

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 85-15837

Priority: May 26, 2022

Maximum Diversion Rate: 0.20 CFS

This is to certify that

MARK WITTMAN 6045 CACTUS LN LEWISTON ID 83501-5197 AND/OR
JOAN WITTMAN 6045 CACTUS LN LEWISTON ID 83501-5197

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>
IRRIGATION	02/15 to 11/30	0.20 CFS
STOCKWATER	01/01 to 12/31	0.03 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

Location of Point(s) of Diversion

GROUND WATER NE¼ SE¼, Sec. 23, Twp 35N, Rge 06W, B.M. NEZ PERCE County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	06W	23													6.5			2.4	8.9
35N	06W	24										1.0	0.1						1.1

Total Acres: 10.0

Place of Use: STOCKWATER & DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	06W	23													X			X	
35N	06W	24										X	X						

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2027**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. Domestic use is for 1 home with a shop. 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 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. Stockwater use is for 51 head of cattle.
7. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

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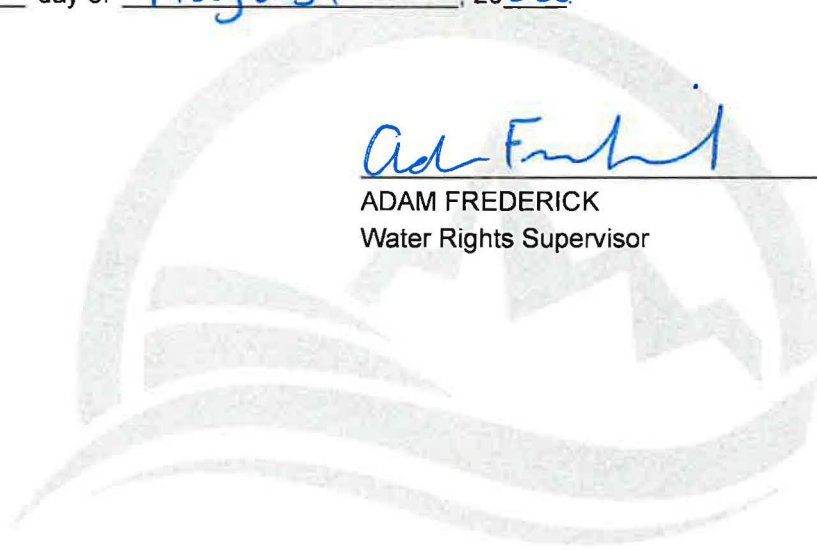
8. This right authorizes the diversion of ground water within the Lewiston Plateau Ground Water Management Area (LPGWMA). Use of water under this right shall be subject to the provisions of the LPGWMA management plan approved by the director, including its conservation and protection goals.
9. When notified by the Department, the right holder shall record the quantity of water diverted and annually report the monthly diversion volume of water and/or other pertinent hydrologic and system information as required by Idaho Code § 42-701, and/or the management plan for the Lewiston Plateau Ground Water Management Area.
10. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 11th day of August, 2022



ADAM FREDERICK
Water Rights Supervisor



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

85-15837

This map depicts the DOMESTIC, STOCKWATER, & IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion

0 0.0425 0.085 0.17 Miles





IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763

Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 12, 2022

MARK WITTMAN
JOAN WITTMAN
6045 CACTUS LN
LEWISTON ID 83501-5197

RE: Permit No. 85-15837

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact the Northern Region Office at (208) 762-2800.

Sincerely,



Adam Frederick
Water Rights Supervisor

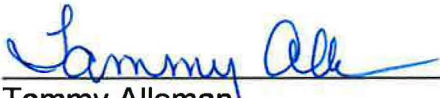
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2022, I served a true and correct copy of Permit to Appropriate Water No. 85-15837 by U.S. Mail, postage prepaid, to the following:

MARK WITTMAN (Current Owner)
6045 CACTUS LN
LEWISTON ID 83501-5197

JOAN WITTMAN (Current Owner)
6045 CACTUS LN
LEWISTON ID 83501-5197



Tammy Alleman
Administrative Assistant 1

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 service date 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.

MEMORANDUM

To: Water Right Permit 85-15837

From: Luke Bates 

Date: 8/9/2022

Re: Application for a Permit to Appropriate Water within the State of Idaho.

An application for permit for domestic, stockwater & irrigation uses in the name of Joan and/or Mark Wittman, was received by the department on 5/25/2022. During permit approval processing, it was identified that water right license 85-15768 overlaps this permit's irrigation & stockwater POU.

Condition X35 was not incorporated in the approval of this permit. The applicant stated that there are plans to sell property which involves the overlapping acreage in the future which may mitigate any overlap between water rights. Overlap determination will be accounted for during the beneficial use field exam for this permit along with licensing review.

MEMORANDUM

To: Water Right Application 85-15837

From: Luke Bates 

Date: 8/9/2022

Re: Application for a Permit to Appropriate Water within the Salmon and Clearwater River Basins.

Re: Regional Analysis and Recommendation in accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05).

Water Supply Information

Water should be available from the groundwater source.

Good Faith, Delay, or Speculative Information

The applicant plans to use water from his/her own property and there are no known issues with any other party.

Financial Resources Information

No significant resources required because well and home are pre-existing with service connection in place.

Local Public Interest

The well has already been drilled and there was no objections during the comment period. Two conditions will be added to the permit to address the Lewiston Plateau Ground Water Management Area (LPGWMA). Comments were requested from the LPGWMA Committee, but no comments were received within the advertising period. Department of Environmental Quality (DEQ) provided informational comments that do not detract from the permit approval process.

Injury to Other Water Rights

None anticipated.

Recommendation

The Northern Region recommends proceeding with the processing of this water right application.

TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date:	<u>07/28/2022</u>	INVOICE NO.	<u>169676</u>
Account No.	<u>964750</u>		
Description	<u>169676 The foll</u>		
Times	<u>2</u>	Lines	<u>58</u>
		Tab. lines	

**LEGAL ADVERTISING
INVOICE**

Sold To: ID DEPT OF WATER RESOURCES
7600 MINERAL DR #100
COEUR D ALENE ID 83814

RECEIVED**AUG 03 2022**PO# Alleman, Tammy**IDWR/NORTH**\$ 169.65

NOTICE: This is a 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

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

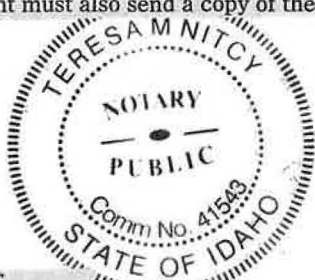
85-15837

MARK WITTMAN JOAN WITTMAN
6045 CACTUS LN LEWISTON, ID 83501-5197
Point of Diversion NESE
S23 T35N R06W
NEZ PERCE County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.03 CFS
Use: IRRIGATION
02/15 to 11/30 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 05-26-2022
Place Of Use: DOMESTIC, IRRIGATION, STOCKWATER
T35N R06W S23
NESE, SESE
Place Of Use: DOMESTIC, IRRIGATION, STOCKWATER
T35N R06W S24
NWSW, SWSW
Total Acres: 10

86-12155

DIXIE ANN WOLFF
533 PRESTON AVE LEWISTON, ID 83501-4338
Point of Diversion L16(SENESSE)
S6 T36N R03W
NEZ PERCE County
Source SPRING
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 05-16-2022
Place Of Use: DOMESTIC
T36N R03W S5
L7(NESE), L7(NWSE), SWNE, L8(SENESSE)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/Ext-Search/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of \$25.00 for each application on or before 8/8/2022. The protestant must also send a copy of the protest to the applicant.



SKELLAM, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 169676 The foll attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune,

2 time(s). Publication being on 07/21, or once a week for 2 consecutive weeks the first publication thereof being on the 07/21/2022, and the last publication thereof being on the 07/28/2022, and said 169676 The foll was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Skellam

State of Idaho

S.S.

County of Nez Perce

On this 29 day of July in the year of 2022, before me, a Notary Public, personally appeared SKELLAM, 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.

Notary Public in and for the State of Idaho,
residing at Lewiston therein
Commission Expires 1/23/28



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F Street, Lewiston, ID 83501
(208) 799-4370

Brad Little, Governor
Jess Byrne, Director

July 21, 2022

Idaho Department of Water Resources
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Subject: Water Right Application #85-15837

We received a request for comment along with a copy of an application to appropriate 0.20 cubic feet per second of water from an existing well on private property located in Lewiston. The point of withdrawal is in Township 35N, Range 06E, and Section 23. The water will be used for irrigation, stockwater, and domestic uses from January 1 to December 31. Assuming all federal, state, and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

Because we assume any water of the State which occurs beneath the surface of the earth in a saturated geological formation of rock or soil to be ground water (Idaho Code 58.01.02.010.45), we assume there to be hydrologic gradient connectivity to surface waters of the State. It is the policy of the State of Idaho Ground Water Management Plan that existing and projected beneficial uses of ground water and interconnected surface water be maintained and protected and degradation that would impair beneficial uses of ground water and interconnected surface water not be allowed.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards, please call us at (208) 799-4370, or by email at Sujata.Connell@deq.idaho.gov

Sincerely,

A handwritten signature in cursive script that reads "Sujata Connell".

Sujata Connell
Surface Water Quality Manager

c: Joan & Mark Wittman, Lewiston, ID
EDMS