

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 96-9833

Priority: December 14, 2020

Maximum Diversion Rate: 0.20 CFS

Maximum Diversion Volume: 4.5 AF

This is to certify that

BARBARA COLLINS 324 SUNCHASER LN SAGLE ID 83860-5054

has applied for a permit to appropriate water from:

Source : CARR CREEK

Tributary: PEND OREILLE RIVER

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		0.1 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		0.1 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		1.4 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	

Location of Point(s) of Diversion

CARR CREEK NE¼ SW¼, Sec. 23, Twp 57N, Rge 03W, B.M. BONNER County

Place of Use: IRRIGATION STORAGE, STOCKWATER STORAGE, and FIRE PROTECTION 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	03W	23									X								

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	
57N	03W	23									0.7			0.3					1.0

Total Acres: 1.0

Place of Use: 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	
57N	03W	23									X			X					

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2022**.
2. Subject to all prior water rights.
3. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.

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4. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
5. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
6. Point of diversion is located within Lot 19, Carr Creek Subdivision.
7. Place of use is located within Lot 19, Carr Creek Subdivision.
8. The pond established by the storage of water under this right shall not exceed a total capacity of 0.6 acre-feet or a total surface area of 0.1 acres.
9. Right 96-9833 authorizes the storage of an annual total of 4.5 acre-feet, comprised of 0.6 acre-feet to be used for the initial filling or carryover storage of the pond, 0.8 acre-feet for the replacement of losses due to seepage and evaporation, and up to 3.1 acre-feet for additional refills for irrigation from storage and stockwater from storage use(s).
10. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
11. Stockwater use is for 10 head of mixed stock.
12. Rights 96-9634 and 96-9833 when combined shall not exceed the irrigation of 1.0 acre, nor stockwater use for more than 10 head of mixed stock.
13. 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 29th day of January, 2021.



ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-9833

This map depicts the IRRIGATION STORAGE, STOCKWATER 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.

03W



- 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

Attachment to Permit to Appropriate Water 96-9833

This map depicts the IRRIGATION FROM STORAGE and STOCKWATER FROM 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.

03W

57N



-  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

January 29, 2021

BARBARA COLLINS
324 SUNCHASER LN
SAGLE ID 83860-5054

RE: Permit No. 96-9833

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

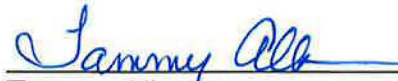
Adam Frederick
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2021, I served a true and correct copy of Permit to Appropriate Water No. 96-9833 by U.S. Mail, postage prepaid, to the following:

BARBARA COLLINS (Current Owner)
324 SUNCHASER LN
SAGLE ID 83860-5054



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

STATE OF IDAHO)
) ss.
County of Bonner)

Danielle Ruhmshottel, 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 7 day of January, 2021, and ending on the 14 day of January, 2021.

Danielle Ruhmshottel

State of Idaho, county of Bonner ss.

On this 14 day of January, in the year of 2021, before me, Katrina George, Notary Public, personally appeared Danielle Ruhmshottel 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



PUBLIC NOTICE

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

95-18052
DAVID L CLAMPET
PO BOX 101
SPIRIT LAKE, ID 83869-0101
Point of Diversion NENE
S23 T54N R05W
BONNER County

Source GROUND WATER
Point of Diversion NENE
S23 T54N R05W
BONNER County
Source GROUND WATER
Point of Diversion NENE
S23 T54N R05W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 12-11-2020
Place Of Use: DOMESTIC
T54N R05W S14
SWSE, SESE
Place Of Use: DOMESTIC
T54N R05W S23
NENE, NWNE

96-9833
BARBARA COLLINS
324 SUNCHASER LN
SAGLE, ID 83860-5054
Point of Diversion NESW
S23 T57N R03W
BONNER County
Source CARR CREEK
Tributary PEND OREILLE
RIVER
Use: DIVERSION TO
STORAGE
01/01 to 12/31 0.2 CFS
Use: STOCKWATER
STORAGE
01/01 to 12/31 0.1 AF
Use: STOCKWATER FROM
STORAGE
01/01 to 12/31 0.1 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 3 AF
Use: IRRIGATION FROM
STORAGE
04/01 to 10/31 3 AF
Use: FIRE PROTECTION
STORAGE
01/01 to 12/31 1.4 AF
Total Diversion: 0.2 CFS,
4.5 AF
Date Filed: 12-14-2020
Place Of Use: DIVERSION TO
STORAGE, FIRE PROTEC-
TION STORAGE, IRRIGA-
TION FROM STORAGE, IRRI-
GATION STORAGE,
STOCKWATER FROM
STORAGE, STOCKWATER
STORAGE
T57N R03W S23 NESW
Place Of Use: IRRIGATION
FROM STORAGE,
STOCKWATER FROM
STORAGE
T57N R03W S23 SESW
Total Acres: 1

RECEIVED

JAN 28 2021

IDWR / NORTH

98-8030

VIRGINIA S BRANHAM
705 W ELMIRA RD
SANDPOINT, ID 83864-5973
Point of Diversion SWSE
S4 T59N R01W
BONNER County
Source UNNAMED STREAM
Tributary DEEP CREEK
Use: STOCKWATER
STORAGE
01/01 to 12/31 0.1 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 9 AF
Use: IRRIGATION FROM
STORAGE
04/01 to 10/31 9 AF
Use: DIVERSION TO
STORAGE
01/01 to 12/31 0.11 CFS
Use: FIRE PROTECTION
STORAGE
01/01 to 12/31 1.6 AF
Use: WILDLIFE STORAGE
01/01 to 12/31 1.6 AF
Total Diversion: 0.11 CFS,
10.7 AF
Date Filed: 12-14-2020
Place Of Use: DIVERSION TO
STORAGE, FIRE PROTEC-
TION STORAGE, IRRIGA-
TION FROM STORAGE, IRRI-
GATION STORAGE,
STOCKWATER STORAGE,
WILDLIFE STORAGE
T59N R01W S4 SWSE
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/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 1/25/2021. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
SNP LEGAL 8282
AD#427548
JANUARY 7, 14, 2021



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION
2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

RECEIVED

JAN 25 2021

IDWR / NORTH

Brad Little / Governor
Ed Schriever / Director

January 21, 2021

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

REFERENCE: Application 96-9833 – Barbara Collins

Dear Tammy:

We have reviewed the above named application to appropriate 4.5 AF (.20 cfs) from Carr Creek in Bonner County. The applicant has an existing pond, and is requesting additional water from an alternate source, along with permitting storage in the pond. 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 application states that the applicant has an existing pond and water right (96-9634) for "domestic, irrigation and stockwater in the same POU, but does not cover the storage components associated with pond from different source". The source for the original water right was listed as groundwater, and is pumped from a concrete cistern. The additional water right, 96-9833, will be used as stockwater for 10 head of mixed stock, and irrigation for 1 acre of land. It will also permit the use and storage of 4.5 AF of water in the pond. The application states that a pump will be used to appropriate water from Carr Creek into the pond. 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.

Carr Creek was surveyed by IDFG during a 2018 inventory of tributaries to the Pend Oreille River. Low densities of brook trout and westslope cutthroat, an Idaho species of concern, were found to inhabit the Carr Creek Watershed. The results of the survey stated "water quantity may influence fish abundance in some tributaries to the Pend Oreille River. Fish abundance in Carr Creek was low relative to other tributaries suggesting some limitation exists". Additionally the report stated "Adjacent landowners to this site suggested flow was often low or absent in late summer. The majority of these drainages are small, low elevation basins. Because of their size and location they may be sensitive to annual fluctuations in snow fall. Water use, as in the case of Carr Creek, likely exacerbates these issues."

Keeping Idaho's Wildlife Heritage

Ms. Tammy Alleman – Page 2
January 21, 2021

According to a 2005 Idaho DEQ BURP investigation, Carr Creek has cool summertime temperatures suitable for salmonids, good macroinvertebrate diversity and numbers, and contains brook trout and cutthroat spawning habitat. The flow regime from the USGS stream stat site also suggests that it may be suitable for fluvial cutthroat from the Pend Oreille River using it for spawning. These small streams with suitable flow and temperature are important for fluvial salmonids. Water use can lower flow, which in turn can increase temperatures and sediment in these smaller yet valuable tributaries reducing the amount of available habitat.

We recommend that the pond be filled by taking advantage of higher water flows, and care taken to avoid excess water use during low flow periods. If constant flow is not necessary to keep the pond filled, periodically filling the pond only when necessary may be more efficient and cost effective. Additionally this practice will help keep more water in Carr Creek, and ameliorate low flow effects on aquatic habitat.

Thank you for the opportunity to comment.

Sincerely,

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

Charles E. Corsi
Regional Supervisor

CEC:MH:lat

C: Paul Kline, IDFG