

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 96-10101

Priority: February 14, 2022

Maximum Diversion Rate: 0.27 CFS

This is to certify that

WHITNEY BETZ 68 CROSS MOUNTAIN RD SANDPOINT ID 83864 AND/OR
ZACH BETZ 68 CROSS MOUNTAIN RD SANDPOINT ID 83864

has applied for a permit to appropriate water from:

Source : FLUME CREEK

Tributary: RAPID LIGHTNING CREEK

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>
POWER	1 /1 to 12/31	0.27 CFS
FIRE PROTECTION	1 /1 to 12/31	0.27 CFS

Location of Point(s) of Diversion

FLUME CREEK SE¼ NW¼, Sec. 18, Twp 58N, Rge 02E, B.M. BONNER County

Place of Use: POWER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
58N	02E	18								X									

Place of Use: FIRE PROTECTION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
58N	02E	18								X									

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2025**.
2. Subject to all prior water rights.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
5. The right holder shall install a measuring device that can be used to determine the instantaneous rate of flow of water through the system, or the right holder shall provide to the department a flow rate measurement or computation made by a certified water right examiner in accordance with actual system design and operation.
6. Proof of application of water to beneficial use shall be submitted no sooner than 01 October 2024 and received no later than the beneficial use due date of 01 April 2025.

State of Idaho
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No. 96-10101

7. The rights for the use of water acquired under this right for hydro power use shall be junior and subordinate to all other rights for the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
8. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
9. This right is subject to the provisions of Idaho Code §§ 42-205 through 42-210, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.
10. The term of this Permit shall extend to 01 April 2047. Prior to the expiration of the term, the Director may issue an order canceling all or any part of the use authorized herein, may establish a new term, or may revise, delete, or add conditions under which Permit 96-10101 or subsequent water right license may be exercised. The order shall take effect on the date the current term expires. If the Director does not issue such an order, the term shall automatically extend to a length equal to the project's prior term and any prior conditions on Permit 96-10101 or subsequent water right license shall remain in effect.
11. Hydro power use of water under this right shall be non-consumptive.
12. 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 15th day of April, 2022.



ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-10101

This map depicts the POWER & 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.

02E



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

0 0.035 0.07 0.14 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

April 19, 2022

WHITNEY BETZ
ZACH BETZ
68 CROSS MOUNTAIN RD
SANDPOINT ID 83864

RE: Permit No. 96-10101

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

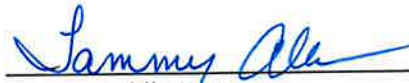
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2022, I served a true and correct copy of Permit to Appropriate Water No. 96-10101 by U.S. Mail, postage prepaid, to the following:

WHITNEY BETZ (Current Owner)
68 CROSS MOUNTAIN RD
SANDPOINT ID 83864

ZACH BETZ (Current Owner)
68 CROSS MOUNTAIN RD
SANDPOINT ID 83864



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)
Place Of Use: DOMESTIC
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