

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-09226

Priority: October 16, 2003

Maximum Diversion Rate: 0.02 CFS

This is to certify, that JOHN BEUTLER And
ANN BEUTLER
1836 NORTHWEST BLVD
COEUR D ALENE ID 83814

has applied for a permit to appropriate water from:

Source: SPOKANE RIVER

Tributary: COLUMBIA RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/15 to 11/15

RATE OF DIVERSION

0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPOKANE RIVER L3(NW¼ NE¼) Sec. 8, Twp 50N, Rge 04W, B.M., KOOTENAI County

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	
50N 04W 8		2.0															2.0
		L 3															

Total Acres: 2

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 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.
4. 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.
5. Water shall not be diverted under this right when flows in the Spokane River are below established minimum flow amounts.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 22ND day of July, 2004.


for KARL J DREHER, Director

\$100 FEE Ident. No. 95-9226

71250

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

OCT 16 2003

IDWR/North

RECEIVED
JUL 21 2004
Department of Water Resources

1. Name of Applicant John Beutler & Ann Beutler Phone (208) 665-3939

Mailing address 1836 Northwest Blvd, Coeur d'Alene, Idaho 83814

2. Source of water supply Spokane River which is a tributary of Coeur d'Alene Lake

3. Location of point of diversion is Township 50N Range 4W Sec. 8, in the NW NE SE SW 1/4, Govt. Lot 3 Timber River, B.M., Kootenai County;

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 0.02 for irrigation purposes from 3/15 to 10/15 (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)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .005 0.02 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works: Manually set pump and water line

a. Describe type and size of devices used to divert water from the source _____

3HP submersible pump and 2" water line.

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 N/A inches; proposed depth of well is _____ feet

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

e. If well is already drilled, when? N/A; Drilling firm N/A

Well was drilled for (well owner) N/A; Drilling Permit No. N/A

7. Time required for completion of works and application of water to proposed beneficial use is 50 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. _____

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	
5N	4W	8		Lot 3 2															2

Total number of acres to be irrigated 2

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? Applicant

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: Property is in process of being divided and deeded:
Lot 3 Timber River

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.

Ann J. Beutler

Signature of Applicant (and title, if applicable)

Received by db Date 10/16/03 Time 3:13 P Preliminary check by RSB
 Fee \$ 100.00 Received by db # N015973 Date 10/16/03
 Publication prepared by db Date 5/26/04 Published in Call prep 6/3+10/04
 Publication approved db Date 6/17/04

SEGREGATION REVISIONS

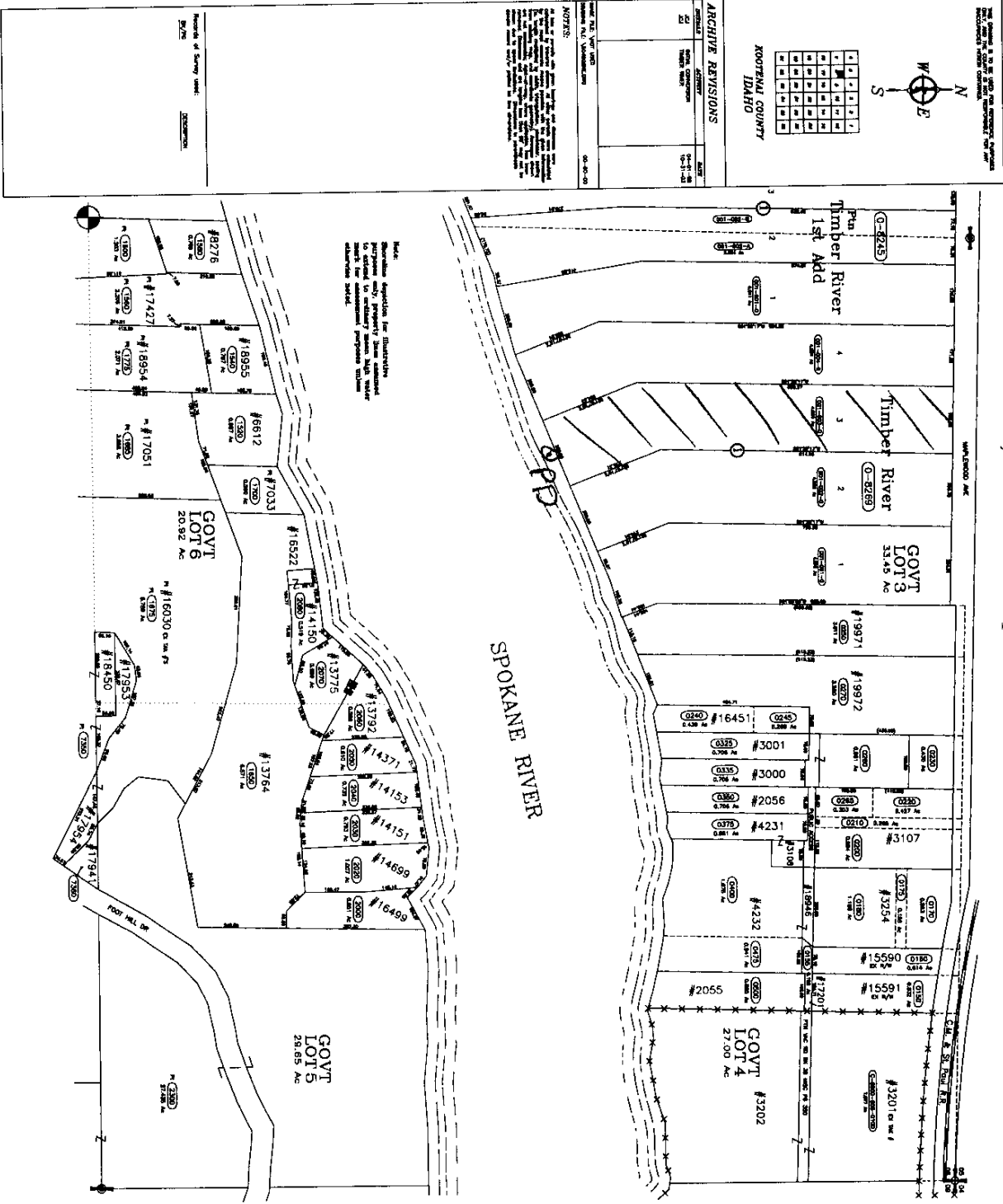
The revision dates below represent the the new dates for the revision of the original map. The revision dates for these revisions are printed within the ARCHITECT REVISIONS box in the drawing. This block.

- 04/23/98 - JCU
Pt. of SMOCK-08-0150 and 0160 out to R/W (98)
- 10/21/98 - VMC
Tox #17853 out of SMOCK-08-1875 and combined w/ 7350 (98)
- 09/14/99 - VMC
SMOCK-08-0250 combined w/ 0275 (79K)
- 12/17/99 - VMC
Tox #18450 out of SMOCK-08-1875 and combined w/ 7350 (79K)
- 09/18/00 - VMC
SMOCK-08-0250 out of 0220 (01)
- 04/17/01 - VMC
Pt. Public Access area added to SMOCK-08-0220 (01)
- 75/01 - VMC
48-08-1775 combined w/ pin 1540 as Tax #18954
- 09/08/02 - VMC
SMOCK-08-1540 redesignated as Tax #18955 (02)
- 11/22/02 - VMC
SMOCK-08-0100 revised on map to include Tax #3207 (02)
- 11/22/02 - VMC
Pt. of SMOCK-08-0800 combined w/ 0250 and a pin of 0220 as a pin of Tax #18450. Remainder of Tax #18450 as 2550 due to code area differences (W/ for 2003)
- 10/28/03 - TH
SMOCK-08-0100 (now C-0000-008-0100) annexed into City of IDAHO per Ord #41519, Int #183585 (03)
- 10/31/03 - JCU
SMOCK-08-0800 private into TIMBER RIVER (04)
- 11/06/03 - SLW
SMOCK-08-0850 private into a pin of TIMBER RIVER 157,420 (04)
- 03/04/04 - VMC
SMOCK-08-0220 combined w/ 0270 & redesignated as Tax #19972, Parcel #0220 redesignated as Tax #19971 (05)

FILENAME: S014086(Extension)

NE 1/4 Sec. 8 Twp. 50 N. R. 4 W.B.M.

50N04W-08



NE 1/4 Sec. 8 Twp. 50 N. R. 4 W.B.M.

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 22, 2004

JOHN BEUTLER
ANN BEUTLER
1836 NORTHWEST BLVD
COEUR D ALENE ID 83814

RE: Permit No. 95-9226

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.

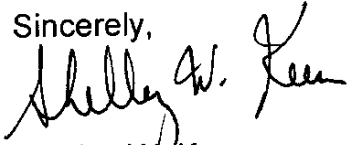
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 a 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 208-327-7946.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

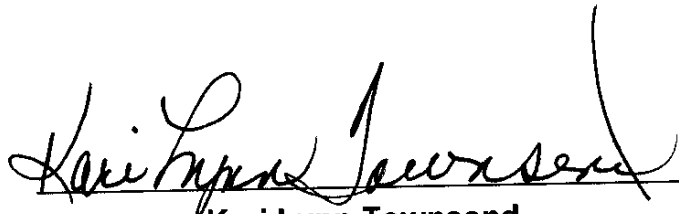
CERTIFICATE OF SERVICE

I hereby certify that on July 22, 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.

95-9226

**ANN BEUTLER
JOHN BEUTLER
1836 NORTHWEST BLVD
COEUR D ALENE ID 83814**



**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.

SCANNED

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

95-9226

1. E Retelle 7/21/2004 Application for Permit

Comment: Recommend approval as suggested by IDWR Northern.

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO,
County of Kootenai,

} ss.

JUN 14 2004

IDWR/North

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 *3* day of *June* 20*04*, and ending on the *10* day of *June* 20*04*, 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

Kattie Hory

Personally appeared before me this

10

day of

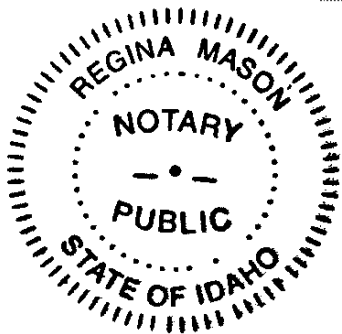
June

20*04*

Regina Mason

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

MY COMMISSION EXPIRES 6/18/09



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

95-9226

JOHN BEUTLER

ANN BEUTLER

1836 NORTHWEST BLVD

COEUR D'ALENE ID 83814

Point(s) of Diversion L3 (NWNE) S8 T50N R04W KOOTENAI County

Source SPOKANE RIVER Tributary To COLUMBIA RIVER

Use: IRRIGATION 03/15 To 11/15 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 10/16/2003

Place Of Use: IRRIGATION T50N R04W S8 NWNE Lot 3

Number of Acres 2

95-9227

EDMUND C ZIEGLER

10323 W GALLOP LN

POST FALLS ID 83854

Point(s) of Diversion NWSE S23 T51N R05W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.12 CFS

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

Total Diversion: 0.12 CFS

Date Filed: 05/21/2004

Place Of Use: IRRIGATION T51N R05W S23 NWSE

Number of Acres 4

Place Of Use: DOMESTIC - same as IRRIGATION

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 06/21/2004. The protestant must also send a copy of the protest to the applicant.

Legal 5252
June 3, 10, 2004

KARL J DREHER, Director

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

95-9226

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ANN BEUTLER

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95-9227

EDMUND C ZIEGLER

10323 W GALLOP LN

POST FALLS ID 83854

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KARL J DREHER, Director

Published on June 3 and 10, 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

PLEASE FAX PROOF PRIOR TO PUBLICATION

To: 769-1454

May 26, 2004

KATTIE HOY &/OR KRISTY PEAK
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814

e-mailed to legals@cdapress.com

RE: Application for Permit No. 95-9226 and 95-9227

Dear Kattie &/or Kristy:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, June 3 and 10, 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 06/21/2004. Your cooperation is VERY MUCH appreciated, as always.

Thank you, and have a simply gorgeous day.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, May 26, 2004 11:02 AM
To: Legal Notices-CdA Press (E-mail)
Subject: Legal Notices (2) for publication on June 3 and 10, 2004.

Good morning Kattie and Kristy,

Attached are a couple of cover letters, and also a couple of legal notices for publication on June 3 and 10, 2004.

Please reply to this e-mail so I know you received it ok, and also, **PLEASE FAX A PROOF PRIOR TO PUBLICATION.**

I hope you have a GREAT day.

Thank you very much for all your good work and help. It's super working 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

5/26/2004



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

May 26, 2004

JOHN BEUTLER
ANN BEUTLER
1836 NORTHWEST BLVD
COEUR D ALENE ID 83814

RE: Application for Permit No 95-9226

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 Coeur d'Alene Press on June 3 and 10, 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 ten weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Allen Beardslee
Senior Water Resource Agent



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

May 20, 2004

MARY TERRA-BERNS
STATE OF IDAHO
DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

FAXED - 4 PAGED TOTAL

Application to Permit No. 95-9226

Dear Mary:

Following this letter is a copy of the above referenced application. Please review the application, and submit your comments to this office within two weeks of receipt of this request. You may reply by e-mail if you prefer, to dball@idwr.state.id.us.

Please feel free to contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne', is written in dark ink.

Dianne Ball
Administrative Assistant

Enclosure(s)