

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 95-17964

Priority: June 26, 2020

Maximum Diversion Rate: 0.13 CFS

This is to certify that

DANIEL GARN 7642 E GEM SHORES RD HAYDEN ID 83835-7143 AND/OR  
SHELECE GARN 7642 E GEM SHORES RD HAYDEN ID 83835-7143

has applied for a permit to appropriate water from:

Source : HAYDEN LAKE

Tributary: SINKS

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	03/15 to 11/15	0.09 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

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

HAYDEN LAKE SW¼ NE¼, Sec. 10, Twp 51N, Rge 03W, B.M. KOOTENAI 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		
51N	03W	10	0.3 L1	0.5 L2	1.6 L5	0.5 L5														2.9

Total Acres: 2.9

**Place of Use: DOMESTIC**

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		
51N	03W	10	X L5	X L5	X L5	X L5														

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2025**.
2. Subject to all prior water rights.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 95A.
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. 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.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
8. This right does not grant any right-of-way or easement across the land of another.

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 95-17964

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

Signed this 7<sup>th</sup> day of August, 2020.



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ADAM FREDERICK  
Water Rights Supervisor

State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

95-17964

This map depicts the DOMESTIC AND 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.

03W



- 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

August 07, 2020

SHELECE GARN  
DANIEL GARN  
7642 E GEM SHORES RD  
HAYDEN ID 83835-7143

RE: Permit No. 95-17964

### 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](http://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

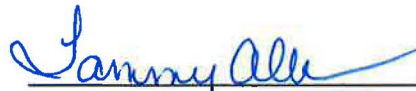
Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on August 07, 2020, I served a true and correct copy of Permit to Appropriate Water No. 95-17964 by U.S. Mail, postage prepaid, to the following:

SHELECE GARN (Current Owner)  
7642 E GEM SHORES RD  
HAYDEN ID 83835-7143

DANIEL GARN (Current Owner)  
7642 E GEM SHORES RD  
HAYDEN ID 83835-7143



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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.





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

Brad Little / Governor  
Ed Schriever / Director

August 3, 2020

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

REFERENCE: 95-17964 - Garn

Dear Tammy:

We have reviewed the above-named water right application from Hayden Lake in Kootenai County. The permit request is to pump 0.13 cfs to for domestic use for one home and irrigation use for 2.9 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 application fails to describe screening their proposed pump in Hayden Lake. 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,

A handwritten signature in blue ink, appearing to read "Charles E. Corsi".

Charles E. Corsi  
Panhandle Regional Supervisor

CEC:MH:lat

C: Paul Kline, IDFG Director's Office

*Keeping Idaho's Wildlife Heritage*

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# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
 ) ss.  
County of Kootenai )

Mary Moore, being first duly sworn upon oath, deposes and states:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press", a newspaper printed and published daily in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal notice of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 16 day of July, 2020, and ending on the 23 day of July, 2020, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice

Mary Moore.  
On this 23 day of July in the year of 2020 before me, a Notary Public, personally appeared Mary Moore, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Katrina George  
Notary Public for the State of Idaho  
Residing in Coeur d'Alene, Idaho

My Commission Expires 8/29/23

RECEIVED

JUL 31 2020

IDWR / NORTH

**NOTICE OF PROPOSED  
CHANGE OF WATER RIGHT  
TRANSFER NO. 84200**

GEM STATE WATER CO LLC  
PO BOX 3388, COEUR D  
ALENE, ID 83816 has filed Application No. 84200 for changes to the following water right within KOOTENAI County: Right No. 95-10068; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

**The applicant proposes to move a point of diversion from L4(NWNW) of Section 3, Twp 51N, Rge 04W to L2(NWNE) of Section 3, Twp 51N, Rge 04W.**

For additional information concerning the property location, contact Northern Region office at (208)762-2800. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department 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 8/3/2020. The protestant must also send a copy of the protest to the applicant.

The following applications have been filed to appropriate the public waters of the State of Idaho:

**95-17602**

SETH ESTATES WATER ASSOCIATION  
2964 E OBADIAH CT  
ATHOL, ID 83801-7201  
Point of Diversion NENE  
S30 T53N R03W  
KOOTENAI County  
Source GROUND WATER  
Use: STOCKWATER  
01/01 to 12/31 0.02 CFS  
Use: DOMESTIC  
01/01 to 12/31 0.13 CFS  
Total Diversion: 0.15 CFS  
Date Filed: 07-23-2018  
Place Of Use:  
DOMESTIC, STOCKWATER  
T53N R03W S30  
NENE, NWNE

**95-17958**

ASPEN HOMES & DEVELOPMENT LLC  
1831 N LAKEWOOD DR  
STE A  
COEUR D ALENE, ID  
83814-2669  
Point of Diversion NWSW  
S8 T52N R04W  
KOOTENAI County  
Source GROUND WATER  
Point of Diversion SWSW  
S8 T52N R04W  
KOOTENAI County  
Source GROUND WATER  
Use: DOMESTIC  
01/01 to 12/31  
Total Diversion: 0.13 CFS  
Date Filed: 06-18-2020  
Place Of Use: DOMESTIC  
T52N R04W S17  
NENW, L3(NENW),  
L3(NWNW)  
Place Of Use: DOMESTIC  
T52N R04W S18 NENE  
Place Of Use: DOMESTIC  
T52N R04W S8  
NESW, NWSW, L6(NWSW),  
SWSW, L5(SWSW), SESW,  
L5(SESW)

**95-17960**

JARED D ANDERSON  
910 N B ST  
COEUR D ALENE, ID  
83814-2214  
Point of Diversion SENW  
S5 T49N R04W  
KOOTENAI County  
Source GROUND WATER  
Use: DOMESTIC  
01/01 to 12/31 0.1 CFS  
Use: STOCKWATER  
01/01 to 12/31 0.02 CFS  
Total Diversion: 0.12 CFS  
Date Filed: 06-23-2020  
Place Of Use:  
DOMESTIC, STOCKWATER  
T49N R04W S5 SENW

**95-17961**

KATHERINE CAMPBELL  
KENT DURAND  
2376 S KINDRED TRL  
COEUR D ALENE, ID  
83814-7173  
Point of Diversion NENE  
S26 T50N R05W  
KOOTENAI County  
Source GROUND WATER  
Use: DOMESTIC  
01/01 to 12/31  
Total Diversion: 0.04 CFS  
Date Filed: 06-25-2020  
Place Of Use: DOMESTIC  
T50N R05W S26  
NENE, SENE

**95-17963**

RONALD & MAUREEN  
PAYNE LIVING TRUST  
16546 N SALEM RD  
HAYDEN, ID 83835-9869  
Point of Diversion NESE  
S28 T52N R03W  
KOOTENAI County  
Source GROUND WATER  
Use: DOMESTIC  
01/01 to 12/31  
Total Diversion: 0.04 CFS  
Date Filed: 06-24-2020  
Place Of Use: DOMESTIC  
T52N R03W S28 NESE

**95-17964**

DANIEL GARN  
SHELECE GARN  
7642 E GEM SHORES RD  
HAYDEN, ID 83835-7143  
Point of Diversion SWNE  
S10 T51N R03W  
KOOTENAI County  
Source HAYDEN LAKE  
Tributary SINKS  
Use: DOMESTIC  
01/01 to 12/31 0.04 CFS  
Use: IRRIGATION  
03/15 to 11/15 0.09 CFS  
Total Diversion: 0.13 CFS  
Date Filed: 06-26-2020  
Place Of Use: DOMESTIC  
T51N R03W S10  
L5(NENE), L5(NWNE),  
L5(SWNE), L5(SENE)  
Place Of Use: IRRIGATION  
T51N R03W S10  
L1(NENE), L2(NWNE),  
L5(SWNE), L5(SENE)  
Total Acres: 2.9

**95-17965**

JOSEPH BOWEN  
JANA BOWEN  
6744 E GRETA AVE  
POST FALLS, ID 83854-8003  
Point of Diversion NESE  
S9 T51N R03W  
KOOTENAI County  
Source HAYDEN LAKE  
Tributary SINKS  
Use: DOMESTIC  
01/01 to 12/31  
Total Diversion: 0.04 CFS  
Date Filed: 06-26-2020  
Place Of Use: DOMESTIC  
T51N R03W S9 L3(NESE)

**95-17967**

ROBERT P PARKER  
SHARRON A PARKER  
2105 E CHERRY TREE LN  
SPOKANE, WA 99203-5019  
Point of Diversion SENE  
S14 T53N R05W  
KOOTENAI County  
Source SPIRIT LAKE

Tributary SPIRIT CREEK  
Use: DOMESTIC  
01/01 to 12/31  
Total Diversion: 0.04 CFS  
Date Filed: 07-02-2020  
Place Of Use: DOMESTIC  
T53N R05W S14  
SENE, L1(SENE)

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 8/3/2020. The protestant must also send a copy of the protest to the applicant.  
GARY SPACKMAN, Director  
CDA LEGAL 3824  
AD#393844  
JULY 16, 23, 2020