

Department of Water Resources

Water Right License

Water Right No. 96-9268

Priority: December 22, 2005

Maximum Diversion Rate: 0.54 CFS

It is hereby certified that:

CITY OF SANDPOINT 1123 LAKE ST SANDPOINT ID 83864-1714

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 22, 2005, and has submitted Proof of Beneficial Use on December 14, 2015. An examination confirms water is diverted from:

Source : CHUCK SLOUGH

Tributary: PEND OREILLE RIVER

Beneficial Use

IRRIGATION

Period of Use

04/01 to 10/31

Rate of Diversion

0.54 CFS

Location of Point(s) of Diversion

CHUCK SLOUGH NE¼ SW¼, Sec. 21, Twp 57N, Rge 02W, 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		
57N	02W	21		7.1	7.9		0.3			10.0										25.3

Right Acre Limit: 25.3

Total Acres: 25.3

Conditions of Approval

1. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
2. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
3. 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.
4. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
5. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 31st day of August, 20 20.

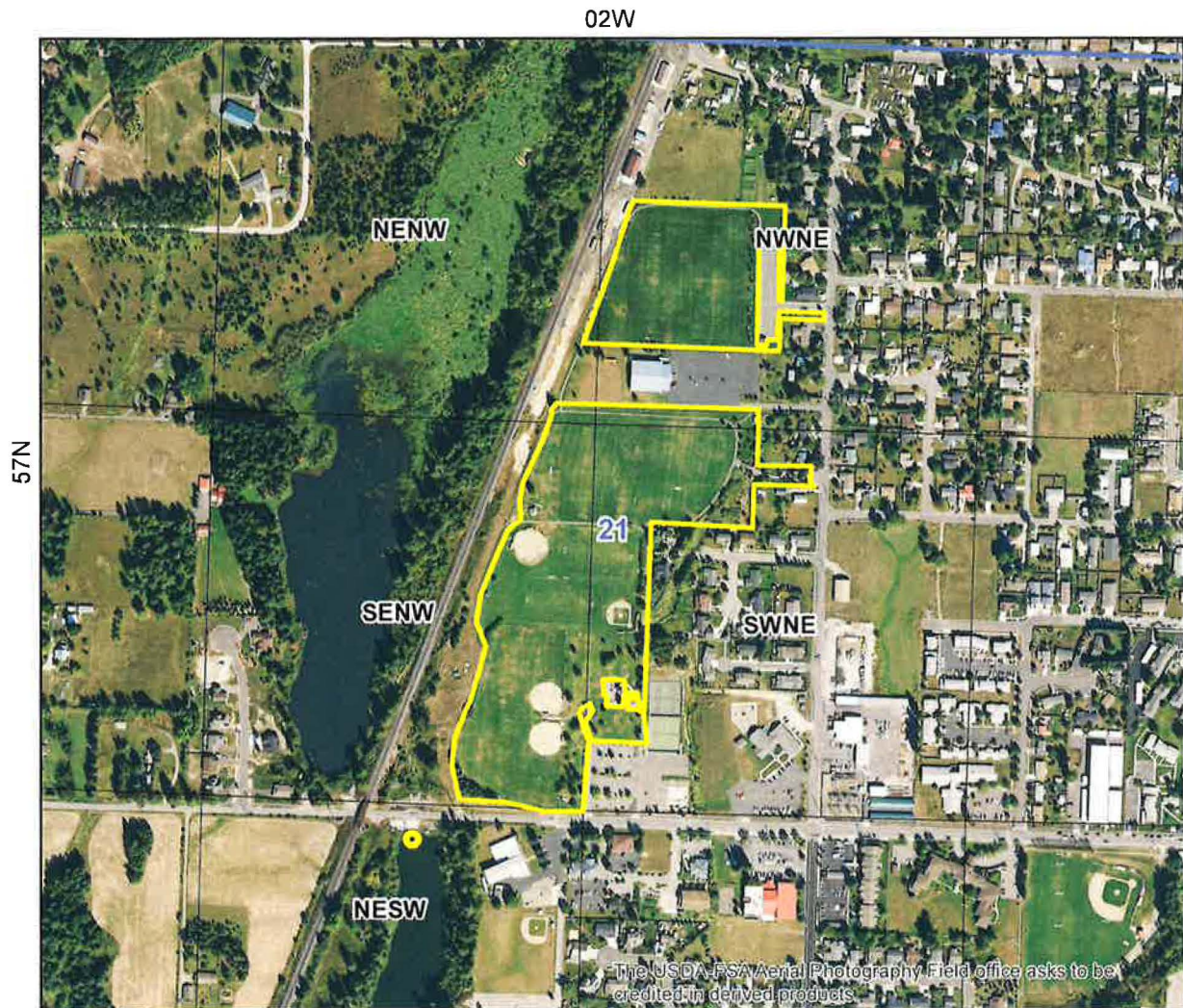


ADAM FREDERICK

Water Rights Supervisor

State of Idaho
Department of Water Resources
Attachment to Water Right License
96-9268

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
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.075 0.15 0.3 Miles



State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 96-9268

RECEIVED
AUG 31 2020
DWR / NORTH

Priority: December 22, 2005

Maximum Diversion Rate: 0.54 CFS

The owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 96-9268

CITY OF SANDPOINT 1123 LAKE ST SANDPOINT ID 83864-1714

requests the permit be changed as follows:

Source: CHUCK SLOUGH

Tributary: PEND OREILLE RIVER

Beneficial Use

IRRIGATION

Period of Use

04/01 to 10/31

Rate of Diversion

0.54 CFS

Location of Point(s) of Diversion

CHUCK SLOUGH NE¼ SW¼, Sec. 21, Twp 57N, Rge 02W, 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		
57N	02W	21		7.1	7.9		0.3			10.0										25.3

Right Acre Limit: 25.3

Total Acres: 25.3

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 26th day of August, 2020

Aminifer P. Stapleton
(Signature)

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 96-9268

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100 Received by db # N032259 Date 10/24/2016

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 96-9268 with the following:

Conditions of Approval

1. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
2. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
3. 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.
4. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
5. This right does not grant any right-of-way or easement across the land of another.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 31st day of August, 2020.



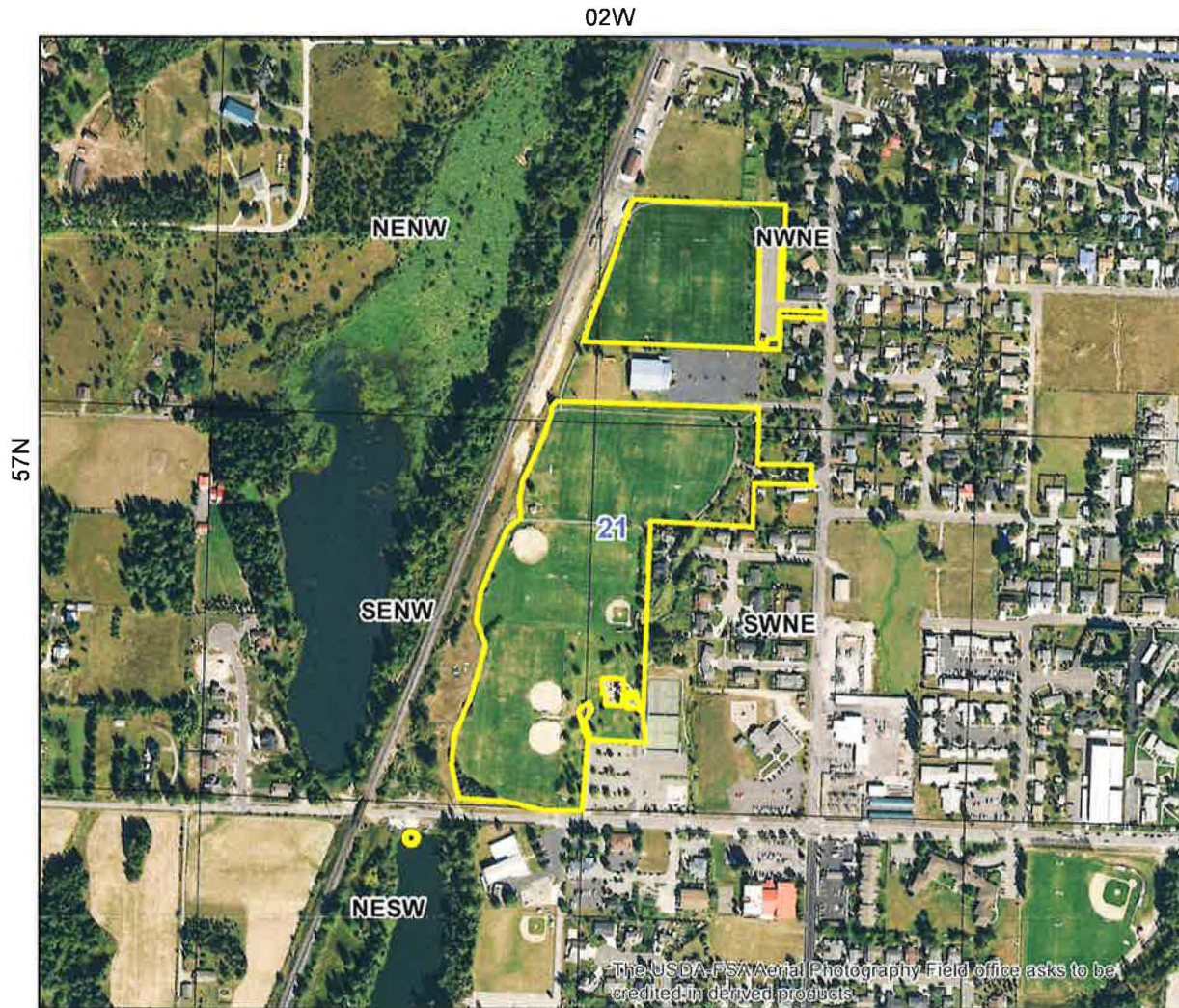
ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment for Application to Amend a Permit

96-9268

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
- Townships
- PLS Sections
- Quarter Quarters

0 0.075 0.15 0.3 Miles



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 96-09268

RECEIVED
OCT 24 2016
IDWR / NORTH

PRIORITY: December 22, 2005

Maximum Diversion Rate: 0.51 CFS

Maximum Diversion Volume: 75.9 AF

Comes now

CITY OF SANDPOINT 1123 LAKE ST SANDPOINT ID 83864-1714

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 96-09268, and requests that the permit be changed as follows:

SOURCE:
CHUCK SLOUGH

TRIBUTARY:
PEND OREILLE RIVER

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/01 to 10/31

DIVERSION RATE
0.51 CFS

**ANNUAL
DIVERSION VOLUME**
75.9 AF

LOCATION OF POINT(S) OF DIVERSION:CHUCK SLOUGH NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21, Twp 57N, Rge 02W, B.M. BONNER County**PLACE OF USE:** IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N	02W	21		7.1	7.9		0.3			10.0									25.3

Total Acres: 25.3

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 11 day of October, 2016.

(Signature)
Kevin Woodward, Director Public Rec
City of Sandpoint

Receipt # N032259
10/24/16 Jall

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 96-09268

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100.00 Received by LB # N032259 Date 10/24/2016

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 96-09268 with the following:

CONDITIONS OF APPROVAL

1. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
2. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
3. 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 lands above.
4. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
5. This right does not grant any right-of-way or easement across the land of another.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 30th day of December, 2016.

Morgan Case
MORGAN CASE
Northern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
96-9268

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.

02W



0 0.075 0.15 0.3 Miles

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





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

August 31, 2020

CITY OF SANDPOINT
1123 LAKE ST
SANDPOINT ID 83864-1714

RE: License No. 96-9268

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department 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.

Also, please note that water right owners are required to report any change of water right 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact the Northern Region Office at (208) 762-2800.

Sincerely,

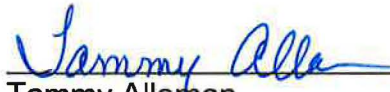
Adam Frederick
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2020, I served a true and correct copy of Water Right License No. 96-9268 by U.S. Mail, postage prepaid, to the following:

CITY OF SANDPOINT (Current Owner)
1123 LAKE ST
SANDPOINT ID 83864-1714



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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 20, 2020

CITY OF SANDPOINT
1123 LAKE ST
SANDPOINT ID 83864-1714

RE: Amendment of Permit for Water Right 96-9268

Dear City of Sandpoint,

The Department of Water Resources sent you an Application for Amendment form on October 6, 2016, for the above referenced Permit. The amendment was required because the field examiner who verified the water use established that the City of Sandpoint's installed irrigation system point of diversion (POD) was developed in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 57 North, Range 02 West, B.M. The above Permit was not authorized for development in this location as part of the approved water right permit designated POD. The Department received the Amendment to Permit back with a \$100.00 fee on October 24, 2016, signed by Kim Woodruff, Director Parks & Rec for City of Sandpoint.

Immediately following, Department staff prepared to license the above permit. During licensing review, it was identified that a clerical error had been made, and a greater diversion rate value was authorized to license for the above permit. As such, second Amendment to Permit was sent to you on May 6, 2020, for the above referenced Permit. Verbiage included was the same as the original amendment mailed prior, except that the Maximum Diversion Rate was updated to reflect 0.54 CFS, not the original 0.51 CFS. Additionally, as this is a surface water source water permit, the Maximum Diversion Volume does not apply, and was removed from the October 6, 2016 Application for Amendment. As of this date the Department has not received a response.

If I do not receive the amendment within fourteen (14) days or by September 5, 2020, I will assume you are no longer interested in changing the location of the POD to reflect it being installed in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 21, and I will license the permit for the POD and

RE: Amendment of Permit for Water Right 96-9268

diversion rate identified on the October 6, 2016 Amendment to Application. I must warn you that if you do not return this form, **no fee required**, the above referenced Permit will be licensed for the previously amended Maximum Diversion Rate of 0.51 CFS. In case the amendment form I sent you has been misplaced, a new one is enclosed.

If you have any questions, please contact me as soon as possible.

Sincerely,



Luke Bates

Water Resource Agent

Idaho Department of Water Resources

Luke.bates@idwr.idaho.gov

Telephone (208) 762-2800

Fax (208) 762-2819

Enclosures: Application for Amendment with Map, and Copy of Permit with Map



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

May 6, 2020

CITY OF SANDPOINT
1123 LAKE ST
SANDPOINT ID 83864-1714

RE: Water Right Permit No. 96-9268

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

The examiner who verified your water use reported that certain elements of the permit(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Idaho Code § 42-211. Before license(s) can be issued, your permit(s) must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

☒ Point(s) of Diversion

☒ Place(s) of Use

☐ Other

The enclosed Application for Amendment form(s) depicts the elements of the water right(s) as they will appear on the license(s) when issued. Please review the amendment form(s) carefully. If you concur with the information presented, please sign and return the form(s) within fourteen (14) days.

If you have any questions, please call me at (208) 762-2800.

Sincerely,

Luke Bates
Water Resource Agent

Enclosure(s): Application for Amendment



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 06, 2016

CITY OF SANDPOINT
1123 LAKE ST
SANDPOINT ID 83864-1714

RE: Water Right Permit No. 96-09268

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

The examiner who verified your water use reported that certain elements of the permit(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Section 42-211, Idaho Code. Before license(s) can be issued, your permit(s) must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

☒ **Point(s) of Diversion**

☒ **Place(s) of Use**

☐ **Other**

The enclosed Application for Amendment form(s) depicts the elements of the water right(s) as they will appear on the license(s) when issued. Please review the amendment form(s) carefully. If you concur with the information presented, please sign and return the form(s) with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at 208-762-2800.

Sincerely,

Adam Frederick
Senior Water Resource Agent

Enclosure(s): Application for Amendment
cc: