

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 91-8060

Priority: August 03, 2021

Maximum Diversion Rate: 0.04 CFS

This is to certify that

TRENTON PARKER
1809 217TH AVENUE CT E
LAKE TAPPS, WA 98391-6214

has applied for a permit to appropriate water from:

Source : ST JOE RIVER

Tributary: COEUR D ALENE LAKE

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

ST JOE RIVER L11 (SE¼, NW¼), Sec. 17, Twp 46N, Rge 01W, B.M., BENEWAH 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	
46N	01W	17								X L11	X L11								

Conditions of Approval:

1. Proof of application of water to beneficial use shall be submitted on or before **October 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 2 Recreational Vehicles.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
7. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
8. Water shall not be diverted under this right when flows in the St. Joe River are below minimum flow amounts as defined by Right 91-7122. The right holder shall be responsible for monitoring the daily flow of the St. Joe River River using real-time data and shall cease diverting water when flows in the St. Joe River River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey Ramsdell Gauging Station, No. 12415135, may be used for purposes of determining the daily flow amounts.

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

Signed this 4th day of October, 2021.



ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

91-8060

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 0.015 0.03 0.06 Miles



Tax parcel information provided by Benewah 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

October 07, 2021

TRENTON PARKER
1809 217TH AVENUE CT E
LAKE TAPPS WA 98391-6214

RE: Permit No. 91-8060

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,



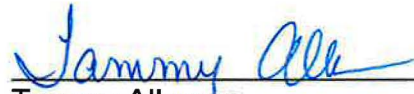
Adam Frederick
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 07, 2021, I served a true and correct copy of Permit to Appropriate Water No. 91-8060 by U.S. Mail, postage prepaid, to the following:

TRENTON PARKER (Current Owner)
1809 217TH AVENUE CT E
LAKE TAPPS WA 98391-6214



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

SEP 27 2021

IDWR / NORTH Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

Sándor Barta, being first duly sworn on oath, deposes and says that he is publisher of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 1 day of SEPTEMBER, 2021 and the last on the 8 day of SEPTEMBER, 2021.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Dated this 8 day of SEPTEMBER, 2021.

Sándor Barta

STATE OF IDAHO)

COUNTY OF BENEWAH)

On this 8 day of SEPTEMBER, in the year of 2021 before me, a Notary Public, personally appeared Sándor Barta, known or identified to me to be the person whose name subscribed to 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.



Daniel A. Hammes
Notary Public for Idaho
Residing at St. Maries, Idaho
My commission expires:

07.13.25

PUBLIC NOTICE

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

91-8060

TRENTON PARKER
1809 217TH AVENUE CT E
LAKE TAPPS, WA 98391-6214
Point of Diversion L11(SENW)
S17 T46N R01W
BENEWAH County
Source ST JOE RIVER
Tributary COEUR D ALENE LAKE
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 08-03-2021
Place Of Use: DOMESTIC
T46N R01W S17
L11(NESW),L11(SENW)

91-8061

JAMES M WEINMANN
LINDA L WEINMANN
PO BOX 484
SAINT MARIES, ID 83861-0484
Point of Diversion L2(NESW)
S16 T46N R02W
BENEWAH County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.06 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: IRRIGATION
03/15 to 10/31 0.03 CFS
Total Diversion: 0.11 CFS
Date Filed: 08-24-2021
Place Of Use: DOMESTIC
T46N R02W S16
L2(SENW),L2(NESW)
Place Of Use: IRRIGATION, STOCKWATER
T46N R02W S16
L2(NESW),L2(SENW)

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 9/20/2021. The protestant must also send

a copy of the protest to the applicant.
GARY SPACKMAN, Director
Published on 9/1/2021 and 9/8/2021
873 - Sept. 1-8



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION

2885 West Kathleen Avenue

Coeur d'Alene, Idaho 83815

Brad Little / Governor

Ed Schriever / Director

September 17, 2021

RECEIVED

SEP 20 2021

IDWR/NORTH

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

REFERENCE: 91-8060 – Trenton Parker

Dear Tammy:

We have reviewed the above-named water right application for 0.04 cfs of water for domestic purposes and irrigation from the St. Joe River. The purpose of these comments is to assist the decision-making authority and applicant by providing technical information addressing potential effects on wildlife and wildlife habitat and how any adverse effects might be mitigated.

The St. Joe River is designated as critical habitat for bull trout by the United States Fish and Wildlife Service. Westslope cutthroat trout, a species of concern in Idaho, can be found year round throughout the system. The nationally famous St. Joe River provides a popular recreational trout fishery that is enjoyed by anglers from throughout Idaho and across the country. The sport fishery is of significant aesthetic, recreational and economic value to Idaho and especially local communities. In recognition of the importance of this fishery, water right 91-7122, belonging to the Idaho Water Resources Board, guarantees a minimum flow of 470 cfs for the St. Joe River below Marble Creek. While this application is for a relatively small amount, we are concerned about the cumulative effects of the many small water rights lowering flows on the St. Joe and the possible negative effects on the fisheries resource.

The application describes the diversion as an electric 115 volt pump with a 1.5 inch flexible hose, but does not mention screening. 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. If the applicant adheres to these recommendations to maintain compliance and to protect juvenile fish, and instream flows are maintained, fishery resources should be adequately protected.

Keeping Idaho's Wildlife Heritage

Ms. Tammy Alleman – Page 2
September 17, 2021

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles E. Corsi', with a stylized flourish at the end.

Charles E. Corsi
Regional Supervisor

CEC:MH:lat
C: eFile M:\