

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-11166

Priority: September 10, 2009

Maximum Diversion Rate: 0.20 CFS

This is to certify, that ROGER HANSEN And/Or MARY JEAN HANSEN
5649 W HAYDEN AVE
RATHDRUM ID 83858 has applied for a permit to appropriate water from:

Source: GROUNDWATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 10/31	0.14 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUNDWATER SE1/4SW1/4 Sec. 17, Twp 51N, Rge 04W, B.M. KOOTENAI County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N 04W 17												7.0					7.0

Total Acres: 7

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 04W 17												X					

PLACE OF USE: STOCKWATER

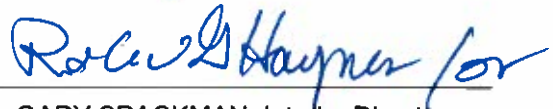
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N 04W 17												X					

State of Idaho
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NO. 95-11166

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2011**.
2. Subject to all prior water rights.
3. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
4. Stockwater use is for 10 mixed stock.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
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 22nd day of January, 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

January 25, 2010

ROGER HANSEN
5649 W HAYDEN AVE
RATHDRUM ID 83858

MARY JEAN HANSEN
5649 W HAYDEN AVE
RATHDRUM ID 83858

RE: Permit No.95-11166

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 January 25, 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.

95-11166

**MARY JEAN HANSEN
5649 W HAYDEN AVE
RATHDRUM ID 83858**

**ROGER HANSEN
5649 W HAYDEN AVE
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
APPLICATION ANALYSIS SHEET**

W.R. # 95-11166

APPLICATION ID # 75947

ENT. ED

BCA 12/8/09

OK to Publish 12/8/09

APPLICANT: Hansen

INITIAL REVIEW

BY: ED

DATE: 9/10/09

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)

PROCESSING

(Yes)(No)

PRIORITY DATE: 9/10/09

Y

(Include Moratorium Remark)

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

ADVERTISE IN:

Newspaper: IDAHO Kootenai County

Dates scheduled for publication 12/17 + 24/09

Affidavit of Publication received: 12/28/09

Dates actually published: 12/17 + 24/09

Application published correctly. Yes ✓ No

If not, action taken:

Final Date for Protest: 1/4/09

Protests Received: Yes No

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

ADDITIONAL INFORMATION

(Yes)(No)

✓ Shape File Created Date 9-10-09 By: ED

 Field check: by

 Field report attached

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

 Water delivered by water master? Water District #

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?
<u> </u>	<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y () N () <u> </u>
<u> </u>	<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y () N () <u> </u>
<u> </u>	<u> </u>	Dom. <u> </u> Non-Dom. <u> </u>	Paid \$ <u> </u>	<u> </u>	Y () N () <u> </u>

- Groundwater management area
- Critical ground water area
- Well Drilling Permit required
- Well Drilling Application and Fees received
- Well Drilling Application approved?

Remarks:

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

 Notice of pending void order issued.

Final order response date: / /

 Further information required from applicant

 Measuring device required

 Measuring port required

 Special conditions:

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

Approval Recommended by: E. J. P.

Date: 1/12/2010 Sr. Agent initial E. J. P.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

Kelli Butey 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.

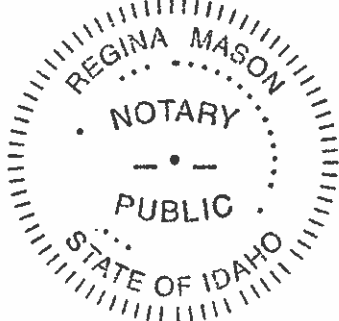
3. The Legal Notice

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 17 day of December, 2009, and ending on the 24 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 Butey.
On this 24 day of December in the year of 2009, before me, a Notary Public, personally appeared Kelli Butey, 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 28 2009
IDWR / NORTH

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

95-11138

FRANGET LLC / SUN AIRE ESTATES

11191 JONATHAN

HAYDEN, ID 83835

Point of Diversion SWSE S11 T51N R04W KOOTENAI CO

Source GROUNDWATER

Use: MUNICIPAL	01/01 to 12/31	0.2 CFS
	Total Diversion:	0.2 CFS

Date Filed: 9/10/2009

Place Of Use: MUNICIPAL

Municipal use is within service area of applicant.

95-11164

BRETT MIX

LAURIE MIX

4001 BOEKEL RD

RATHDRUM, ID 83858

Point of Diversion SESW S33 T52N R04W KOOTENAI CO

Source GROUND WATER

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

Date Filed: 9/14/2009

Place Of Use: IRRIGATION T52N R04W S33 SESW

Total Acres: 6

95-11166

ROGER HANSEN

MARY JEAN HANSEN

5649 W HAYDEN AVE

RATHDRUM, ID 83858

Point of Diversion SESW S17 T51N R04W KOOTENAI CO

Source GROUNDWATER

Use: IRRIGATION	03/15 to 10/31	0.14 CFS
Use: STOCKWATER	01/01 to 12/31	0.02 CFS
Use: DOMESTIC	01/01 to 12/31	0.04 CFS
	Total Diversion:	0.2 CFS

Date Filed: 9/10/2009

Place Of Use: IRRIGATION T51N R04W S17 SESW

Place Of Use: All other uses same as IRRIGATION

Total Acres: 7

Domestic use is for 1 home.

Stockwater use is for 10 head of mixed stock.

95-11167

JAMES MCGOWAN

PAULA MCGOWEN

4889 W HANEY RD

RATHDRUM, ID 83858

Point of Diversion SWNW S28 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
Use: DOMESTIC	01/01 to 12/31	0.04 CFS
	Total Diversion:	0.15 CFS

Date Filed: 9/14/2009

Place Of Use: DOMESTIC T52N R04W S28 SWNW

Place Of Use: All other uses same as DOMESTIC

Total Acres: 5

Domestic use is for 1 home.

Stockwater use is for 10 head of mixed stock.

95-11172

DAN SCHOLZ

8409 W NEBRASKA ST

RATHDRUM, ID 83858

Point of Diversion NWSW S18 T53N R04W KOOTENAI CO

Source SPIRIT LAKE Tributary SPIRIT CREEK

Use: IRRIGATION	04/01 to 10/31	0.02 CFS
Use: DOMESTIC	01/01 to 12/31	0.02 CFS

Total Diversion: 0.04 CFS

Date Filed: 9/14/2009

Place Of Use: DOMESTIC T53N R04W S18 NWSW L4(SESW)

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 0.6

Domestic use is for 1 home.

95-11175

CAVE BAY COMMUNITY SERVICES INC.

PO BOX 115

WORLEY, ID 83876

Point of Diversion L1(NWNE) S32 T48N R04W KOOTENAI CO

Source COEUR D ALENE LAKE Tributary SPOKANE RIVER

Use: IRRIGATION	03/15 to 11/15	0.05 CFS
	Total Diversion:	0.05 CFS

Date Filed: 9/15/2009

Place Of Use: IRRIGATION T48N R04W S32 L2(NWNE)

Total Acres: 1

95-11176

WESTSLOPE PROPERTIES

687 W CANFIELD AVE. STE 101

COEUR D ALENE, ID 83815

Point of Diversion SESEW S35 T52N R03W KOOTENAI CO

Source GROUND WATER

Use: IRRIGATION	03/15 to 11/15	0.06 CFS
Use: DOMESTIC	01/01 to 12/31	0.1 CFS
	Total Diversion:	0.16 CFS

Date Filed: 9/14/2009

Place Of Use: DOMESTIC T52N R03W S35 NENW SENW

Place Of Use: IRRIGATION same as DOMESTIC

Total Acres: 2

Domestic use is for 4 homes.

95-11183

EMMETT AND HELEN BURLEY FAMILY TRUST

PO BOX 786

VERADALE, WA 99037

Point of Diversion L5(SENE) S10 T51N R03W KOOTENAI CO

Source HAYDEN LAKE Tributary SINKS

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

Date Filed: 9/16/2009

Place Of Use: DOMESTIC T51N R03W S10 5(SENE)

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 1/4/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal 8519

December 17, 24, 2009