

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 97-7582

Priority: September 28, 2020

Maximum Diversion Rate: 0.20 CFS

This is to certify that

TERESA CATLIN PO BOX 18 NAKNEK AK 99633-0018

has applied for a permit to appropriate water from:

Source : SPRING

Tributary: MOORES CREEK

Source : UNNAMED STREAM

Tributary: MOORES CREEK

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>
IRRIGATION	04/01 to 10/31	0.16 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

**Location of Point(s) of Diversion**

UNNAMED STREAM SE¼ SW¼, Sec. 34, Twp 58N, Rge 05W, B.M. BONNER County  
 SPRING SW¼ SE¼ SW¼, Sec. 34, Twp 58N, Rge 05W, 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	
58N	05W	34											4.0	5.0					9.0

Total Acres: 9.0

**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	
58N	05W	34											X	X					

**Conditions of Approval**

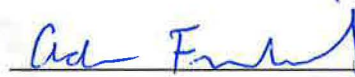
1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2025**.
2. Subject to all prior water rights.
3. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion for the Unnamed Stream source.
4. The approach velocity at the point of diversion for the Unnamed Stream source shall not exceed 0.5 feet per second.
5. 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.
6. 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.
7. 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.

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 97-7582

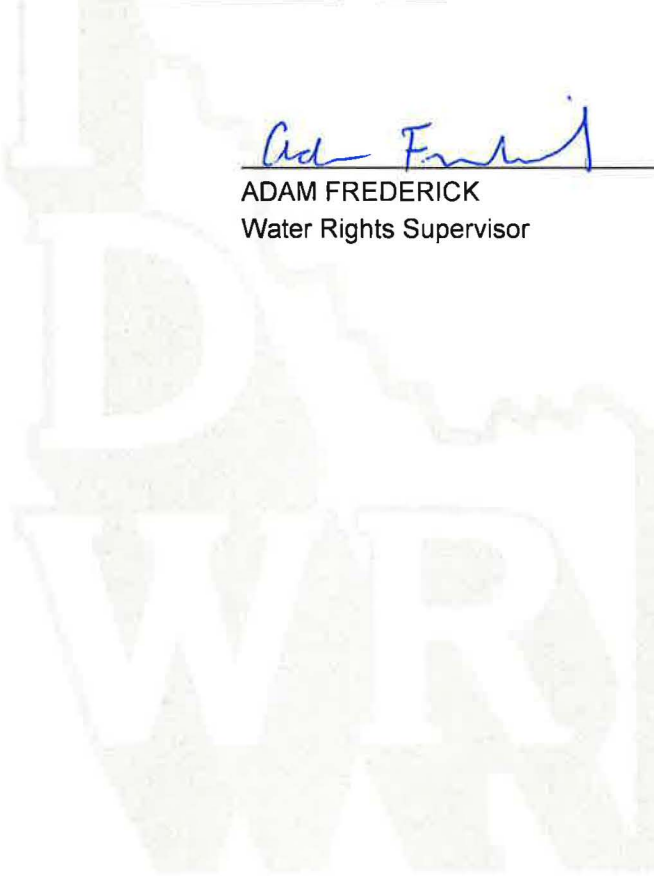
8. The place of use does not include federal land.
9. Water shall not be diverted under this right when flows in Priest River are below established minimum flow amounts as defined by right 97-7380.
10. This right does not grant any right-of-way or easement across the land of another.

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

Signed this 20th day of November, 2020.



ADAM FREDERICK  
Water Rights Supervisor



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.



- 
- A horizontal number line representing distance in miles. It starts at 0 on the left and ends at 0.2 Miles on the right. There are major tick marks labeled 0, 0.05, 0.1, and 0.2 Miles. Between each of these major tick marks, there are four smaller, unlabeled tick marks, dividing each 0.05-mile segment into five 0.01-mile segments. This results in a total of 21 tick marks (including the endpoints) and 20 equal segments of 0.01 miles each.



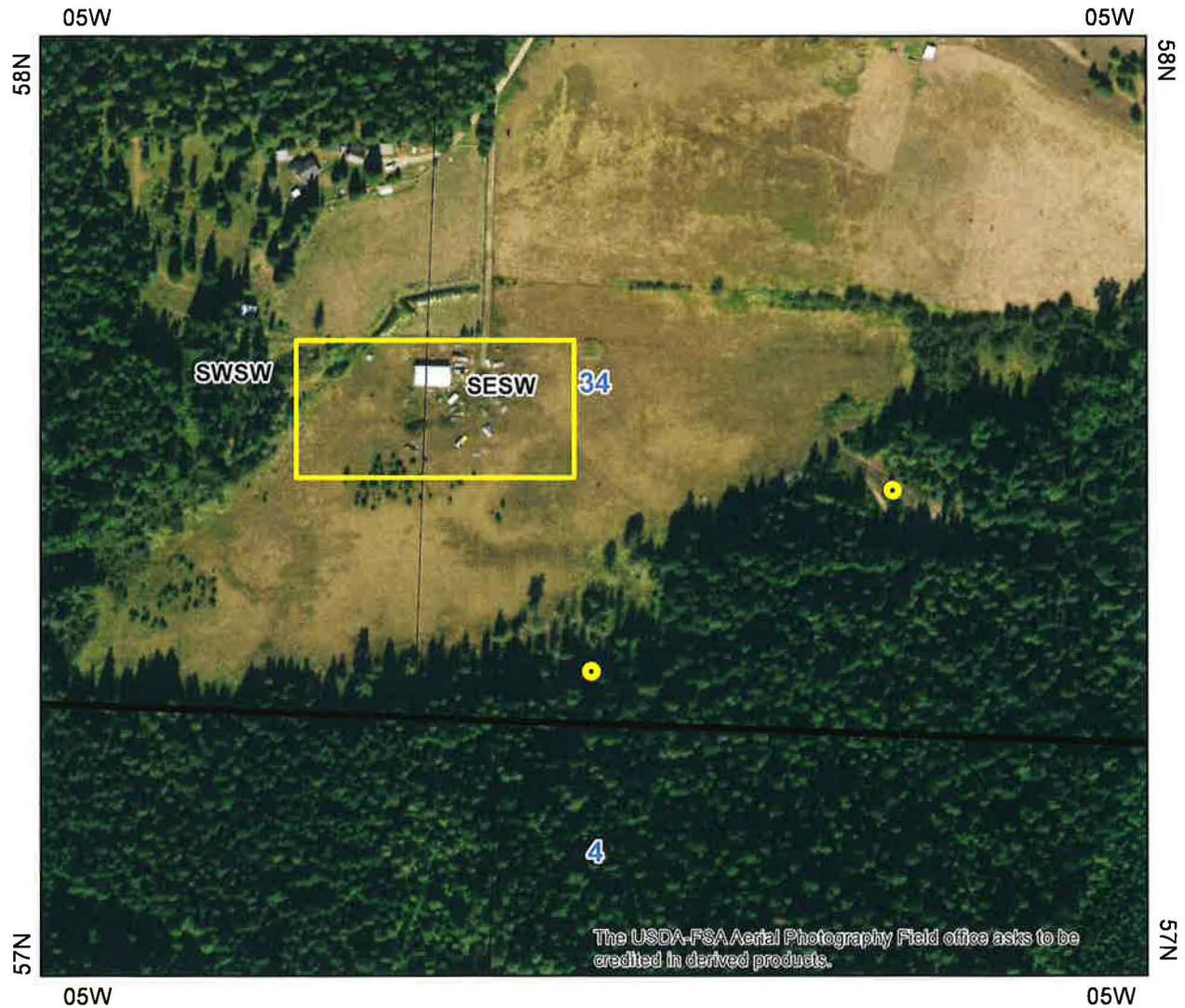


State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

97-7582

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.



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

0 0.035 0.07 0.14 Miles





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](http://www.idwr.idaho.gov)

Gary Spackman  
Director

November 20, 2020

TERESA CATLIN  
PO BOX 18  
NAKNEK AK 99633-0018

RE: Permit No. 97-7582

### Permit Approval Notice

Dear Permit Holder:

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](http://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](http://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 November 20, 2020, I served a true and correct copy of Permit to Appropriate Water No. 97-7582 by U.S. Mail, postage prepaid, to the following:

TERESA CATLIN (Current Owner)  
PO BOX 18  
NAKNEK AK 99633-0018



---

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

NOV 06 2020

IDWR / NORTH

**IDAHO DEPARTMENT OF FISH AND GAME**

PANHANDLE REGION

2885 West Kathleen Avenue  
Coeur d'Alene, Idaho 83815

Brad Little / Governor  
Ed Schriever / Director

November 3, 2020

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

REFERENCE: 97-7582 - Catlin

Dear Tammy:

We have reviewed the above-named water right application. The permit request is to appropriate 0.20 cfs for domestic and irrigation use for 9 acres of land from the an unnamed tributary to Moores Creek and a spring 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.

Using USGS estimations for streamflow at ungauged sites data, the small unnamed drainage proposed in the applications drains 0.25 square miles of land, and has an average mean flow of approximately 0.25 cfs.

It is unclear from the application how much water will be appropriated from each source. If the entire amount was taken from the unnamed tributary, it would be over 2/3 of the total average mean flow of that drainage, and have the potential to dewater a portion of the stream during dry months. No flow monitoring data exists to evaluate how the loss will potentially affect aquatic biota in this small tributary. The applicant runs the risk of totally dewatering a portion of the creek on low water years and possibly disconnecting it from the Moores Creek system over time. We are concerned that the cumulative loss of flow from private diversions may negatively impact habitat availability for these native species.

The application fails to describe screening their proposed diversions. According to Idaho Code 36-906, a diversion must be properly screened in order to prevent fish entrainment. We recommend **less than 0.25" mesh screen and approach velocity of less than 0.5 feet per second** in order to protect juvenile fish from the proposed pump.

Thank you for the opportunity to comment.

Sincerely,

*Mark Rhodes for CEC*

Charles E. Corsi  
Regional Supervisor

CEC:MH:lat

C: Paul Kline, IDFG Director's Office

*Keeping Idaho's Wildlife Heritage*

**From:** Spencer, Steven M -FS <steven.spencer@usda.gov>  
**Sent:** Tuesday, November 3, 2020 3:47 PM  
**To:** Bates, Luke  
**Subject:** Application for Permit 97-7582  
**Attachments:** 97-7582 Maps.pdf

Luke,

Thank you for talking with me a few minutes ago about a Forest Service concern with the legal description in Application for Permit 97-7582. As I explained, although it is obvious that this water right is intended to be on the applicants private land, the legal description quarter-quarter SESW Sec 34 T58N R5W also includes some National Forest System land. In order to prevent any misunderstanding or confusion in the future that the water right is not on NFS land I believe the Department has a standard clause something to the effect that 'This water right does not include any federal land' that can be inserted as a clause in the water right description or a condition at the end of the water right. I'm requesting that this type of clause be included in any permit and subsequent license for 97-7582.

This attachment includes four maps.

The first is the portion of the BLM Master Title Plat with the area of NFS land in question within a red circle.

The second is a portion the Forest Service Land Status Map again with the subject NFS land outlined in red.

The third and fourth are aerial images from the Bonner County Assessor site showing the various property lines with the applicants parcel slightly highlighted with yellow. These property lines coincide pretty closely with the maps that are part of the application.

I appreciate your help and cooperation in this matter.

If there are any questions about this information or the associated clause request please contact me.

*Steve*



**Steven M. Spencer**  
**Idaho Water Use Specialist**  
**Forest Service**

**Northern Region**

**p: 208-365-7055**

[steven.spencer@usda.gov](mailto:steven.spencer@usda.gov)

1857 Hwy 16 Suite 1  
Emmett, ID 83617

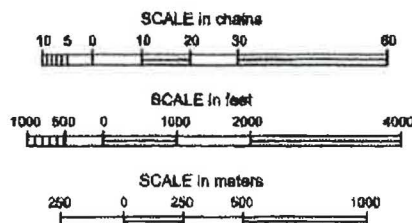
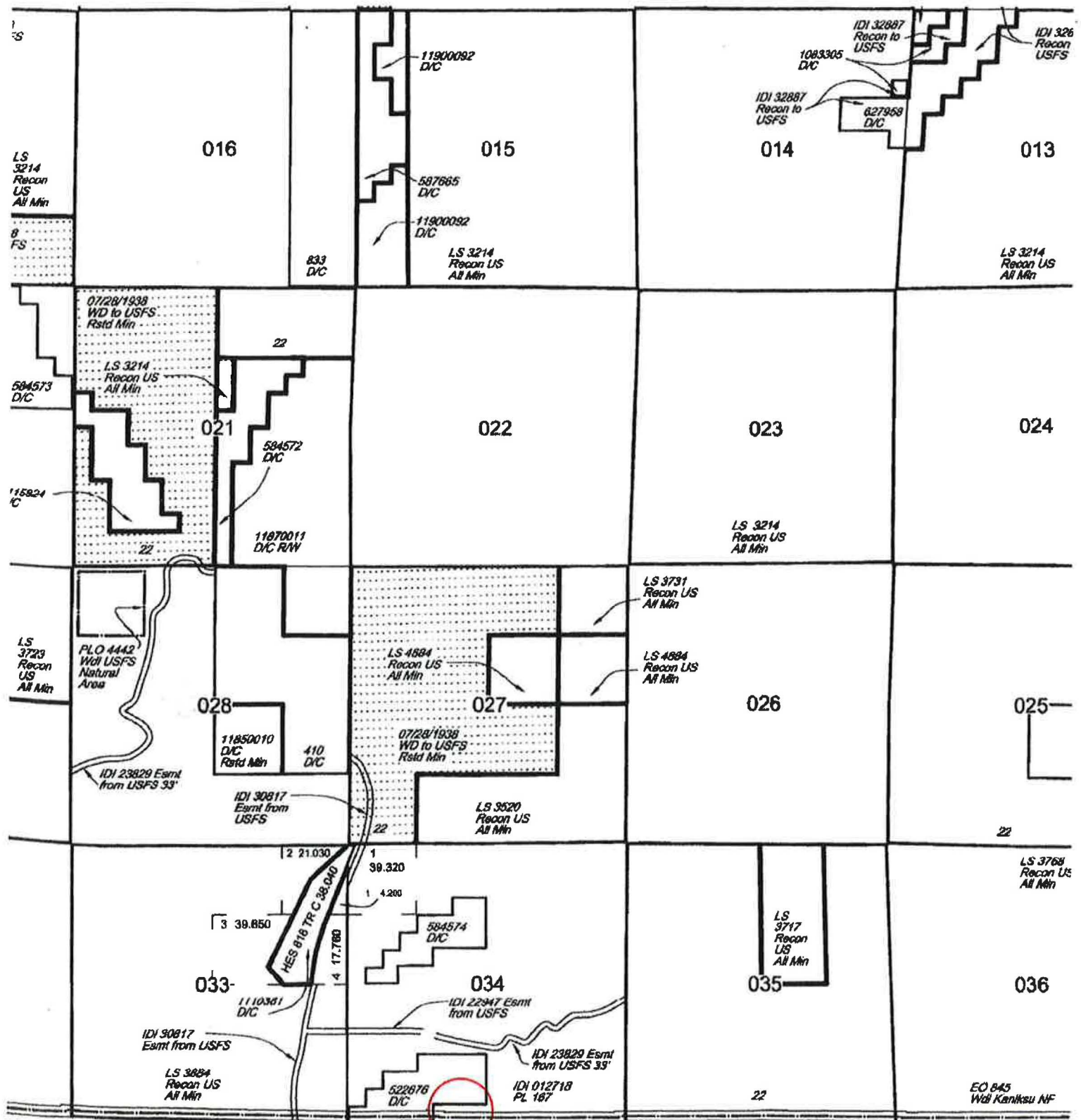
[www.fs.usda.gov](http://www.fs.usda.gov)



**Caring for the land and serving people**

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.





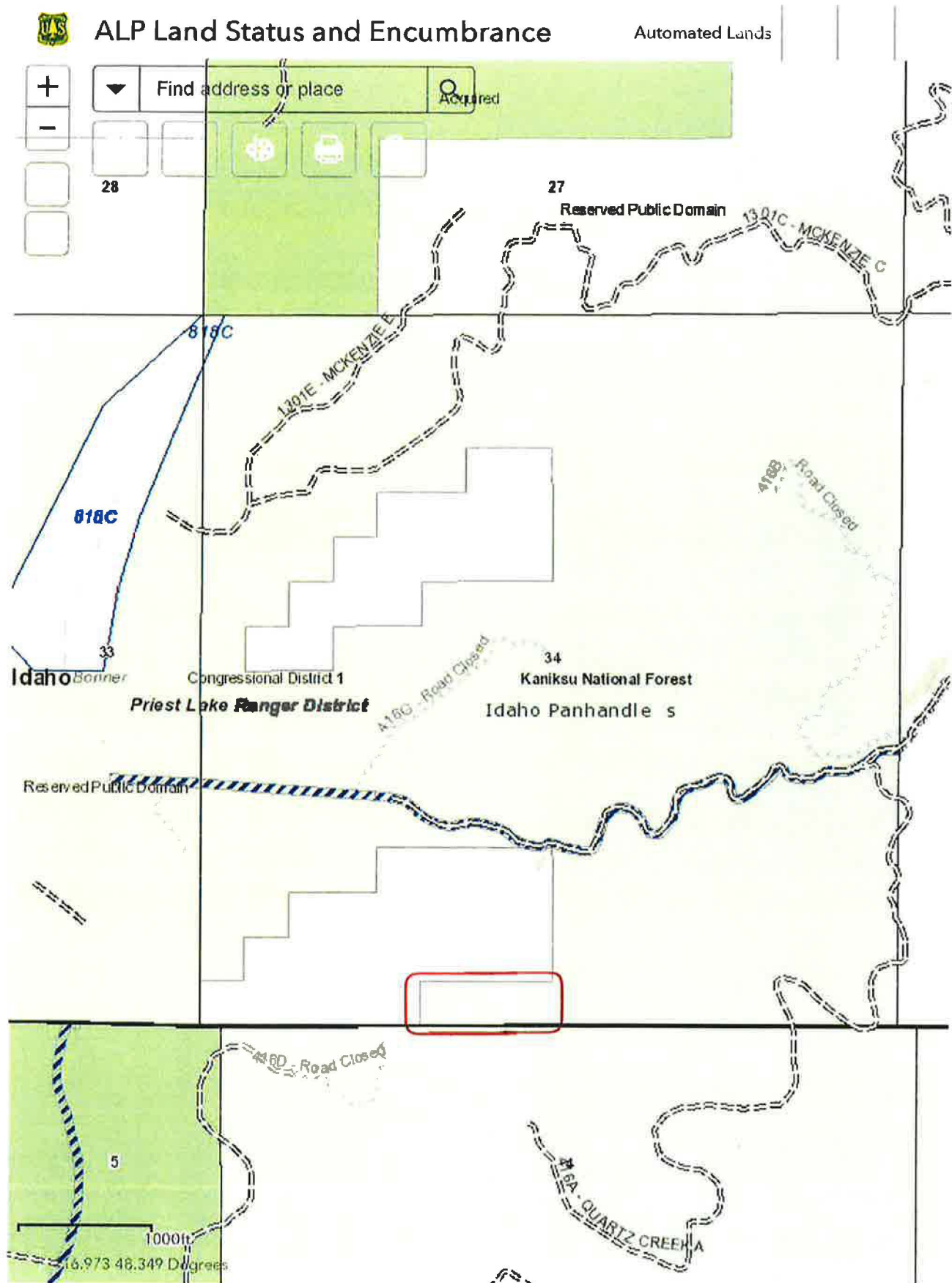
#### DISCLAIMER:

This plot is only a graphic display of the Bureau of Land Management's (BLM) F do not reflect title changes which may have been affected by lateral movement for official information.

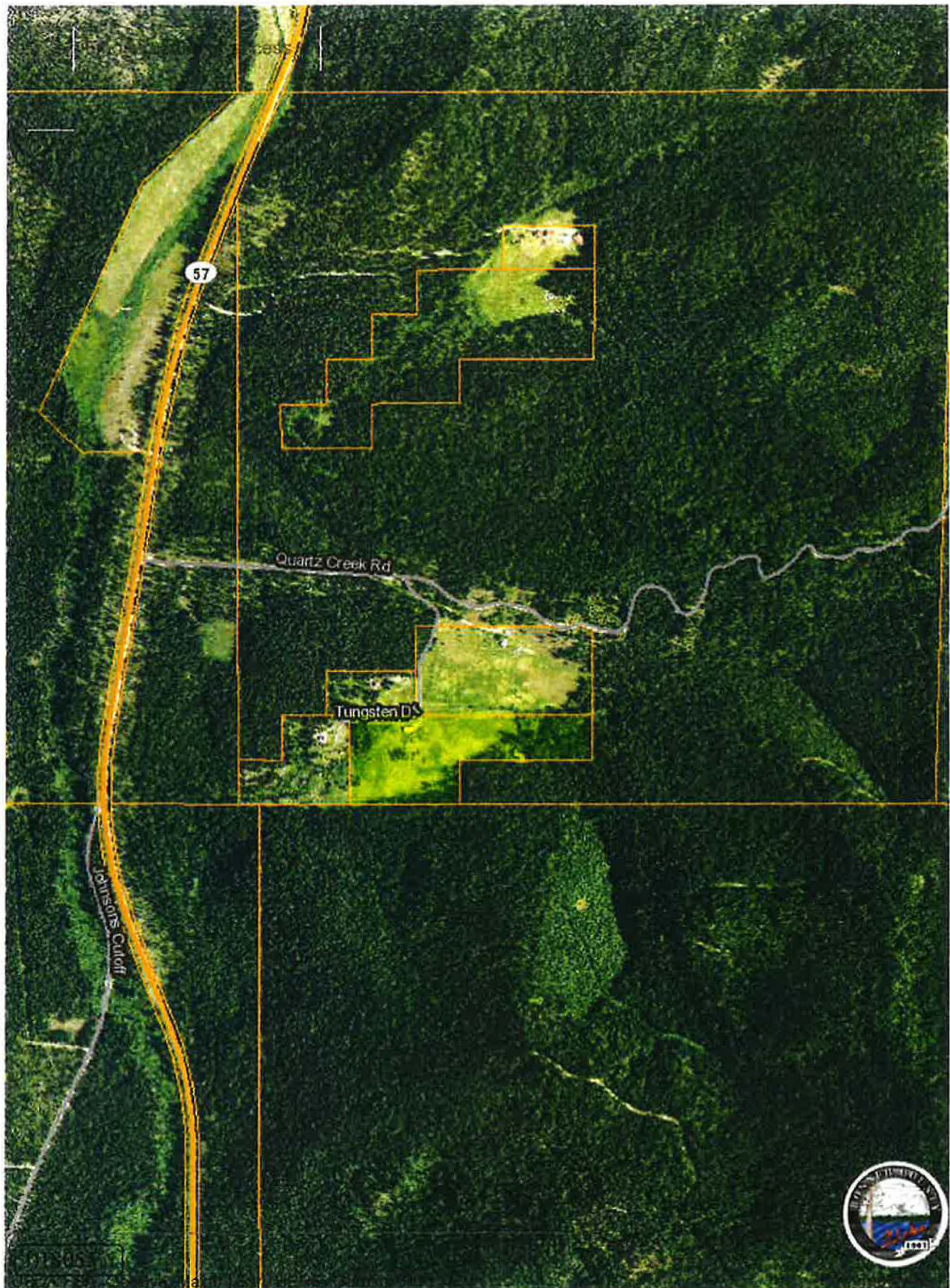
The notation shown on withdrawals represent the last action taken, but may not of original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, relat aggregate use with other data is not guaranteed.

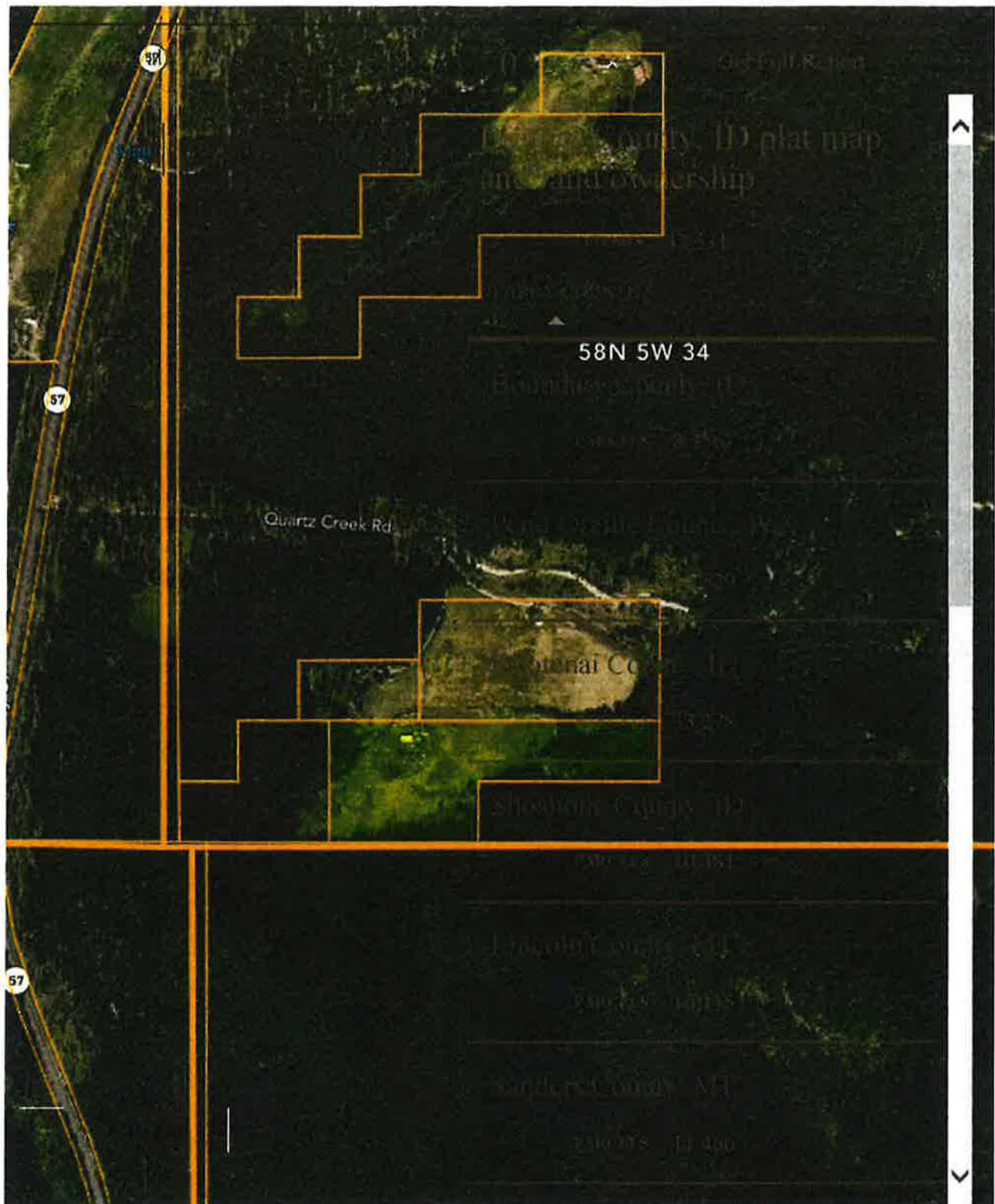












AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
 ) ss.  
County of Bonner )

Danielle Rulmshottel, 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 21 day of October, 2020, and ending on the 28 day of October, 2020.

Danielle Rulmshottel

State of Idaho, county of Bonner ss.

On this 28 day of October, in the year of 2020, before me, Katrina George, Notary Public, personally appeared Danielle Rulmshottel 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:

**97-7582**  
TERESA CATLIN  
PO BOX 18  
NAKNEK, AK 99633-0018  
Point of Diversion SESW  
S34 T58N R05W  
BONNER County  
Source UNNAMED STREAM  
Tributary MOORES CREEK  
Point of Diversion SWSESW  
S34 T58N R05W  
BONNER County

Source SPRING  
Tributary MOORES CREEK  
Use: DOMESTIC  
01/01 to 12/31 0.04 CFS  
Use: IRRIGATION  
04/01 to 10/31 0.16 CFS  
Total Diversion: 0.2 CFS  
Date Filed: 09-28-2020  
Place Of Use:  
DOMESTIC, IRRIGATION  
T58N R05W S34  
SWSW, SESW  
Total Acres: 9

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 11/9/2020. The protestant must also send a copy of the protest to the applicant.  
GARY SPACKMAN, Director  
SNP LEGAL 8156  
AD#413555  
OCTOBER 21, 28, 2020

RECEIVED  
NOV 02 2020  
NORTH