

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 96-10370

Priority: February 07, 2022

Maximum Diversion Rate: 0.04 CFS

This is to certify that

WILLIAM HALAMICEK
4501 BOTTLE BAY RD
SAGLE, ID 83860-9011

has applied for a permit to appropriate water from:

Source : LAKE PEND OREILLE

Tributary: PEND OREILLE RIVER

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(s) of Diversion

LAKE PEND OREILLE

SW¼, SW¼, Sec. 19, Twp 57N, Rge 01W, 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	
57N	01W	19											X L1						

Conditions of Approval:

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2023**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
7. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.

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

Signed this 21st day of April, 2022



ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-10370

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.



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

0 0.025 0.05 0.1 Miles



Tax parcel information provided by Bonner County.



April 25, 2022

WILLIAM HALAMICEK
4501 BOTTLE BAY RD
SAGLE ID 83860-9011

RE: Permit No. 96-10370

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,



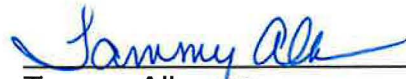
Adam Frederick
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2022, I served a true and correct copy of Permit to Appropriate Water No. 96-10370 by U.S. Mail, postage prepaid, to the following:

WILLIAM HALAMICEK (Current Owner)
4501 BOTTLE BAY RD
SAGLE ID 83860-9011



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

RECEIVED

APR 04 2022

IDWR / NORTH

STATE OF IDAHO)
) ss.
County of Bonner)

Mary Moore, 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

Legal Notice
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 3 day of March, 2022, and ending on the 10 day of March, 2022.

Mary Moore

State of Idaho, county of Bonner ss.

On this 10 day of March, in the year of 2022 before me, Katrina George, Notary Public, personally appeared Mary Moore 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



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

95-18257

CHRISTOPHER J HUBIAK
JAMI L HUBIAK
57 ANGELWOOD LN
ATHOL, ID 83801-5274
Point of Diversion NENW
S35 T54N R03W
BONNER County
Source GROUND WATER
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: 02-07-2022
Place Of Use:
DOMESTIC, STOCKWATER

T54N R03W S35 NENW

95-18264

SARAH MARIE ROUNDY
RULON JEFFS ROUNDY
338 WILDWOOD LN
ATHOL, ID 83801
Point of Diversion L2(SWNW)
S30 T54N R02W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.08 CFS
Use: STOCKWATER
01/01 to 12/31 0.03 CFS
Total Diversion: 0.11 CFS
Date Filed: 02-16-2022
Place Of Use:
DOMESTIC, STOCKWATER
T54N R02W S30 L2(SWNW)

95-18266

LISA MOSS
DON MOSS
265 PEACEFUL SPRINGS RD
BLANCHARD, ID 83804-7800
Point of Diversion NWNWNE
S8 T54N R05W
BONNER County
Source SPRING
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: IRRIGATION
04/01 to 10/31 0.06 CFS
Total Diversion: 0.12 CFS
Date Filed: 02-18-2022
Place Of Use:
DOMESTIC, IRRIGATION,
STOCKWATER
T54N R05W S8 NWNE
Total Acres: 2

96-10101

WHITNEY BETZ
ZACH BETZ
68 CROSS MOUNTAIN RD
SANDPOINT, ID 83864
Point of Diversion SENW
S18 T58N R02E
BONNER County
Source FLUME CREEK
Tributary RAPID LIGHTNING
CREEK
Use: FIRE PROTECTION
1/1 to 12/31 0.27 CFS
Use: POWER
1/1 to 12/31 0.27 CFS
Total Diversion: 0.27 CFS
Date Filed: 02-14-2022
Place Of Use: FIRE
PROTECTION, POWER
T58N R02E S18 SENW

96-10208

STEVEN PATRICK
620 MAYS RD
SAGLE, ID 83860
Point of Diversion SWNE
S25 T56N R03W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1/1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 02-14-2022
Place Of Use: DOMESTIC
T56N R03W S25 SWNE

96-10326

STEWARDSHIP LAND
MANAGEMENT
1410 LINCOLN WAY STE 100
COEUR D ALENE, ID
83814-2300
Point of Diversion NWSW
S2 T57N R01W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1/1 to 12/31
Total Diversion: 0.04 CFS

Date Filed: 02-04-2022
Place Of Use: DOMESTIC
T57N R01W S2 NWSW

96-10327

STEWARDSHIP LAND
MANAGEMENT
1410 LINCOLN WAY STE 100
COEUR D ALENE, ID
83814-2300
Point of Diversion NWSW
S2 T57N R01W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1/1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 02-04-2022
Place Of Use: DOMESTIC
T57N R01W S2 NWSW

96-10328

STEWARDSHIP LAND
MANAGEMENT
1410 LINCOLN WAY STE 100
COEUR D ALENE, ID
83814-2300
Point of Diversion NESW
S2 T57N R01W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1/1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 02-04-2022
Place Of Use: DOMESTIC
T57N R01W S2
NESW, NWSW

96-10331

STEWARDSHIP LAND
MANAGEMENT
1410 LINCOLN WAY STE 100
COEUR D ALENE, ID
83814-2300
Point of Diversion NESW
S2 T57N R01W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1/1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 02-04-2022
Place Of Use: DOMESTIC
T57N R01W S2 NESW

96-10332

STEWARDSHIP LAND
MANAGEMENT
1410 LINCOLN WAY STE 100
COEUR D ALENE, ID
83814-2300
Point of Diversion NESW
S2 T57N R01W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1/1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 02-04-2022
Place Of Use: DOMESTIC
T57N R01W S2 NESW

96-10334

STEWARDSHIP LAND
MANAGEMENT
1410 LINCOLN WAY STE 100
COEUR D ALENE, ID
83814-2300
Point of Diversion NESW
S2 T57N R01W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1/1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 02-04-2022
Place Of Use: DOMESTIC
T57N R01W S2 NESW

96-10336

STEWARDSHIP LAND
MANAGEMENT
1410 LINCOLN WAY STE 100
COEUR D ALENE, ID
83814-2300
Point of Diversion L1(NENE)
S3 T57N R01W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1/1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 02-04-2022
Place Of Use: DOMESTIC
T57N R01W S3 L1(NENE)
T58N R01W S36 SWSW

96-10337

STEWARDSHIP LAND
MANAGEMENT
1410 LINCOLN WAY STE 100
COEUR D ALENE, ID
83814-2300
Point of Diversion L1(NENE)
S3 T57N R01W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1/1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 02-04-2022
Place Of Use: DOMESTIC
T57N R01W S3 L1(NENE)

96-10370

WILLIAM HALAMICEK
4501 BOTTLE BAY RD
SAGLE, ID 83860-9011
Point of Diversion SWSW
S19 T57N R01W
BONNER County
Source LAKE PEND OREILLE
Tributary PEND OREILLE
RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 02-07-2022
Place Of Use: DOMESTIC
T57N R01W S19 L1(SWSW)

96-10373

THOMAS MOORE
CAROL MOORE
196 KONNIOTTO LN
SANDPOINT, ID 83864-9421
Point of Diversion SESW
S8 T57N R02W
BONNER County
Source SYRINGA CREEK
Tributary CHUCK SLOUGH
Use: DIVERSION TO
STORAGE
01/01 to 12/31 0.2 CFS
Use: RECREATION
01/01 to 12/31 0.2 CFS
Use: RECREATION
STORAGE
01/01 to 12/31 1.1 AF
Total Diversion: 0.2 CFS,
1.1 AF
Date Filed: 02-10-2022
Place Of Use:
RECREATION, RECREATION
STORAGE
T57N R02W S8 SESW

96-10387

MARK D PARKER
PATRICIA M PARKER
PO BOX 189
CLARK FORK, ID 83811-0189
Point of Diversion NWNW
S30 T56N R03E
BONNER County
Source UNNAMED STREAM
Tributary WEBB CANYON
CREEK
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: IRRIGATION
04/01 to 10/31 0.03 CFS
Use: DOMESTIC
01/01 to 12/31 0.08 CFS
Total Diversion: 0.1 CFS
Date Filed: 02-16-2022

Place Of Use:
DOMESTIC, IRRIGATION,
STOCKWATER
T56N R02E S25 NENE
Total Acres: 1

96-10396

STEVE P ADAMS
286 WOOD VIEW RD
SANDPOINT, ID 83864-5025
Point of Diversion SENE
S18 T57N R02W
BONNER County
Source TURNIPSEED CREEK
Tributary PEND OREILLE
RIVER
Use: IRRIGATION FROM
STORAGE
04/01 to 10/31 9 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 9 AF
Total Diversion: 9 AF
Date Filed: 02-14-2022
Place Of Use: IRRIGATION
FROM STORAGE, IRRIGA-
TION STORAGE
T57N R02W S18 SENE
Total Acres: 3

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://dwr.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 3/21/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
SNP LEGAL 1250
AD#516485
MARCH 3, 10, 2022



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION
2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

Brad Little / Governor
Ed Schriever / Director

March 11, 2022

Ms. Tammy Alleman
Idaho Department of Water Resources
7600 North Mineral Drive, Suite. 100
Coeur d'Alene, ID 83815

REFERENCE: 96-10370 - Halamicek

RECEIVED
MAR 17 2022
IDWR/NORTH

Dear Tammy:

We have reviewed the above-named water right application from Lake Pend Oreille in Bonner County. The permit request is to pump 0.04 cfs for domestic purposes. The purpose of these comments is to assist the decision-making authority by providing technical information addressing potential effects on wildlife and wildlife habitat and how any adverse effects might be mitigated.

Lake Pend Oreille has been designated as critical habitat for bull trout by the United States Fish and Wildlife Service. Additionally westslope cutthroat trout, a popular native sportfish, can be found year-round throughout the lake. In addition to these native salmonid species, Lake Pend Oreille is a popular fishing destination for anglers targeting Gerrard rainbow, kokanee, and a variety of warm water species.

We recommend a pipe diameter of 2.5" or less, screened with **not more than 0.25" mesh screen**, and an approach velocity of **not more than 0.5 feet per second** in order to protect juvenile fish from the proposed pump.

A lake encroachment permit is required to legally place a waterline and pump into Lake Pend Oreille. If the applicant hasn't already applied for one, it can be obtained through the Idaho Department of Lands. While this is a small request, we are concerned that the cumulative effects of diversions may negatively impact habitat for both native and introduced species.

Thank you for the opportunity to comment.

Sincerely,

Charles E. Corsi
Regional Supervisor

CEC:MH:lat
C: eFile M:\

Keeping Idaho's Wildlife Heritage