

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 94-9662

Priority: October 06, 2021

Maximum Diversion Volume: 19.9 AF

This is to certify that

ALBERT VILAIR WALSH 12718 OLD RIVER RD KINGSTON ID 83839-9769

has applied for a permit to appropriate water from:

Source : UNNAMED STREAM

Tributary: SINKS

Source : SURFACE RUNOFF

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>
FIRE PROTECTION STORAGE	01/01 to 12/31	19.9 AF
AESTHETIC STORAGE	01/01 to 12/31	19.9 AF

Location of Point(s) of Diversion

UNNAMED STREAM	L4 (SW¼ SW¼), Sec. 19, Twp 49N, Rge 01E, B.M.	KOOTENAI County
UNNAMED STREAM	L4 (SW¼ SW¼), Sec. 19, Twp 49N, Rge 01E, B.M.	KOOTENAI County
SURFACE RUNOFF	L4 (SW¼ SW¼), Sec. 19, Twp 49N, Rge 01E, B.M.	KOOTENAI County
SURFACE RUNOFF	L4 (SW¼ SW¼), Sec. 19, Twp 49N, Rge 01E, B.M.	KOOTENAI County
SURFACE RUNOFF	L4 (SW¼ SW¼), Sec. 19, Twp 49N, Rge 01E, B.M.	KOOTENAI County

Place of Use: FIRE PROTECTION STORAGE AND AESTHETIC 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	
49N	01E	19										X L3	X L4						

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2026**.
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. 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.
5. The five ponds established by the storage of water under this right shall not exceed a total capacity of 13.1 Acre Feet (AF) or a total surface area of 3.4 acres.
6. Right 94-9662 authorizes total annual storage volume of 19.9 Acre Feet (AF), 13.1 AF to be used for the initial filling or carryover storage of the ponds, and 6.8 AF for the replacement of losses caused by seepage and evaporation.
7. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 94-9662

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

Signed this 2nd day of December, 2021.



ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

94-9662

This map depicts the AESTHETIC STORAGE and 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.



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

0 0.0375 0.075 0.15 Miles



Tax parcel information provided by Kootenai 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

December 02, 2021

ALBERT VILAIR WALSH
12718 OLD RIVER RD
KINGSTON ID 83839-9769

RE: Permit No. 94-9662

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

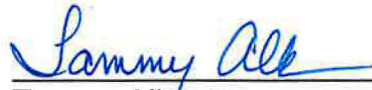
Adam Frederick
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 02, 2021, I served a true and correct copy of Permit to Appropriate Water No. 94-9662 by U.S. Mail, postage prepaid, to the following:

ALBERT VILAIR WALSH (Current Owner)
12718 OLD RIVER RD
KINGSTON ID 83839-9769



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

STATE OF IDAHO)
) ss.
County of Kootenai)

RECEIVED

NOV 08 2021

IDWR / NORTH

MARY MOORE, being first duly sworn upon oath, deposes and states:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press", a newspaper printed and published daily in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal notice of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive week commencing on the 21 day of October, 2021, and ending on the 28 day of October, 2021, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice

MARY MOORE
On this 28 day of October in the year of 2021 before me, a Notary Public, personally appeared MARY MOORE, 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.



Katrina George
Notary Public for the State of Idaho
Residing in Coeur d'Alene, Idaho

My Commission Expires 8/29/23

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 85182**

NORTH KOOTENAI WATER DISTRICT, 13649 N MEYER RD, RATHDRUM, ID 83858-4904 has filed Application No. 85182 for changes to the following water rights within KOOTENAI County(s): Right No(s). 95-2144, 95-2205, 95-7138, 95-7185, 95-7231, 95-7271, 95-7713, 95-7763, 95-7827, 95-8522, 95-8639, 95-9199, 95-9217; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/query/wtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

This transfer proposes to list all of North Kootenai Water District's wells within the Rathdrum Prairie Aquifer on existing rights 95-2144, 95-2205, 95-7138, 95-9185, 95-7231, 95-7271, 95-7713, 95-7763, 95-7827, 95-8522, 95-8639, 95-9199, & 95-9217.

For additional information concerning the property location, contact Northern Region office at (208)762-2800. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department 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 11/8/2021. The protestant must also send a copy of the protest to the applicant.

NOTICE OF DRAFT PERMIT

Notice is given of draft permit(s) allowing the operation of an injection well as per provisions of Title 42, Chapter 39, Idaho Code for the following injection well(s) listed in this format // Well Number, Location, Operator, Injectate //:

// 95W003001,
T51NR04WS27NWSWSE,
CDA School District #271,
Heat Pump Return Water //

Copies can be requested from the Idaho Department of Water Resources at (208) 287-4800. Comments or requests for fact-finding hearings must be filed with the Department within 30 days of the initial publication date of this notice.

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

94-9660
LUKE SMITH
TIANNE SMITH
27191 E SCHOOLHOUSE LOOP
CATALDO, ID 83810
Point of Diversion NWNESE
S23 T49N R01W
KOOTENAI County
Source SPRING
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 08-13-2021
Place Of Use: DOMESTIC
T49N R01W S23 NESE

94-9662
ALBERT VILAIR WALSH
12718 OLD RIVER RD
KINGSTON, ID 83839-9769
Point of Diversion L4(SWSW)
S19 T49N R01E
KOOTENAI County
Source UNNAMED STREAM
Tributary SINKS
Point of Diversion L4(SWSW)
S19 T49N R01E
KOOTENAI County
Source UNNAMED STREAM
Tributary SINKS
Point of Diversion L4(SWSW)
S19 T49N R01E
KOOTENAI County
Source SURFACE RUNOFF
Tributary SINKS
Point of Diversion L4(SWSW)
S19 T49N R01E
KOOTENAI County
Source SURFACE RUNOFF
Tributary SINKS
Use: AESTHETIC STORAGE
01/01 to 12/31 19.9 AF
Use: FIRE PROTECTION
STORAGE
01/01 to 12/31 19.9 AF
Total Diversion: 19.9 AF
Date Filed: 10-06-2021
Place Of Use: AESTHETIC
STORAGE, FIRE PROTEC-
TION STORAGE
T49N R01E S19
L3(NWSW), L4(SWSW)

95-18144
BYRON M HIGA
JENNIFER L HIGA
PO BOX 1275
ATHOL ID 83801-1275
Point of Diversion SWNE
S18 T53N R02W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 08-11-2021
Place Of Use: DOMESTIC
T53N R02W S18 SWNE

95-18146
SANDRA CHRISTENSEN
8655 E CHALLENGE RD
HAYDEN LAKE, ID
83835-7323
Point of Diversion SESW
S11 T51N R03W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.02 CFS
Date Filed: 08-12-2021
Place Of Use: DOMESTIC
T51N R03W S11 SESW

95-18148
OWENS CRAIG
3555 E FERNAN HILL RD
COEUR D ALENE, ID
83814-9700
Point of Diversion SWSW
S17 T50N R03W
KOOTENAI County
Source SPRING
Tributary SINKS
Point of Diversion SESEW
S17 T50N R03W
KOOTENAI County
Source SPRING
Tributary SINKS
Use: IRRIGATION
03/15 to 11/15
Total Diversion: 0.06 CFS
Date Filed: 08-17-2021
Place Of Use: IRRIGATION
T50N R03W S17
L2(NESW), SENW
Total Acres: 2

95-18161
EDWIN T ZAPEL
HOLLY A ZAPEL
PO BOX 722
VASHON, WA 98070-0722
Point of Diversion SWNWSE
S20 T49N R03W
KOOTENAI County
Source SPRING
Tributary TURNER CREEK
Point of Diversion SWNWSE
S20 T49N R03W
KOOTENAI County
Source SPRING
Tributary TURNER CREEK
Point of Diversion SENWSE
S20 T49N R03W
KOOTENAI County
Source SPRING
Tributary TURNER CREEK
Use: DIVERSION TO
STORAGE
01/01 to 12/31 0.2 CFS
Use: IRRIGATION
03/15 to 11/15 0.2 CFS
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: FIRE PROTECTION
STORAGE
01/01 to 12/31 1.7 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 30 AF
Use: IRRIGATION FROM
STORAGE
03/15 to 11/15 30 AF
Use: STOCKWATER
STORAGE
01/01 to 12/31 0.3 AF
Use: STOCKWATER FROM
STORAGE
01/01 to 12/31 0.3 AF
Total Diversion: 0.2 CFS,
32 AF
Date Filed: 09-27-2021
Place Of Use: DIVERSION TO
STORAGE
T49N R03W S20 NWSE
Place Of Use: DOMESTIC
T49N R03W S20
SWSW, SESW

Place Of Use: FIRE
P R O T E C T I O N
STORAGE, IRRIGATION, IRRIG-
ATION FROM
STORAGE, IRRIGATION
STORAGE, STOCKWATER, ST
OCKWATER FROM
STORAGE, STOCKWATER
STORAGE

T49N R03W S20 SESW
Place Of Use:
IRRIGATION, IRRIGATION
FROM
STORAGE, STOCKWATER, ST
OCKWATER FROM
STORAGE
T49N R03W S20 SWSW
Total Acres: 10

95-18162
DARREN SAWYER
DANNIELLE SAWYER
17320 E PERIMETER RD
ATHOL, ID 83801-5279
Point of Diversion NWSW
S32 T54N R02W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.06 CFS
Use: IRRIGATION
04/01 to 10/31 0.09 CFS
Total Diversion: 0.15 CFS
Date Filed: 09-29-2021
Place Of Use:
DOMESTIC, IRRIGATION
T54N R02W S32 NWSW
Total Acres: 3

95-18163
EDWIN T ZAPEL
HOLLY A ZAPEL
PO BOX 722
VASHON, WA 98070-0722
Point of Diversion NESW
S20 T49N R03W
KOOTENAI County
Source TURNER CREEK
Tributary COEUR D ALENE
LAKE
Point of Diversion NWSE
S20 T49N R03W
KOOTENAI County
Source TURNER CREEK
Tributary COEUR D ALENE
LAKE
Use: IRRIGATION
03/15 to 11/15
Total Diversion: 0.2 CFS
Date Filed: 10-04-2021
Place Of Use: IRRIGATION
T49N R03W S20
NESW, SESW, NWSE
Total Acres: 10

95-18165
AUMAN LIVING TRUST
6369 W STANDING ELK TRL
COEUR D ALENE, ID
83814-7960
Point of Diversion SWSW
S20 T50N R04W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: FIRE PROTECTION
01/01 to 12/31 0.2 CFS
Use: IRRIGATION
03/15 to 11/15 0.15 CFS
Total Diversion: 0.2 CFS
Date Filed: 10-05-2021
Place Of Use:
D O M E S T I C, F I R E
P R O T E C T I O N, I R R I G A T I O N
T50N R04W S20 SWSW
Total Acres: 5

95-18167

TIMBERLAND CONSTRUCTION SERVICES LLC
PO BOX 965
SPIRIT LAKE, ID 83869-0965
Point of Diversion NWSW
S10 T52N R04W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.13 CFS
Date Filed: 10-08-2021
Place Of Use: DOMESTIC
T52N R04W S10 NWSW

95-18168

TIMBERLAND CONSTRUCTION SERVICES LLC
PO BOX 965
SPIRIT LAKE, ID 83869-0965
Point of Diversion NWNW
S10 T52N R04W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.13 CFS
Date Filed: 10-08-2021
Place Of Use: DOMESTIC
T52N R04W S10 NWNW

95-18169

TIMBERLAND CONSTRUCTION SERVICES LLC
PO BOX 965
SPIRIT LAKE, ID 83869-0965
Point of Diversion SWSW
S10 T52N R04W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.13 CFS
Date Filed: 10-08-2021
Place Of Use: DOMESTIC
T52N R04W S10 SWSW

95-18170

TIMBERLAND CONSTRUCTION SERVICES LLC
PO BOX 965
SPIRIT LAKE, ID 83869-0965
Point of Diversion SWNW
S10 T52N R04W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.13 CFS
Date Filed: 10-08-2021
Place Of Use: DOMESTIC
T52N R04W S10 SWNW

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 12/1/2021. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
CDA LEGAL 6429
AD#491509
OCTOBER 21, 28, 2021



RECEIVED
NOV 05 2021
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

November 3, 2021

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

REFERENCE: Application 94-9662 – Walsh Ponds

Dear Tammy:

We have reviewed the above named application to appropriate 19.9 AF of water from an unnamed stream and surface runoff in an effort to restore historic wetlands in Kootenai 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.

The unnamed stream is part of the large Lower Coeur d'Alene River Valley wetland complex as mapped by the USFWS national wetland inventory. This large wetland complex is comprised of Freshwater Emergent, Freshwater Forest/Shrub wetlands, riverine habitat and many freshwater lakes and ponds. There are Freshwater Emergent wetlands both upstream and downstream of the applicant's property and proposed project. Additionally the Lower Coeur d'Alene River Valley wetlands were prioritized in the 2005 State Comprehensive Outdoor Recreation and Tourism Plan (SCORTP) and placed number 9 in the most significant wetlands in Idaho. Constructing the proposed ponds will help to restore connectivity and function to a historical wetland area and will provide habitat for many native species in time.

We recommend retention of as much existing, native vegetation as possible.

We recommend native riparian/wetland species plantings as they will help stabilize the pond banks to reduce erosion and, in time, those trees and shrubs will provide shade and habitat for many species of wildlife.

We encourage efforts such as these to restore wildlife habitat on private property. If you or the applicants have any questions, please contact Merritt Horsmon at merritt.horsmon@idfg.idaho.gov or (208)769-1414.

Keeping Idaho's Wildlife Heritage

Ms. Tammy Alleman – Page 2
November 3, 2021

Thank you for the opportunity to comment.

Sincerely,

Charles E. Corsi
Regional Supervisor

CEC:MH:lat
C: eFile M:\