

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 96-9879

Priority: July 09, 2021

Maximum Diversion Rate: 0.12 CFS

This is to certify that

CAREN RIENER 1087 USFS RD 280 SANDPOINT ID 83864-6594

AND / OR

MARK RIENER 1087 USFS RD 280 SANDPOINT ID 83864-6594

AND / OR

ARYAN G RIENER 1087 USFS RD 280 SANDPOINT ID 83864-6594

AND / OR

AKASHA C RIENER 1087 USFS RD 280 SANDPOINT ID 83864-6594

have applied for a permit to appropriate water from:

Source : UNNAMED STREAM

Tributary: GROUSE CREEK

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

Beneficial Use**Period of Use****Rate of Diversion**

IRRIGATION

04/01 to 10/31

0.08 CFS

DOMESTIC

1/01 to 12/31

0.04 CFS

Location of Point(s) of Diversion

UNNAMED STREAM

NW¼, SE¼, Sec. 19, Twp 59N, Rge 01E, 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	
59N	01E	19														2.5			2.5

Right Acre Limit: 2.5

Total Acres: 2.5

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	
59N	01E	19														X			

Conditions of Approval:

1. Proof of application of water to beneficial use shall be submitted on or before **September 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. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
5. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
6. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
7. 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.

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8. Water shall not be diverted under this right when flows in Grouse Creek are below established minimum flow amounts established by Water Right 96-7980.

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

Signed this 1st day of September, 2021.



ADAM FREDERICK
Water Rights Supervisor

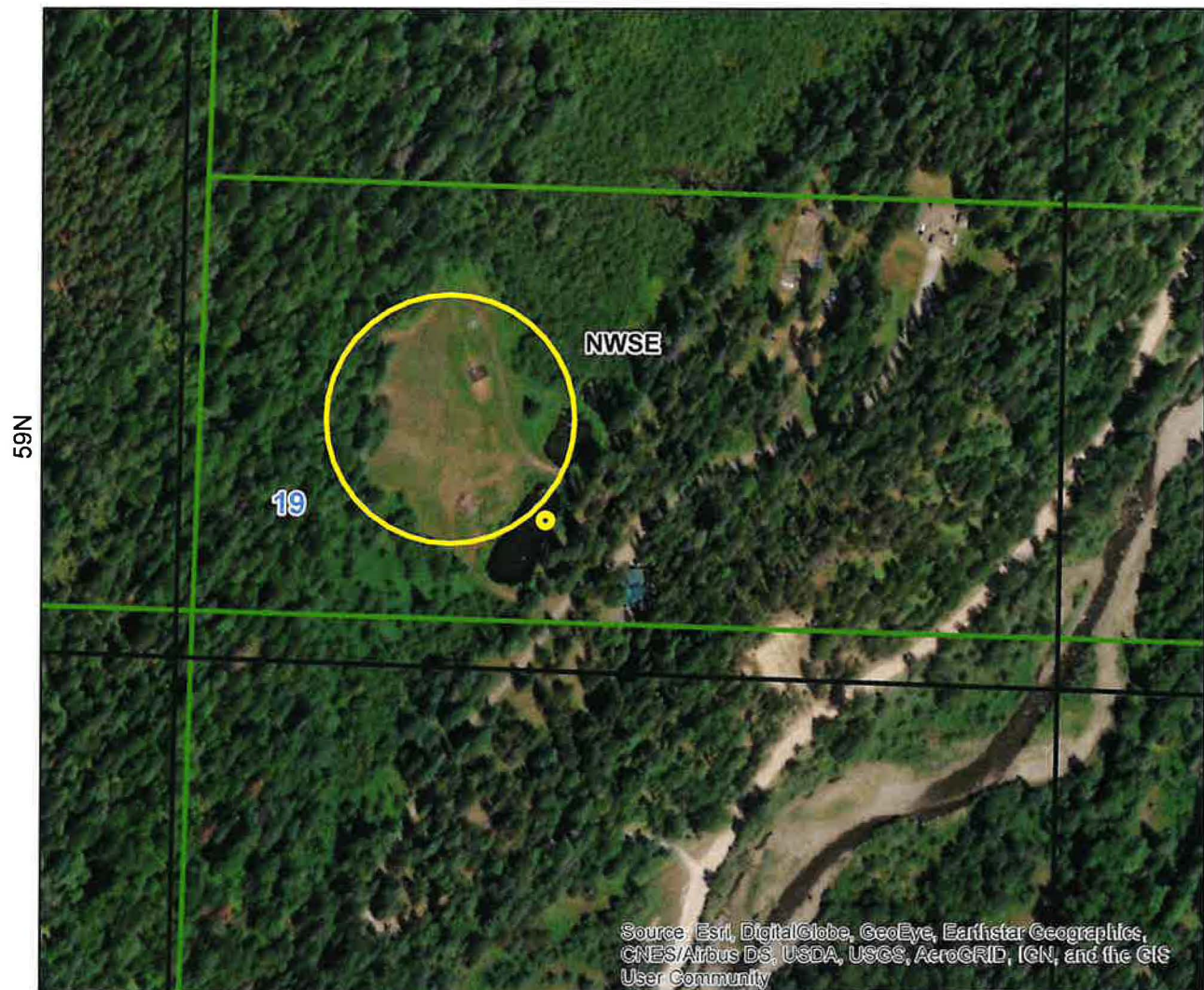
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-9879

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.

01E



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

0 0.0325 0.065 0.13 Miles



Tax parcel information provided by Bonner County.

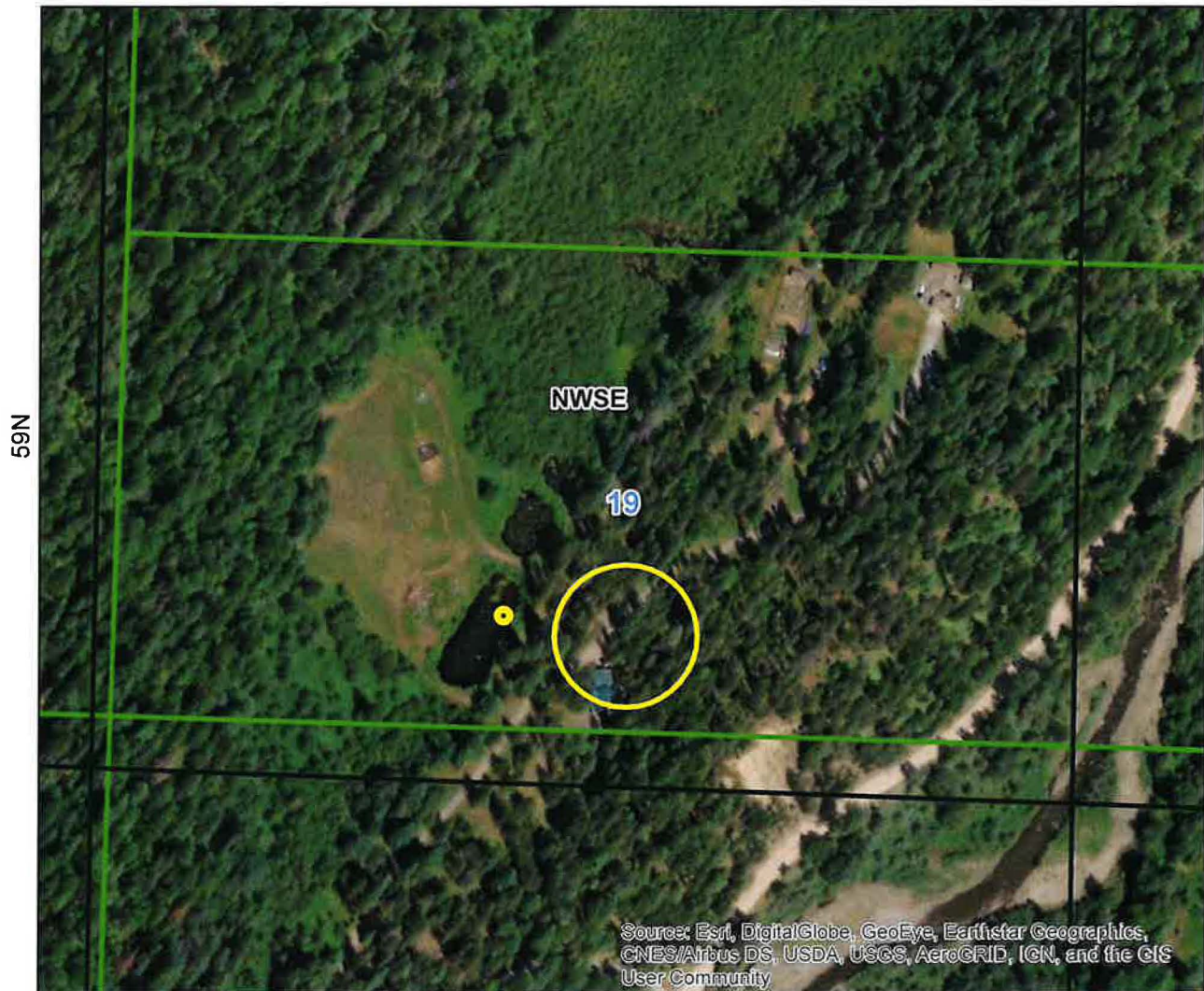
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-9879

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.

01E



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

0 0.03 0.06 0.12 Miles



Tax parcel information provided by Bonner County.



Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763
Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Gary Spackman
Director

September 02, 2021

CAREN, MARK, ARYAN G, & AKASHA C RIENER
1087 USFS RD 280
SANDPOINT ID 83864-6594

RE: Permit No. 96-9879

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

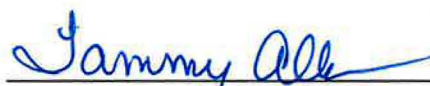
I hereby certify that on September 02, 2021, I served a true and correct copy of Permit to Appropriate Water No. 96-9879 by U.S. Mail, postage prepaid, to the following:

CAREN RIENER (Current Owner)
1087 USFS RD 280
SANDPOINT ID 83864-6594

MARK RIENER (Current Owner)
1087 USFS RD 280
SANDPOINT ID 83864-6594

ARYAN G RIENER (Current Owner)
1087 USFS RD 280
SANDPOINT ID 83864-6594

AKASHA C RIENER (Current Owner)
1087 USFS RD 280
SANDPOINT ID 83864-6594



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

AUG 25 2021

WNR / NORTH

IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION

2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

Brad Little / Governor
Ed Schriever / Director

August 19, 2021

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

REFERENCE: Application 96-9879 – Riener

Dear Tammy:

We have reviewed the above named application to appropriate 0.12 cfs from an unnamed tributary to Grouse Creek in Bonner 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 applicant plans to use 0.04 cfs for domestic purposes and an additional 0.08 cfs to irrigate 2.5 acres of land. The applicant states that they will utilize an in-stream ½ HP electric pump with a water line to the place of use.

The application 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.

Grouse Creek contains several species of salmonids including ESA listed bull trout, rainbow trout, brook trout and westslope cutthroat trout, an Idaho species of concern. Cutthroat depend on clean, cool and complex stream habitat and often move throughout the system at different points during their life histories. Grouse Creek is connected to Lake Pend Oreille by the Pack River which is a spawning corridor for adfluvial salmonids. A 2008 Idaho DEQ TMDL for temperature and sediment was approved for Grouse Creek under the Lake Pend Oreille Tributaries.

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-769-1414 • Fax: 208-769-1418 • Idaho Relay (TDD) Service: 1-800-377-3529 • <https://idfg.idaho.gov>

Ms. Tammy Alleman – Page 2
August 19, 2021

The unnamed tributary in this application seems to be mostly spring fed through a series of small ponds in a marshy area. The mean annual flow according to the USGS StreamStat website is 0.943, and the drainage area is only 0.68 square miles. While there seems to be enough water, we are currently experiencing an extremely hot and dry year, and climate models predict that these types of years will occur with increasing frequency into the future. Springs and riparian vegetation will both help to mitigate these predicted increasing temperatures to help keep streams cold enough to provide fisheries habitat. We are concerned that the cumulative loss of flow from private diversions may negatively impact habitat availability for many native species.

Thank you for the opportunity to comment.

Sincerely,

Mark Rhodes (Acting for CEC)

Charles E. Corsi
Regional Supervisor

CEC:MH:lat
C: eFile M:\

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Bonner)

Danielle Rukmshottel, 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

Public Notice
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 5 day of
August, 2021, and ending on the 12 day of
August, 2021.

Danielle Rukmshottel

State of Idaho, county of Bonner ss.

On this 12 day of August, in the year of 2021,
before me, Katrina George, Notary Public, personally
appeared Danielle Rukmshottel 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

RECEIVED

AUG 17 2021

IDWR / NORTH



PUBLIC NOTICE

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

96-9878
RICHARD A TAYLOR JR
JILL D TAYLOR
PO BOX 433
COCOLALLA, ID 83813-0433
Point of Diversion NWSE
S18 T55N R02W
BONNER County
Source COCOLALLA LAKE
Tributary COCOLALLA
CREEK
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 07-09-2021
Place Of Use: IRRIGATION
T55N R02W S18
NWSE, L10(SWSE), L9(NWSE)
Total Acres: 1

96-9879
CAREN RIENER
MARK RIENER
ARYAN G RIENER
AKASHA C RIENER
1087 USFS RD 280
SANDPOINT, ID 83864-6594
Point of Diversion NWSE
S19 T59N R01E
BONNER County
Source UNNAMED STREAM
Tributary GROUSE CREEK
Use: IRRIGATION
04/01 to 10/31 0.08 CFS
Use: DOMESTIC
1/01 to 12/31 0.04 CFS
Total Diversion: 0.12 CFS
Date Filed: 07-09-2021
Place Of Use:
DOMESTIC, IRRIGATION
T59N R01E S19 NWSE
Total Acres: 2.5

96-9880
JACK HOWARD
KATHLEEN HOWARD
1081 LAKESHORE DR
SAGLE, ID 83860-9789
Point of Diversion L3(SENW)
S3 T56N R02W
BONNER County
Source PEND OREILLE
RIVER
Tributary COLUMBIA RIVER
Use: DOMESTIC
04/01 to 10/31
Total Diversion: 0.04 CFS
Date Filed: 07-14-2021
Place Of Use: DOMESTIC
T56N R02W S3 L3(SENW)

96-9881
RICHARD ROBERTS
LOIS ROBERTS
920 SIRRON AVE
RICHLAND, WA 99352-9641
Point of Diversion L3(SENW)
S3 T56N R02W
BONNER County
Source PEND OREILLE
RIVER
Tributary COLUMBIA RIVER
Use: DOMESTIC
04/01 to 10/31
Total Diversion: 0.04 CFS
Date Filed: 07-19-2021
Place Of Use: DOMESTIC
T56N R02W S3 L3(SENW)

96-9883

MARC BRINKMEYER
PO BOX 220
LACLEDE, ID 83841-0220
Point of Diversion NESW
S24 T57N R03W
BONNER County
Source GROUND WATER
Point of Diversion NENW
S24 T57N R03W
BONNER County
Source GROUND WATER
Point of Diversion NENW
S24 T57N R03W
BONNER County
Source GROUND WATER
Point of Diversion NWSE
S24 T57N R03W
BONNER County
Source GROUND WATER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.11 CFS
Date Filed: 07-19-2021
Place Of Use: IRRIGATION
T57N R03W S24
SWNE, SENW, NESW, NWSE
Total Acres: 3.5

96-9884

CHARLES J RITER
MELINDA C RITER
729 DELANEY DR
SAGLE, ID 83860-0150
Point of Diversion L3(NENE)
S1 T56N R03W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: IRRIGATION
04/01 to 10/31 0.13 CFS
Total Diversion: 0.17 CFS
Date Filed: 07-26-2021
Place Of Use: .
DOMESTIC, IRRIGATION
T56N R03W S1 L3(NENE)
Place Of Use: IRRIGATION
T56N R03W S1 L4(NWNE)
Total Acres: 4.3

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 8/23/2021. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
SNP LEGAL 8800
AD#476089
AUGUST 5, 12, 2021