

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 87-10041

Priority: August 16, 2005

Maximum Diversion Rate: 0.10 CFS

This is to certify, that WAYNE M SPROUSE
2462 OLD PULLMAN RD
MOSCOW ID 83843

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	03/15 to 10/31	0.06 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE¼ SW¼ Sec. 13, Twp 39N, Rge 06W, B.M. LATAH 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	
39N 06W 13									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	
39N 06W 13									3.0								3.0

Total Acres: 3

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2010**.
2. Subject to all prior water rights.
3. 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.
4. Point of diversion is located within Lot 11, Hilltop Acres Subdivision.
5. Place of use is located within Lot 11, Hilltop Acres Subdivision
6. 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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 87-10041

7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of October, 2005


for KARL DREHER, Director

Ident. No. 87-10041

RECEIVED
OCT 04 2005

72207
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
AUG 16 2005
IDWR/North

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of Applicant WAYNE M. SPROUSE Phone 208 882 0112
WAYNE & RESHIE SPROUSE

Mailing address 2462 OLD PULLMAN RD MOSCOW, ID. 83843

2. Source of water supply PRIVATE WELL which is a tributary of N/A

3. Location of point of diversion is Township 13 Range 39N Sec. 6W, in the NE SW 1/4, Govt. Lot NE SW 1/4, B.M., LATAH County;

additional points of diversion if any: HILLTOP ACRES LOT 11

4. Water will be used for the following purposes:

Amount .06 CFS for IRRIGATION - 3 AC. purposes from 3/15 to 10/31 (both dates inclusive) PER W.S.

Amount .04 CFS for DOMESTIC - 1 USE purposes from JAN. to DEC. 31 (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) .10 CFS and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works: PRIVATE WELL

a. Describe type and size of devices used to divert water from the source PRIVATE WELL EQUIPPED WITH AN ELECTRIC PUMP.

b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is 138' feet

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

e. Is well already drilled, when? YES; 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) PER W.S.

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. 1

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	
13	39	6		D	3.06						3								.06
13	39	6		D	.04						D								.04

Total number of acres to be irrigated 3

10. Describe any other water rights used for the same purposes as described above. N/A

11. a. Who owns the property at the point of diversion? WAYNE & LESLIE SPROUSE

b. Who owns the land to be irrigated or place of use? WAYNE & LESLIE SPROUSE

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

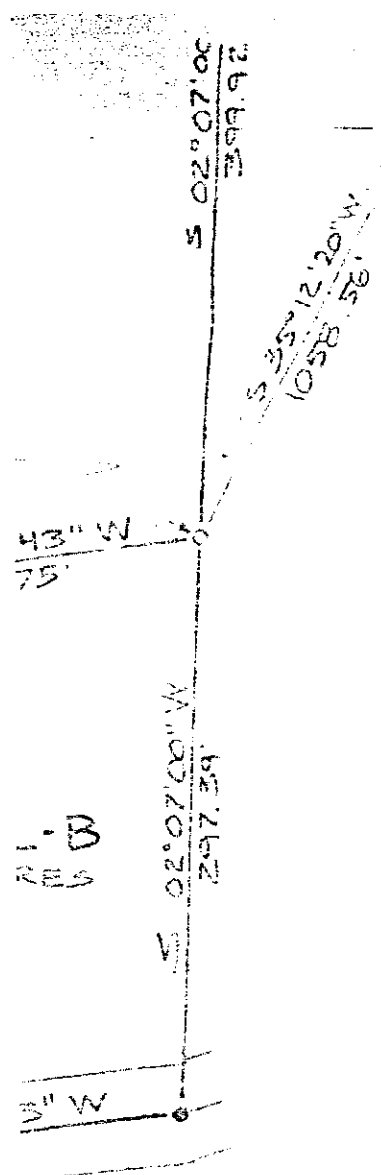
12. Remarks:

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.

Wayne & Leslie Sprouse
Signature of Applicant (and title, if applicable)

Received by db Date 8/16/05 Time 1:30 P Preliminary check by db Date 8/16/05
Fee \$ 100.00 Received by db # NB17111
Publication prepared by db Date 8/24/05 Published in Moscow, Pullman Daily News 9/1+8/05
Publication approved db Date 9/9/05



IDWR. - Here is the original
 local description of our property
 when purchased in 1988 - Since
 this time it has approx. 1 ac.
 added to it through a land trade
 w/ a neighbor - please call if you
 have questions.

PARCEL-B

A PARCEL OF LAND LOCATED IN THE S.W. 1/4 OF SECTION 13, T.39 N.,
 R. 6 W., BOISE MERIDIAN, LATAH COUNTY, STATE OF IDAHO, AND MORE
 PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF THE S.W. 1/4 OF SECTION 13, T.39 N.,
 R. 6 W., B.M.; THENCE S 35°12'20" W, 1,058.56ft TO THE TRUE POINT OF
 BEGINNING; THENCE S 02°07'00" W, 297.39ft TO A POINT ON THE COUNTY
 ROAD; THENCE ALONG THE CENTERLINE OF THE COUNTY ROAD
 S 83°35'43" W, 271.42ft; THENCE N 02°21'55" W, 173.56ft; THENCE ALONG
 A CURVE TO THE RIGHT 98.18ft (RAD = 125.00', DELTA = 45°00'00", CHORD
 BRG. & DIST. = N 20°08'05" E, 95.67'); THENCE N 42°38'05" E, 53.98ft.
 THENCE N 83°35'43" E, 219.75ft TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINING 1.84 ACRES MORE OR LESS.

AND SUBJECT TO RIGHT-OF-WAY FOR COUNTY ROAD PURPOSES
 ALONG THE SOUTHERLY BOUNDARY.

LEGEND

- o SET IRON PIN
- o SET RAILROAD SPIKE
- o SET BRASS CAP

Wesley M. Jensen

7/28/05

PAO410 - PARCEL MASTER INQUIRY

15:53:31

F12=RC F14=HO
F24=LD

PARCEL: RP 016850000110 A

LEGAL DESCRIPTION

SPROUSE, WAYNE M
& SPROUSE, LESLIE H/WHILLTOP ACRES
LOT 11
13 39 6

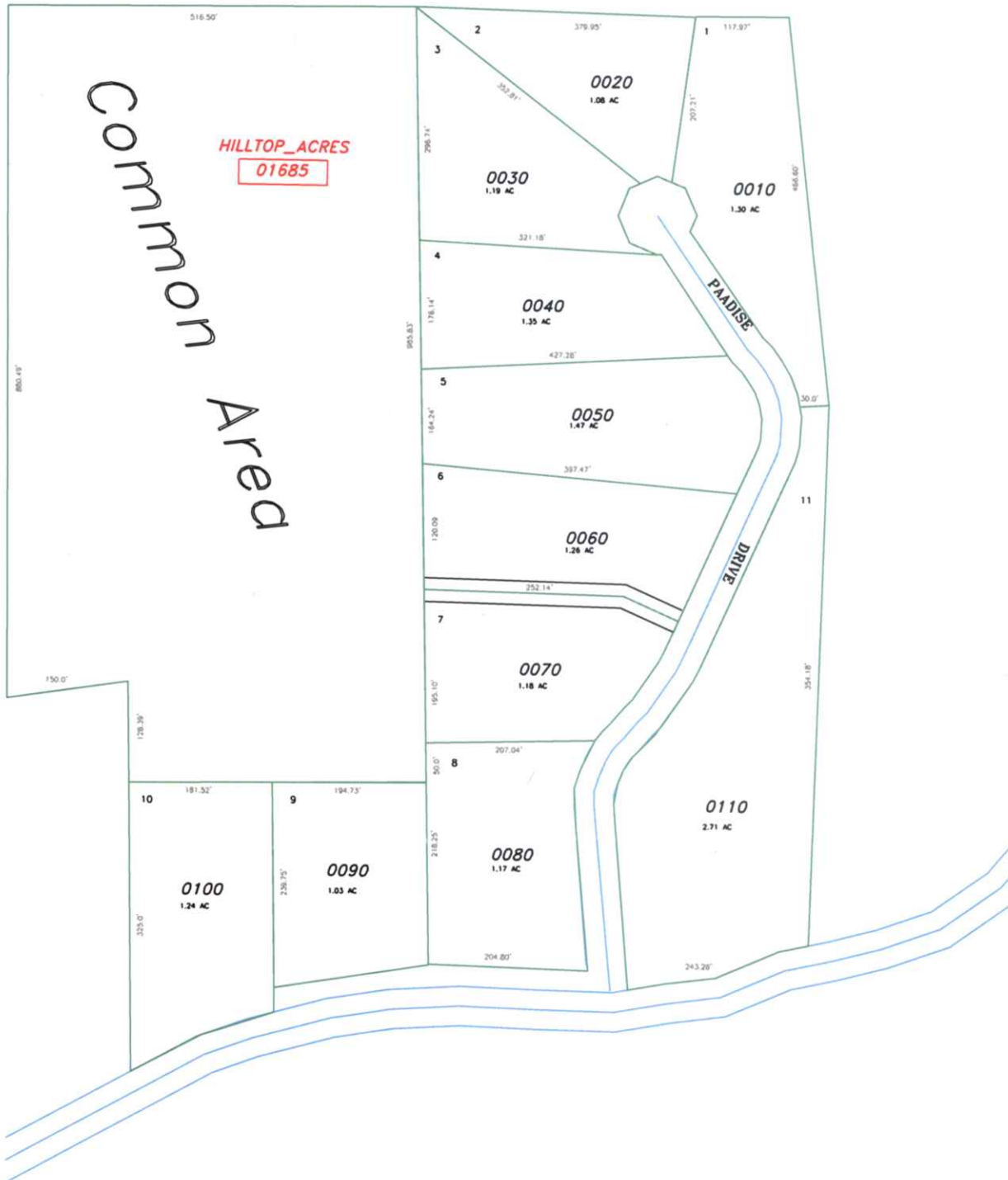
2462 OLD PULLMAN ROAD

CODE AREA 40-0000 OWNER CD
PARC TYPE LOC CODE 2810
EFFDATE 9021992 EXPDATE
PREV PARCEL RP39N06W134970AMOSCOW ID 83843-8835
2462 OLD PULLMAN RD 83843

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
15	2002	2555	AC	45000				
19	2002	160	AC					
32	2002			25975				
37	2002			175312	175312	50000		
TOTALS		2715		246287	175312	50000		

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SRch

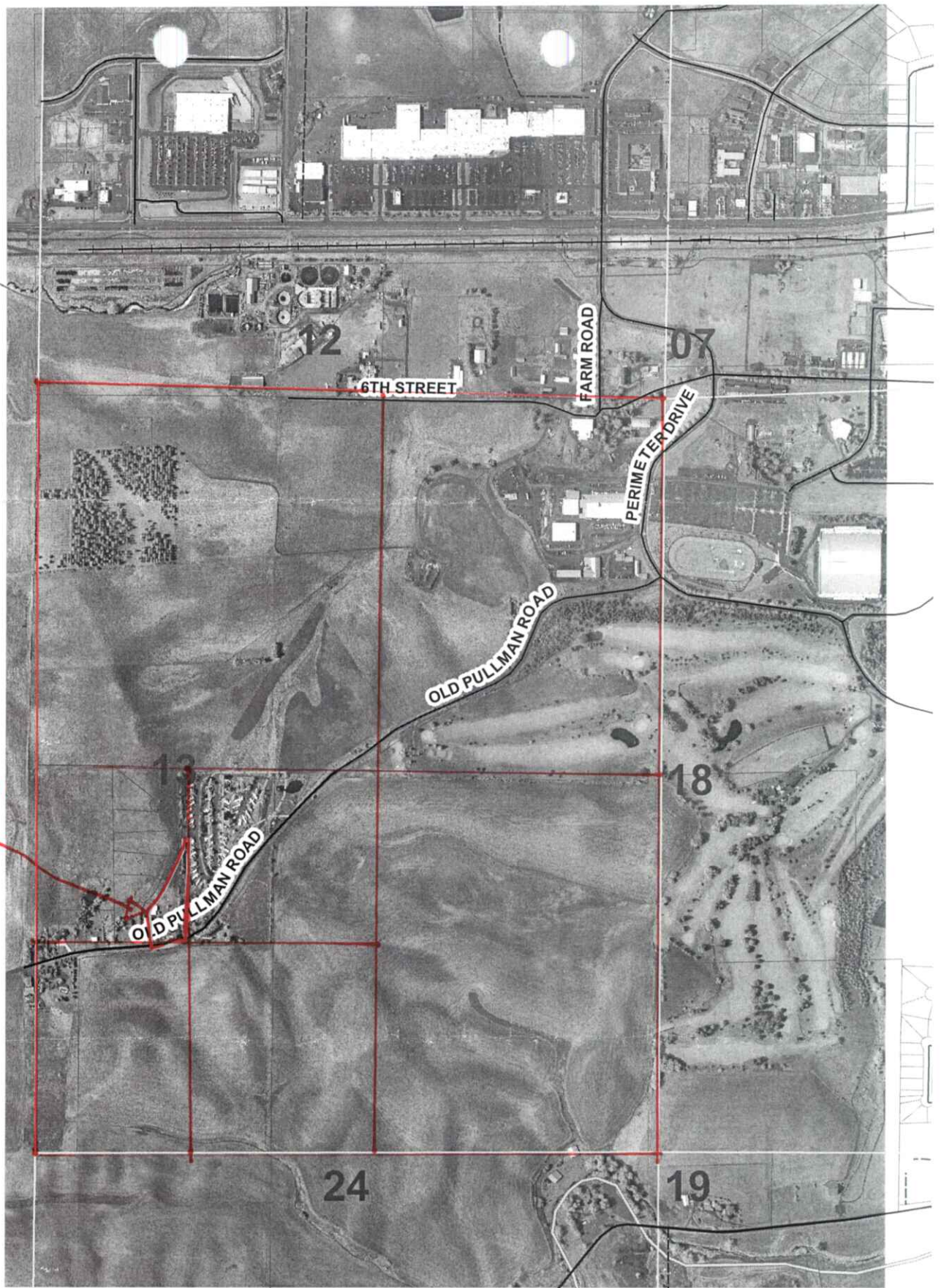




sec 13: T39N, R6W

This is an aerial photograph of a rural landscape. A large, irregular polygon is outlined in black, encompassing a cluster of buildings and some open land. Within this polygon, a small 'X' marks a specific location. To the right of the polygon, a road curves through the landscape, with labels 'Old Pullman' and 'Unimproved Street' visible. The terrain is a mix of dark, wooded areas and lighter, open fields. The overall image has a grainy, historical quality.

X - WELL LOCATION



NW 1/4
SW 1/4
sec 13
T39N R5W
SITE

Send To Printer

Back To TerraServer

Change to 11x17 Print Size

Remove Grid Lines

Change to Landscape

USGS 4 km W of Moscow, Idaho, United States 22 May 1992

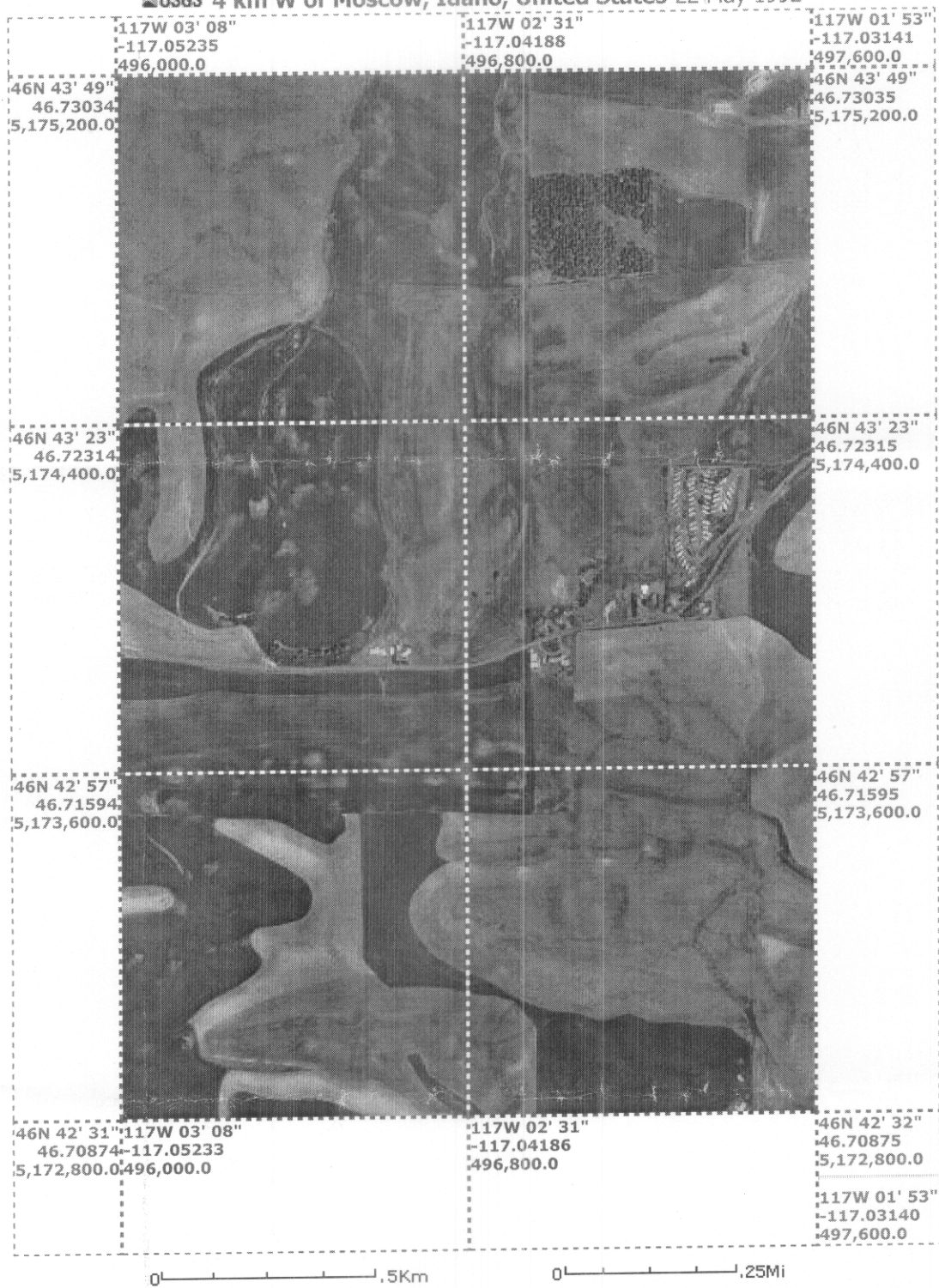
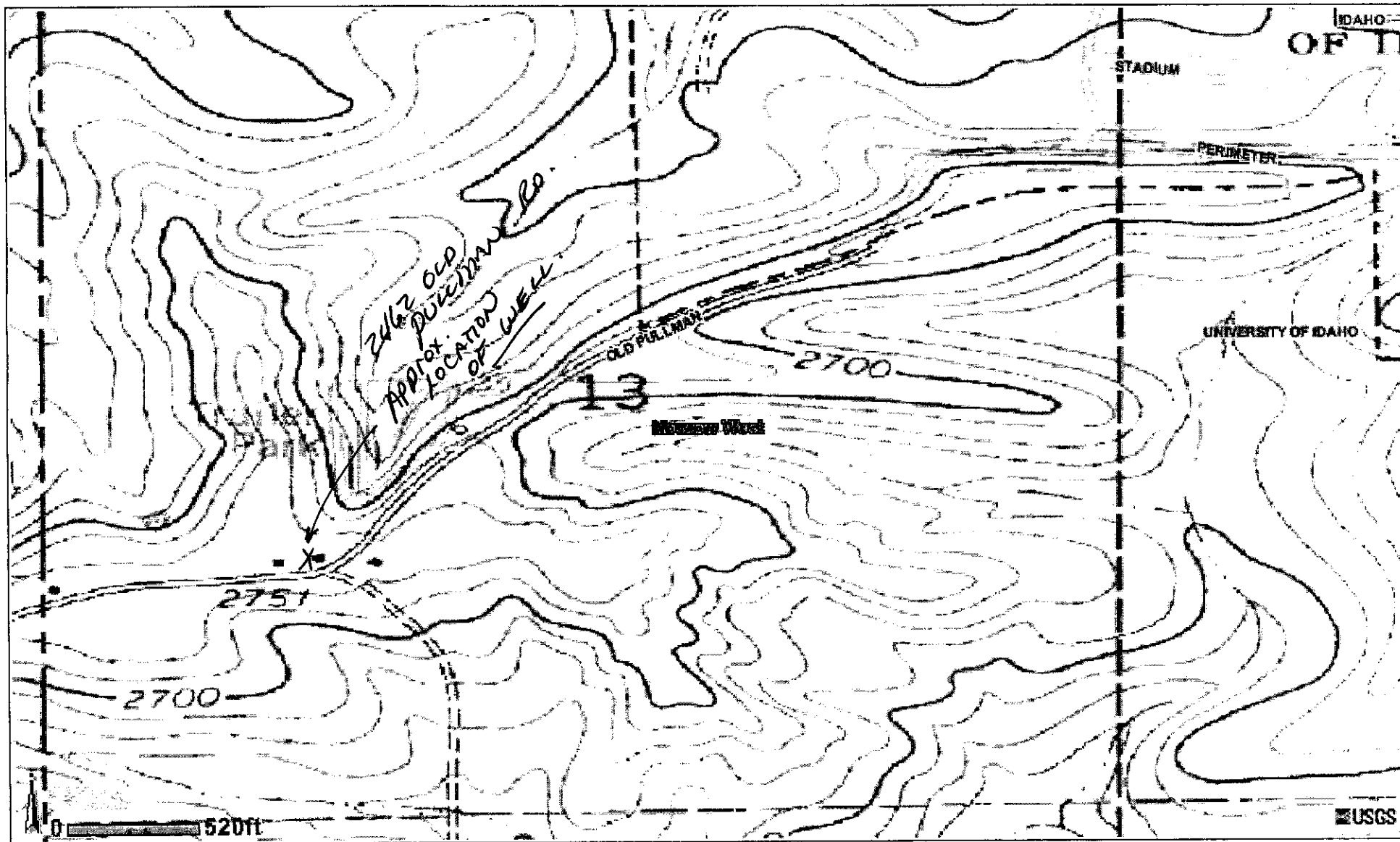


Image courtesy of the U.S. Geological Survey
© 2004 Microsoft Corporation. **Terms of Use** **Privacy Statement**



USGS
science for a changing world

46.727844
-117.04038
Map
Extent
46.714737
-117.018364

The National Map
<http://nationalmap.gov/>

Geographic Coordinate System (WGS84)

**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

October 6, 2005

WAYNE M SPROUSE
2462 OLD PULLMAN RD
MOSCOW ID 83843

RE: Permit No. 87-10041

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.

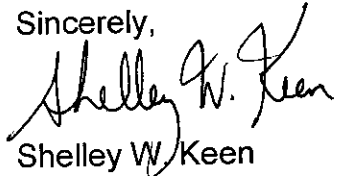
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

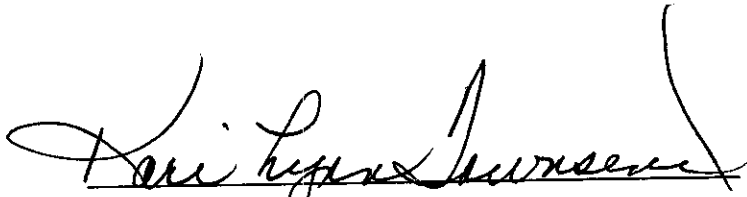
CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2005 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.

87-10041

**WAYNE M SPROUSE
2462 OLD PULLMAN RD
MOSCOW ID 83843**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**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: October 05, 2005
To: Water Right File 87-10041
From: eretelle
Re: permit review

No WD.

No overlap or protest.

Recommend approval as suggested by IDWR Northern.

NEWS REVIEW PUBLISHING COMPANY
The Moscow-Pullman Daily News
409 S Jackston St., P.O.Box 8187
Moscow, Idaho 83843
(208) 743-9411

LEGAL ADVERTISING
INVOICE

SOLD TO: IDAHO DEPT/ WATER RESOURCES
1910 NORTHWEST BLVD #210
COEUR D AL ID 83814

Date 09/08/2005 INVOICE NO. 402040
Account No. 30010311
Description 402040 Permit No 87 10
Times 2 Lines 1
Tab. Lines _____
\$ 60.06
PO# _____

RECEIVED
SEP 09 2005
IDWR/North

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

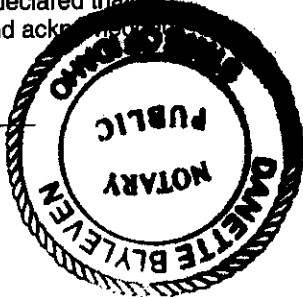
AFFIDAVIT OF PUBLICATION

PUBLIC NOTICE
The following application(s) have been filed to appropriate the public waters of the State of Idaho:
87-10041
WAYNE M SPROUSE
2462 OLD PULLMAN RD
MOSCOW ID 83843
Point(s) of Diversion NESW S13
T39N R06W LATAH County
Source: GROUND WATER
Use: IRRIGATION 03/15 To 10/31 0.06 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.1 CFS
Date Filed: 08/16/2005
Place Of Use: IRRIGATION
T39N R06W S13 NESW
Number of Acres 3
Place Of Use: DOMESTIC same
as IRRIGATION
Remark: Domestic use is for one 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 09/19/2005. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER,
Director
September 1, 8, 2005

Lorraine Hudson, Legal Clerk
being first duly sworn, on oath deposes and says: That she is the printer of Moscow-Pullman Daily News, a newspaper of general circulation, printed and published daily except Sunday at Moscow, Latah County, Idaho, in compliance with Sections 60-106, 60-107, and 60-108 of the Idaho Code and the amendments thereto: that the notice of which the annexed is a full, true and correct printed copy was published in the regular and entire issues of said newspaper and not in a supplement thereto, upon the following dates:

Sept 1, 8, 2005
the same being the date designated for the publication of said notice.
Lorraine Hudson

State of Idaho S.S.
County of Latah
On this 8th day of September
in the year of 2005, before me, a Notary Public, personally appeared Lorraine Hudson, 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.
Janette Blyleven
Notary Public for Idaho,
Residing at Moscow, Idaho
My Commission Expires 10/02/07



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KARL J DREHER, Director Published on September 1 and 8, 2005

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KARL J DREHER, Director Published on September 1 and 8, 2005

8/25/2005

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, August 24, 2005 2:22 PM
To: Legal Notices-MoscowPullmanDailyNews (E-mail)
Subject: CoverLetter 08-24-05 MP e-mail with legal notice text for 87-10041.doc

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD., SUITE 210
COEUR D'ALENE ID 83814
Phone 208-769-1450 - FAX - 208-769-1454

August 24, 2005

PLEASE FAX PROOF COPY BEFORE PUBLISHING

Thank you very much, Dianne

LORRAINE HUDSON
LEGAL NOTICE DEPARTMENT
MOSCOW-PULLMAN DAILY NEWS
PO BOX 8187
MOSCOW ID 83843-8187

e-mailed to Lorraine 8/24/05 with Legal Notice text

RE: Application for Permit No. 87-10041

Dear Lorraine:

Following this letter, as page two of this document you will find a legal notice that we wish to have published in your newspaper on the dates indicated, September 1 and 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 09/19/2005. Your cooperation is GREATLY appreciated, as always.

Thank you very much. It's always a pleasure to work with you.

If you have ANY questions, please call me at 208-769-1450.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

8/25/2005



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

August 24, 2005

WAYNE M SPROUSE
2462 OLD PULLMAN RD
MOSCOW ID 83843

RE: Application for Permit No 87-10041

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 Moscow Pullman Daily News on September 1 and 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. N017111