

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 96-9814

Priority: July 06, 2020

Maximum Diversion Rate: 0.12 CFS

This is to certify that

MICHELE H WILSON
758 MEADOWOOD RD
SANDPOINT, ID 83864-4953

AND

MIKE J HAYDEN
758 MEADOWOOD RD
SANDPOINT, ID 83864-4953

have applied for a permit to appropriate water from:

Source : UNNAMED STREAM

Tributary: GOLD 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	0.12 CFS

Location of Point(s) of Diversion

UNNAMED STREAM

SE¼, NW¼, Sec. 32, Twp 59N, Rge 01E, 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		
59N	01E	32								4.0										4.0

Right Acre Limit: 4.0

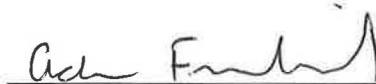
Total Acres: 4.0

Conditions of Approval:

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2025**.
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 less than 1/4 inch 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) per acre annually at the field headgate for irrigation of the place of use.
7. Place of use is located within Lot 1, Dearmin Meadows subdivision.

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

Signed this 30th day of September, 2020.



ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources






Attachment to Permit to Appropriate Water

96-9814

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.

01E



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

0 0.04 0.08 0.16 Miles



Tax parcel information provided by Bonner County.



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

Gary Spackman
Director

October 01, 2020

MICHELE H WILSON
MIKE J HAYDEN
758 MEADOWOOD RD
SANDPOINT ID 83864-4953

RE: Permit No. 96-9814

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 first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. In addition, 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.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

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)

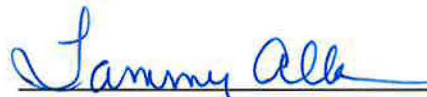
CERTIFICATE OF SERVICE

I hereby certify that on October 01, 2020, I served a true and correct copy of Permit to Appropriate Water No. 96-9814 by U.S. Mail, postage prepaid, to the following:

MICHELE H WILSON (Current Owner)
758 MEADOWOOD RD
SANDPOINT ID 83864-4953

MIKE J HAYDEN (Current Owner)
758 MEADOWOOD RD
SANDPOINT ID 83864-4953

BRIAN DOMKE (Representative)
PO BOX 711
SAGLE ID 83860-0711



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 Rukmshottel, 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 3 day of September, 2020, and ending on the 10 day of September, 2020.

Danielle Rukmshottel

State of Idaho, county of Bonner ss.

On this 10 day of September, in the year of 2020, before me, Katrina George, Notary Public, personally appeared Danielle Rukmshottel 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

SEP 14 2020

IDWR / NORTH

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

96-9705

AVISTA CORP
PO BOX 3727
SPOKANE, WA 99220-3727
Point of Diversion NESE
S27 T55N R03E
BONNER County
Source CLARK FORK RIVER
Tributary LAKE PEND
OREILLE

Point of Diversion NWSE
S27 T55N R03E
BONNER County
Source CLARK FORK RIVER
Tributary LAKE PEND
OREILLE

Point of Diversion SWNE
S27 T55N R03E
BONNER County
Source CLARK FORK RIVER
Tributary LAKE PEND
OREILLE

Point of Diversion SENE
S27 T55N R03E
BONNER County
Source CLARK FORK RIVER
Tributary LAKE PEND
OREILLE

Use: POWER
01/01 to 12/31 3300 CFS
Total Diversion: 3300 CFS
Date Filed: 06-07-2018
Place Of Use: POWER
T55N R03E S27
NESE,NWSE,SWNE,SENE

96-9814

MICHELE H WILSON
MIKE J HAYDEN
758 MEADOWOOD RD
SANDPOINT, ID 83864-4953
Point of Diversion SENW
S32 T59N R01E

BONNER County
Source UNNAMED STREAM
Tributary GOLD CREEK
Use: IRRIGATION

04/01 to 10/31 0.12 CFS
Total Diversion: 0.12 CFS
Date Filed: 07-06-2020
Place Of Use: IRRIGATION
T59N R01E S32 SENW
Total Acres: 4

96-9819

RANDALL J SCHULER
JANET I SCHULER
420 SNUG HBR
SANDPOINT, ID 83864-6342
Point of Diversion L1(SESE)
S26 T57N R03W
BONNER County
Source PEND OREILLE RIVER

Tributary COLUMBIA RIVER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 08-10-2020

Place Of Use: DOMESTIC
T57N R03W S26
L1(SESE)

96-9822

LARRY DERBES
ROBIN DERBES
75-6025 ALII DR APT F101
KAILUA KONA, HI 96740-4615
Point of Diversion NWSESW
S26 T58N R02W
BONNER County
Source SPRING
Tributary SINKS
Use: IRRIGATION
04/01 to 10/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 08-21-2020
Place Of Use: IRRIGATION
T58N R02W S26 SESW
Total Acres: 0.5

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 9/21/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
SNP LEGAL 8028
AD#404243

SEPTEMBER 3, 10, 2020



RECEIVED

AUG 03 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

July 30, 2020

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

REFERENCE: Application 96-9814 – Hayden/Wilson

Dear Tammy:

We have reviewed the above named application to appropriate 0.12 cfs from an unnamed tributary to Gold Creek 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.

The applicant states that they will use a screened pipe inlet anchored in-stream to feed an off-stream pump to provide irrigation for 4 acres of land from April until November. 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 diversion.

Using USGS estimations for streamflow at ungauged sites data, this small tributary to Gold Creek drains 2.71 square miles of land, and has a mean annual flow of approximately 2.98 cfs. While the applicant is asking for a small portion of this stream flow, taking a portion of the stream flow regardless of the amount may have detrimental effects on low water years and during the dry summer months.

We are concerned that the cumulative loss of flow from private diversions may negatively impact habitat availability for many native species.

Thank you for the opportunity to comment.

Sincerely,

Charles E. Coysi
Panhandle Regional Supervisor

CEC:MH:lat

C: Paul Kline, IDFG Director's Office

Keeping Idaho's Wildlife Heritage