

**STARTING  
LEFT  
SIDE OF  
FILE**

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 96-09022

Priority: June 15, 1999

Maximum Diversion Rate:

0.12 CFS

This is to certify, that **ATHOL BAPTIST CHURCH**  
PO BOX 484  
ATHOL ID 83801

has applied for a permit to appropriate water from: **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 11/15       | 0.06 CFS                 |
| DOMESTIC              | 01/01 to 12/31       | 0.06 CFS                 |
|                       | Totals               | 0.12 CFS                 |

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 15, Township 53N, Range 03W  
KOOTENAI County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 53N        | 03W        | 15         | NWSW         | 2.0          |              | 2.0          |

Total number of acres irrigated: 2.0

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **October 1, 2004**.
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 permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.03 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 a church and 1 home. The domestic use does not include lawn, garden, landscape, or other types of irrigation.

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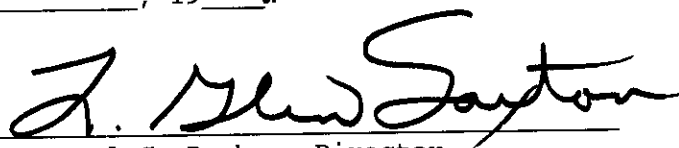
State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 96-09022

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

12 <sup>th</sup> day of October, 19 99.

  
for Karl J. Dreher, Director

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JAN 31 2001

Ident. No. 96-09022

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

RECEIVED  
OCT 01 1999

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Athol Baptist Church Phone 683-1694  
Mailing address P.O. Box 484 Athol, Idaho 83801
2. Source of water supply GROUNDWATER which is a tributary of \_\_\_\_\_
3. Location of point of diversion is Township S3N, Range 3W, Sec. 15, in the SE 1/4, NW 1/4, SW 1/4, Govt. Lot \_\_\_\_\_, B.M., KOOTENAI County;  
additional points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 0.06 for DOMESTIC purposes from 7/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 0.06 for IRRIGATION purposes from 3/15 to 1/15 (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) 0.12 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Describe type and size of devices used to divert water from the source WELL PUMP + PIPELINE  
SPRINKLER SYSTEM.
  - b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet
  - c. Proposed well diameter is 6 inches; proposed depth of well is 400 feet
  - d. Is ground water with a temperature of greater than 85°F being sought? NO
  - e. If well is already drilled, when? 11/98; Drilling firm H2O  
Well was drilled for (well owner) ATHOL BAPTIST CHURCH; Drilling Permit No. 96-98-N-0249-000
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. DOMESTIC USE IS FOR CHURCH + 1 HOME.
  - e. Other; describe fully. \_\_\_\_\_

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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 | N E |    |    |    | N W |    |    |    | S W |    |    |    | S E |    |    |    | TOTALS |
|-----|-----|-----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|--------|
|     |     |     | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE |        |
| S3N | 3W  | 15  |     |    |    |    |     |    |    |    | D   |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    | 2   |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
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|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |

Total number of acres to be irrigated \_\_\_\_\_

10. Describe any other water rights used for the same purposes as described above. NONE

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

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

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: PASTOR - LARRY PARKER 4101 Spirit Bend Rd. Spirit Lake, ID 83869 623-4990  
TRUSTEES -

Ron Johnson - 801 Little Blacktail Rd. Careywood, Id. 83809 683-2787

Mary Forsythe - 29770 N. 5th St. Athol, Id. 83801 683-7034

Richard Newberry - 11480 E. Shadow Lane, Athol, Id. 683-3589

Lane Starr - 25650 N. Good Hope Rd. Athol, Id. 683-2923

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.

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JAN 31 2001

Larry Parker Pastor  
 Signature of Applicant (and title, if applicable)

Received by db Date 6/15/99 Time 11:55a Preliminary check by AB  
 Fee \$ 50 - Received by AB # NO 12937 Date 6-9-99  
 Publication prepared by db Date 6/23/99 Published in CDA Press 7/1+8/99  
 Publication approved db Date 7/12/99



- Green = 2+ acres to be irrigated
- Orange = Well location 546 feet East of Hwy 95 center line.
- Gold = Church building.
- Black = Proposed parsonage, with lawn.

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JAN 31 2001

ATHOL BAPTIST CHURCH  
T. 53N. R. 3W.

**NOW  
STARTING  
RIGHT  
SIDE OF  
FILE**



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 12, 1999

DIRK KEMPTHORNE  
GOVERNOR

ATHOL BAPTIST CHURCH  
PO BOX 484  
ATHOL ID 83801

KARL J. DREHER  
DIRECTOR

#### PERMIT APPROVAL NOTICE

RE: PERMIT NO. 96-09022

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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 right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

SK:klt

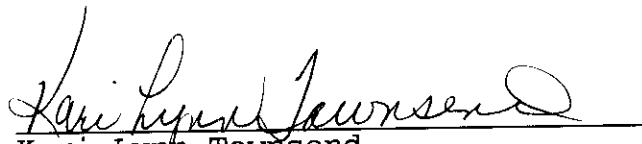
MICROFILMED  
OCT 21 2001

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of October, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 96-09022

ATHOL BAPTIST CHURCH  
PO BOX 484  
ATHOL ID 83801

  
Kari Lynn Townsend  
Secretary

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JAN 31 2001

## Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the order. 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

### ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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### CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

### FINAL ORDER

The Department 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 Department 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.

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JAN 31 2001



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615  
(208) 769-1450

Fax (208) 769-1454

**Dirk Kempthorne**  
Governor

**KARL J. DREHER**  
Director

September 15, 1999

Athol Baptist Church  
Mr. Larry Parker, Pastor  
PO Box 484  
Athol ID 83801

RE: Application for Permit Number 96-09022

Dear Mr. Parker:

We are writing in regard to the above Application for Permit which has been advertised and is ready to be sent to our state office for final approval.

Our records indicate that your well was constructed under a "Domestic Well Drilling Permit", and a \$75.00 fee was paid. Since the uses listed on your Water Right Permit exceed the Statutory Definition of Domestic use it is necessary to upgrade your well drilling permit prior to forwarding your Application for Permit to our State Office.

The fee for a "Non Domestic Well Drilling Permit" is \$200. Please send an additional \$125.00 to cover the difference to our office

If you have any questions, or if I can be of further assistance, please feel free to contact me at this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Beardslee".

Allen Beardslee  
Sr. Water Resource Agent

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**JAN 31 2001**

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.  
County of Kootenai.

*STICIE WALKER*

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 *1* day of *June*, 19 *99*, and  
ending on the *8* day of *June*, 19 *99*, 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

*Stacie Walker*

Subscribed and sworn to before me this

*8* day of *June*

19 *99*

*Regina Mason*

Notary Public for the State of Idaho  
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/01

## NOTICE OF APPLICATION FOR WATER RIGHT

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

96-09022

ATHOL BAPTIST CHURCH

PO BOX 484

ATHOL, ID 83801

Source: GROUNDWATER

Diversion Pt: NWSW Sec 15 T  
53N R 03W in KOOTENAI County.

Use: IRRIGATION (0.060 CFS)

DOMESTIC (0.060 CFS)

Total Diversion: (0.120 CFS)

Dated Filed: 6/15/1999

In: KOOTENAI County

T53N R03W S15 NWSW

2.0 ACRES TOTAL

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before JULY 19, 1999.

KARL J. DREHER, Director

Legal 380

July 1, 8, 1999

RECEIVED

JUL 12 1999

IDWR/North

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JAN 31 2001

96-09022

ATHOL BAPTIST CHURCH  
PO BOX 484  
ATHOL, ID 83801

Source: GROUNDWATER

Diversion Pt:                      NSW      Sec 15 T 53N R 03W in KOOTENAI County.

|                  |   |            |
|------------------|---|------------|
| Use: IRRIGATION  | ( | 0.060 CFS) |
| DOMESTIC         | ( | 0.060 CFS) |
| Total Diversion: | ( | 0.120 CFS) |

Date Filed: 6/15/1999

In: KOOTENAI County  
T53N R03W S15                      NSW

2.0 ACRES TOTAL

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JAN 31 2001

June 23, 1999

Lane A Starr - Trustee  
Athol Baptist church  
25650 N Good Hope Rd.  
Athol ID 83801

Re: Water Appropriation Application No. 96-09022

Dear Mr. Starr:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If your source is groundwater, a Well Drilling Permit is required for all wells constructed after July 1, 1987.

A "Domestic" well drilling permit should be obtained for a rate of diversion of up to 18 gallons per minute (0.04 CFS) and a daily volume of up to 2,500 gallons per day. The cost for this permit is \$75.00. For any other use, including multiple homes, or municipal, etc., the Drilling Permit fee is \$200. These Permits can be obtained by your driller, also. It is sometimes possible to upgrade an existing Domestic Drilling Permit by submitting a fee for the difference. This, however, depends on the individual well.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE  
Senior Water Resources Agent

AB:db

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JAN 31 2001

RECEIVED

JUN 15 1999

IDWR/North

June 12, 1999

Idaho Dept. of Water Resources  
Attn: Mr. Al Beardslee, Sr. Agent  
1910 Northwest Blvd. #210  
Coeur d' Alene, Idaho 83814

Dear Mr. Beardslee:

Pursuant to our phone conversation of June 8<sup>th</sup> I have enclosed the completed Application for Permit and a map, with appropriate comments, indicating the location of the irrigated area, well, church building and proposed parsonage.

Mr. Bill Newman and I would like to thank you for your assistance in completing the forms and in assisting us with a process that we know nothing about. Your professionalism is commended.

Sincerely,



Lane A. Starr  
Athol Baptist Church  
Trustee  
25650 N. Good Hope Rd.  
Athol, Idaho 83801  
683-2923

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JAN 31 2001