

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 96-10256

Priority: January 19, 2022

Maximum Diversion Rate: 0.06 CFS

This is to certify that

ABCD HOMEBUILDERS LLC
PO BOX 1995
OLYMPIA, WA 98507-1995

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:

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.06 CFS

Location of Point(s) of Diversion

LAKE PEND OREILLE

NE¼, SW¼, Sec. 22, Twp 56N, 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	
56N	01W	22									X								
56N	01W	22									X L3								

Conditions of Approval:

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2027**.
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 2 homes.
5. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
6. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.

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

Signed this 22nd day of March, 2022



ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-10256

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 0.01 0.02 0.04 Miles



Tax parcel information provided by Bonner County.



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

March 22, 2022

ABCD HOMEBUILDERS LLC
ATTN: BRANDON CHARTREY
PO BOX 1995
OLYMPIA WA 98507-1995

RE: Permit No. 96-10256

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

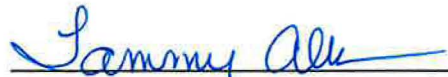
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2022, I served a true and correct copy of Permit to Appropriate Water No. 96-10256 by U.S. Mail, postage prepaid, to the following:

ABCD HOMEBUILDERS LLC (Current Owner)
PO BOX 1995
OLYMPIA WA 98507-1995

BRANDON CHARTREY (Representative)
PO BOX 1995
OLYMPIA WA 98507-1995



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.



RECEIVED
MAR 04 2022
IDWR / NORTH

IDAHO DEPARTMENT OF FISH AND GAME

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

Brad Little / Governor
Ed Schriever / Director

March 1, 2022

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

REFERENCE: 96-10255 & 96-10256 – ABCD Homebuilders LLC

Dear Tammy:

We have reviewed the above-named water right applications, each requesting to pump 0.06 cfs, for domestic use in two homes from Lake Pend Oreille in Bonner County. 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 Idaho 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.

While these are small requests, 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

AFFIDAVIT OF PUBLICATION

RECEIVED

MAR 02 2022

STATE OF IDAHO)
) ss.
County of Bonner)

IDWR / NORTH

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 17 day of February, 2022, and ending on the 24 day of February, 2022.

Mary Moore

State of Idaho, county of Bonner ss.

On this 24 day of February, 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:

96-10052
JOE HOLMES
171 CLARK TRAIL
SAGLE, ID 83860
Point of Diversion SWNE
S19 T56N R01W
BONNER County
Source GROUND WATER
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: IRRIGATION
04/01 to 10/31 0.15 CFS
Use: DOMESTIC
1/1 to 12/31 0.04 CFS
Total Diversion: 0.2 CFS
Date Filed: 12-01-2021
Place Of Use:
DOMESTIC, IRRIGATION,
STOCKWATER
T56N R01W S19 SWNE
Total Acres: 5

96-10198
ERIC COOKMAN
CORRINE COOKMAN
5914 DUFORT RD
SAGLE, ID 83860-8776
Point of Diversion NENW
S28 T56N R03W
BONNER County
Source COCOLALLA CREEK
Tributary PEND OREILLE
RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.15 CFS
Date Filed: 01-20-2022
Place Of Use: IRRIGATION
T56N R03W S28 NENW
Total Acres: 5

96-10232
JOHN F MYERS
JODY J MYERS
12346 DIAMOND DR
HAYDEN, ID 83835-7907
Point of Diversion NWNSE
S16 T58N R01E
BONNER County
Source SPRING
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 01-24-2022
Place Of Use: DOMESTIC
T58N R01E S16 NESE

96-10235
RYAN MURDOCH
LAURA MURDOCH
12015 N BRIGHTON CT
HAYDEN, ID 83835-9120
Point of Diversion SWNE
S29 T59N R01E
BONNER County
Source UNNAMED STREAM
Tributary GOLD CREEK
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 01-24-2022
Place Of Use: DOMESTIC
T59N R01E S29 SWNE

96-10237
ALLISON M WHITLEY
BRITIAN M WHITLEY
123 S LINCOLN AVE
SANDPOINT, ID 83864-8396
Point of Diversion NESE
S26 T58N R02W
BONNER County
Source SAND CREEK
Tributary LAKE PEND
OREILLE
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.09 CFS
Date Filed: 01-24-2022
Place Of Use: IRRIGATION
T58N R02W S26
SWNE, SENE, NESE, NWSE
Total Acres: 3

96-10255
ABCD HOMEBUILDERS LLC
PO BOX 1995
OLYMPIA, WA 98507
Point of Diversion NESW
S22 T56N R01W
BONNER County
Source LAKE PEND OREILLE
Tributary PEND OREILLE
RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.06 CFS
Date Filed: 01-19-2022
Place Of Use: DOMESTIC
T56N R01W S22
NESW, L3(NESW)

96-10256
ABCD HOMEBUILDERS LLC
PO BOX 1995
OLYMPIA, WA 98507
Point of Diversion NESW
S22 T56N R01W
BONNER County
Source LAKE PEND OREILLE
Tributary PEND OREILLE
RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.06 CFS
Date Filed: 01-19-2022
Place Of Use: DOMESTIC
T56N R01W S22
NESW, L3(NESW)

96-10280
ROBERT MASON
JANEAN MASON
6045 BLACKTAIL RD
CAREYWOOD, ID
83809-9716
Point of Diversion NESW
S5 T54N R02W
BONNER County
Source COCOLALLA CREEK
Tributary PEND OREILLE
RIVER
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: IRRIGATION
04/01 to 10/31 0.05 CFS
Total Diversion: 0.07 CFS
Date Filed: 01-03-2022
Place Of Use:
IRRIGATION, STOCKWATER
T54N R02W S5 NESW
Total Acres: 1.5

96-10285
JOHN K KLEIN
JULIA A KLEIN
602 SCHNEIDERS RD
SAGLE, ID 83860-8903
Point of Diversion SWSE
S4 T55N R03W
BONNER County
Source GROUND WATER
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: DOMESTIC
01/01 to 12/31 0.06 CFS
Total Diversion: 0.08 CFS
Date Filed: 02-02-2022
Place Of Use:
DOMESTIC, STOCKWATER
T55N R03W S4 SWSE

96-10305
DAVE PFENNING
DEBORAH ACKLEY
699 TWO TAIL RD
BONNERS FERRY, ID
83805-5957
Point of Diversion SWNW
S3 T54N 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: 02-01-2022
Place Of Use: DOMESTIC
T54N R01W S3 L3(SWNW)

96-10319
STEINBAUER FAMILY TRUST
4 OLYMPIA RIDGE DR
LAS VEGAS, NV 89141-6187
Point of Diversion
L7(SESWSE)
S1 T56N R03W
BONNER County
Source SPRING
Tributary SINKS
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.06 CFS
Date Filed: 02-01-2022
Place Of Use: IRRIGATION
T56N R03W S1 L7(SWSE)
Total Acres: 2

96-10322
DENNIS M HOOK
JENNI C HOOK
388 DURKEE RD
SANDPOINT, ID 83864-7759
Point of Diversion SENW
S29 T59N R01W
BONNER County
Source GROUND WATER
Use: IRRIGATION
04/01 to 10/31 0.14 CFS
Use: STOCKWATER
1/01 to 12/31 0.02 CFS
Total Diversion: 0.16 CFS
Date Filed: 02-03-2022
Place Of Use:
IRRIGATION, STOCKWATER
T59N R01W S29 SENW
Total Acres: 7

96-10342
NATHAN STEINBAUER
5874 LAKESHORE DR
SAGLE, ID 83860-8755
Point of Diversion L7(SWSE)
S1 T56N R03W
BONNER County
Source UNNAMED STREAM
Tributary PEND OREILLE
RIVER
Use: POWER
01/01 to 12/31
Total Diversion: 0.31 CFS
Date Filed: 02-01-2022
Place Of Use: POWER
T56N R03W S1 L7(SWSE)

96-10344
DAVID WILSON
LINDA WILSON
2804 W JOHANNSEN RD
SPOKANE, WA 99208-8425
Point of Diversion SWSW
S17 T56N R01E
BONNER County
Source LAKE PEND OREILLE
Tributary PEND OREILLE
RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 02-04-2022
Place Of Use: DOMESTIC
T56N R01E S17 L4(SWSW)

96-10350
ERIK PERRYMAN
BRITT HEISEL
209 N HOWARD ST
MOSCOW, ID 83843-2706
Point of Diversion L5(SENE)
S33 T56N R02E
BONNER County
Source CLARK FORK
Tributary LAKE PEND
OREILLE
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.09 CFS
Date Filed: 01-27-2022
Place Of Use: IRRIGATION

T56N R02E S33 L5(SENE)
Total Acres: 3

96-10351
ERIK PERRYMAN
BRITT HEISEL
209 N HOWARD ST
MOSCOW, ID 83843-2706
Point of Diversion L5(SENE)
S33 T56N R02E
BONNER County
Source GROUND WATER
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.06 CFS
Date Filed: 01-27-2022
Place Of Use:
DOMESTIC, STOCKWATER
T56N R02E S33 L5(SENE)

96-10353
STEINBAUER FAMILY TRUST
4 OLYMPIA RIDGE DR
LAS VEGAS, NV 89141-6187
Point of Diversion
L7(SWSWSE)
S1 T56N R03W
BONNER County
Source SPRING
Tributary SINKS
Use: DIVERSION TO
STORAGE
01/01 to 12/31 0.01 CFS
Use: FIRE PROTECTION
STORAGE
01/01 to 12/31 10.3 AF
Use: WILDLIFE STORAGE
01/01 to 12/31 10.3 AF
Use: RECREATION
STORAGE
01/01 to 12/31 10.3 AF
Use: RECREATION
01/01 to 12/31 0.01 CFS
Total Diversion: 0.01
CFS 10.3 AF
Date Filed: 02-07-2022
Place Of Use: DIVERSION TO
STORAGE, FIRE
PROTECTION STORAGE,
RECREATION, RECREATION

STORAGE, WILDLIFE
STORAGE
T56N R03W S1 L7(SWSE)

96-10355
STEINBAUER FAMILY TRUST
4 OLYMPIA RIDGE DR
LAS VEGAS, NV 89141-6187
Point of Diversion L7(SWSE)
S1 T56N R03W
BONNER County
Source UNNAMED STREAM
Tributary PEND OREILLE
RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.06 CFS
Date Filed: 02-07-2022
Place Of Use: IRRIGATION
T56N R03W S1 L7(SWSE)
Total Acres: 2

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/WRAApplicationRes ults/>. 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 3/7/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
SNP LEGAL 1224
AD#514619
FEBRUARY 17, 24, 2022