

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 85-15829

Priority: September 20, 2021

Maximum Diversion Rate: 0.04 CFS

This is to certify that

AMBERLEA DOYLE 3975 TEAL LN LEWISTON ID 83501-7052 AND  
TYLER SMITH 3975 TEAL LN LEWISTON ID 83501-7052

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> |
|-----------------------|----------------------|--------------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.04 CFS                 |

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

GROUND WATER NW¼ SE¼, Sec. 23, Twp 35N, Rge 05W, B.M. NEZ PERCE 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 |        |
| 35N | 05W | 23  |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |        |

**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. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. This right authorizes the diversion of ground water within the Lewiston Plateau Ground Water Management Area (LPGWMA). Use of water under this right shall be subject to the provisions of the LPGWMA management plan approved by the director, including its conservation and protection goals.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

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

Signed this 2nd day of November, 2021.



ADAM FREDERICK  
Water Rights Supervisor

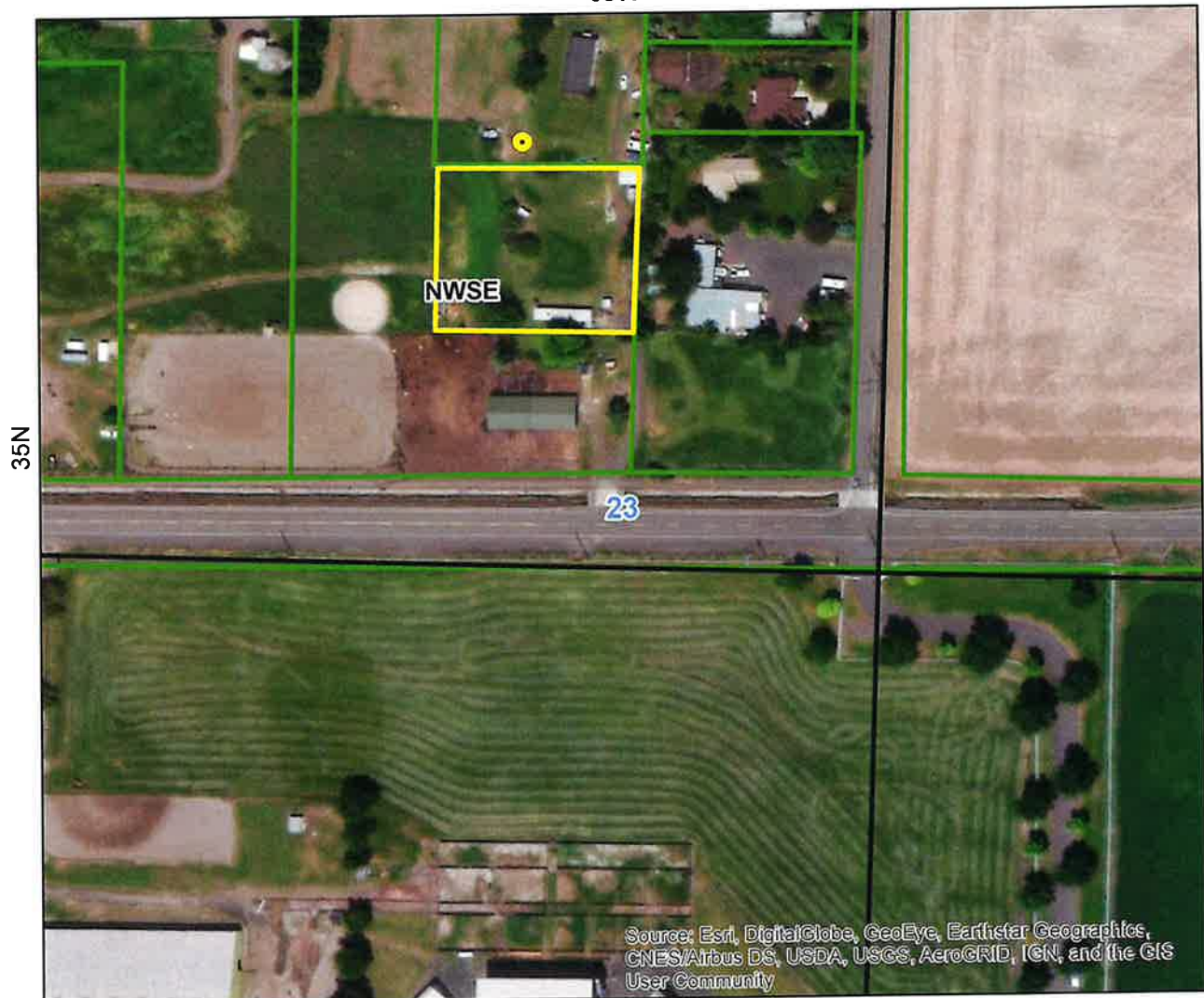
State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

85-15829

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.

05W



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

0 0.025 0.05 0.1 Miles



Tax parcel information provided by Nez Perce County.



Governor Brad Little

Director Gary Spackman

November 03, 2021

TYLER SMITH  
AMBERLEA DOYLE  
3975 TEAL LN  
LEWISTON ID 83501-7052

RE: Permit No. 85-15829

### **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*

Adam Frederick  
Water Rights Supervisor

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on November 03, 2021, I served a true and correct copy of Permit to Appropriate Water No. 85-15829 by U.S. Mail, postage prepaid, to the following:

TYLER SMITH (Current Owner)  
3975 TEAL LN  
LEWISTON ID 83501-7052

AMBERLEA DOYLE (Current Owner)  
3975 TEAL LN  
LEWISTON ID 83501-7052



---

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.

# MEMORANDUM

November 01, 2021

Water Permit: 85-15829

Author: Shaun Maxey, IDWR Northern Region



Subject: IDWR Regional Analysis Sensitive Basin Memo & Recommendation in Accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05)

---

**Water Supply Information:** Application 85-15829 proposes Domestic use, including up to 0.5 acres of lawn and garden irrigation, at 0.04 Cubic Feet per Second (CFS) from an existing shared well (Tag D0061126), in Area A of the Lewiston Plateau Ground Water Management Area (LPGWMA). The eight-inch diameter well is 500 feet deep and reaches the deep regional aquifer.

The record does not contain information indicating an inadequate water supply is available for the proposed use. The 2012 Drillers Report indicates the well provided an estimated 100 Gallons per Minute (GPM) at the time of completion. The Application includes a shared well agreement signed by the owner of the well (Paul Smith) indicating approval for the Applicants to use the well.

**Good Faith, Delay, or Speculative Information:** Nez Perce County property tax records indicate that the Applicants; Amberlea Doyle and Tyler Smith; own the Place of Use (POU) tax parcel. IDWR has no information that suggests the Application is not being made in good faith, is intended to delay, or that it is speculative. There are no known disputes or issues with any other party regarding use of the well.

**Financial Resources Information:** The scope of the project and one year development period for an existing well appears to be feasible. The Applicant's POU is located near the existing well. IDWR has no information that indicates the Applicant is financially incapable of completing the project.

**Local Public Interest:** The LPGWMA Advisory Committee was informed of the Application and offered no comment. No comments were received in response to publication of newspaper legal notices concerning the Application. No protests were received by the deadline date specified in the legal notices.

**Injury to Other Users – Other Water Rights:** No other water rights have been identified that are expected to be adversely affected by shared use of well D0061126 for Domestic use including up to 0.5 acres for lawn, landscaping, and garden irrigation.

**Recommendation.** Northern Region recommends that IDWR proceed to issuing a Permit for this Water Right Application (85-15829).

**TRIBUNE PUBLISHING COMPANY, INC**

The Lewiston Tribune  
505 C St., P.O.Box 957  
Lewiston, Idaho 83501  
(208) 743-9411

Date: 10/14/2021 INVOICE NO. 165820  
Account No. 964750  
Description 165820 The foll  
Times 2 Lines 34  
Tab. lines  
\$ 99.45

**LEGAL ADVERTISING  
INVOICE**

Sold To: ID DEPT. OF WATER RESOURCES  
7600 MINERAL DR #100  
COEUR D ALENE ID 83814

**RECEIVED****OCT 18 2021**PO# Hersley, Jean**IDWR / NORTH**

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.

165820  
The following application(s) have been filed to appropriate  
the public waters of the State of Idaho:  
85-15829  
AMBERLEA DOYLE  
TYLER SMITH  
3975 TEAL LN  
LEWISTON, ID 83501-7052  
Point of Diversion NWSE S23 T35N R05W NEZ PERCE  
County  
Source GROUND WATER  
Use: DOMESTIC  
01/01 to 12/31  
0.04 CFS  
Total Diversion:  
0.04 CFS  
Date Filed: 09-20-2021  
Place Of Use: DOMESTIC  
T35N R05W S23 NWSE

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 10/25/2021. The protestant must also send a copy of the protest to the applicant.  
GARY SPACKMAN, Director  
Published on 10/7/2021 and 10/14/2021

**AFFIDAVIT OF PUBLICATION**

SKELLAM, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 165820 The foll attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 2 time(s). Publication being on 10/07, or once a Week for 2 consecutive Weeks the first publication thereof being on the 10/07/2021, and the last publication thereof being on the 10/14/2021, and said 165820 The foll was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Skellam

State of Idaho

S.S.

County of Nez Perce

On this 14<sup>th</sup> day of October in the year of 2021, before me, a Notary Public, personally appeared SKELLAM, 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.

Barb Marsh

Notary Public in and for the State of Idaho,  
residing at Lewiston, therein  
Commission Expires 2.14.25



## Maxey, Shaun

---

**From:** addoyle@lcmail.lcsc.edu  
**Sent:** Tuesday, September 7, 2021 5:26 PM  
**To:** Maxey, Shaun  
**Subject:** Re: Clarifications on Water Right Permit Application 85-15829

Thank you for the response. It is fine with me if your office makes those corrections. Thank you

On Sep 7, 2021, at 3:09 PM, Maxey, Shaun <Shaun.Maxey@idwr.idaho.gov> wrote:

Ms. Doyle:

Your Application to divert water from a well has arrived at our office and been assigned ID number 85-15829. Some clarifications are needed.

Please reply to this e-mail to indicate your approval to make the following changes to Application 85-15829.

- 1) Add a "N" after the '...35...' on Line 4 and again on Line 9 of the Application. This clarification is needed so that Township Number shown on your map for your well and the new home (blue square on map) will match the legal description shown on Line 4 and Line 9.
- 2) Line 5 (Domestic use) and line 6 (total use) show different numbers for the amount of water (Cubic Feet per Second) you will use. This should be 0.04 CFS for both lines if Domestic is your only use.

Thanks, Please call me if you have any questions at (208) 762.2816. Your Application included two identical maps. Only one map is required for your Application. Please let me know if you want one of these maps returned to you.

Shaun Maxey IDWR (208) 762.2816