

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-11062

Priority: August 20, 2009

Maximum Diversion Rate: 0.06 CFS

This is to certify, that KENT RITTENOUR And/Or ANDREA RITTENOUR
27599 N TIMBER RIDGE RD
RATHDRUM ID 83858 has applied for a permit to appropriate water from:

Source: SPRINGS

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
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS NE1/4NW1/4NE1/4 Sec. 30, Twp 53N, Rge 04W, B.M. KOOTENAI County

PLACE OF USE: DOMESTIC And STOCKWATER

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 04W 30	X																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2012**.
2. Subject to all prior water rights.
3. 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.
4. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. Stockwater use is for 1 horse.
7. 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 4th 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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 5, 2010

KENT RITTENOUR
27599 N TIMBER RIDGE RD
RATHDRUM ID 83858

ANDREA RITTENOUR
27599 N TIMBER RIDGE RD
RATHDRUM ID 83858

RE: Permit No.95-11062

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.

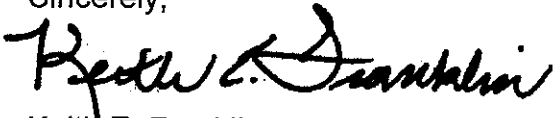
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 fluid and cursive, with the first name "Keith" being more prominent.

Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

CERTIFICATE OF SERVICE

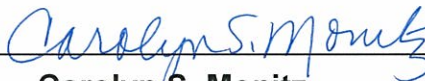
I hereby certify that on February 5, 2010 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

95-11062

**ANDREA RITTENOUR
27599 N TIMBER RIDGE RD
RATHDRUM ID 83858**

**KENT RITTENOUR
27599 N TIMBER RIDGE RD
RATHDRUM ID 83858**


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 - 11062

APPLICATION ID # 75895

ENT. ED

BCA 11/21

OK to Publish 11/24/09

APPLICANT: Rittenour

INITIAL REVIEW

BY: ED

DATE: 8/27/09

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 8-27 By: ED
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. Attached (>5cfs/500af)

☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 8/20/09

- ☒
- ☒

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

ADVERTISE IN:

Newspaper: cha Kootenai County

Dates scheduled for publication 12/3 & 10/09

Affidavit of Publication received: 12/11/09

Dates actually published: 12/3 & 10/09

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 12/21/09

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:	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.
- ☐ 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: Eric [Signature]

Date: 1 / 7 / 2010 Sr. Agent initial ED

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

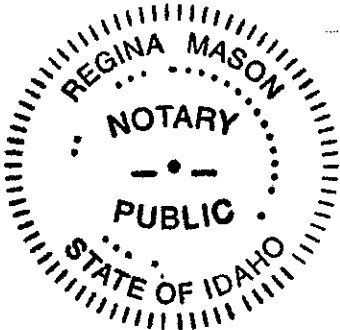
of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 3 day of December 2009, and ending on the 10 day of December 2009, and such publication was made as often during said period as said daily newspaper was regularly 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 10 day of December 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

DEC 11 2009

IDWR/North

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

94-7513
BLACK ROCK RANCH LLC
PO BOX 3070

COEUR D'ALENE, ID 83816
Point of Diversion L6(SWNE) S1 T47N R03W KOOTENAI CO

Source GROUND WATER

Point of Diversion: NESE S1 T47N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION	03/15 to 10/31	0.11 CFS
Use: STOCKWATER	01/01 to 12/31	0.02 CFS
Use: DOMESTIC	01/01 to 12/31	0.2 CFS
Total Diversion:		0.33 CFS

Date Filed: 7/6/2009

Place Of Use: DOMESTIC

T47N R03W S1 L6(SWNE) L7(SENE) NESE

Place Of Use: IRRIGATION same as DOMESTIC

Place Of Use: STOCKWATER

T47N R02W S6 L1(NENE) L2(NWNE) SWNE L4(NENW)
L6(SWNW) SENW NESW L7(NWSW)

T47N R03W S1 L2(NWNE) L6(SWNE) L7(SENE) NESE

T48N R02W S31 L7(SENE)

Total Acres: 5.5

Domestic use is for 11 homes and one 10 room bunkhouse

Stockwater use is for 40 head of mixed stock

94-7515

BLACK ROCK RANCH LLC
PO BOX 3070

COEUR D'ALENE, ID 83816

Point of Diversion(3) L4(SWNE) S32 T48N R03W KOOTENAI CO

Source GROUND WATER

Points of Diversion(2) L4(NWNW) S4 T47N R03W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION	03/15 to 10/31	0.14 CFS
Use: STOCKWATER	01/01 to 12/31	0.07 CFS
Use: DOMESTIC	01/01 to 12/31	0.2 CFS
Total Diversion:		0.41 CFS

Date Filed: 7/6/2009

Place Of Use: DOMESTIC

T47N R03W S4 L4(NWNW)

T48N R03W S32 L4(SWNE) L5(SENE)

Place Of Use: STOCKWATER

T47N R03W S4 L3(NENW) L4(NWNW) SWNW SENW

T47N R03W S32 L4(SWNE) L5(SENE)

T47N R03W S33 L4(SWNW)

Place Of Use: IRRIGATION

T47N R03W S4 L4(NWNW)

T48N R03W S32 L4(SWNE) L5(SENE)

Total Acres: 7

Domestic use is for 13 homes and one 10 room boarding house

Stockwater use is for 300 head of mixed stock

95-11062

KENT RITTENOUR

ANDREA RITTENOUR

27599 N TIMBER RIDGE RD

RATHDRUM, ID 83858

Point of Diversion NENWNE S30 T53N R04W KOOTENAI CO

Source SPRINGS Tributary SINKS

Use: STOCKWATER	01/01 to 12/31	0.02 CFS
Use: DOMESTIC	01/01 to 12/31	0.04 CFS
Total Diversion:		0.06 CFS

Date Filed: 8/20/2009

Place Of Use: DOMESTIC T53N R04W S30 NENE

Place Of Use: STOCKWATER same as DOMESTIC

Domestic use is for 2 homes

Stockwater use for 1 horse

95-11117

JAMES V HAWKINS

GAIL R HAWKINS

901 W STEAMBOAT DR

COEUR D'ALENE, ID 83814

Point of Diversion L1(NENE) S35 T50N R04W KOOTENAI CO

Source COEUR D'ALENE LAKE Tributary SPOKANE RIVER

Use: IRRIGATION	03/15 to 11/15	0.06 CFS
Use: DOMESTIC	01/01 to 12/31	0.04 CFS
Total Diversion:		0.1 CFS

Date Filed: 9/3/2009

Place Of Use: DOMESTIC T50N R04W S35 L1(NENE)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 2

Domestic use is for 1 home

RECEIVED

DEC 11 2009

IDWR/North

95-11128

RICHARD L UHLMANN

16499 N MOUNTAIN VIEW RD

RATHDRUM, ID 83858

Point of Diversion NESW S28 T52N R04W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION	04/01 to 10/31	0.2 CFS
Total Diversion:		0.2 CFS

Date Filed: 9/8/2009

Place Of Use: IRRIGATION T52N R04W S28 SW

Total Acres: 10

95-11133

PAMELA WOODWORTH

1699 S MEADOWBROOK ACRES RD

COEUR D'ALENE, ID 83814-9022

Point of Diversion SENE S20 T50N R04W KOOTENAI CO

Source SPRING Tributary UNAMED STREAM

Use: WILDLIFE	01/01 to 12/31	0.2 CFS
Use: WILDLIFE STORAGE	01/01 to 12/31	6 AF
Use: DIVERSION TO STORAGE	01/01 to 12/31	0.2 CFS
Total Diversion:		0.2 CFS

Date Filed: 9/10/2009

Place Of Use: DIVERSION TO STORAGE

T50N R04W S20 SENE

T50N R04W S21 SWNW

Place Of Use: WILDLIFE STORAGE

T50N R04W S20 SENE

T50N R04W S21 SWNW

Place Of Use: WILDLIFE same as WILDLIFE STORAGE

95-11136

DEANNA L HUGHES

STEPHEN A HUGHES

17420 N WILKINSON RD

RATHDRUM, ID 83858

Point of Diversion NWNE S27 T52N R04W KOOTENAI Co

Source GROUND WATER

Use: IRRIGATION	03/15 to 11/15	0.15 CFS
Use: STOCKWATER	01/01 to 12/31	0.02 CFS
Total Diversion:		0.15 CFS

Date Filed: 9/10/2009

Place Of Use: IRRIGATION T52N R04W S27 NWNE

Place Of Use: STOCKWATER same as IRRIGATION

Stockwater use is for 3 head of mixed stock

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 12/21/2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal 8419

December 3, 10, 2009

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

94-7513

BLACK ROCK RANCH LLC

PO BOX 3070

COEUR D ALENE, ID 83816

Point of Diversion L6(SWNE) S1 T47N R03W KOOTENAI CO

Source GROUND WATER

Point of Diversion NESE S1 T47N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 to 10/31 0.11 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

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

Total Diversion: 0.33 CFS

Date Filed: 7/6/2009

Place Of Use: DOMESTIC

T47N R03W S1 L6(SWNE) L7(SENE) NESE

Place Of Use: IRRIGATION same as DOMESTIC

Place Of Use: STOCKWATER

T47N R02W S6 L1(NENE) L2(NWNE) SWNE L4(NENW)

L6(SWNW) SENW NESW L7(NWSW)

T47N R03W S1 L2(NWNE) L6(SWNE) L7(SENE) NESE

T48N R02W S31 L7(SENE)

Total Acres: 5.5

Domestic use is for 11 homes and one 10 room bunkhouse.

Stockwater use is for 40 head of mixed stock.

94-7515

BLACK ROCK RANCH LLC

PO BOX 3070

COEUR D ALENE, ID 83816

Point of Diversion(3) L4(SWNE) S32 T48N R03W KOOTENAI CO

Source GROUND WATER

Points of Diversion(2) L4(NWNW) S4 T47N R03W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 03/15 to 10/31 0.14 CFS

Use: STOCKWATER 01/01 to 12/31 0.07 CFS

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

Total Diversion: 0.41 CFS

Date Filed: 7/6/2009

Place Of Use: DOMESTIC

T47N R03W S4 L4(NWNW)

T48N R03W S32 L4(SWNE) L5(SENE)

Place Of Use: STOCKWATER

T47N R03W S4 L3(NENW) L4(NWNW) SWNW SENW

T47N R03W S32 L4(SWNE) L5(SENE)

T47N R03W S33 L4(SWNW)

Place Of Use: IRRIGATION

T47N R03W S4 L4(NWNW)

T48N R03W S32 L4(SWNE) L5(SENE)

Total Acres: 7

Domestic use is for 13 homes and one 10-room boarding house.

Stockwater use is for 300 head of mixed stock.

95-11062

KENT RITTENOUR

ANDREA RITTENOUR

27599 N TIMBER RIDGE RD

RATHDRUM, ID 83858

Point of Diversion NENWNE S30 T53N R04W KOOTENAI CO

Source SPRINGS Tributary SINKS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

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

Total Diversion: 0.06 CFS

Date Filed: 8/20/2009

Place Of Use: DOMESTIC T53N R04W S30 NENE

Place Of Use: STOCKWATER same as DOMESTIC

Domestic use is for 2 homes

Stockwater use for 1 horse.

95-11117

JAMES V HAWKINS

GAIL R HAWKINS

901 W STEAMBOAT DR

COEUR D ALENE, ID 83814

Point of Diversion L1(NENE) S35 T50N R04W KOOTENAI CO

Source COEUR D ALENE LAKE Tributary SPOKANE RIVER

Use: IRRIGATION 03/15 to 11/15 0.06 CFS

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

Total Diversion: 0.1 CFS

Date Filed: 9/3/2009

Place Of Use: DOMESTIC T50N R04W S35 L1(NENE)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 2

Domestic use is for 1 home.

95-11128

RICHARD L UHLMANN

16499 N MOUNTAIN VIEW RD

RATHDRUM, ID 83858

Point of Diversion NESW S28 T52N R04W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 9/8/2009

Place Of Use: IRRIGATION T52N R04W S28 SW

Total Acres: 10

95-11133

PAMELA WOODWORTH

1699 S MEADOWBROOK ACRES RD

COEUR D ALENE, ID 83814-9022

Point of Diversion SENE S20 T50N R04W KOOTENAI CO

Source SPRING Tributary UNAMED STREAM

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

Use: WILDLIFE STORAGE 01/01 to 12/31 6 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 9/10/2009

Place Of Use: DIVERSION TO STORAGE

T50N R04W S20 SENE

T50N R04W S21 SWNW

Place Of Use: WILDLIFE STORAGE

T50N R04W S20 SENE

T50N R04W S21 SWNW

Place Of Use: WILDLIFE same as WILDLIFE STORAGE

95-11136

DEANNA L HUGHES

STEPHEN A HUGHES

17420 N WILKINSON RD

RATHDRUM, ID 83858

Point of Diversion NWNE S27 T52N R04W KOOTENAI Co

Source GROUNDWATER

Use: IRRIGATION 03/15 to 11/15 0.15 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.15 CFS

Date Filed: 9/10/2009

Place Of Use: IRRIGATION T52N R04W S27 NWNE

Place Of Use: STOCKWATER same as IRRIGATION

Stockwater use is for 3 head of mixed stock.

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 12/21/2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 12/3/2009 and 12/10/2009

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, November 25, 2009 4:26 PM
To: Legal Notices-CdA Press; Legal Notices-CdAPress - Kelli Buley
Subject: Application for Permit No. 94-7513, 94-7515, 95-11062, 95-11117, 95-11128, 95-11133, 95-11136

Attachments: LegalNotice 11-25-09 CDA e-mail 94-7513,15, 95-11062 11117,128,133,136.doc

Good afternoon, Kelli,

This is another legal notice to publish on the same dates as our Legal - your number 8303 (which was scheduled to publish 11/19 and 26, but only published on the 19th and isn't going to make it on the 26th as originally requested).

Please publish the attached legal notice and the one (8303) re-sent to you earlier today on the dates indicated, **December 3 and 10, 2009**, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please also send a proof/preview copy for both of these legal notices for my review before they go to press.

An affidavit of publication must be submitted to the Department for both, along with the publication bill. Please send the affidavit and bill to this office before 12/21/2009. Your cooperation is greatly appreciated.



LegalNotice
1-25-09 CDA e-mai.

Thanks for all your great help, and have a wonderful and blessed Thanksgiving.

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 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 25, 2009

KENT RITTENOUR
ANDREA RITTENOUR
27599 N TIMBER RIDGE RD
RATHDRUM, ID 83858

Application For Permit No. 95-11062

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 12/3/2009 and 12/10/2009. 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,

Eric J. Davis
Sr. Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, November 24, 2009 11:49 AM
To: mary.terra-berns@idfg.idaho.gov
Subject: RE: Application for Permit No. 95-11062

Attachments: 95-11062 Rittenour-0001.pdf

Dear Interested Party:

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



95-11062
ttenour-0001.pdf (4

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.

Please contact Eric Davis at 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

Filed for record at the Request of:

LUKINS & ANNIS, P.S.
The Coeur d'Alene North, Suite 102
250 Northwest Boulevard
Coeur d'Alene, Idaho 83814
Attention: Edward F. Wroe

GRANT OF EASEMENT

FOR VALUABLE CONSIDERATION, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, MARION FOSTER, a single woman ("Grantor") hereby grants to KENT M. RITTENOUR AND ANDREA S. RITTENOUR, husband and wife ("Grantee"), a perpetual nonexclusive easement over and across that certain real property owned by the Grantor (the "Burdened Property") located in Kootenai County, Idaho, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference;

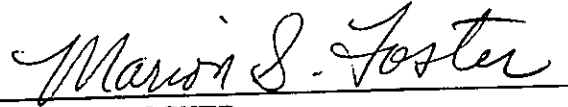
Such easement to be for the use and benefit of that certain real property owned by the Grantee (the "Benefited Property") also located in Kootenai County, Idaho, in the vicinity of the Burdened Property, more particularly described on Exhibit "B" attached hereto and incorporated herein by this reference.

Such easement shall be for the improvement, use, operation, repair, maintenance, and replacement of such facilities as may be necessary to store and transport water from a spring source on the Burdened Property to the Benefited Property. Such facilities currently include piping and above- and below-ground collection containers which provide collection of the spring water and gravity flow of the water to the boundary of the Burdened Property, in sufficient quantities to service two (2) single-family residences on the Benefited Property.

The above-described easement shall run with the land and shall be binding upon the heirs, representatives, successors, and assigns of Grantor with respect to the Burdened Property and shall inure to the benefit of the heirs, representatives, successors, and assigns of the Grantee with respect to the Benefited Property.

EXECUTED AND EFFECTIVE as of 2-20-2003, 2003.

GRANTOR:


MARION FOSTER

STATE OF IDAHO

)

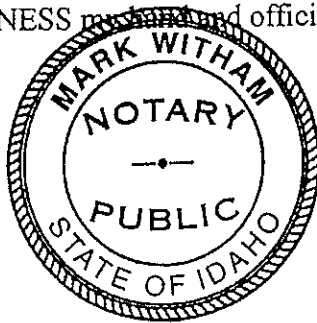
:ss

County of Kootenai

)

On this 20th day of February, 2003, before me, MARK WITHAM,
a Notary Public in and for the State of Idaho, personally appeared MARION FOSTER, known or
identified to me to be the person whose name is subscribed to the within instrument, and
acknowledged to me, that she executed the same.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Mark Witham
Notary Public for Idaho
Residing at Rathdrum
Commission expires 8-32-2006

EXHIBIT "A"

Legal Description of Burdened Property

A parcel of land located in the East half of Section 30, Township 53 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, and further described as follows:

BEGINNING at an aluminum cap monument, said monument being the North quarter corner of said Section 30; thence South $00^{\circ}25'10''$ West along the West line of the Northeast quarter of said Section 30, a distance of 326.1 feet to an iron pin; thence South $67^{\circ}21'42''$ East a distance of 858.72 feet to an iron pin on the Westerly right-of-way of a 60.00 foot wide public easement; thence South $66^{\circ}47'15''$ East a distance of 30.00 feet to the centerline of said easement; thence North $23^{\circ}12'45''$ East along said centerline a distance of 151.23 feet to a point of curve; thence continuing on said centerline Northeasterly around a curve concave to the Southeast a distance of 148.00 feet to a point on curve, curve radius being 200.00 feet, curve chord bears North $44^{\circ}24'43''$ East, a distance of 144.65 feet; thence North $24^{\circ}23'18''$ West a distance of 30.00 feet to an iron pin on the Northwestern right-of-way of said public easement; thence North $27^{\circ}00'39''$ West a distance of 428.31 feet to an iron pin on the North line of the Northeast quarter of said Section 30; thence North $88^{\circ}43'04''$ West along said North line a distance of 771.86 feet to the Point of Beginning.

EXHIBIT "B"

Legal Description of Benefitted Property

A tract of land located in the East half of Section 30, Township 53 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, and further described as follows:

BEGINNING at an iron pin on the Southerly right-of-way of a 60.00 foot wide public easement, pin bears South $68^{\circ}07'20''$ West, a distance of 1377.97 feet from the Northeast corner of said Section 30; thence

North $21^{\circ}13'01''$ East, a distance of 30.00 feet to a point of curve on the centerline of said easement; thence

Easterly along said centerline around a curve concave to the North, a distance of 71.56 feet to a point of tangent, curve radius being 375.00 feet, curve chord bears South $74^{\circ}15'01''$ East, a distance of 71.46 feet; thence

Continuing on said centerline South $79^{\circ}43'02''$ East, a distance of 305.08 feet to a point of curve; thence

Continuing on said centerline Southeasterly around a curve concave to the Southwest, a distance of 390.20 feet to a point of tangent, curve radius being 279.43 feet, curve chord bears South $39^{\circ}42'47''$ East, a distance of 359.26 feet; thence

Continuing on said centerline South $00^{\circ}17'29''$ West, a distance of 426.70 feet to a point on tangent; thence

North $89^{\circ}42'32''$ West, a distance of 30.00 feet to an iron pin on the West right-of-way of said easement; thence

West, a distance of South 577.20 feet to an iron pin; thence

North $00^{\circ}00'05''$ East, a distance of 748.79 feet to the TRUE POINT OF BEGINNING.

Bearings based on the East line of the Northeast quarter of said Section 30 being South $00^{\circ}14'52''$ West.

1843401

Filed for record at the Request of:

LUKINS & ANNIS, P.S.
The Coeur d'Alene North, Suite 102
250 Northwest Boulevard
Coeur d'Alene, Idaho 83814
Attention: Edward F. Wroe

STATE OF IDAHO
COUNTY OF KOOTENAI
AT THE REQUEST OF
LUKINS & ANNIS

2003 NOV 17 P 3: 06

DANIEL J. ENGLISH

DEPUTY CP
FEES 12.00

GRANT OF EASEMENT

FOR VALUABLE CONSIDERATION, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, DONALD M. RITTENOUR, AN UNMARRIED PERSON; TIMOTHY M. RITTENOUR, HIS SON; AND CURTIS J. RITTENOUR, HIS SON, all dealing in their sole and separate property (collectively the "Grantors") hereby grant to KENT M. RITTENOUR AND ANDREA S. RITTENOUR, husband and wife ("Grantee"), a perpetual nonexclusive easement over and across that certain real property owned by the Grantors (the "Burdened Property") located in Kootenai County, Idaho, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference;

Such easement to be for the use and benefit of that certain real property owned by the Grantee (the "Benefited Property") also located in Kootenai County, Idaho, in the vicinity of the Burdened Property, more particularly described on Exhibit "B" attached hereto and incorporated herein by this reference.

Such easement shall be for the improvement, use, operation, repair, maintenance, and replacement of a roadway providing access to existing spring source water facilities located on property to the west of the Burdened Property, and such pipes and other facilities as may be necessary to transport water from the spring source facilities, across the Burdened Property, and to the Benefited Property.

The above-described easement shall run with the land and shall be binding upon the heirs, representatives, successors, and assigns of Grantor with respect to the Burdened Property and shall inure to the benefit of the heirs, representatives, successors, and assigns of the Grantee with respect to the Benefited Property.

EXECUTED AND EFFECTIVE as of 7-1-, 2003.

GRANTORS:

Donald M. Rittenour
DONALD M. RITTENOUR

Curtis J. Rittenour
CURTIS J. RITTENOUR

Timothy M. Rittenour 10/21/03
TIMOTHY M. RITTENOUR

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STATE OF IDAHO
COUNTY OF KOOTENAI

AUG 20 2009

-1- THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE COPY OF THE ORIGINAL NOW ON FILE OR RECORD IN THIS OFFICE
DANIEL J. ENGLISH 1843401 Easement
Clerk/Recorder Sala Deputy

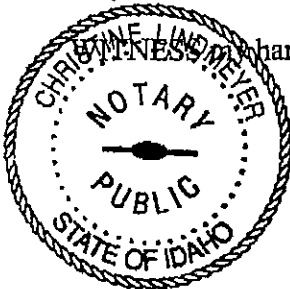
1843401

STATE OF IDAHO)

:SS

County of Kootenai)

On this 11 day of July, 2003, before me, Christine Lindmeyer,
a Notary Public in and for the State of Idaho, personally appeared DONALD M. RITTENOUR,
known or identified to me to be the person whose name is subscribed to the within instrument, and
acknowledged to me that he executed the same.



WITNESS my hand and official seal hereto affixed the day and year first above written.

Christine Lindmeyer
Notary Public for Idaho
Residing at Post Falls
Commission expires 9-30-03

STATE OF ~~IDAHO~~ MINNESOTA)

:SS

County of ~~Kootenai~~ Pennington)

On this 21ST day of OCTOBER, 2003, before me, Theresa A Vanyo,
a Notary Public in and for the State of Idaho, personally appeared TIMOTHY M. RITTENOUR,
known or identified to me to be the person whose name is subscribed to the within instrument, and
acknowledged to me that he executed the same.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Theresa A Vanyo
Notary Public for ~~Idaho~~ Minnesota
Residing at Chief River Falls Mn.
Commission expires 1-31-05

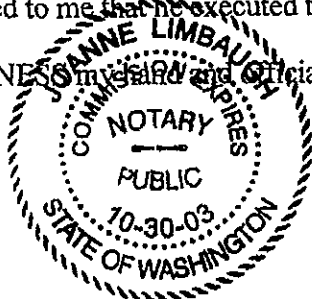
STATE OF ~~IDAHO~~ WASHINGTON)

:SS

County of ~~Kootenai~~ SPOKANE)

On this 1ST day of JULY, 2003, before me, JOANNE LIMBAUGH,
a Notary Public in and for the State of ~~Idaho~~ ^{WA} WASHINGTON, personally appeared CURTIS J. RITTENOUR, known
or identified to me to be the person whose name is subscribed to the within instrument, and
acknowledged to me that he executed the same.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Joanne Limbaugh
Notary Public for ~~Idaho~~ WASHINGTON
Residing at SPOKANE
Commission expires 10-30-03

1843401

EXHIBIT "A"

Legal Description of Burdened Property

A parcel of land located in the East half of Section 30, Township 53 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, and further described as follows:

BEGINNING at an iron pin on the North line of the Northeast quarter of said Section 30, pin bears North 88° 43' 04" West a distance of 735.97 feet from the Northeast corner of said Section 30; thence South 19° 28' 35" West a distance of 573.06 feet to an iron pin on the Northerly right-of-way of a 60.00 foot wide public easement; thence, South 10° 16' 58" West, a distance of 30.00 feet to the centerline of said easement; thence North 79° 43' 02" West along said centerline a distance of 271.24 feet to a point of curve; thence along said centerline Northwestery around a curve concave to the North a distance of 101.69 feet to a point of tangent, curve radius being 375.00 feet, curve chord bears North 71° 56' 55" West a distance of 101.38 feet; thence continuing on said centerline North 64° 10' 48" West a distance of 240.45 feet to a point of curve; thence continuing on said centerline Westerly around a curve concave to the South a distance of 175.26 feet to a point on curve, curve radius being 200.00 feet, curve chord bears North 89° 17' 03" West a distance of 169.71 feet; thence North 24° 23' 18" West a distance of 30.00 feet to an iron pin on the Northwestery right-of-way of said public easement; thence North 27° 00' 39" West a distance of 428.31 feet to an iron pin on the North line of the Northeast quarter of said Section 30; thence South 88° 43' 04" East along said North line a distance of 1153.04 feet to the True Point of Beginning.

1843401

EXHIBIT "B"

Legal Description of Benefitted Property

A tract of land located in the East half of Section 30, Township 53 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, and further described as follows:

BEGINNING at an iron pin on the Southerly right-of-way of a 60.00 foot wide public easement, pin bears South 68°07'20" West, a distance of 1377.97 feet from the Northeast corner of said Section 30; thence

North 21°13'01" East, a distance of 30.00 feet to a point of curve on the centerline of said easement; thence

Easterly along said centerline around a curve concave to the North, a distance of 71.56 feet to a point of tangent, curve radius being 375.00 feet, curve chord bears South 74°15'01" East, a distance of 71.46 feet; thence

Continuing on said centerline South 79°43'02" East, a distance of 305.08 feet to a point of curve; thence

Continuing on said centerline Southeasterly around a curve concave to the Southwest, a distance of 390.20 feet to a point of tangent, curve radius being 279.43 feet, curve chord bears South 39°42'47" East, a distance of 359.26 feet; thence

Continuing on said centerline South 00°17'29" West, a distance of 426.70 feet to a point on tangent; thence

North 89°42'32" West, a distance of 30.00 feet to an iron pin on the West right-of-way of said easement; thence

West, a distance of South 577.20 feet to an iron pin; thence

North 00°00'05" East, a distance of 748.79 feet to the TRUE POINT OF BEGINNING.

Bearings based on the East line of the Northeast quarter of said Section 30 being South 00°14'52" West.