

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09265

Priority: November 14, 2005

Maximum Diversion Rate: 0.04 CFS

This is to certify, that PAUL M HERNDON Or
DEBRA K HERNDON
526 S FLORENCE
SANDPOINT ID 83864

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>
DOMESTIC	01/01 to 12/31	0.02 CFS
IRRIGATION	04/01 to 10/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:

GROUNDWATER NE¼ NE¼ Sec. 27, Twp 56N, Rge 03W, B.M. BONNER 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	
56N 03W 27	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	
56N 03W 27	1.0																1.0

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2009**.
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.

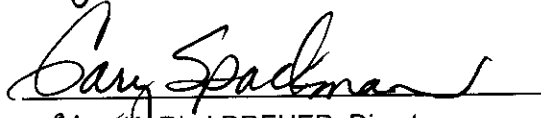
State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 96-09265

4. 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.
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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 13th day of January, 2006.


for KARL J DREHER, Director

RECEIVED

DEC 29 2005

DEPARTMENT OF
WATER RESOURCES

Page 1

Ident. No. 96-9265

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

RECEIVED
NOV 14 2005
IDWR/North

1. Name: PAUL M HERNDON
526 S FLORENCE
SANDPOINT ID 83864
(208)290-6839

OR

DEBRA K HERNDON
526 S FLORENCE
SANDPOINT ID 83864
(208)290-6839

2. Source: GROUNDWATER

3. Location of Point of Diversion:

#1 GROUNDWATER
BONNER County

NE1/4NE1/4

Sec. 27, Twp 56N, Rge 03W, B.M.

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	
IRRIGATION	04/01 to 10/31	0.02 CFS	

5. Total quantity to be appropriated is: 0.04 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: 48 INCH CULVERT, 10 FT
DEEP PIPED TO HOME AND IRRIGATION SYSTEM

c. Proposed well diameter is 48 inches;
Proposed depth of well is 10 feet.

d. Is ground water with a temperature of greater than 85F being sought? NO

e. If well is already drilled, when? Hand dug

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 year(s).

8.

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
56N 03W 27	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	X																

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
56N 03W 27	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	1.0
	1.0																

Total Acres: 1

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

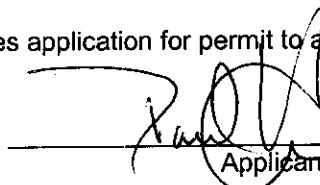
APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

11. Map of proposed point of diversion and place of use attached? [x]

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


Applicant

Received by  Date 11/14/05 Time 1:20^p Preliminary check by 
 Publication prepared by  Date 11/22/05 Published in Banner Co Daily Bee 12/1+8
 Publication approved  Date 12/13/05 2005
 Receipt No. N017266
 Date: 11/14/05
 Received by: 

Application #96-9265

T56N R3W Section 27



Place of Use



Point of Diversion



**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 17, 2006

PAUL M HERNDON
DEBRA K HERNDON
526 S FLORENCE
SANDPOINT ID 83864

RE: Permit No. 96-9265

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.

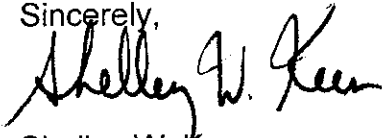
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 208-287-4947.

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

Water Rights Supervisor

SWK:klt

Enclosure(s)

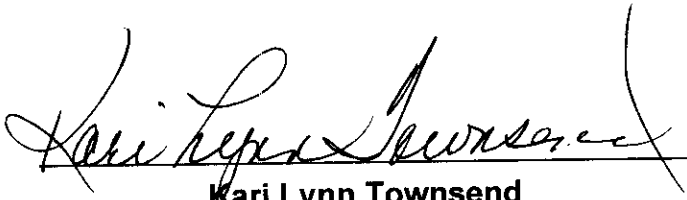
CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2006 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.

96-9265

**DEBRA K HERNDON
PAUL M HERNDON
526 S FLORENCE
SANDPOINT ID 83864**



**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(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. 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.

M E M O R A N D U M

Date: January 04, 2006
To: Water Right File 96-9265
From: eretelle
Re: permit review

No WD or moratorium.

No protest or overlap.

Recommend approval as suggested by IDWR Northern.

RECEIVED
DEC 13 2005
IDWR/North

LEGAL NOTICE

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

96-9260

ROB BEHRENS

1510 B - BULWER

MISSOULA MT 59802

Point(s) of Diversion (2) NWNESW S13 T56N R01E

BONNER County

Source GROUND WATER

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

Total Diversion: 0.2 CFS

Date Filed: 09/07/2005

Place Of Use: DOMESTIC

T56N R01E S13 NESW

Remark: Domestic use is for up to 13 single family homes.

96-9265

PAUL M HERNDON

DEBRA K HERNDON

526 S FLORENCE

SANDPOINT ID 83864

Point(s) of Diversion NENE S27 T56N R03W BONNER
County

Source GROUNDWATER

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: 11/14/2005

Place Of Use: DOMESTIC

T56N R03W S27 NENE

Place Of Use: IRRIGATION - same as DOMESTIC

Number of Acres 1

Remark: Domestic use is for 1 home.

96-9266

JOSEPH GAWEL

LAURIE GAWEL

2627 TWIN CREEK RD

CLARK FORK ID 83811

Point(s) of Diversion L4 (NWNW) S1 T54N R02E BONNER
County

Source DELYLE CREEK Tributary To TWIN CREEK

Use:POWER 01/01 To 12/31 0.33 CFS

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

Total Diversion: 0.37 CFS

Date Filed: 11/18/2005

Place Of Use: POWER

T54N R02E S1 NWNW Lot 4

Place Of Use: DOMESTIC same as POWER

Remark: Domestic use is for 1 home.

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, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 12/19/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal SNP#7448

December 1, 8, 2005

AFFIDAVIT OF PUBLICATION

RECEIVED
DEC 13 2005
IDWR/North

STATE OF IDAHO)
) ss.
County of Bonner)

Sharilyn Jones, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Notice of App.
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

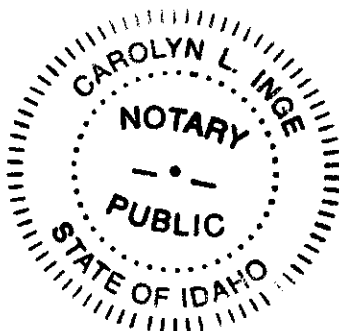
3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 1 day of Dec, 2005, and ending on the 8 day of Dec, 2005.

Sharilyn Jones

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this 8 day of Dec, 2005.

Carolyn L. Inge
Notary Public
Residing at: Sandpoint
Comm. Exp.: 8/06



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

96-9260

ROB BEHRENS
1510 B - BULWER
MISSOULA MT 59802
Point(s) of Diversion (2) NWNESW S13 T56N R01E
BONNER County
Source GROUND WATER
Use: DOMESTIC 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 09/07/2005

Place Of Use: DOMESTIC

T56N R01E S13 NESW

Remark: Domestic use is for up to 13 single family homes.

96-9265

PAUL M HERNDON
DEBRA K HERNDON
526 S FLORENCE
SANDPOINT ID 83864
Point(s) of Diversion NENE S27 T56N R03W BONNER County
Source GROUNDWATER
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: 11/14/2005

Place Of Use: DOMESTIC

T56N R03W S27 NENE

Place Of Use: IRRIGATION - same as DOMESTIC

Number of Acres 1

Remark: Domestic use is for 1 home.

96-9266

JOSEPH GAWEL
LAURIE GAWEL
2627 TWIN CREEK RD
CLARK FORK ID 83811
Point(s) of Diversion L4 (NWNW) S1 T54N R02E BONNER County
Source DELYLE CREEK Tributary To TWIN CREEK
Use: POWER 01/01 To 12/31 0.33 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.37 CFS

Date Filed: 11/18/2005

Place Of Use: POWER

T54N R02E S1 NWNW Lot 4

Place Of Use: DOMESTIC same as POWER

Remark: Domestic use is for 1 home.

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, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 12/19/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director - Published on December 1 & 8, 2005



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

November 22, 2005

SHERI JONES
LEGAL NOTICE DEPARTMENT
BONNER COUNTY DAILY BEE
PO BOX 159
SANDPOINT ID 83864

Please FAX proof copy before publication, to 208-769-1454
Thanks, Dianne

RE: Application for Permit No. 96-9260, 96-9265 and 96-9266

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, December 1 & 8, 2005, (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 12/19/2005. Your cooperation is GREATLY appreciated, as always.

Thank you,

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, November 22, 2005 11:07 AM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal notice for publication on December 1 and 8, 2005

Good morning, Sheri,

Attached is our cover letter requesting publication on December 1 & 8, 2005 of a legal notice, also attached.

If you cannot publish on the dates requested, or if you have ANY questions, please call me at 208-769-1450.

PLEASE FAX A PROOF COPY TO ME PRIOR TO PUBLICATION - AT 208-769-1454.

Thank you - it's always a pleasure to work with you.

Have a very happy day and a blessed Thanksgiving.

Dianne

*Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone (208)769-1450 FAX (208)769-1454*



CoverLetter
1-22-05 BCDB e-ma.



LegalNotice
1-22-05 BCDB e-ma.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 22, 2005

PAUL M HERNDON
DEBRA K HERNDON
526 S FLORENCE
SANDPOINT ID 83864

RE: Application for Permit No 96-9265

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 Bonner County Daily Bee on December 1 & 8, 2005. 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,

Gregory J. Taylor
Senior Water Resource Agent

Enclosure(s) – Receipt No. N017266