

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 86-12115

Priority: May 21, 2021

Maximum Diversion Volume: 9.2 AF

This is to certify that

SHAYNE WATKINS
PO BOX 335
DEARY, ID 83823-0335

AND / OR

ALANE WATKINS
PO BOX 335
DEARY, ID 83823-0335

have applied for a permit to appropriate water from:

Source : GROUND WATER

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>	<u>Annual Volume</u>
IRRIGATION STORAGE	01/01 to 12/31		3.0 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		3.0 AF
STOCKWATER STORAGE	01/01 to 12/31		0.7 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		0.7 AF
RECREATION STORAGE	01/01 to 12/31		5.5 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		5.5 AF

Location of Point(s) of Diversion

GROUND WATER L1 (NE¼, NE¼), Sec. 1, Twp 40N, Rge 03W, B.M., LATAH County
GROUND WATER L1 (NE¼, NE¼), Sec. 1, Twp 40N, Rge 03W, B.M., LATAH County

Place of Use: STOCKWATER STORAGE and STOCKWATER FROM 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	
40N	03W	1	X L1																

Place of Use: FIRE PROTECTION STORAGE, RECREATION STORAGE, and IRRIGATION 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	
40N	03W	1	X L1																

Place of Use: IRRIGATION FROM 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	
40N	03W	1	1.0 L1																1.0

Total Acres: 1.0

Conditions of Approval:

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2022**.

State of Idaho
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Permit to Appropriate Water
No. 86-12115

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. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
6. 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.
7. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
8. The two ponds established by the storage of water under this right shall not exceed a total capacity of 4.2 Acre Feet (AF) or a total surface area of 0.5 acres.
9. Right 86-12115 authorizes the storage of an annual total of 9.2 Acre Feet (AF), comprised of 4.2 AF to be used for the initial filling or carryover storage of the ponds, 1.3 AF for the replacement of losses due to seepage and evaporation, and up to 3.7 AF for additional refills for Irrigation From Storage and Stockwater From Storage use.
10. Recreation Storage is for fishing.
11. Stockwater use is for 50 head Mixed Stock.

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

Signed this 30th day of June, 2021.



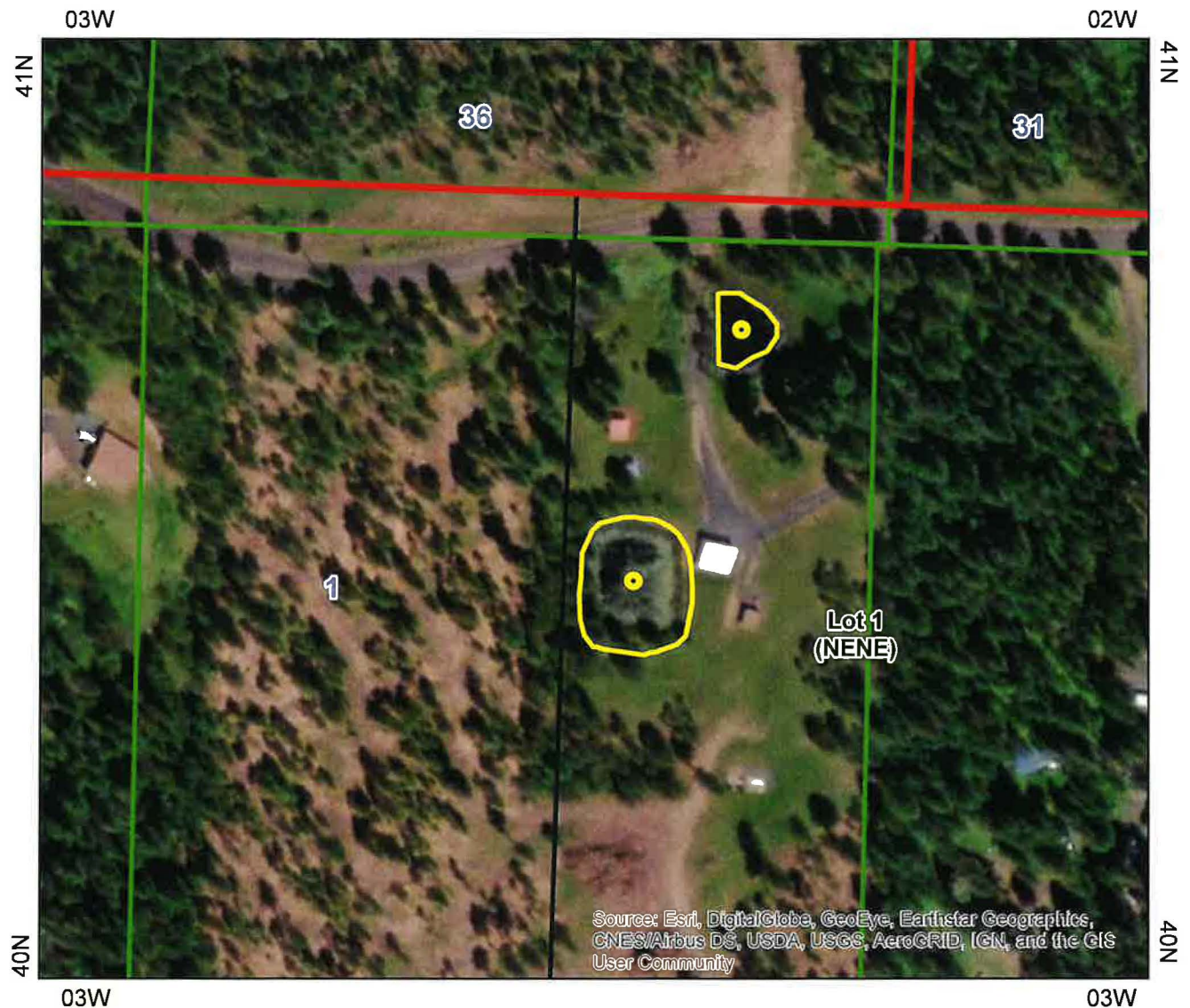
ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

86-12115

This map depicts the FIRE PROTECTION STORAGE, RECREATION STORAGE, STOCKWATER STORAGE and IRRIGATION 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
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.0175 0.035 0.07 Miles



Tax parcel information provided by Latah County.

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

86-12115

This map depicts the IRRIGATION FROM 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
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.015 0.03 0.06 Miles



Tax parcel information provided by Latah 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

June 30, 2021

ALANE WATKINS
SHAYNE WATKINS
PO BOX 335
DEARY ID 83823-0335

RE: Permit No. 86-12115

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 June 30, 2021, I served a true and correct copy of Permit to Appropriate Water No. 86-12115 by U.S. Mail, postage prepaid, to the following:

ALANE WATKINS (Current Owner)
PO BOX 335
DEARY ID 83823-0335

SHAYNE WATKINS (Current Owner)
PO BOX 335
DEARY ID 83823-0335



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

Date: June 30, 2021
To: Water Right File 86-12115
From: smaxey
Re: Change in 86-12115 Maximum Diversion Volume from 9.7 AF to 9.2 AF for Permit

Legal notices for Application 86-12115 stating a Diversion Volume of 9.7 Acre Feet (AF) were published by IDWR in the Moscow Pullman Daily News on June 3rd and June 10th 2021.

Permit 86-12115 is being issued with a Maximum Diversion Volume of 9.2 AF because it is the Applicants' intent to use either one of the ponds on the Place of Use property for Storage uses, Irrigation from Storage, and Stockwater from Storage. The 9.2 AF is comprised of 4.2 AF to be used for initial fill and carryover storage, 1.3 AF for replacement of evaporation and seepage losses, and up to 3.7 AF to support Irrigation from Storage and Stockwater from Storage.

The change in Maximum Diversion Volume from 9.7 AF to 9.2 AF is being made in accordance with IDWR Application Processing Memo Number 9.

NEWS REVIEW PUBLISHING COMPANY

The Moscow-Pullman Daily News

P.O.Box 957

Lewiston, Idaho 83501

(208) 743-9411

Date:

06/10/2021

INVOICE NO.

163525

Account No.

964750

Description

163525 The foll

Times

2

Lines

79

Tab. lines

\$ 112.58

**LEGAL ADVERTISING
INVOICE****RECEIVED**

JUN 14 2021

PO#

Alleman, Tammy

IDWR/NORTH

Sold To: ID DEPT. OF WATER RESOURCES

7600 MINERAL DR #100

COEUR D ALENE ID 83814

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.

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

86-12115

SHAYNE WATKINS

ALANE WATKINS

PO BOX 335

DEARY, ID 83823-0335

Point of Diversion L1(NENE)

S1 T40N R03W

LATAH County

Source GROUND WATER

Point of Diversion L1(NENE)

S1 T40N R03W

LATAH County

Source GROUND WATER

Use: STOCKWATER STORAGE

01/01 to 12/31 0.7 AF

Use: RECREATION STORAGE

01/01 to 12/31 5.5 AF

Use: IRRIGATION STORAGE

01/01 to 12/31 3 AF

Use: FIRE PROTECTION

STORAGE

01/01 to 12/31 5.5 AF

Use: STOCKWATER FROM

STORAGE

01/01 to 12/31 0.7 AF

Use: IRRIGATION FROM

STORAGE

04/01 to 10/31 3 AF

Total Diversion: 9.7 AF

Date Filed: 05-21-2021

Place Of Use: FIRE PRO-

TECTION STORAGE, IRRI-

GATION FROM STORAGE,

IRRIGATION STORAGE,

RECREATION STORAGE,

STOCKWATER FROM

STORAGE, STOCKWATER

STORAGE

T40N R03W S1

L1(NENE)

Total Acres: 1

Permits will be subject to all
prior water rights. For addi-
tional information concern-
ing 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 applica-
tion must be filed with the
Director, Dept. of Water Re-
sources, 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
6/21/2021. The protestant
must also send a copy of the
protest to the applicant.
GARY SPACKMAN,
Director

Published on 6/3/2021
and 6/10/2021

AFFIDAVIT OF PUBLICATION

Hollie K Vance _____, Legal Clerk
being first duly sworn, on oath deposes
and says: I am the printer of
Moscow-Pullman Daily News, a newspaper
of general circulation, published daily
except Sunday at Moscow, Latah County,
Idaho, in compliance with Sections 60-106,
60-107, and 60-108 of the Idaho Code and the
amendments thereto; and an official newspaper
for Whitman County, Washington as required
by R.C.W. 36.72.071 and other provisions of
the Revised Code of Washington and the
amendments thereto: that the notice of which the
annexed is a full, true and correct printed
copy was published in the regular and entire
issues of said newspaper and not in a
supplement thereto, upon the following dates:

JUNE 3, 10, 2021

the same being the date designated for
the publication of said notice.

Hollie K Vance

On this 11 day of June
in the year of 2021 before me, a Notary Public,
personally appeared Hollie K Vance,
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.

Notary Public for Idaho,
Residing at Lewiston, Idaho
My Commission Expires 1/23/22



Alleman, Tammy

From: Swearingen,Zachary <zachary.swearingen@idfg.idaho.gov>
Sent: Friday, May 28, 2021 12:25 PM
To: Alleman, Tammy
Subject: RE: Request for Comments for 86-12115

Hello Tammy,

Application 86-12115 notes that recreation use of the pond will include fish. If this application is permitted please inform the applicant, or include as a condition in any water right issued, that a permit is required prior to stocking private ponds with fish per Idaho Code 36-706. Ponds which will be stocked with fish are require to have a screen on their inlet and outlet to prevent fish escapement. The stocking permit is available from Idaho Department of Fish and Game.

Thank you,

Zach Swearingen
Environmental Staff Biologist
Idaho Department of Fish and Game - Clearwater Region
3316 16th St
Lewiston, ID 83501
208-799-5010



From: Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
Sent: Tuesday, May 25, 2021 11:43 AM
To: Sujata.Connell@deq.idaho.gov; Swearingen,Zachary <zachary.swearingen@idfg.idaho.gov>; commisioners <bocc@latah.id.us>; Michelle Fuson <MFuson@latah.id.us>; jpiper@latah.id.us; Kara Egan <kegan@latah.id.us>
Subject: Request for Comments for 86-12115

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right Permit application. You can find copies of the application at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application(s), you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. The deadline for comments on the applications is June 21, 2021.

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the Permit application.

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800
Fax (208) 762-2819*