

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 96-9823

Priority: September 02, 2020

Maximum Diversion Rate: 0.04 CFS

This is to certify that

MICHAEL CRAIG
398 ROCKVIEW DR
PRIEST RIVER, ID 83856-9764

AND / OR

TINA BENEDICT CRAIG
398 ROCKVIEW DR
PRIEST RIVER, ID 83856-9764

have applied for a permit to appropriate water from:

Source : PEND OREILLE RIVER

Tributary: COLUMBIA 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>
IRRIGATION	04/01 to 10/31	0.04 CFS

Location of Point(s) of Diversion

PEND OREILLE RIVER

NE¼, NE¼, Sec. 2, Twp 55N, Rge 04W, B.M., BONNER County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
55N	04W	2	1.2 L1																	1.2

Right Acre Limit: 1.2

Total Acres: 1.2

Conditions of Approval:

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2021**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
5. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
6. This right when combined with all other rights shall provide no more than 0.03 Cubic Feet per Second (CFS) per acre nor more than 3.0 Acre Feet (AF) annually per acre at the field headgate for irrigation of the place of use.
7. Place of use is located within Lot 14, Pinewood West subdivision.

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

Signed this 28th day of October, 2020.



ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-9823

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.



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

0 0.0225 0.045 0.09 Miles



Tax parcel information provided by Bonner County.



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

October 29, 2020

MICHAEL CRAIG
TINA BENEDICT CRAIG
398 ROCKVIEW DR
PRIEST RIVER ID 83856-9764

RE: Permit No. 96-9823

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

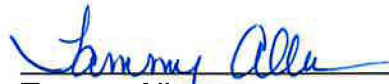
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2020, I served a true and correct copy of Permit to Appropriate Water No. 96-9823 by U.S. Mail, postage prepaid, to the following:

MICHAEL CRAIG (Current Owner)
398 ROCKVIEW DR
PRIEST RIVER ID 83856-9764

TINA BENEDICT CRAIG (Current Owner)
398 ROCKVIEW DR
PRIEST RIVER ID 83856-9764



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

OCT 05 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

September 30, 2020

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

REFERENCE: 96-9823 – Craig

Dear Tammy:

We have reviewed the above-named water right application from the Pend Oreille River in Bonner County. The permit request is to pump 0.04 cfs to irrigate 1.2 acres of land. 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 Pend Oreille River is a migration corridor for bull trout which are federally listed as "Threatened" by the United State Fish and Wildlife Service.

The application states that they have a pump in the Pend Oreille River for irrigation uses but does not describe screening of pipe size. 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. Beyond this, we have no evidence to assume negative impacts to fish and wildlife if the applicants adhere to these recommendations.

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Bonner)

Danielle Kukmschottel, 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 16 day of
September, 2020, and ending on the 23 day of
September, 2020.

Danielle Kukmschottel

State of Idaho, county of Bonner ss.

On this 23 day of September, in the year of 2020,
before me, Katrina George, Notary Public, personally
appeared Danielle Kukmschottel 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



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SEP 26 2020

IDWR / NORTH

PUBLIC NOTICE

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

96-9823

MICHAEL CRAIG
TINA BENEDICT CRAIG
398 ROCKVIEW DR
PRIEST RIVER, ID
83856-9764
Point of Diversion NENE
S2 T55N R04W
BONNER County
Source PEND OREILLE
RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.04 CFS
Date Filed: 09-02-2020
Place Of Use: IRRIGATION
T55N R04W S2 L1(NENE)
Total Acres: 1.2

97-7580

COUGAR CREEK WATER
USERS ASSN
PO BOX 48
COOLIN, ID 83821-0048
Point of Diversion NESE
S27 T60N R04W
BONNER County
Source GROUND WATER
Point of Diversion L4(SENE)
S27 T60N R04W
BONNER County
Source GROUND WATER
Point of Diversion NESE
S27 T60N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.13 CFS
Use: IRRIGATION
04/01 to 10/31 0.13 CFS
Use: DIVERSION TO
STORAGE
01/01 to 12/31 0.13 CFS
Use: IRRIGATION STORAGE
01/01 to 12/31 55 AF
Use: DOMESTIC STORAGE
01/01 to 12/31 40.4 AF
Use: IRRIGATION FROM
STORAGE
04/01 to 10/31 55 AF
Use: DOMESTIC FROM
STORAGE
01/01 to 12/31 40 AF
Total Diversion: 0.2 CFS, 95.4
AF
Date Filed: 09-08-2020
Place Of Use: DOMESTIC
T60N R04W S23
L4(SWSW), L4(SESW),
SWSW
Place Of Use: DOMESTIC
FROM STORAGE
T60N R04W S23
SWSW, L4(SESW),
L4(SWSW)
Place Of Use: DOMESTIC
STORAGE, IRRIGATION, IR-
RIGATION FROM STORAGE,
IRRIGATION STORAGE
T60N R04W S23
L4(SESW)
Place Of Use: IRRIGATION
T60N R04W S23
L4(SWSW), SWSW
Place Of Use: IRRIGATION
FROM STORAGE
T60N R04W S23
SWSW, L4(SWSW)
Place Of Use: DOMESTIC
T60N R04W S26
NENW, NWNW, NWSW,
SWNW, SWSW, L3(SENW),
L1(NENW), L2(SWNW)
Place Of Use: DOMESTIC
FROM STORAGE
T60N R04W S26
L1(NENW), NWNW, NWSW,
L2(SWNW), SWSW,
L3(SENW), NENW, SWNW
Place Of Use: IRRIGATION
T60N R04W S26
L2(SWNW), SWSW,
L3(SENW), L1(NENW),
NWSW
Place Of Use: IRRIGATION
FROM STORAGE
T60N R04W S26
L1(NENW), NWSW,
L2(SWNW), SWSW,
L3(SENW)
Place Of Use: DOMESTIC
T60N R04W S27
NESE, SENE, L4(SENE)
Place Of Use: DOMESTIC
FROM STORAGE
T60N R04W S27
NESE, L4(SENE), SENE
Place Of Use: IRRIGATION
T60N R04W S27
L4(SENE), SENE
Place Of Use: IRRIGATION
FROM STORAGE
T60N R04W S27
SENE, L4(SENE)
Total Acres: 27.5

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 10/5/2020. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
SNP LEGAL 8068
AD#406681
SEPTEMBER 16, 23, 2020

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SEP 26 2020

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