

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09223

Priority: March 15, 2005

Maximum Diversion Rate: 0.16 CFS

This is to certify, that ROBERT D DOOLITTLE Or YVONNE L DOOLITTLE
190 DOOLITTLE DR
PRIEST RIVER ID 83856

have 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	0.06 CFS
IRRIGATION	04/01 to 10/31	0.10 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SW1/4SE1/4 Sec. 27, Twp 56N, Rge 05W, B.M., BONNER County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
56N 05W 27																X	

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
56N 05W 27																5.0	5.0

Total Acres: 5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2007**.
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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Domestic use is for 2 homes. Irrigation of lawn, garden and landscaping associated with the homes is authorized under the irrigation component of this right.
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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 1st day of June, 2005.


for KARL J DREHER, Director

71859

ident. No. 96-9223

RECEIVED
MAY 16 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

RECEIVED
MAR 15 2005
IDWR/North

DEPARTMENT OF
WATER RESOURCES

1. Name of Applicant Robert D. or Yvonne L. Doolittle Phone 208-448-1425 or 448-1009
- Mailing address 190 Doolittle Dr. Priest River, Id 83856
2. Source of water supply GROUND WATER which is a tributary of _____
3. Location of point of diversion is Township S6N Range 5W Sec. 27, in the _____ 1/4, SW 1/4, SE 1/4, Govt. Lot _____, B.M., Bonner County;
- additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | |
|---|------------------------------|
| Amount <u>0.06</u> for <u>DOMESTIC</u> purposes from <u>Y.</u> to <u>9/31</u> (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount <u>0.10</u> for <u>IRRIGATION</u> purposes from <u>3/15</u> to <u>11/15</u> (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) 0.16 cubic feet per second and/or (b) _____ 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
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is 4x4x4 inches; proposed depth of well is 10 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 2 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	
3N	8W	27															D		
																	S		5

Total number of acres to be irrigated 5

10. Describe any other water rights used for the same purposes as described above. _____

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: _____

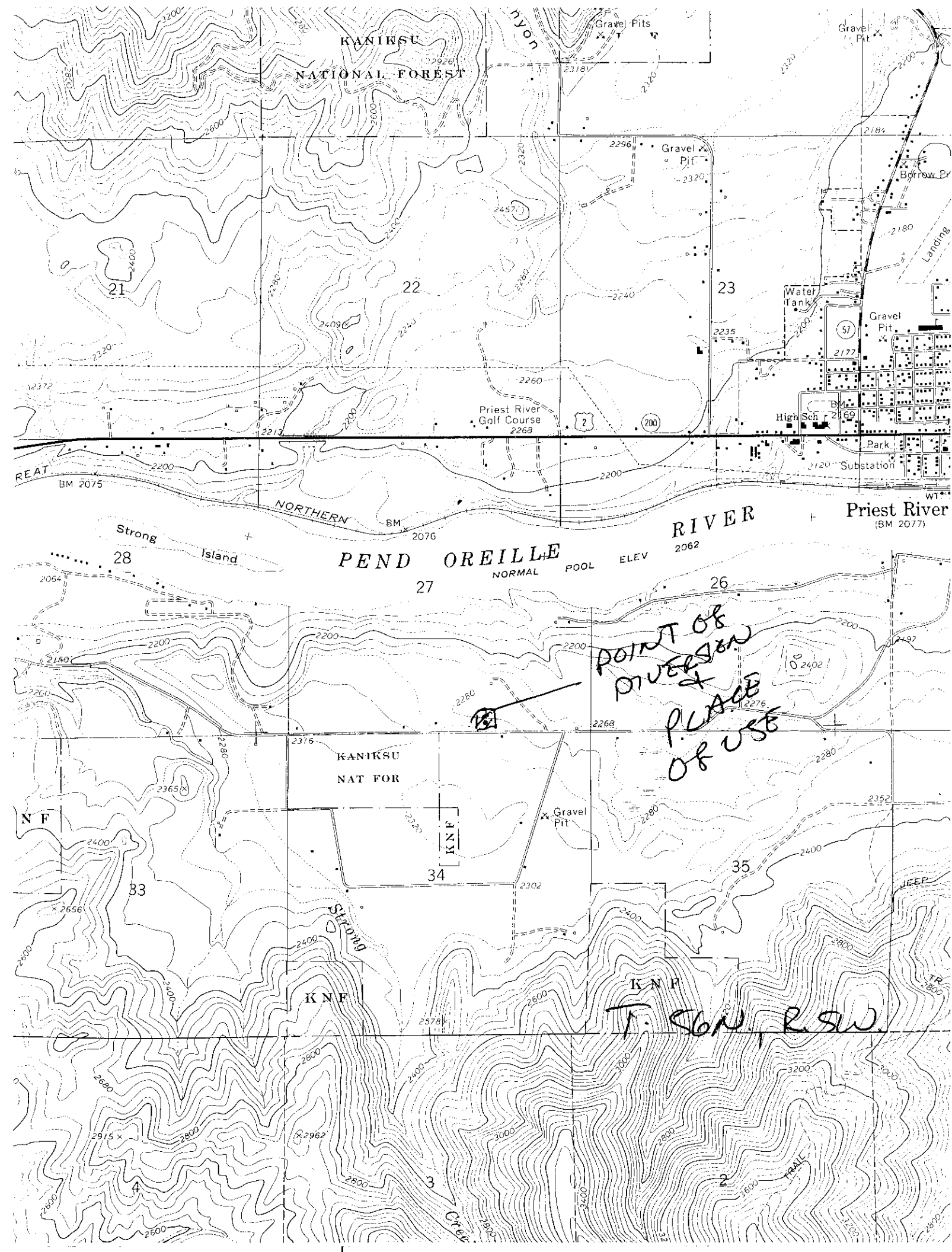
12. Remarks: _____

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.

X. Glenn Doolittle
Signature of Applicant (and title, if applicable)

Received by AB Date 03-15-05 Time 10:15 Preliminary check by AB
Fee \$ 100 Received by AB # 2016787 Date 03-15-05
Publication prepared by AB Date 3/29/05 Published in Prater River Times 4/6 + 13/05
Publication approved AB Date 5/9/05



**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

June 2, 2005

ROBERT D DOOLITTLE
YVONNE L DOOLITTLE
190 DOOLITTLE DR
PRIEST RIVER ID 83856

RE: Permit No. 96-9223

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.

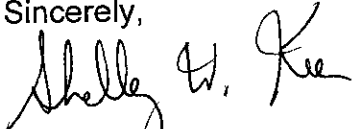
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

Water Rights Supervisor

SWK:klit

Enclosure(s)

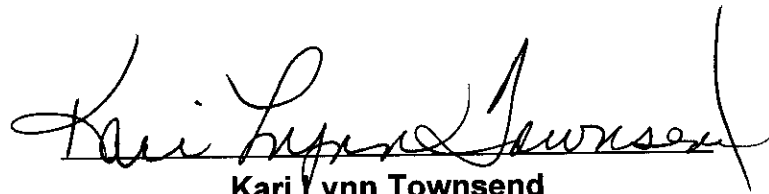
CERTIFICATE OF SERVICE

I hereby certify that on June 2, 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.

96-9223

**ROBERT D DOOLITTLE
YVONNE L DOOLITTLE
190 DOOLITTLE DR
PRIEST RIVER ID 83856**



**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.

Comment Report

96-9223

1. kwalker 5/27/2005 POD

Comment: Updated shape

2. kwalker 5/27/2005 POD

Comment: Updated PLS

3. kwalker 5/27/2005 POU

Comment: Updated Shape

4. kwalker 5/27/2005 POU

Comment: Updated Shape

5. dball 3/24/2005 Legal Notice Remarks

Comment: Domestic use is for 2 homes.

6. dball 3/24/2005 Comment/Analysis

Comment: Well is an old hand dug well 4 ft x 4 ft in diameter and 10 ft deep.

7. kwalker 5/27/2005 Permit Review

Comment: Application does not fall within any problem areas. There is no place of use overlap. Changed season of use to standard season for this area. Completed arc view. Recommend approval.

AFFIDAVIT OF PUBLICATION

RECEIVED

State of Idaho

MAY - 3 2005

ss.

IDWA North

County of Bonner, Terri Jorie

being first duly sworn on oath
deposes and says that he/she is Managing Editor
of the Priest River Times, a newspaper printed and
published at Priest River, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

96-9223 Robert & Yvonne Doolittle

96-9224 The Ranch at Riverbend LLC

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 6th day of April, 2005
and ending on the 13th day of April, 2005
and that said notice was published in said newspaper.

On this 13th day of April in the year
of 2005, before me, a Notary Public, personally
appeared Terri Jorie,
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.

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
96-9223

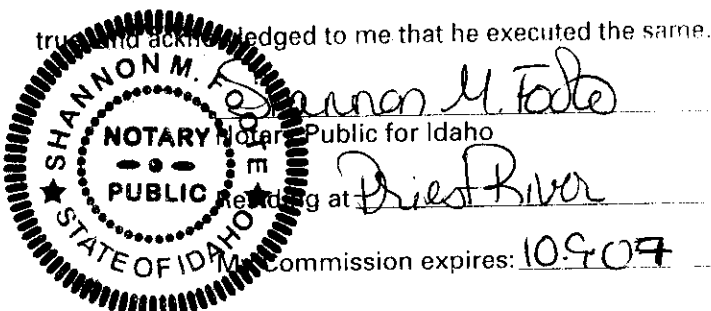
ROBERT D DOOLITTLE
YVONNE L DOOLITTLE
190 DOOLITTLE DR
PRIEST RIVER ID 83856
Point(s) of Diversion SWSE S27 T56N R05W BONNER County
Source GROUND WATER
Use: IRRIGATION 03/15 To 11/15 0.1 CFS
Use: DOMESTIC 01/01 To 12/31 0.06 CFS
Total Diversion: 0.16 CFS
Date Filed: 03/15/2005
Place Of Use: DOMESTIC T56N R05W S27 SWSE
Place Of Use: IRRIGATION same as DOMESTIC
Number of Acres 5
Remark: Domestic use is for 2 homes.
96-9224

THE RANCH AT RIVERBEND LLC
PO BOX 3431
COEUR D'ALENE ID 83816
Point(s) of Diversion NWSW S28 T56N R03W BONNER County
Point(s) of Diversion NESE S29 T56N R03W BONNER County
Source GROUND WATER
Use: MUNICIPAL 01/01 To 12/31 1 CFS
Total Diversion: 1 CFS
Date Filed: 01/31/2005
Place Of Use: MUNICIPAL
Remark: Municipal use is within service area of applicant.

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 04/25/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Legal 614472
April 6, 13 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 29, 2005

ROBERT D DOOLITTLE
YVONNE L DOOLITTLE
190 DOOLITTLE DR
PRIEST RIVER ID 83856

RE: Application for Permit No 96-9223

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 Priest River Times on April 6 and 13, 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,

Robert G. Haynes, P.E.
Regional Manager



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

March 29, 2005

SHANNON FOOTE
LEGAL NOTICE DEPARTMENT
PRIEST RIVER TIMES
PO BOX 10
PRIEST RIVER ID 83856

E-MAILED TO SHANNON 3/29/05

RE: Application for Permit No. 96-9223 and 96-9224

Dear Shannon:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates Indicated, April 6 and 13, 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 04/25/2005. Your cooperation is, as always, GREATLY appreciated.

Thank you,
Sincerely,

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, March 29, 2005 11:51 AM
To: Legal Notices-Priest River Times (E-mail)
Subject: Legal notice for publication on April 6 and 13, 2005

Good day to you, Shannon,

Once again, attached you will find a copy of our Cover Letter requesting publication of a legal notice, also attached.

This is for publication on April 6 and 13, 2005.

Please fax a PROOF COPY to be prior to publication. That allows me to double check my work, and also to make sure that when copied or cut and pasted, the tabs don't scramble things too much. I know that tabs can do crazy things when copied or cut and pasted.

Thanks again for all your good work. It's a joy to work with you.

Dianne

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

3/29/2005

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

96-9223

ROBERT D DOOLITTLE
YVONNE L DOOLITTLE
190 DOOLITTLE DR
PRIEST RIVER ID 83856

Point(s) of Diversion SWSE S27 T56N R05W BONNER County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.1 CFS

Use: DOMESTIC 01/01 To 12/31 0.06 CFS

Total Diversion: 0.16 CFS

Date Filed: 03/15/2005

Place Of Use: DOMESTIC T56N R05W S27 SWSE

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres 5

Remark: Domestic use is for 2 homes.

96-9224

THE RANCH AT RIVERBEND LLC
PO BOX 3431
COEUR D ALENE ID 83816

Point(s) of Diversion NWSW S28 T56N R03W BONNER County

Point(s) of Diversion NESE S29 T56N R03W BONNER County

Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 1 CFS

Total Diversion: 1 CFS

Date Filed: 01/31/2005

Place Of Use: MUNICIPAL

Remark: Municipal use is within service area of applicant.

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 04/25/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on April 6 and 13, 2005