

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 87-12336

**Priority:** December 06, 2021

**Maximum Diversion Rate:** 1.82 CFS

This is to certify that

CITY OF GENESEE PO BOX 38 GENESEE ID 83832-0038

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> |
|-----------------------|----------------------|--------------------------|
| MUNICIPAL             | 01/01 to 12/31       | 1.82 CFS                 |

**Location of Point(s) of Diversion**


|              |  |              |
|--------------|--|--------------|
| GROUND WATER | NE¼ NW¼, Sec. 14, Twp 37N, Rge 05W, B.M. | LATAH County |
| GROUND WATER | SW¼ NE¼, Sec. 14, Twp 37N, Rge 05W, B.M. | LATAH County |
| GROUND WATER | SW¼ SE¼, Sec. 11, Twp 37N, Rge 05W, B.M. | LATAH County |

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2027**.
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. This right authorizes the diversion of water from the Grande Ronde Aquifer.
6. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
7. Place of use is within the service area of the City of Genesee municipal water supply system as provided for under Idaho Law.
8. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
9. Rights 87-7150, 87-7151, 87-10413, and 87-12336 when combined shall not exceed a total diversion rate of 1.82 cfs.
10. 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 9<sup>th</sup> day of February, 2022

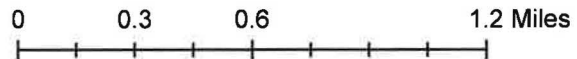
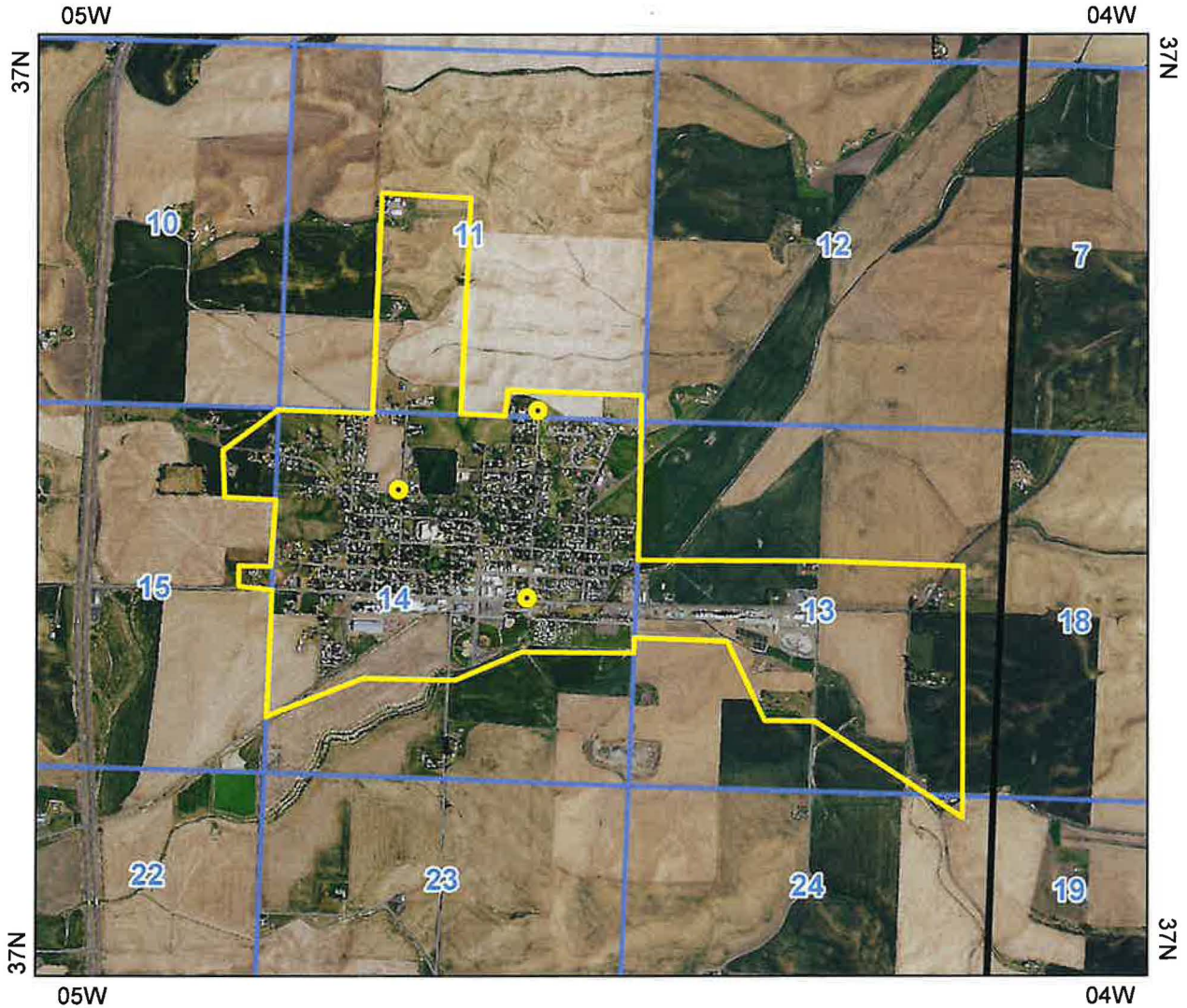
  
\_\_\_\_\_  
ADAM FREDERICK  
Water Rights Supervisor

State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

87-12336

This map depicts the MUNICIPAL 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
- Water Service Area Boundary
- Townships
- PLS Sections





**Governor Brad Little**

**Director Gary Spackman**

February 10, 2022

CITY OF GENESEE  
PO BOX 38  
GENESEE ID 83832-0038

RE: Permit No. 87-12336

### **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](http://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](http://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

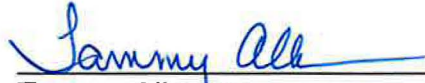
Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2022, I served a true and correct copy of Permit to Appropriate Water No. 87-12336 by U.S. Mail, postage prepaid, to the following:

CITY OF GENESEE (Current Owner)  
PO BOX 38  
GENESEE ID 83832-0038

MOUNTAIN WATERWORKS INC (Representative)  
PO BOX 9906  
BOISE ID 83707-5906



---

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.

**NEWS REVIEW PUBLISHING COMPANY**

The Moscow-Pullman Daily News

P.O.Box 957

Lewiston, Idaho 83501

(208) 743-9411

Date:

01/13/2022

INVOICE NO.

167000

Account No.

964750

Description

167000 The foll

Times

2

Lines

55

Tab. lines

\$ 160.87

**LEGAL ADVERTISING  
INVOICE**

Sold To: ID DEPT. OF WATER RESOURCES

7600 MINERAL DR #100

COEUR D ALENE ID 83814

PO#

Alleman, Tammy

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month  
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

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

87-12336

CITY OF GENESEE

PO BOX 38

GENESEE, ID 83832-0038

Point of Diversion NENW

S14 T37N R05W

LATAH County

Source GROUND WATER

Point of Diversion SWNE

S14 T37N R05W

LATAH County

Source GROUND WATER

Point of Diversion SWSE

S11 T37N R05W

LATAH County

Source GROUND WATER

Use: MUNICIPAL

01/01 to 12/31

Total Diversion: 1.82 CFS

Date Filed: 12-06-2021

Place Of Use: MUNICIPAL

T37N R05W S11

SENW,NESW,SESW,SWSE,SESE

Place Of Use: MUNICIPAL

T37N R05W S13

SWNE,SENE,SWNW,SENW,NESW,NWSW,SESW,NESE,

NWSE,SWSE,SESE

Place Of Use: MUNICIPAL

T37N R05W S14

NENE,NWNE,SWNE,SENE,NENW,NWNW,SWNW,SENW,

NESW,NWSW,SWSW,NESE,NWSE

Place Of Use: MUNICIPAL

T37N R05W S15

NENE,SENE

Place Of Use: MUNICIPAL

T37N R05W S24 NENE

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/Ext-Search/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 1/24/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director  
Published on 1/6/2022 and 1/13/2022

**AFFIDAVIT OF PUBLICATION**

S KELLAM, Legal Clerk  
being first duly sworn, on oath deposes  
and says: I am the printer of  
Moscow-Pullman Daily News, a newspaper  
of general circulation, published daily  
except Sunday at Moscow, Latah County,  
Idaho, in compliance with Sections 60-106,  
60-107, and 60-108 of the Idaho Code and the  
amendments thereto; and an official newspaper  
for Whitman County, Washington as required  
by R.C.W. 36.72.071 and other provisions of  
the Revised Code of Washington and the  
amendments thereto: that the notice of which the  
annexed is a full, true and correct printed  
copy was published in the regular and entire  
issues of said newspaper and not in a  
supplement thereto, upon the following dates:

1/6 & 1/13/2022

the same being the date designated for  
the publication of said notice.

Skellam

On this 13 day of Jan  
in the year of 2022, before me, a Notary Public,  
personally appeared S KELLAM,  
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 he executed the same.

[Signature]  
Notary Public for Idaho,  
Residing at Lewiston, Idaho  
My Commission Expires 1/23/28



RECEIVED

JAN 18 2022

IDWR / NORTH



**STATE OF IDAHO**  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

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

Brad Little, Governor  
Jess Byrne, Director

January 13, 2022

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

Subject: Water Right Application #87-2336, City of Genesee, ID

We received a request for comment along with a copy of an application to appropriate 1.82 cubic feet per second of water total from three wells on private property in Latah County, for the City of Genesee. The points of withdrawal are located in Township 37N, Range 05W, in Sections 14 and 11, and will withdraw water from the Grande Ronde aquifer. The water will be used for municipal purposes 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 [sara.anzalone@deq.idaho.gov](mailto:sara.anzalone@deq.idaho.gov).

Sincerely,

A handwritten signature in cursive script that reads "Sara E Anzalone".

Sara E Anzalone  
Water Quality Analyst

c: City of Genesee, ID  
EDMS