State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 96-9920

Priority: September 18, 2021 **Maximum Diversion Rate:** 0.03 CFS

This is to certify that

DAVID STEVENS
PO BOX 122
LACLEDE, ID 83841

has applied for a permit to appropriate water from:

Source : PEND OREILLE RIVER **Tributary:** COLUMBIA RIVER

and a permit is APPROVED for development of water as follows:

Beneficial Use	Period of Use	Rate of Diversion
IRRIGATION	4 /1 to 10/31	0.03 CFS

Location of Point(s) of Diversion

PEND OREILLE RIVER L3 (NW¼, NW¼), Sec. 31, Twp 56N, Rge 03W, B.M., BONNER County

Place of Use: IRRIGATION

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	03W	31						1.5 L3											1.5

Total Acres: 1.5

Conditions of Approval:

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2022.**
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. This right when combined with all other rights shall provide no more than 0.03 Cubic Feet per Second (CFS) per acre nor more than 3.0 Acre Feet (AF) annually per acre at the field headgate for irrigation of the place of use.
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. Place of use is located within, Lot 4A Replat, Shell Shores Subdivision.

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

Signed this 4th day of November, 2021.

ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-9920

This map depicts the IRRIGATION 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

N

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**

November 05, 2021

DAVID STEVENS
PO BOX 122
LACLEDE ID 83841

RE: Permit No. 96-9920

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 November 05, 2021, I served a true and correct copy of Permit to Appropriate Water No. 96-9920 by U.S. Mail, postage prepaid, to the following:

DAVID STEVENS (Current Owner)
PO BOX 122
LACLEDE ID 83841

Tammy Allerhan
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
OCT 18 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

October 14, 2021

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

REFERENCE: 96-9920 – Stevens

Dear Tammy:

We have reviewed the above-named water right application to pump 0.03 cfs from the Pend Oreille River to irrigate 1.5 acres. 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 Pend Oreille River is a migration corridor for bull trout that are federally listed as threatened by the United State Fish and Wildlife Service. Additionally westslope cutthroat, an Idaho species of conservation concern, may be found throughout the system year round.

Idaho code 36-906 prohibits any person diverting water through a conduit from ... *taking water from any stream or lake in this state without first installing and maintaining a suitable screen or other device to prevent fish from entering therein* . 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 this request may seem small, 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:\

AFFIDAVIT OF PUBLICATION

RECEIVED
OCT 18 2021
IDWR / NORTH

STATE OF IDAHO)
) ss.
County of Bonner)

Danielle Ruhmshottel, 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 Application.
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 7 day of October, 2021, and ending on the 14 day of October, 2021.

Danielle Ruhmshottel

State of Idaho, county of Bonner ss.
On this 14 day of October, in the year of 2021, before me, Katrina George, Notary Public, personally appeared Danielle Ruhmshottel 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

KATRINA GEORGE NOTARY PUBLIC COMM. NO. 58374 STATE OF IDAHO

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

96-9897
VALIANT IDAHO II LLC
310 CHARLESTON PL
CELEBRATION, FL
34747-5063
Point of Diversion SWSW
S16 T57N R01E
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
0.11 CFS
Total Diversion:
0.11 CFS
Date Filed: 08-19-2021
Place Of Use: DOMESTIC
T57N R01E S16 SWSW
Place Of Use: DOMESTIC
T57N R01E S17 L5(SESE)

96-9899
PAUL HAWKINS
2423 FLUME CREEK RD
SANDPOINT, ID 83864-4785
Point of Diversion NENW
S13 T58N R01E
BONNER County
Source GROUND WATER
Tributary FLUME CREEK
Use: DOMESTIC
1 /1 to 12/31
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 09-01-2021
Place Of Use: DOMESTIC
T58N R01E S13
NENW,NWNW,SWNW,SENW

96-9900
PAUL HAWKINS
2423 FLUME CREEK RD
SANDPOINT, ID 83864-4785
Point of Diversion NENW
S13 T58N R01E
BONNER County
Source GROUND WATER
Tributary FLUME CREEK
Use: DOMESTIC
1 /1 to 12/31
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 09-01-2021
Place Of Use: DOMESTIC
T58N R01E S13
NENW,NWNW

96-9910
GEORGE SOETJE ESTATE
365 PISTOL CREEK DR
SAGLE, ID 83860-8357
Point of Diversion L5(NWSE)
S9 T56N R03W
BONNER County
Source PEND OREILLE RIVER Tributary COLUMBIA RIVER
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 09-13-2021
Place Of Use: DOMESTIC
T56N R03W S9 L5(NWSE)

96-9915
HICKEY & HOLT LP
674 HICKEY RD
SANDPOINT ID 83864
Point of Diversion SESW
S34 T58N R01W
BONNER County
Source GROUND WATER
Use: IRRIGATION
04/01 to 10/31
1 CFS
Total Diversion:
1 CFS
Date Filed: 09-16-2021
Place Of Use: IRRIGATION
T58N R01W S34
SWSW,SESW
Total Acres: 54

96-9919
BEEMAN FAMILY TRUST
228 MAGIC MOUNTAIN DR
SANDPOINT, ID 83864-5411
Point of Diversion L1(NWNW)
S18 T57N R02W
BONNER County
Source TURNIPSEED CREEK
Tributary SYRINGA CREEK
Use: IRRIGATION
04/01 to 10/31
0.03 CFS
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Total Diversion:
0.07 CFS
Date Filed: 09-17-2021
Place Of Use: DOMESTIC
T57N R02W S18
NENW,L1(NWNW)
Place Of Use: IRRIGATION
T57N R02W S18 L1(NWNW)
Total Acres: 1

96-9920
DAVID STEVENS
PO BOX 122
LACLEDE ID 83841
Point of Diversion L3(NWNW)
S31 T56N R03W
BONNER County
Source PEND OREILLE RIVER Tributary COLUMBIA RIVER
Use: IRRIGATION
4 /1 to 10/31
0.03 CFS
Total Diversion:
0.03 CFS
Date Filed: 09-18-2021
Place Of Use: IRRIGATION
T56N R03W S31 L3(NWNW)
Total Acres: 1.5

96-9924
DONALD MORRIS
LORI MORRIS
108 INDIAN MEADOWS RD
SANDPOINT, ID 83864-7355
Point of Diversion SWSW
S34 T57N R01E
BONNER County
Source LAKE PEND OREILLE
Tributary PEND OREILLE RIVER
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 09-20-2021
Place Of Use: DOMESTIC
T57N R01E S34 SWSW

96-9929
RESORT WATER CO INC
165 VILLAGE LN STE A
SANDPOINT, ID 83864
Point of Diversion NWNE
S29 T58N R02W
BONNER County
Point of Diversion NWNE
S29 T58N R02W
BONNER County
Point of Diversion NENE
S29 T58N R02W
BONNER County
Point of Diversion NENE
S29 T58N R02W
BONNER County
Source GROUND WATER
Use: MUNICIPAL
01/01 to 12/31
0.38 CFS
Total Diversion:
0.38 CFS
Date Filed: 05-21-2021
Place Of Use: MUNICIPAL
T58N R02W S29
NENE,NWNE,SWNE,SENE,
NENW,NWNW,SENW

95-18157
ESPRIT ENTERPRISES LLC
PO BOX 770
BAYVIEW, ID 83803-0770
Point of Diversion NESW S20
T54N R05W BONNER County
Source GROUND WATER
Use: DIVERSION TO STORAGE
01/01 to 12/31
2 CFS
Use: IRRIGATION STORAGE
01/01 to 12/31
701 AF
Use: IRRIGATION FROM STORAGE
04/01 to 10/31
701 AF
Use: RECREATION STORAGE
01/01 to 12/31
17.3 AF
Total Diversion:
2 CFS
718.3 AF
Date Filed: 09-17-2021
Place Of Use: IRRIGATION FROM STORAGE
T54N R05W S19
SENE,NESW,NWSW,SWSW,
SESW,NESE,SESE
Place Of Use: DIVERSION TO STORAGE,IRRIGATION FROM STORAGE
T54N R05W S20
NESW
Place Of Use: IRRIGATION FROM STORAGE
T54N R05W S20
SWNW,SENW,NWSW,SWSW
SESW,SWSE,SESE
Place Of Use: IRRIGATION STORAGE,RECREATION STORAGE
T54N R05W S20
SESW,SWSE
Total Acres: 233.7

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/WRApplicationResults/. 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 10/25/2021. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
SNP LEGAL 9002
AD#487971
OCTOBER 7, 14, 2021