

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 97-8876

Priority: June 21, 2022

Maximum Diversion Rate: 0.14 CFS

This is to certify that

COOLIN BAY CONDOMINIUM ASSN PO BOX 392 NEWMAN LAKE WA 99025-0392

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	0.14 CFS

Location of Point(s) of Diversion

GROUND WATER SE¼ NE¼, Sec. 9, Twp 59N, Rge 04W, B.M. BONNER County

Place of Use: 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	
59N	04W	9				X													
59N	04W	10							X L2										
59N	04W	10							X										

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2023**.
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. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality.
5. Domestic use is for a 14 unit condominium building.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. 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 2nd day of August, 2022.



ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

97-8876

This map depicts the DOMESTIC 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.



0 0.035 0.07 0.14 Miles

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





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 02, 2022

COOLIN BAY CONDOMINIUM ASSN
ATTN: RON MINDERMAN & LORALI HOLT
PO BOX 392
NEWMAN LAKE WA 99025-0392

RE: Permit No. 97-8876

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)

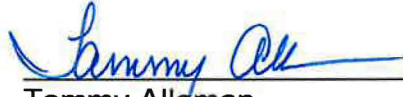
CERTIFICATE OF SERVICE

I hereby certify that on August 02, 2022, I served a true and correct copy of Permit to Appropriate Water No. 97-8876 by U.S. Mail, postage prepaid, to the following:

COOLIN BAY CONDOMINIUM ASSN (Current Owner)
PO BOX 392
NEWMAN LAKE WA 99025-0392

RON MINDERMAN (Representative)
PO BOX 392
NEWMAN LAKE WA 99025-0392

LORALI HOLT (Representative)
PO BOX 392
NEWMAN LAKE WA 99025-0392



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.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Bonner)

RECEIVED

JUL 18 2022

IDWR/NORTH

Italia Jimenez, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached

Public Waters.
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 10th day of July, 2022, and ending on the 13th day of July, 2022.

[Signature]

State of Idaho, county of Bonner ss.

On this 13th day of July, in the year of 2022, before me, Katrina George, Notary Public, personally appeared Italia Jimenez known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Katrina George
Notary Public
Residing at: Kootenai County

My Commission Expires 8/29/23



RECEIVED

JUL 18 2022

DWR/NORTH

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

96-11583

ELIZABETH WHALIN
165 LARCH LN
OLDTOWN, ID 83822
Point of Diversion NESE
S13 T55N R06W
BONNER County
Source GROUND WATER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.15 CFS
Date Filed: 06-13-2022
Place Of Use: IRRIGATION
T55N R06W S13 NESE
Total Acres: 5

96-11586

JASON WHALIN
65 MALAKOWSKY RD
OLDTOWN, ID 83822
Point of Diversion NESE
S13 T55N R06W
BONNER County
Source GROUND WATER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.15 CFS
Date Filed: 06-16-2022
Place Of Use: IRRIGATION
T55N R06W S13 NESE
Total Acres: 5

96-11624

NEAL LEEN
TRUDY LEEN
PO BOX 926
PRIEST RIVER, ID
83856-0926
Point of Diversion L4(SWSW)
S30 T56N R04W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
4/1 to 10/31
Total Diversion: 0.02 CFS
Date Filed: 06-14-2022
Place Of Use: IRRIGATION
T56N R04W S30 L4(SWSW)
Total Acres: 0.6

96-11704

TALLY HO TRUST

PO BOX 21078
SPOKANE, WA 99201-7197
Point of Diversion SESW
S36 T56N R04W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 05-12-2022
Place Of Use: DOMESTIC
T56N R04W S36 L2(SESW)

97-8616

JARED HUFFMON
KATHLEEN HUFFMON
455 BEAVER POND TRL
PRIEST RIVER, ID
83856-7008
Point of Diversion SWSWNW
S26 T57N R05W
BONNER County
Source SPRING
Tributary PINE CREEK
Point of Diversion SWSWNW
S26 T57N R05W
BONNER County
Source SPRING
Tributary PINE CREEK
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.06 CFS
Date Filed: 05-04-2022
Place Of Use: DOMESTIC, STOCKWATER
T57N R05W S26
SWNW, NWSW

97-8786

KENNETH KURTZ
YVONNE KURTZ
325 W BRIERWOOD AVE
SPOKANE, WA 99218-2507
Point of Diversion NESE
S24 T56N R05W
BONNER County
Source PRIEST RIVER
Tributary PEND OREILLE RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 06-09-2022
Place Of Use: IRRIGATION
T56N R05W S24 NESE
Total Acres: 1

97-8790

TERRYL C BLACK
JOHN C BLACK
920 W MELINDA LN
SPOKANE, WA 99203-1363
Point of Diversion SWNE
S3 T61N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: IRRIGATION
04/01 to 10/31 0.03 CFS
Use: FIRE PROTECTION
01/01 to 12/31 0.2 CFS
Total Diversion: 0.27 CFS
Date Filed: 06-10-2022
Place Of Use: DOMESTIC, FIRE PROTECTION, IRRIGATION
T61N R04W S3 L2(SWNE)
Total Acres: 1

97-8791

TERRYL C BLACK
JOHN C BLACK
920 W MELINDA LN
SPOKANE, WA 99203-1363
Point of Diversion SWNE
S3 T61N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC

01/01 to 12/31 0.04 CFS
Use: IRRIGATION
04/01 to 10/31 0.03 CFS
Use: FIRE PROTECTION
01/01 to 12/31 0.2 CFS
Total Diversion: 0.27 CFS
Date Filed: 06-10-2022
Place Of Use: DOMESTIC, FIRE PROTECTION, IRRIGATION
T61N R04W S3 L2(SWNE)
Total Acres: 1

97-8797

JEFFREY JOSEPH EMMERT
DEBRA LYNN EMMERT
287 ROPP RD
PRIEST RIVER, ID
83856-9662
Point of Diversion NESW
S6 T57N R05W
BONNER County
Source UNNAMED STREAM
Tributary LOWER WEST
BRANCH PRIEST RIVER
Use: FIRE PROTECTION
STORAGE
01/01 to 12/31 2.8 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 0.4 AF
Total Diversion: 3.2 AF
Date Filed: 06-13-2022
Place Of Use: FIRE PROTECTION, STORAGE, STOCKWATER STORAGE
T57N R05W S6 NESW

97-8804

DEREK BARNHART
BECKY BARNHART
3636 W WEST DR
SPOKANE, WA 99224-2014
Point of Diversion SWSW
S28 T61N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-13-2022
Place Of Use: DOMESTIC
T61N R04W S28 L7(SWSW)

97-8808

THOMAS GALLAGHER
4041 232ND AVE SE
SAMMAMISH, WA
98075-9294
Point of Diversion NENW
S33 T61N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31 0.06 CFS
Use: FIRE PROTECTION
01/01 to 12/31 0.07 CFS
Total Diversion: 0.07 CFS
Date Filed: 06-07-2022
Place Of Use: DOMESTIC, FIRE PROTECTION
T61N R04W S28 L7(SESW)
Place Of Use: DOMESTIC, FIRE PROTECTION
T61N R04W S33 L1(NENW)

97-8813

SILVER CREEK ISLAND LLC
PO BOX 2532
PASCO, WA 99302-2532
Point of Diversion SWSW
S3 T61N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31 0.06 CFS
Use: FIRE PROTECTION
01/01 to 12/31 0.07 CFS

Use: IRRIGATION
04/01 to 10/31 0.06 CFS
Total Diversion: 0.07 CFS
Date Filed: 06-07-2022
Place Of Use: DOMESTIC, FIRE PROTECTION, IRRIGATION
T61N R04W S3 L5(SWSW)
Total Acres: 2

97-8836

CLYDE FAMILY TRUST
2 HERMOSA
IRVINE, CA 92620
Point of Diversion NWNW
S21 T61N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.02 CFS
Date Filed: 04-06-2022
Place Of Use: IRRIGATION
T61N R04W S16 L6(SWSW)
Place Of Use: IRRIGATION
T61N R04W S21 NWNW
Total Acres: 0.5

97-8839

KENNETH ADKINS
SHANNON ADKINS
5610 W RIFLE CLUB RD
SPOKANE, WA 99208-3857
Point of Diversion SWNW
S25 T58N R05W
BONNER County
Source QUARTZ CREEK
Tributary PRIEST RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.09 CFS
Date Filed: 05-16-2022
Place Of Use: IRRIGATION
T58N R05W S25 SWNW
Total Acres: 3

97-8876

COOLIN BAY CONDOMINIUM
ASSN
PO BOX 392
NEWMAN LAKE, WA
99025-0392
Point of Diversion SENE
S9 T59N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.14 CFS
Date Filed: 06-21-2022
Place Of Use: DOMESTIC
T59N R04W S10
L2(SWNW), SWNW
Place Of Use: DOMESTIC
T59N R04W S9 SENE

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/ExtSearch/WRApplicationResults/>. 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 7/25/2022. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director
Legal#4327
AD#543201
July 6, 13, 2022