

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 98-07860

Priority: June 7, 2007

Maximum Diversion Rate: 1.40 CFS

This is to certify, that MIKE PETERSON
HCR 85 BOX 341
BONNERS FERRY ID 83805

And/Or

ELIZABETH PETERSON
HCR 85 BOX 341
BONNERS FERRY ID 83805

has applied for a permit to appropriate water from:

Source: GROUND WATER

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
IRRIGATION	04/01 to 10/31	1.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L5 (SE¼SE¼) Sec. 19, Twp 62N, Rge 02E, B.M. BOUNDARY 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	
62N 02E 19																	X

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	
62N 02E 19													30.0			40.0	70.0
																L 5	

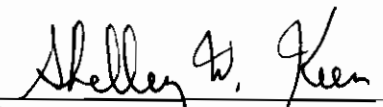
Total Acres: 70

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 98-07860

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 1, 2012**.
2. Subject to all prior water rights.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. Domestic use is for 2 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
7. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 18th day of September, 2007.


for DAVID R. TUTHILL, JR., Director

73638

Ident. No. 98-7860

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JUN 07 2008

To appropriate the public waters of the State of Idaho

IDWR/North

1. Name of Applicant Mike and/or Elizabeth Peterson Phone 208-267-3474
Mailing address HCR 85 Box 341 Bonners Ferry IDAHO 83805
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 62N Range 2E Sec. 19, in the _____ 1/4,
SE 1/4, SE 1/4, Govt. Lot 5, B.M., Boundary County;
additional points of diversion if any:
4. Water will be used for the following purposes:
Amount 1.4 cfs for irrigation purposes from 4-1 to 10-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .04 cfs for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.4 ^{cf} ~~cu~~ ^{ft} ~~ft~~ and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works: Submersible pump
 - a. Describe type and size of devices used to divert water from the source _____
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 10 inches; proposed depth of well is 100 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? no
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 2 homes
 - e. Other; describe fully. _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
62N	2E	19													30			40	70
															D				

Total number of acres to be irrigated 70

10. Describe any other water rights used for the same purposes as described above. none that I know of.

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Elizabeth M. Peterson WIFE!
Signature of Applicant (and title, if applicable)

Received by KF Date 6-7-07 Time _____ Preliminary check by _____
Fee \$ 290.00 Received by cm # N018429 Date 6-7-07
Publication prepared by db Date 6/28/07 Published in Bonanza Ferry Herald 7/5-12/07
Publication approved db Date 7/17/07

98-7860



-  Boundary taxlots
-  GCDB62N02E GCDB
-  GCDB62N01E GCDB
-  Active Permit POD
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp

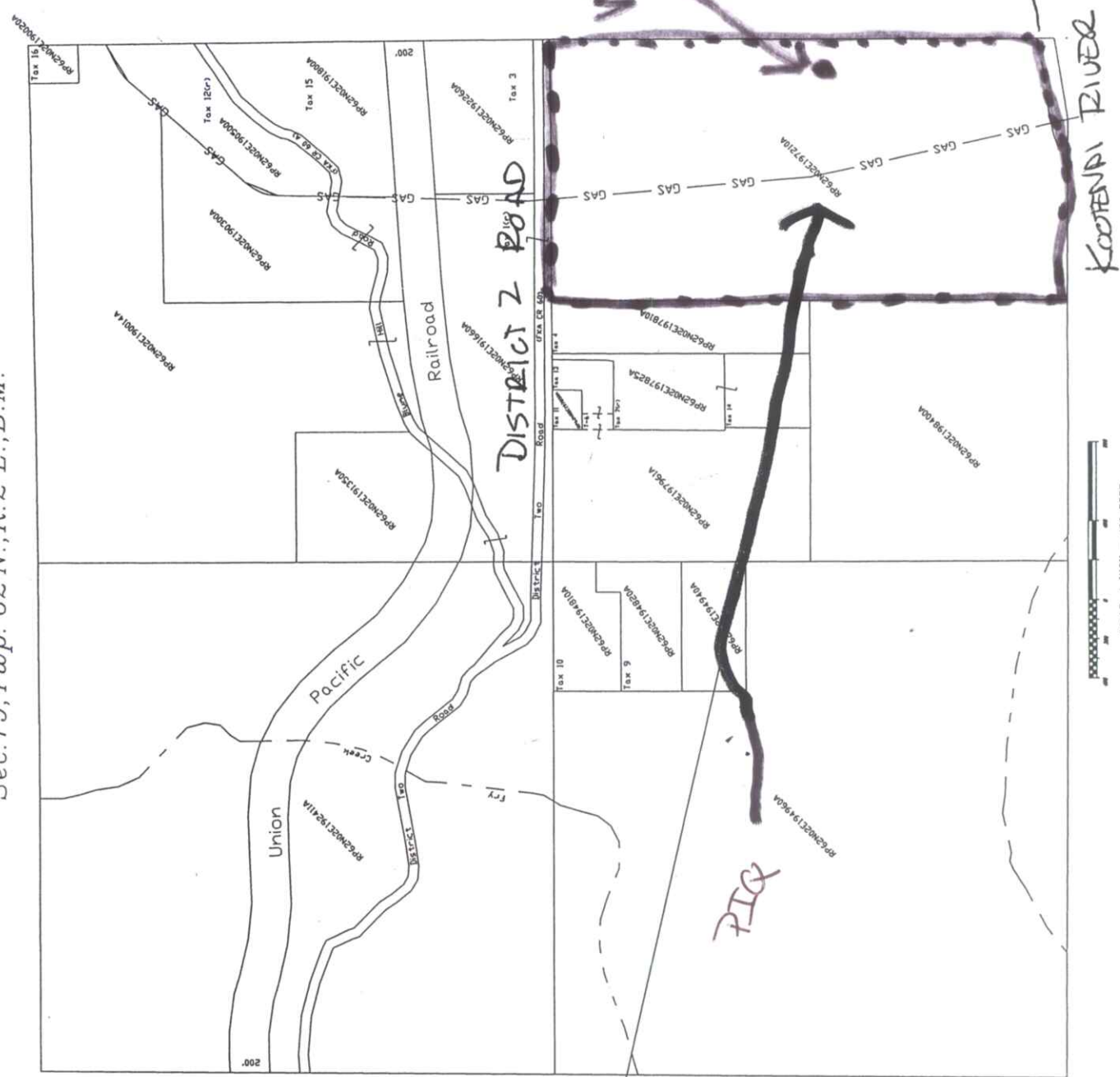


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the file save dates
18.

100

Sec. 19, Twp. 62N., R. 2E., B.M.

LEGAL: E2SE4 T62NR2F SEC 19



SCALE: 1 INCH = 400 FEET

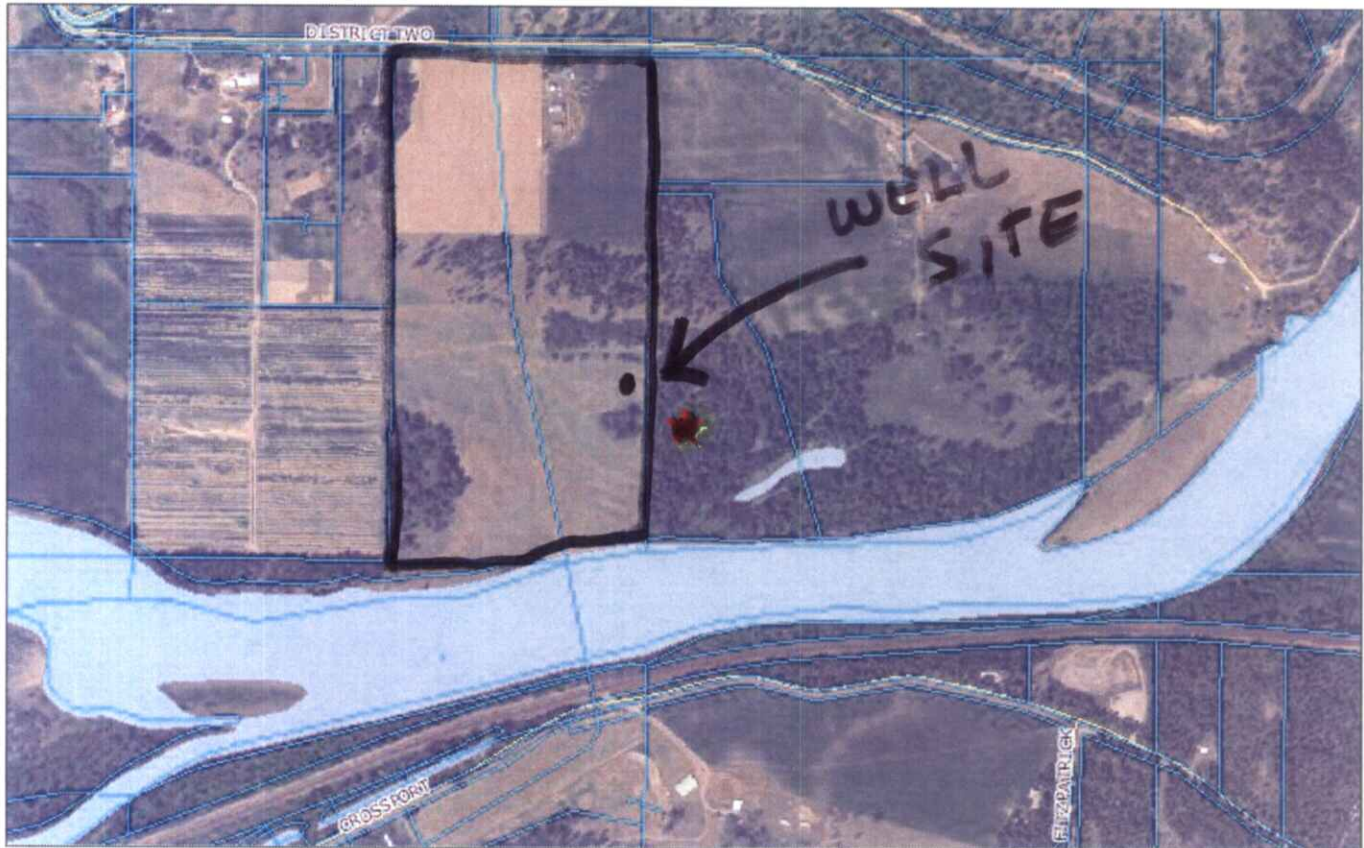
Zoom In Tool



Zoom Out Tool



[Printer Friendly](#)



**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

September 20, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

MIKE PETERSON
ELIZABETH PETERSON
HCR 85 BOX 341
BONNERS FERRY ID 83805

RE: Permit No. 98-7860

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.

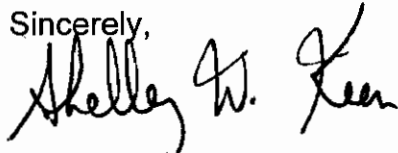
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley W. Keen, Manager
Water Right Permits Section

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2007 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. 98-7860

**ELIZABETH PETERSON
MIKE PETERSON
HCR 85 BOX 341
BONNERS FERRY ID 83805**

A handwritten signature in cursive script, appearing to read "Emalee Rushing", is written over a horizontal line.

**Emalee Rushing
Office Services Supervisor**

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.

MEMORANDUM

Date: September 17, 2007
To: Water Right File 98-7860
From: cpadilla
Re: Permit Review

WD-none
Overlaps-none
No protests
Recommend for approval as suggested by the region.

AFFIDAVIT OF PUBLICATION

State of Idaho

SS

County of Boundary, Gail Brown

being first duly sworn on oath deposes and says that he/she is Bookkeeper of the Bonners Ferry Herald, a newspaper printed and published at Bonners Ferry, Boundary County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Boundary County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of:

#6238 98-7860 Peterson

as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 5 day of July, 2007 and ending on the 12 day of July, 2007 and that said notice was published in said newspaper.

Gail Brown

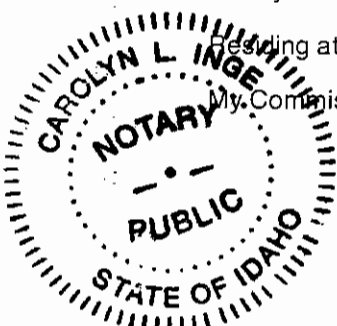
SUBSCRIBED AND SWORN TO before me, this

12 day of July, 2007.

Carolyn L. Inge

Notary Public-State of Idaho

Residing at: Scenic Road
My Commission Expires: 8/12



RECEIVED
JUL 17 2007
IDWR/North

Legal Notice
The following application(s) have been filed to appropriate the public waters of the State of Idaho:
98-7860
MIKE PETERSON
ELIZABETH PETERSON
HCR 85 BOX 341
BONNERS FERRY ID 83805
Point(s) of Diversion L5 (SESE) S19
T62N R02E BOUNDARY County
Source GROUND WATER
Use: IRRIGATION
04/01 To 10/31 1.4 CFS
Use: DOMESTIC
01/01 To 12/31 0.04 CFS
Total Diversion: 1.4
CFS
Date Filed: 06/07/2007
Place Of Use: DOMESTIC
T62N R02E S19 NESE
Place Of Use: IRRIGATION
T62N R02E S19 NESE SESE Lot 5
Number of Acres 70
Remark: Domestic use is for 2 homes
98-7861
MATT COSSALMAN
HCR 60 BOX 172 C
BONNERS FERRY ID 83805
Point(s) of Diversion NWSWNW
S17 T64N R01E BOUNDARY County
Source MISSION CREEK - Tributary To KOOTENAI RIVER
Use: IRRIGATION
05/01 To 10/31 0.15 CFS
Use: POWER 01/01 To 12/31 0.49 CFS
Use: DOMESTIC
01/01 To 12/31 0.04 CFS
Use: FIRE PROTECTION
01/01 To 12/31 0.65 CFS
Total Diversion: 0.65
CFS
Date Filed: 05/22/2007
Place Of Use: POWER, DOMESTIC, IRRIGATION and FIRE PROTECTION
T64N R01E S17 SWNW
Number of Acres 5
Remark: Domestic use is for 1 home.
98-7862
ROBERT MONROE
LINDA ALEXANDER
RR1 BOX 4910 KATKA RD
BONNERS FERRY ID 83805
Point(s) of Diversion NESW S27
T62N R02E BOUNDARY County
Source SPRING - Tributary To SINKS
Use: DOMESTIC
01/01 To 12/31 0.04 CFS
Total Diversion: 0.04
CFS
Date Filed: 06/15/2007
Place Of Use: DOMESTIC
T62N R02E S27 NESW
Remark: Domestic use is for 1 home plus lawn and garden.
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 07/23/2007. The protestant must also send a copy of the protest to the applicant.
DAVID R. TUTHILL, JR., Director
Legal BFH #6238
July 5, 12, 2007

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

98-7860

MIKE PETERSON

ELIZABETH PETERSON

HCR 85 BOX 341

BONNERS FERRY ID 83805

Point(s) of Diversion L5 (SESE) S19 T62N R02E BOUNDARY County

Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 1.4 CFS

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

Total Diversion: 1.4 CFS

Date Filed: 06/07/2007

Place Of Use: DOMESTIC

T62N R02E S19 NESE

Place Of Use: IRRIGATION

T62N R02E S19 NESE SESE Lot 5

Number of Acres 70

Remark: Domestic use is for 2 homes

98-7861

MATT COSSALMAN

HCR 60 BOX 172 C

BONNERS FERRY ID 83805

Point(s) of Diversion NWSWNW S17 T64N R01E BOUNDARY County

Source MISSION CREEK - Tributary To KOOTENAI RIVER

Use: IRRIGATION 05/01 To 10/31 0.15 CFS

Use: POWER 01/01 To 12/31 0.49 CFS

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

Use: FIRE PROTECTION 01/01 To 12/31 0.65 CFS

Total Diversion: 0.65 CFS

Date Filed: 05/22/2007

Place Of Use: POWER, DOMESTIC, IRRIGATION and FIRE

PROTECTION

T64N R01E S17 SWNW

Number of Acres 5

Remark: Domestic use is for 1 home.

98-7862

ROBERT MONROE

LINDA ALEXANDER

RR1 BOX 4910 KATKA RD

BONNERS FERRY ID 83805

Point(s) of Diversion NESW S27 T62N R02E BOUNDARY County

Source SPRING - Tributary To SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 06/15/2007

Place Of Use: DOMESTIC

T62N R02E S27 NESW

Remark: Domestic use is for 1 home plus lawn and garden..

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

submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the

Director, Dept. of Water Resource, Northern Region,

7600 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a

protest fee of \$25.00 for each application on or before

07/23/2007. The protestant must also send a copy of the protest to the

applicant.

DAVID R. TUTHILL, JR., Director

Published on July 5 & 12, 2007



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

C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR
Director

➤ *Please FAX proof copy before this goes to press, to 762-2819*
Thanks, Dianne

June 28, 2007

GAIL BROWN
LEGAL NOTICE DEPARTMENT
BONNERS FERRY HERALD
PO BOX 539
BONNERS FERRY ID 83805

RE: Application for Permit No. 98-7860

Dear Gail:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates Indicated, July 5 & 12, 2007, (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 07/23/2007. Your cooperation is GREATLY appreciated, as always.

Thank you very much,
Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, June 28, 2007 3:57 PM
To: Legal Notices-BFHerald (E-mail); Legal Notices-BFHerald-Gail Brown (E-mail)
Subject: Legal notice for publication on July 5 and 12, 2007

Good afternoon, Gail,

Attached is our cover letter requesting publication of a legal notice on July 5 and 12, 2007. The legal notice is also attached.

PLEASE - if you have any questions, call me at 762-2800.

ALSO, PLEASE fax a proof copy before this goes to press so I can check layout. Our FAX number is 762-2819

Thank you for your assistance in this matter. It's always a pleasure to work with you.

Dianne

*Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
7600 Mineral Drive Suite 100
Coeur d'Alene, ID 83815
Phone (208)762-2800 FAX (208)762-2819*



CoverLetter
6-28-07 BFH e-mai.



LegalNotice
6-28-07 BFH 98-78.



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

Web Site: www.idwr.idaho.gov

June 28, 2007

C. L. "BUTCH" OTTER

Governor

DAVID R. TUTHILL, JR.

Director

MIKE PETERSON
ELIZABETH PETERSON
HCR 85 BOX 341
BONNERS FERRY ID 83805

RE: Application for Permit No 98-7860

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Bonners Ferry Herald on July 5 and 12, 2007. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). 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, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Keith E. Franklin
Senior Water Resource Agent