

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 96-9808

**Priority:** March 16, 2020

**Maximum Diversion Rate:** 0.06 CFS

This is to certify that

ROBERT WALLACE 24524 SE 43RD PL ISSAQUAH WA 98029-7542

has applied for a permit to appropriate water from:

**Source :** GRANITE CREEK

**Tributary:** LAKE PEND OREILLE

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

**Beneficial Use**

DOMESTIC

**Period of Use**

01/01 to 12/31

**Rate of Diversion**

0.06 CFS

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

GRANITE CREEK L3 ( NW¼ SE¼), Sec. 26, Twp 55N, Rge 01W, B.M. BONNER County

**Place of Use:** DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
55N	01W	26													X	X L3		

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2025**.
2. Subject to all prior water rights.
3. Domestic use is for 2 homes.
4. Place of use is located within Lots 1 and 3, Blk. 8; Granite Creek Properties.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre per lot.
6. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
7. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
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 9<sup>th</sup> day of NOVEMBER, 2020.



ANGELA GRIMM  
Water Rights Section Manager

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
96-9808



-  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

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

November 13, 2020

ROBERT WALLACE  
24524 SE 43RD PL  
ISSAQUAH WA 98029-7542

RE: Permit No. 96-9808

### 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 me at (208) 287-4951.

Sincerely,



Angela Grimm  
Water Rights Section Manager

Enclosures

## CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2020, I served a true and correct copy of Permit to Appropriate Water No. 96-9808 by U.S. Mail, postage prepaid, to the following:

ROBERT WALLACE (Current Owner)  
24524 SE 43RD PL  
ISSAQUAH WA 98029-7542



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Debbi Judd  
Technical Records Specialist

## **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 Rukmschottel, 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 20 day of August, 2020, and ending on the 29 day of August, 2020.

Danielle Rukmschottel

State of Idaho, county of Bonner ss.

On this 27 day of August, in the year of 2020, before me, Katrina George, Notary Public, personally appeared Danielle Rukmschottel 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



RECEIVED  
AUG 31 2020  
DEPARTMENT OF  
WATER RESOURCES

## PUBLIC NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:  
96-9808  
ROBERT WALLACE  
24524 SE 43RD PL  
ISSAQUAH, WA 98029-7542  
Point of Diversion L3(NWSE)  
S26 T55N R01W BONNER County

Source: GRANITE CREEK  
Tributary: LAKE PEND  
OREILLE  
Use: DOMESTIC  
01/01 to 12/31  
0.06 CFS  
Total Diversion:  
0.06 CFS  
Date Filed: 03-02-2020  
Place Of Use: DOMESTIC  
T55N R01W S26  
NESE, L3(NWSE)

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, State Office, 322 E Front St, Boise, ID, 83702, PO Box 83720, Boise, ID, 83720-0098 together with a protest fee of \$25.00 for each application on or before 9/8/2020. The protestant must also send a copy of the protest to the applicant.  
GARY SPACKMAN, Director  
SNP LEGAL 7985  
AD#401996  
AUGUST 20, 27, 2020

9-3-2020

RECEIVED  
AUG 31 2020  
FISCAL



**IDAHO DEPARTMENT OF FISH AND GAME**  
PANHANDLE REGION  
2885 West Kathleen Avenue  
Coeur d'Alene, Idaho 83815

RECEIVED  
SEP 01 2020  
DEPARTMENT OF  
WATER RESOURCES

Brad Little / Governor  
Ed Schriever / Director

August 31, 2020

Jean Hersley  
Technical Records Specialist II  
Idaho Department of Water Resources  
Jean.Hersley@idwr.idaho.gov

REFERENCE: WR# 96-9808 - Wallace

Dear Jean:

We have received the above-named application to place a pump and water intake line in Granite Creek to divert 0.06 cfs of water for the purpose of a domestic water source for two residences. The purpose of these comments are to assist in the decision making authority by providing technical information addressing potential effects on wildlife and wildlife habitat and how adverse effects might be mitigated.

Lake Pend Oreille and Granite Creek are critical habitat for bull trout that are federally listed as threatened by the United States Fish and Wildlife Service. Granite Creek in particular is extensively used annually by adult adfluvial bull trout for spawning, and it is inhabited year round by rearing bull trout fry and juveniles. It is also home to westslope cutthroat trout, an Idaho species of concern. Granite Creek is also an important spawning tributary for Lake Pend Oreille kokanee, and includes the IDFG egg taking facility at Sullivan Springs.

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. Provided the stream bed and banks are not modified for the diversion, and if the applicant adheres to these recommendations, we have no evidence to assume negative impacts to fish and wildlife.

Thank you for the opportunity to comment.

Sincerely,

Charles E. Corsi  
Regional Supervisor

CEC:MH:lat  
C: Paul Kline, IDFG Director's Office

*Keeping Idaho's Wildlife Heritage*

Equal Opportunity Employer • 208-769-1414 • Fax: 208-769-1418 • Idaho Relay (TDD) Service: 1-800-377-3529 • <https://idfg.idaho.gov>

## Hersley, Jean

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**From:** Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>  
**Sent:** Tuesday, September 1, 2020 10:04 AM  
**To:** Hersley, Jean  
**Subject:** Re: Comments for Application for Permit 96-9808  
**Attachments:** 96-9808\_GraniteCr\_Wallace.PDF

Hi Jean,

Please find IDFG comments attached.

Thank you.

Merritt Horsmon

Environmental Staff Biologist

2885 W. Kathleen Ave.

Coeur d'Alene, Id 83815

208-769-1414 (Office)

208-251-4509 (Mobile)

merritt.horsmon@idfg.idaho.gov<mailto:merritt.horsmon@idfg.idaho.gov>

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**From:** Hersley, Jean <Jean.Hersley@idwr.idaho.gov>  
**Sent:** Thursday, August 13, 2020 8:37:08 AM  
**To:** Horsmon, Merritt  
**Subject:** Comments for Application for Permit 96-9808

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

Please contact this office if you have any questions regarding the application.