

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 86-11911

Priority: February 06, 2004

Maximum Diversion Rate: 0.04 CFS

This is to certify, that EVAH JEAN HICKS Or ROYCE E HICKS
4229 VIEW POINT DR
AHSARKA ID 83520

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

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE¼ NW¼ Sec. 34, Twp 37N, Rge 01E, B.M., CLEARWATER 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
37N 01E 34					X			X									

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before July 01, 2005.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
5. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 16 day of July, 2004.


for KARL J DREHER, Director

5/27/03

FORM 202
12/99

Ident. No. 86-11911

RECEIVED
JUL 12 2003
Department of Water Resources

71283
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
MAY 27 2003
IDWR/North

To appropriate the public waters of the State of Idaho

1. Name of Applicant ROYCE E. OR EVAH JEAN HICKS Phone (208) 435-4331
Mailing address 4229 VIEW POINT DRIVE AHSANKA, ID 83520
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is Township 37 N Range 1 E B.M. Sec. 34, in the SW $\frac{1}{4}$,
NE $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot _____, B.M.: CLEARWATER County _____
additional points of diversion if any: SPRING (THRU ABOVE FOR YARD & GARDEN) (SEASONAL)
4. Water will be used for the following purposes: HOUSEHOLD & DOMESTIC GARDEN/LAWN
Amount .04 for DOMESTIC purposes from 1 to 12 (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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) _____ 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 1 H.P. SUBMERSIBLE PUMP
WELL I.D. TAG # D0022329
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 6 5/8" inches; proposed depth of well is 125 FT feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? Oct/Nov '02, Drilling firm VALENKOTT WELL DRILLING;
Well was drilled for (well owner) YES; Drilling Permit No. D0022329
7. Time required for completion of works and application of water to proposed beneficial use is 1 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. 1 HOUSEHOLD
 - e. Other; describe fully. _____

~~37A | 3D~~

Figure 1

ROYCE E. HICKS & EVAN JEAN HICKS (US!)
SAME (WED)

SAME (WED₀)

N/A

N/A

place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

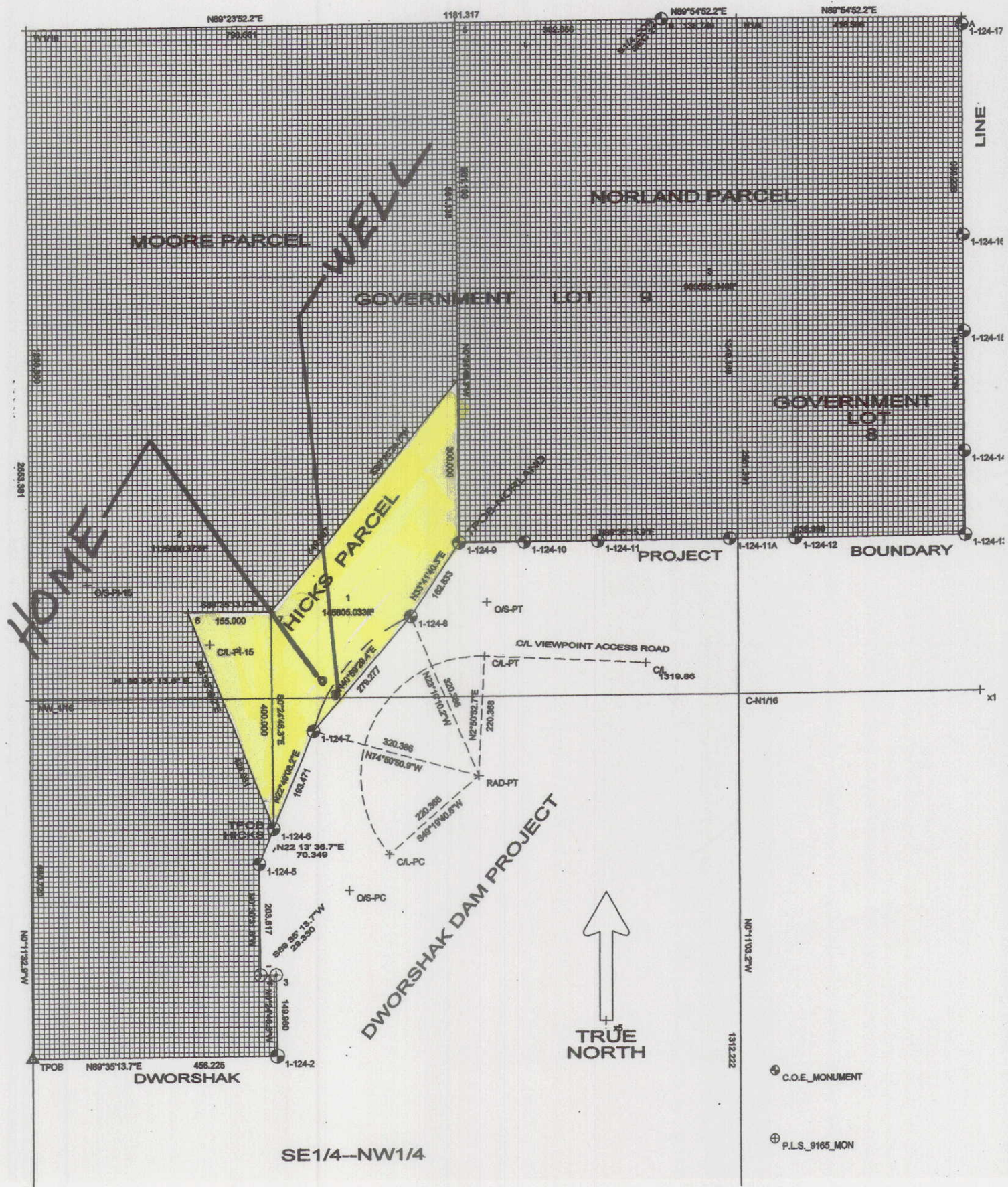
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Royce E. Hicks OR Evelyn J. Hicks
Signature of Applicant (and title, if applicable)

Received by AB Date 5-27-03 Time 2:30 Preliminary check by AB
 Fee \$ 100 Received by AB # NO15662 Date 5-27-03
 Publication prepared by AB Date _____ Published in Clearwater Tribune 6/17+24/04
 Publication approved AB Date 6/29/04

DESCRIPTION SKETCH

PORTION OF SEC. 34, T. 37 N., R. 1 E., B.M.





RECEIVED

FEB 26 2004

CWR/Noth

AK NATIONAL
HATCHERY

ARK
MP
RK

BM 984

12

MILE
41

7

DEM

BM
993

Ahsahka

TRANSMISSION

HOME
WELL

Now
Starting
Right Side
of file.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 19, 2004

EVAH JEAN HICKS
ROYCE E HICKS
4229 VIEW POINT DR
AHTAHKA ID 83520

RE: Permit No. 86-11911

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.

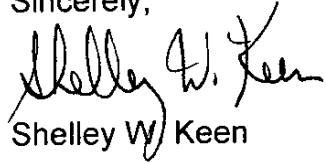
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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 208-327-7946.

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 more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

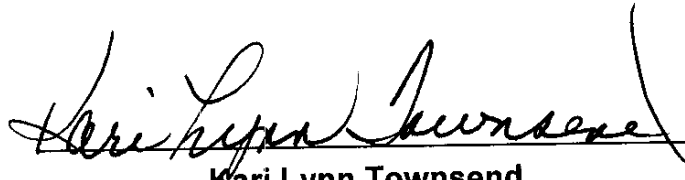
CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2004 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.

86-11911

**EVAH JEAN HICKS
ROYCE E HICKS
4229 VIEW POINT DR
AHSAHKA ID 83520**

A handwritten signature in black ink, reading "Kari Lynn Townsend", 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.

Comment Report

86-11911

1. dball 6/3/2004 Legal Notice Remarks

Comment: Domestic use is for 1 home.

2. E Retelle 7/16/2004 Permit Review

Comment: Recommend approval as suggested by IDWR Northern.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Clearwater)

LA RAE CALL

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of the THE CLEARWATER TRIBUNE; that said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho, during the

APPLICATION - APPROPRIATION OF PUBLIC
WATER

ROYCE & EVAH JEAN HICKS

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for a full period of two consecutive issues, commencing on the 17th day of June 2004 and ending on the 24th day of June 2004.

La Rae Call
STATE OF IDAHO)
)
COUNTY OF CLEARWATER)

On this 25th day of June in the year of 2004, before me, a Notary Public, personally appeared

La Rae Call
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Pamela A. Jones
Notary Public for Idaho
Resident at Orofino, Idaho
My commission expires: 11-20-07

The following application(s) have been filed
to appropriate the public waters of the State of Idaho:
86-11911

ROYCE E HICKS
EVAH JEAN HICKS
4229 VIEW POINT DRIVE
AHSAHKA ID 83520
Point(s) of Diversion **NENW S34 T37N R01E** CLEARWATER County
Source **GROUND WATER**
Use: **DOMESTIC** 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 05-27-2003
Place Of Use: **DOMESTIC T37N R01E S34 NENW SENW**
Remark: Domestic use is for 1 home.

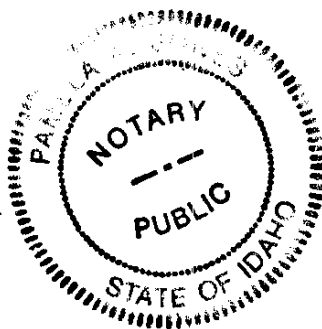
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

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 07/06/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

6-17,24-04c

RECEIVED
JUN 28 2004
IDWR/North



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

86-11911

ROYCE E HICKS
EVAH J HICKS
4229 VIEW POINT DRIVE
AHSAHKA ID 83520

Point(s) of Diversion NENW S34 T37N R01E CLEARWATER County

Source GROUND WATER

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

Total Diversion: 0.04 CFS

Date Filed: 05/27/2003

Place Of Use: DOMESTIC T37N R01E S34 NENW SENW

Remark: Domestic use is for 1 home.

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KARL J DREHER, Director

Published on June 17 and 24, 2004.



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

June 09, 2004

- PLEASE FAX PROOF PRIOR TO PUBLICATION -

MARCIE STANTON
LEGAL NOTICE DEPARTMENT
CLEARWATER TRIBUNE
PO BOX 71
OROFINO ID 83544

e-mailed to Marcie 6/9/04

RE: Application for Permit No. 86-11911 - Hicks

Dear Marcie:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, June 17 and 24, 2004, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 07/06/2004. Your cooperation is appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, June 09, 2004 4:28 PM
To: Legal Notices-Clearwater Tribune (E-mail)
Subject: Legal notice for publication on June 17 and 24, 2004

Good afternoon, Marcie,

Attached is a cover letter requesting publicaton of a legal notice, also attached. Please publish on June 17 and 24, 2004.

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

ALSO - PLEASE FAX A PROOF COPY PRIOR TO PUBLICATION.

Thanks very much,

Too blessed to be stressed....

✿ Dianne

6/9/2004



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

June 09, 2004

ROYCE E HICKS
EVAH J HICKS
4229 VIEW POINT DRIVE
AHSAHKA ID 83520

RE: Application for Permit No 86-11911

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 Clearwater Tribune on June 17 and 24, 2004. 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,

A handwritten signature in cursive script, reading 'Allen Beardslee', followed by a horizontal line.

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) - Receipt No. N015662 **for your files.**

04 February 2004

RECEIVED

FEB 06 2004

IDWR/North

State of Idaho
Department of Water Resources
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, Idaho 83814-2615

Att: Allen Beardslee
Senior Water Resource Agent

Thank you for your letter dated 03 February 2004.

We have indicated the locations for the home
and well on the map enclosed with your letter.

We have also shown the locations on a more
detailed and current map for your convenience.

Please advise us in the event more information
is required.

Sincerely,

Royce E. Hicks
4229 Viewpoint Road
Ahsahka, ID 83520
(208) 476-7475