

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 82-12293

Priority: June 16, 2022

Maximum Diversion Volume: 1.7 AF

This is to certify that

STEPHEN W HACKNEY 309 FARRENS CREEK LN GRANGEVILLE ID 83530

has applied for a permit to appropriate water from:

Source : SPRING

Tributary: SINKS

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

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Annual Volume</u>
WILDLIFE STORAGE	01/01 to 12/31	1.7 AF
FIRE PROTECTION STORAGE	01/01 to 12/31	1.7 AF
FIRE PROTECTION FROM STORAGE	01/01 to 12/31	1.7 AF

Location of Point(s) of Diversion

SPRING NE¼ SE¼ SE¼, Sec. 11, Twp 29N, Rge 03E, B.M. IDAHO County

Place of Use: WILDLIFE STORAGE, FIRE PROTECTION STORAGE, & FIRE PROTECTION FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29N	03E	11																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. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
4. Right 82-12293 authorizes a total annual storage volume of 1.7 acre-feet, 1.5 acre-feet to be used for the initial filling or carryover storage of the pond and 0.2 acre-feet for the replacement of losses caused by seepage and evaporation.
5. The pond established by the storage of water under this right shall not exceed a total capacity of 1.5 acre-feet or a total surface area of 0.1 acres.
6. 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



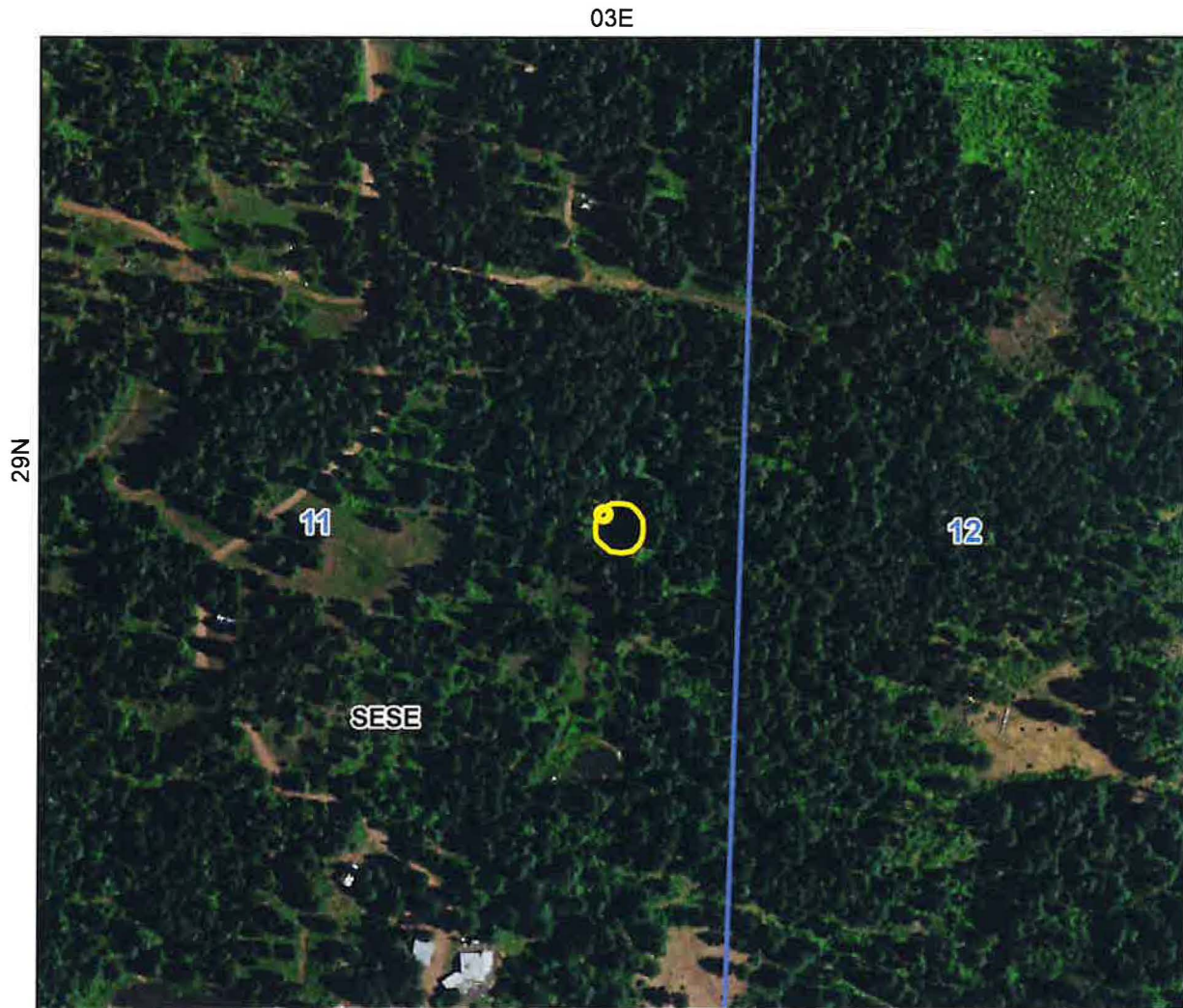
ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

82-12293

This map depicts the WILDLIFE STORAGE & FIRE PROTECTION STORAGE 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 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

82-12293

This map depicts the FIRE PROTECTION FROM STORAGE 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

STEPHEN W HACKNEY
309 FARRENS CREEK LN
GRANGEVILLE ID 83530

RE: Permit No. 82-12293

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,



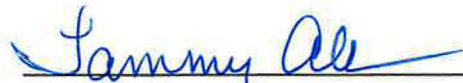
Adam Frederick
Water Rights Supervisor

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. 82-12293 by U.S. Mail, postage prepaid, to the following:

STEPHEN W HACKNEY (Current Owner)
309 FARRENS CREEK LN
GRANGEVILLE ID 83530



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 Application 82-12293

From: Luke Bates JSB

Date: 8/1/2022

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 from the spring is on the applicant's property and should be available.

Good Faith, Delay, or Speculative Information

The applicant plans to divert water for his/her own use on property that he/she owns and there are no known issues with any other party.

Financial Resources Information

The pond & fire protection from storage system is pre-existing; there is no financial concerns for this development.

Local Public Interest

The Idaho Department of Fish & Game (F & G) and the Department of Environmental Quality (DEQ) have been asked to comment by the Idaho Department of Water Resources. F & G commented that the wildlife storage component doesn't specify which species will benefit from the pond's development and should be removed from the Permit. DEQ commented with informational data summarizing that degradation that would impair beneficial uses of groundwater and interconnected surface water should not be allowed. Neither comment letter detailed specific guidance which would alter IDWR's approval process.

Injury to Other Water Rights

None anticipated.

Recommendation

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

Legal Notice

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

81-12042
ROBERT QUINN
NORMA QUINN
PO BOX 1966
PRIEST RIVER, ID 83856-1966
Point of Diversion L4(NWSW)
S12 T32N R05E
IDAHO County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-16-2022
Place Of Use: DOMESTIC
T32N R05E S12 L4(NWSW)

This application proposes the diversion and use of water from ground water, a tributary of the Middle Fork of the Clearwater Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of

water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for domestic purposes.

82-12293
STEPHEN W HACKNEY
309 FARRENS CREEK LN
GRANGEVILLE, ID 83530
Point of Diversion NESESE
S11 T29N R03E
IDAHO County
Source SPRING
Tributary SINKS
Use: WILDLIFE STORAGE
01/01 to 12/31 1.7 AF
Use: FIRE PROTECTION
FROM STORAGE
01/01 to 12/31 1.7 AF
Use: FIRE PROTECTION
STORAGE
01/01 to 12/31 1.7 AF

Total Diversion: 1.7 AF
Date Filed: 06-16-2022
Place Of Use: FIRE PROTECTION FROM STORAGE, FIRE PROTECTION STORAGE, WILDLIFE STORAGE

T29N R03E S11 SESE
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/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 7/25/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on 7/6/2022 and 7/13/2022
(JY6-JY13)

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Idaho - ss.

Sarah Klement, being first duly sworn, says she is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 6th day of July, 2022 and the last publication on the 13th day of July, 2022; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.

STATE OF IDAHO)

COUNTY OF IDAHO)

On this 13th day of July in the year of 2022, before me a Notary Public personally appeared Sarah Klement, 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 she executed the same.

Linda Mort

Notary Public for Idaho

Residing at Grangeville, ID

My commission expires: 7/12/25

LINDA MORT
COMMISSION NO. 20191337
NOTARY PUBLIC
STATE OF IDAHO

RECEIVED
JUL 15 2022
IDWR / NORTH

Alleman, Tammy

From: Hickey,Clay <clay.hickey@idfg.idaho.gov>
Sent: Thursday, July 14, 2022 10:39 AM
To: Alleman, Tammy; Sujata Connell
Subject: RE: Request for Comments WR#82-12293

Hi Tammy,

I have reviewed application WR #82-12293

The application lists wildlife storage as one of the intended purposes for the water right. It is our opinion that to be beneficial to wildlife, diverted or impounded water must be managed with the primary purpose of developing habitat that corresponds to the range of characteristics required by a targeted species. IDFG contends that in order to benefit wildlife, diverted or stored water should primarily be managed to enhance the stability or growth of the targeted wildlife population(s). As written, the application only mentions wildlife storage and does not describe which wildlife it is intended to benefit or management actions necessary to create habitat that would increase survival or productivity rates of the targeted population(s). IDFG contends that water storage is not required for wildlife within the application area and we recommend wildlife storage be removed as a purpose for the water appropriation.

Thank you,

Clay Hickey
Environmental Staff Biologist, Clearwater Region
Idaho Department of Fish and Game
3316 16th Street
Lewiston, ID 83501
Office (208) 750-4217
Clay.hickey@idfg.idaho.gov



From: Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
Sent: Thursday, June 23, 2022 10:44 AM
To: Sujata Connell <Sujata.Connell@deq.idaho.gov>; Hickey,Clay <clay.hickey@idfg.idaho.gov>
Subject: Request for Comments WR#82-12293

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right Permit application. You can find copies of the application at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the

application(s), you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. The deadline for comments on the applications is July 25, 2022.

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the Permit application.

Thank you,

Tammy



Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

Brad Little, Governor
Jess Byrne, Director

July 5, 2022

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

Subject: Water Right Application #82-12293

We received a request for comment along with a copy of an application to appropriate 1.7 acre feet of water from a spring-fed pond on private property located in Idaho County near Grangeville. The point of withdrawal is in Township 29N, Range 03E, and Section 11. The water will be used for fire protection and wildlife 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@deg.idaho.gov

Sincerely,

A handwritten signature in black ink that reads "Sujata Connell".

Sujata Connell
Surface Water Quality Manager

c: Stephen Hackney, Grangeville, ID
EDMS