit stating a permit is required from IDL. Mica Area will send the applicant a letter advising them of the permit requirement.

Thank you for the opportunity to offer comments.

Carl

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**From:** Ball, Dianne [mailto:Dianne.Ball@idwr.idaho.gov]  
**Sent:** Wednesday, October 21, 2009 4:49 PM  
**To:** Carl Washburn  
**Subject:** Application for Permit No. 95-11043 Hurst, 95-11044 Simpson, 95-11046 Bates, and 95-11048 Heskett

Dear Carl:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. A copy of each application is enclosed for your reference.

<<95-11043 Hurst.pdf>>      <<95-11044 Simpson.pdf>>      <<95-11046 Bates.pdf>> <<95-11048 Heskett.pdf>>

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Final date for protests to be received in our office is November 23, 2009.

Please contact this office if you have any questions regarding the application.

11/4/2009

SCANNED  
FEB 12 2010

Sincerely,

*Dianne Ball*

Administrative Assistant  
Idaho Department of Water Resources  
7600 N Mineral Dr., Ste. 100  
Coeur d'Alene, ID 83815  
208-762-2800 Fax 208-762-2819

11/4/2009

SCANNED  
FEB 12 2010

RECEIVED  
AFFIDAVIT OF PUBLICATION

NOV 16 2009

STATE OF IDAHO,  
County of Kootenai,

SS.

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 5 day of November 2009, and ending on the 12 day of November 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 Buley

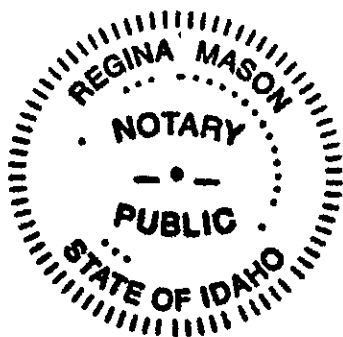
On this 12 day of November in the year of 2009, before me, a Notary Public, personally appeared Kelli Buley,

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



SCANNED  
FEB 12 2010

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

95-11009

JERRY L HANSON ET UX TRUSTEES

9295 S TALL PINES RD

COEUR D'ALENE, ID 83814

Point of Diversion SWNWSW S9 T49N R04W KOOTENAI CO

Source SPRINGS tributary to MICA CREEK

Points of Diversion(2) NWSWSW S9 T49N R04W KOOTENAI CO

Source SPRINGS

Use: WILDLIFE 01/01 to 12/31 0.2 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 4.7 AF

Use: RECREATION 01/01 to 12/31 0.2 CFS

Use: RECREATION STORAGE 01/01 to 12/31 4.7 AF

Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 6.1 AF

Use: AESTHETIC 01/01 to 12/31 0.2 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 6.1 AF

Total Diversion: 0.2 CFS 6.1 AF

Date Filed: 8/20/2009

Place Of Use: RECREATION T49N R04W S9 NWSW SWSW

Place Of Use: All other uses same as RECREATION

Recreation use is for fish

95-11024

DOUGLAS O NUSTAD

PO BOX 2776

HAYDEN, ID 83835

Point of Diversion L5(NESE) S4 T51N R03W KOOTENAI CO

Source HAYDEN LAKE tributary to SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 8/20/2009

Place Of Use: DOMESTIC T51N R03W S4 L5(NESE)

Domestic use is for 1 home.

95-11041

KEN GIMBEL

JON SCHWARTZ

ANN CLEVINGER

PO BOX 569

HAYDEN, ID 83835

Point of Diversion L1(NENE) S4 T49N R03W KOOTENAI CO

Source GROUND WATER

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

Use: DOMESTIC 01/01 to 12/31 0.08 CFS

Total Diversion: 0.2 CFS

Date Filed: 7/23/2009

Place Of Use: DOMESTIC T49N R03W S4 L1(NENE)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 5

Domestic use is for 3 homes.

95-11042

DON L BUTLER

PO BOX 2889

POST FALLS, ID 83877

Point of Diversion NWSW S17 T51N R04W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.18 CFS

Total Diversion: 0.18 CFS

Date Filed: 8/25/2009

Place Of Use: IRRIGATION T51N R04W S17 NWSW

Total Acres: 9

95-11043

RANDY HURST

1920 S ROCKY RIDGE DR

SPOKANE VALLEY, WA 99212

Point of Diversion NESE S18 T53N R04W KOOTENAI CO

Source SPIRIT LAKE tributary to SPIRIT CREEK

Use: IRRIGATION 03/15 to 11/15 0.03 CFS

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

Total Diversion: 0.04 CFS

Date Filed: 7/29/2009

Place Of Use: DOMESTIC T53N R04W S18 NESE

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 1

Domestic use is for 1 home.

95-11044

LEO R SIMPSON

PO BOX 989

HAYDEN, ID 83835

Point of Diversion L5(NESE) S4 T51N R03W KOOTENAI CO

Source HAYDEN LAKE tributary to SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 8/25/2009

Place Of Use: DOMESTIC T51N R03W S4 L5(NESE)

Domestic use is for 1 home.

95-11046

RANDY BATES

SUSAN BATES

841 S PLEASANTVIEW RD

POST FALLS, ID 83854

Point of Diversion L1(SWNW) S8 T50N R05W KOOTENAI CO

Source SPOKANE RIVER tributary to COLUMBIA RIVER

Use: IRRIGATION 03/15 to 11/15 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 8/18/2009

Place Of Use: IRRIGATION

T50N R05W S7 L3(SENE)

T50N R05W S8 L1(SWNW)

Total Acres: 1.5

95-11048

DAVID M HESKETT

S 2614 VIEWMONT CT

SPOKANE VALLEY, WA 99016

Point of Diversion L6(SWSE) S13 T53N R05W KOOTENAI CO

Source SPIRIT LAKE tributary to SPIRIT CREEK

Use: DOMESTIC 01/01 to 12/31 0.01 CFS

Total Diversion: 0.01 CFS

Date Filed: 8/21/2009

Place Of Use: DOMESTIC T53N R05W S13 L6(SWSE)

Domestic use is for 1 home.

95-11052

HARRY HAMMACK

BEVERLY HAMMACK

11960 W COUGAR GULCH RD

COEUR D'ALENE, ID 83814

Point of Diversion SENWSE S35 T50N R05W KOOTENAI CO

Source SPRING tributary to SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 8/26/2009

Place Of Use: DOMESTIC T50N R05W S35 NWSE

Domestic use is for 1 home.

Permits will be subject to all prior water rights. Protests may be

submitted based on the criteria of Idaho Code § 42-211. 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 11/23/2009. The

protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal 8173

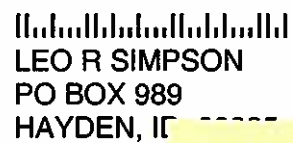
November 5, 12, 2009

RECEIVED  
NOV 16 2009  
IDWR / NORTH

SCANNED

FEB 12 2010

Return Service Requested



507763





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](http://www.idwr.idaho.gov)

October 23, 2009

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

LEO R SIMPSON  
PO BOX 989  
HAYDEN, ID 83835

Application For Permit No. 95-11044

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the COEUR D ALENE PRESS on 11/5/2009 and 11/12/2009. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Keith Franklin  
Sr. Water Resource Agent

Enclosure(s)

# Idaho Department of Water Resources Receipt

Receipt ID: N021864

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|                |               |               |              |        |          |
|----------------|---------------|---------------|--------------|--------|----------|
| Payment Amount | \$125.00      | Date Received | 8/25/09 3:05 | Region | NORTHERN |
| Payment Type   | Check         | Check Number  | 8659         |        |          |
| Payer          | LEO R SIMPSON |               |              |        |          |

Comments ADJUDICATION FILING FEE CLAIM  
FILING FEE FOR A NEW WATER RIGHT

## Fee Details

| Amount   | Description                         | Fund | Fund<br>Detail | PCA   | Subobject |
|----------|-------------------------------------|------|----------------|-------|-----------|
| \$25.00  | NORTHERN ID ADJUDICATION FILING FEE | 0337 | 1              | 75503 | 1155      |
| \$100.00 | PERMITS                             | 0229 | 21             | 65103 | 1155      |

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Signature Line (Department Representative)

**Ball, Dianne**

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**From:** Ball, Dianne  
**Sent:** Friday, October 23, 2009 11:08 AM  
**To:** Legal Notices-CdA Press; Legal Notices-CdAPress - Kelli Buley  
**Subject:** Application for Permit No. 95-11009, 95-11024, 95-11041, 95-11042, 95-11043, 95-11044, 95-11046, 95-11048, 95-11052

**Attachments:** CoverLetter 10-23-09 CDA e-mail, 95-11009,024,041,042,043,044,046,048,052.doc;  
LegalNotice 10-23-09 CDA e-mail 95-11009,024,041,042,043,044,046,048,052.doc

Good morning, Kelli,

This is the **THIRD** legal notice submitted to the Press for publication on November 5 and 12, 2009, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. Cover letter and legal notice attached.

Please send proof/preview copy for all three for my review, as soon as layout is ready.



CoverLetter  
0-23-09 CDA e-mai.



LegalNotice  
0-23-09 CDA e-mai.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/23/2009. Your cooperation is very greatly appreciated.

[I may have yet another legal notice if I can get one more completed timely.]

Thanks, Kelli, for all your super help.

*Dianne Ball*

Administrative Assistant  
Idaho Department of Water Resources  
7600 N Mineral Dr., Ste. 100  
Coeur d'Alene, ID 83815  
208-762-2800 Fax 208-762-2819



## 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)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

*Please Fax or e-mail proof/preview copy to me before this goes to press.*

*Fax (208) 762-2819 ~ e-mail [dianne.ball@idwr.idaho.gov](mailto:dianne.ball@idwr.idaho.gov)*

*Thanks, Dianne*

October 23, 2009

KELLI BULEY  
LEGAL NOTICE DEPARTMENT  
COEUR D ALENE PRESS  
201 N 2ND  
COEUR D ALENE, ID 83814

RE: Application For Permit No(s): 95-11009, 95-11024, 95-11041, 95-11042, 95-11043, 95-11044, 95-11046, 95-11048, 95-11052

Dear Kelli:

This is the **THIRD** legal notice submitted to the Press for publication on November 5 and 12, 2009, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/23/2009. Your cooperation is appreciated.

Sincerely,

Dianne Ball  
Administrative Assistant

*Dianne*

Enclosure(s)

SCANNED  
FEB 12 2010

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

95-11009

JERRY L HANSON ET UX TRUSTEES

9295 S TALL PINES RD

COEUR D ALENE, ID 83814

Point of Diversion SWNWSW S9 T49N R04W KOOTENAI CO

Source SPRINGS tributary to MICA CREEK

Points of Diversion(2) NWSWSW S9 T49N R04W KOOTENAI CO

Source SPRINGS

|                              |                |         |
|------------------------------|----------------|---------|
| Use: WILDLIFE                | 01/01 to 12/31 | 0.2 CFS |
| Use: WILDLIFE STORAGE        | 01/01 to 12/31 | 4.7 AF  |
| Use: RECREATION              | 01/01 to 12/31 | 0.2 CFS |
| Use: RECREATION STORAGE      | 01/01 to 12/31 | 4.7 AF  |
| Use: FIRE PROTECTION         | 01/01 to 12/31 | 0.2 CFS |
| Use: FIRE PROTECTION STORAGE | 01/01 to 12/31 | 6.1 AF  |
| Use: AESTHETIC               | 01/01 to 12/31 | 0.2 CFS |
| Use: AESTHETIC STORAGE       | 01/01 to 12/31 | 6.1 AF  |
| Total Diversion:             | 0.2 CFS        | 6.1 AF  |

Date Filed: 8/20/2009

Place Of Use: RECREATION T49N R04W S9 NWSW SWSW

Place Of Use: All other uses same as RECREATION

Recreation use is for fish

95-11024

DOUGLAS O NUSTAD

PO BOX 2776

HAYDEN, ID 83835

Point of Diversion L5(NESE) S4 T51N R03W KOOTENAI CO

Source HAYDEN LAKE tributary to SINKS

|                  |                |          |
|------------------|----------------|----------|
| Use: DOMESTIC    | 01/01 to 12/31 | 0.04 CFS |
| Total Diversion: |                | 0.04 CFS |

Date Filed: 8/20/2009

Place Of Use: DOMESTIC T51N R03W S4 L5(NESE)

Domestic use is for 1 home.

95-11041

KEN GIMBEL

JON SCHWARTZ

ANN CLEVINGER

PO BOX 569

HAYDEN, ID 83835

Point of Diversion L1(NENE) S4 T49N R03W KOOTENAI CO

Source GROUND WATER

|                  |                |          |
|------------------|----------------|----------|
| Use: IRRIGATION  | 03/15 to 11/15 | 0.12 CFS |
| Use: DOMESTIC    | 01/01 to 12/31 | 0.08 CFS |
| Total Diversion: |                | 0.2 CFS  |

Date Filed: 7/23/2009

Place Of Use: DOMESTIC T49N R03W S4 L1(NENE)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 5

Domestic use is for 3 homes.

95-11042

DON L BUTLER

PO BOX 2889

POST FALLS, ID 83877

Point of Diversion NWSW S17 T51N R04W KOOTENAI CO

Source GROUND WATER

|                  |                |          |
|------------------|----------------|----------|
| Use: IRRIGATION  | 03/15 to 11/15 | 0.18 CFS |
| Total Diversion: |                | 0.18 CFS |

Date Filed: 8/25/2009

Place Of Use: IRRIGATION T51N R04W S17 NWSW

Total Acres: 9

95-11043

RANDY HURST

1920 S ROCKY RIDGE DR

SPOKANE VALLEY, WA 99212

Point of Diversion NESE S18 T53N R04W KOOTENAI CO

Source SPIRIT LAKE tributary to SPIRIT CREEK

|                  |                |          |
|------------------|----------------|----------|
| Use: IRRIGATION  | 03/15 to 11/15 | 0.03 CFS |
| Use: DOMESTIC    | 01/01 to 12/31 | 0.04 CFS |
| Total Diversion: |                | 0.04 CFS |

Date Filed: 7/29/2009

Place Of Use: DOMESTIC T53N R04W S18 NESE

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 1

Domestic use is for 1 home.

95-11044

LEO R SIMPSON

PO BOX 989

HAYDEN, ID 83835

SCANNED  
FEB 12 2010

Point of Diversion L5(NESE) S4 T51N R03W KOOTENAI CO  
Source HAYDEN LAKE tributary to SINKS  
Use: DOMESTIC 01/01 to 12/31 0.04 CFS  
Total Diversion: 0.04 CFS

Date Filed: 8/25/2009

Place Of Use: DOMESTIC T51N R03W S4 L5(NESE)

Domestic use is for 1 home.

**95-11046**

RANDY BATES

SUSAN BATES

841 S PLEASANTVIEW RD

POST FALLS, ID 83854

Point of Diversion L1(SWNW) S8 T50N R05W KOOTENAI CO

Source SPOKANE RIVER tributary to COLUMBIA RIVER

Use: IRRIGATION 03/15 to 11/15 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 8/18/2009

Place Of Use: IRRIGATION

T50N R05W S7 L3(SENE)

T50N R05W S8 L1(SWNW)

Total Acres: 1.5

**95-11048**

DAVID M HESKETT

S 2614 VIEWMONT CT

SPOKANE VALLEY, WA 99016

Point of Diversion L6(SWSE) S13 T53N R05W KOOTENAI CO

Source SPIRIT LAKE tributary to SPIRIT CREEK

Use: DOMESTIC 01/01 to 12/31 0.01 CFS

Total Diversion: 0.01 CFS

Date Filed: 8/21/2009

Place Of Use: DOMESTIC T53N R05W S13 L6(SWSE)

Domestic use is for 1 home.

**95-11052**

HARRY HAMMACK

BEVERLY HAMMACK

11960 W COUGAR GULCH RD

COEUR D'ALENE, ID 83814

Point of Diversion SENWSE S35 T50N R05W KOOTENAI CO

Source SPRING tributary to SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 8/26/2009

Place Of Use: DOMESTIC T50N R05W S35 NWSE

Domestic use is for 1 home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-211. 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 11/23/2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 11/5/2009 and 11/12/2009

SCANNED  
FEB 12 2010



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](http://www.idwr.idaho.gov)

October 23, 2009

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

LEO R SIMPSON  
PO BOX 989  
HAYDEN, ID 83835

Application For Permit No. 95-11044

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the COEUR D ALENE PRESS on 11/5/2009 and 11/12/2009. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Keith Franklin  
Sr. Water Resource Agent

Enclosure(s)

## Ball, Dianne

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**From:** Ball, Dianne  
**Sent:** Wednesday, October 21, 2009 4:43 PM  
**To:** mary.terra-berns@idfg.idaho.gov  
**Subject:** Application for Permit No. 95-11043 Hurst, 95-11044 Simpson, 95-11046 Bates, 95-11048 Heskett, and 95-11052 Hammack

**Attachments:** 95-11043 Hurst.pdf; 95-11044 Simpson.pdf; 95-11046 Bates.pdf; 95-11048 Heskett.pdf; 95-11052 Hammack.pdf

Dear Mary:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. A copy of each application is enclosed for your reference.



95-11043 Hurst.pdf  
(355 KB)



95-11044  
Simpson.pdf (322 KB)



95-11046 Bates.pdf  
(315 KB)



95-11048  
Heskett.pdf (370 KB)



95-11052  
Hammack.pdf (244 KB)

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Final date for protest to be received in our office is November 23, 2009.

Please contact this office if you have any questions regarding the application.

Sincerely,

*Dianne Ball*

Administrative Assistant  
Idaho Department of Water Resources  
7600 N Mineral Dr., Ste. 100  
Coeur d'Alene, ID 83815  
208-762-2800 Fax 208-762-2819

## Ball, Dianne

---

**From:** Ball, Dianne  
**Sent:** Wednesday, October 21, 2009 4:49 PM  
**To:** cwashburn@idl.idaho.gov  
**Subject:** Application for Permit No. 95-11043 Hurst, 95-11044 Simpson, 95-11046 Bates, and 95-11048 Heskett

**Attachments:** 95-11043 Hurst.pdf; 95-11044 Simpson.pdf; 95-11046 Bates.pdf; 95-11048 Heskett.pdf

Dear Carl:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. A copy of each application is enclosed for your reference.



95-11043 Hurst.pdf  
(355 KB)



95-11044  
Simpson.pdf (322 KB)



95-11046 Bates.pdf  
(315 KB)



95-11048  
Heskett.pdf (370 KB)

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Final date for protests to be received in our office is November 23, 2009.

Please contact this office if you have any questions regarding the application.

Sincerely,

*Dianne Ball*

Administrative Assistant  
Idaho Department of Water Resources  
7600 N Mineral Dr., Ste. 100  
Coeur d'Alene, ID 83815  
208-762-2800 Fax 208-762-2819

August 26, 2009

MEMO: TO THE FILE  
FROM: KEITH FRANKLIN  
SUBJECT: APPLICATION #95-11044

APPLICANT IS APPLYING FOR A NEW DOMESTIC WATER RIGHT AT A DIVERSION RATE OF 0.04 CFS THAT WILL GIVE THE APPLICANT A LITTLE MORE WATER FOR ADDITIONAL LANDSCAPING OVER AND ABOVE WHAT DECREED RIGHT 95-0037 ALLOWS. 95-0037 IS FOR A DIVERSION RATE OF 0.02 CFS WITH AN ANNUAL VOLUME OF 0.4 AF. WHEN PERMITTED, A CONDITION WILL BE ADDED THAT SHOULD SAY "THIS RIGHT WHEN COMBINED WITH 95-0037 CANNOT EXCEED A DIVERSION RATE OF 0.04 CFS AND AN ANNUAL VOLUME OF 1.2 AF".