

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 87-12263

Priority: March 01, 2001

Maximum Diversion Rate: 0.14 CFS

This is to certify that

DOUG GADWA 1400 SAND RD MOSCOW ID 83843-8889 AND/OR
LISA GADWA 1400 SAND RD MOSCOW ID 83843-8889

has applied for a permit to appropriate water from:

Source : SOUTH FORK PALOUSE RIVER

Tributary: PALOUSE RIVER

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

Beneficial Use

IRRIGATION

Period of Use

03/15 to 10/31

Rate of Diversion

0.14 CFS

Location of Point(s) of Diversion

SOUTH FORK PALOUSE RIVER L1 (NW¼ NW¼), Sec. 19, Twp 39N, Rge 05W, B.M. LATAH
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	
39N	05W	19						6.7 L1											6.7
39N	06W	24	0.3																0.3

Total Acres: 7.0

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2026**.
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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. 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 12th day of April, 2021.


ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

87-12263

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.



- 06W 05W
-  Point of Diversion
 -  Place Of Use Boundary
 -  Townships
 -  PLS Sections
 -  Quarter Quarters

0 0.035 0.07 0.14 Miles





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

April 12, 2021

LISA GADWA
DOUG GADWA
1400 SAND RD
MOSCOW ID 83843-8889

RE: Permit No. 87-12263

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

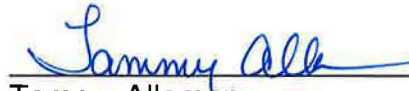
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2021, I served a true and correct copy of Permit to Appropriate Water No. 87-12263 by U.S. Mail, postage prepaid, to the following:

LISA GADWA (Current Owner)
1400 SAND RD
MOSCOW ID 83843-8889

DOUG GADWA (Current Owner)
1400 SAND RD
MOSCOW ID 83843-8889



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

To: Water Right Permit 87-12263

From: Luke Bates 

Date: 4/7/2021

Re: Application for a Permit to Appropriate Water within the State of Idaho.

An application for permit for irrigation use in the name of Doug Gadwa and/or Lisa Gadwa, was received by the department on 3/1/2021. During permit approval processing, it was identified that water right permit 87-12262 overlaps this permit's POU.

Condition X35 was not incorporated in the approval of this permit. There may be overlap of $\frac{1}{2}$ acre of irrigation occurring under domestic use associated with 87-12262 and this right 87-12263, but until the statement of completion and field exam take place for this right, there is uncertainty in how to apply overlap limitations.

The afore mentioned overlap will be addressed in the future at time of field exam and licensing review for 87-12263.



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F Street, Lewiston, ID 83501
(208) 799-4370

Brad Little, Governor
Jess Byrne, Director

March 29, 2021

Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

Subject: Water Right Permit # 87-12263

We received a request for comment on an application for a water appropriation permit to appropriate 0.14 cubic feet per second (cfs) from the South Fork Palouse River for irrigation from March 15 to October 31 using a screened inlet pipe with a pump. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

The South Fork Palouse River at the point of diversion is included in assessment unit ID17060108CL002_03, and is protected for cold water aquatic life, salmonid spawning, and secondary contact recreation designated beneficial uses. This section of the Palouse River is also listed in Category 4a of Idaho's 2018/2020 Integrated Report as having a Total Maximum Daily Load (TMDL) allocation for nutrients, water temperature, and sediment. The TMDL is a pollution management plan that calculates the maximum amount of a pollutant allowed in the creek based on the volume or flow of water in the creek. Reduction in flow in the South Fork Palouse River can cause nutrient, water temperature, and sediment increases that exceed the total maximum daily load and Idaho water quality standards. DEQ stream monitoring data from this section of the South Fork Palouse River recorded a low flow of 0.4 cfs in June 2014.

Based on the South Fork Palouse River TMDLs and recent flow data, we are concerned that there may not be sufficient flow outside the seasonal high flow period to support the designated beneficial uses, and provide the volume necessary for the TMDL allocations for listed pollutants. We recommend that the legally appropriated withdrawal be made during periods of seasonal high flow or at a minimum, flows greater than 1 cfs. At no time should the stream be allowed to go dry as a result of legally appropriated and allowable water withdrawals.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards, please contact us at (208)-799-4370, or by email at Sujata.Connell@deq.idaho.gov

Sincerely,

A handwritten signature in cursive script that reads "Sujata Connell".

Sujata Connell
Surface Water Quality Manager

c: Doug & Lisa Gadwa, Moscow, ID
EDMS

NEWS REVIEW PUBLISHING COMPANY

The Moscow-Pullman Daily News

P.O.Box 957

Lewiston, Idaho 83501

(208) 743-9411

Date:

03/25/2021

INVOICE NO.

162286

Account No.

964750

Description

162286 The foll

Times

2

Lines

118

Tab. lines

\$ 168.15

LEGAL ADVERTISING INVOICE

RECEIVED

MAR 29 2021

IDWR/NORTH

PO#

Alleman, Tammy

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:

86-12106
RANDALL WELDEMERE
DENISE WELDEMERE
PO BOX 2077
GRASS VALLEY, CA 95945-2077

Point of Diversion NESW
S1 T38N R01W
LATAH County

Source GROUND WATER
Use: IRRIGATION
04/01 to 10/31 0.03 CFS

Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.07 CFS
Date Filed: 02-25-2021

Place Of Use: DOMESTIC IRRIGATION
T38N R01W S1 NESW

87-12263
DOUG GADWA
LISA GADWA
1400 SAND RD
MOSCOW, ID 83843-8889

Point of Diversion
L1(NWNW)
S19 T39N R05W
LATAH County

Source SOUTH FORK
PALOUSE RIVER
Tributary PALOUSE RIVER

Use: IRRIGATION
03/15 to 10/31
Total Diversion: 0.14 CFS

Date Filed: 03-01-2001
Place Of Use: IRRIGATION
T39N R05W S19 L1(NWNW)
Place Of Use: IRRIGATION
T39N R06W S24 NENE
Total Acres: 7

87-12264
ODD CHESTER INDUSTRIES LLC
C/O DEANN AND JONATHAN BILLING
PO BOX 8551
MOSCOW, ID 83843

Point of Diversion NESW
S30 T39N R05W
LATAH County

Source GROUND WATER
Use: RECREATION STORAGE

01/01 to 12/31 8.3 AF
Use: FIRE PROTECTION
STORAGE

01/01 to 12/31 8.3 AF
Use: IRRIGATION STORAGE

01/01 to 12/31 9 AF
Use: IRRIGATION FROM STORAGE

03/15 to 10/31 9 AF
Use: STOCKWATER STORAGE

01/01 to 12/31 0.1 AF
Use: STOCKWATER FROM STORAGE

01/01 to 12/31 0.1 AF
Total Diversion: 17.4 AF
Date Filed: 03-03-2021

Place Of Use: FIRE PROTECTION STORAGE, IRRIGATION FROM STORAGE, RECREATION STORAGE, STOCKWATER FROM STORAGE, STOCKWATER STORAGE

T39N R05W S30 NESW
Total Acres: 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/WRApplcationResults/>. 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 4/5/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director

Published on 3/18/2021 and 3/25/2021

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:

March 18, 25, 2021

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

Hollie K Vance

On this 25 day of Mar in the year 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

