State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 96-9863

Priority: May 17, 2021

Maximum Diversion Volume: 0.2 AF

This is to certify that

TERRY ALAN THURLOW 12963 W PINE ST SANDPOINT ID 83864-7331

has applied for a permit to appropriate water from:

Source : UNNAMED STREAM **Tributary:** HORNBY CREEK

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

Beneficial Use	Period of Use	Annual Volume
STOCKWATER STORAGE	01/01 to 12/31	0.2 AF

Location of Point(s) of Diversion

UNNAMED STREAM SE¼ SW¼, Sec. 19, Twp 57N, Rge 02W, B.M. BONNER County

Place of Use: STOCKWATER 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	
57N	02W	19												X					

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2022.**
2. Subject to all prior water rights.
3. 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.
4. Right 96-9863 authorizes a total annual storage volume of 0.2 acre-feet to be used for stockwater storage purposes.
5. The pond established by the storage of water under this right shall not exceed a total capacity of 0.1 acre-feet or a total surface area of 0.06 acres.
6. Stockwater storage use is for 15 head of cattle.
7. Rights 96-9793 and 96-9863 when combined shall not exceed a total annual maximum diversion volume of 0.5 acre-feet for aesthetic storage and stockwater storage.
8. This right does not grant any right-of-way or easement across the land of another.

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

Signed this 24th day of June, 2021.

ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-9863

This map depicts the STOCKWATER 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.

02W

57N

Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

0 0.035 0.07 0.14 Miles

N

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

Brad Little
Governor

Gary Spackman
Director

June 25, 2021

TERRY ALAN THURLOW
12963 W PINE ST
SANDPOINT ID 83864-7331

RE: Permit No. 96-9863

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 June 25, 2021, I served a true and correct copy of Permit to Appropriate Water No. 96-9863 by U.S. Mail, postage prepaid, to the following:

TERRY ALAN THURLOW (Current Owner)
12963 W PINE ST
SANDPOINT ID 83864-7331

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.

AFFIDAVIT OF PUBLICATION

RECEIVED

JUN 14 2021

IDWR/NORTH

STATE OF IDAHO)
) ss.
County of Bonner)

Danielle Rukmshotted, 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 3 day of June, 2021, and ending on the 10 day of June, 2021.

Danielle Rukmshotted

State of Idaho, county of Bonner ss.
On this 10 day of June, in the year of 2021, before me, Katrina George, Notary Public, personally appeared Danielle Rukmshotted 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

PUBLIC NOTICE

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

96-9861
BOB WILLIAMS
LISA WILLIAMS
16560 SUTTLES DR
RIVERSIDE, CA 92504-5761
Point of Diversion NWSE
S34 T55N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.11 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: IRRIGATION
04/01 to 10/31 0.41 CFS
Total Diversion: 0.54 CFS
Date Filed: 05-13-2021
Place Of Use: DOMESTIC, STOCKWATER
T55N R04W S34
NESW,SESW,NWSE
Place Of Use: IRRIGATION
T55N R04W S34
NESW,NWSE,SESW
Total Acres: 20.4

96-9863
TERRY ALAN THURLOW
12963 W PINE ST
SANDPOINT, ID 83864-7331
Point of Diversion SESW
S19 T57N R02W
BONNER County
Source UNNAMED STREAM
Tributary HORNBY CREEK
Use: STOCKWATER STORAGE
01/01 to 12/31
Total Diversion: 0.2 AF
Date Filed: 04-30-2021
Place Of Use: STOCKWATER STORAGE
T57N R02W S19 SESW

96-9864
EMILY R PALMER
MATTHEW D PALMER
PO BOX 13
COCOLALLA, ID 83813-0013
Point of Diversion
L2(SWNWNW)
S36 T55N R03W
BONNER County
Source SPRING
Tributary SINKS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: DOMESTIC
01/01 to 12/31 0.06 CFS
Total Diversion: 0.08 CFS
Date Filed: 05-18-2021
Place Of Use: DOMESTIC, STOCKWATER
T55N R03W S36
L2(NWNW)

96-9865
JOE STANEK
3735 BOTTLE BAY RD
SAGLE, ID 83860-9006
Point of Diversion L1(NWNE)
S25 T57N R02W
BONNER County
Source LAKE PEND OREILLE
Tributary PEND OREILLE RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 05-19-2021
Place Of Use: DOMESTIC
T57N R02W S25
L1(NWNE)

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 6/21/2021. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
SNP LEGAL 8638
AD#460750
JUNE 3, 10, 2021