

MAY 18 2020

DEPARTMENT OF
WATER RESOURCES

Amended

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 96-98131. Name of applicant(s) Tom and Carri Novotney Phone 509-701-4748
Name connector (check one): ☒ and ☐ or ☐ and/orMailing address 7711 NE196th St City KenmoreState WA ZIP 98028 Email thnovotney@gmail.com

2. Name of representative, if any _____ Phone _____

Mailing address _____ City _____

State _____ ZIP _____ Email _____

a. ☐ Send all correspondence for this application to the representative and not to the applicant OR☒ Send original correspondence to the applicant and copies to the representative.b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.3. Source of water supply Pend Oreille River which is a tributary of Columbia River

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
57N	03W	26	5	SW	SW		Bonner	26/27/34-57N-3W	GypsyBayBlock2Lot15
								SE1/4 SE 1/4 of	Sec 26 T57N, R3W

5. Water will be used for the following purposes:

Amount 0.03 cfs for Domestic Irrigation purposes from 04/01 to 10/31 (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)6. Total quantity to be appropriated is (a) .03 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

7. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. 1.5 HP pump, 70 GPM connected to 1.5" supply line to 5 faucets for irrigation.b. Height of storage dam n/a feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ Noc. Proposed well diameter is n/a inches; proposed depth of well is _____ feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ Noe. If well is already drilled, when? n/a; drilling firm _____;
well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by _____ Date 2/26/20 Time _____ Preliminary check by PTFee \$ 150.00 Received by _____ Receipt No. N035940 Date 2/26/20**Received w/ original application*

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; must complete and attach the Municipal Water Right Application Checklist.
- Domestic; show number of households ¹ _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

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	03W	26																D	

Total number of acres to be irrigated: 0.20

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Gypsy Bay HOA community water system, not to be used for domestic landscape watering. Only to be used for inside home.

11. a. Who owns the property at the point of diversion? Applicants

b. Who owns the land to be irrigated or place of use? Applicants

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Applicant proposes to pump water from the Pend Oreille River to be used to irrigate domestic landscaping, approx 90'x90' in size. Approx. 2 days/week during peak summer season for approx 2 hrs/day.

13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Tom Novotney 5/13/20 & 2/23/20
 Signature of Applicant
Tom Novotney
 Print Name (and title, if applicable)

Carrik Novotney 5/13/20
 Signature of Applicant
CARRIK NOVOTNEY
 Print Name (and title, if applicable)



FEB 26 2020

IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. RECEIVED

MAR 02 2020

DEPARTMENT OF
WATER RESOURCES

1. Name of applicant(s) Tom and Carri Novotney Phone 509-701-4748

Name connector (check one): ☒ and ☐ or ☐ and/or

Mailing address 7711 NE196th St City Kenmore

State WA ZIP 98028 Email thnovotney@gmail.com

2. Name of representative, if any _____ Phone _____

Mailing address _____ City _____

State _____ ZIP _____ Email _____

a. ☐ Send all correspondence for this application to the representative and not to the applicant OR

☒ Send original correspondence to the applicant and copies to the representative.

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3. Source of water supply Pend Oreille River which is a tributary of Columbia River

4. Location of point(s) of diversion: SE 1/4 SE 1/4 of Sect 26, T57N, R3W

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
57N	03W	26		SE	SE		Bonner	26/27/34-57N-3W	GypsyBayBlock2Lot15

5. Water will be used for the following purposes:

Amount 0.03 0.4 cfs for Domestic purposes from 05/01 to 09/30 (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

6. Total quantity to be appropriated is (a) 0.4 cubic feet per second (cfs) and/or (b) 0.03 acre-feet per year (af).

7. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. 1.5 HP pump, 70 GPM connected to 1.5" supply line to 5 faucets for irrigation.

b. Height of storage dam n/a feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No

c. Proposed well diameter is n/a inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? n/a; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by Ja Date 2/26/2020 Time _____ Preliminary check by _____

Fee \$ 10000 Received by Ja Receipt No. N035940 Date 2-26-2020

Superseded by Amended Application

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in kW. _____
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			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N	03W	26											D						

Total number of acres to be irrigated: 0.20

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12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Applicant proposes to pump water from the Pend Oreille River to be used to irrigate domestic landscaping, approx 90'x90' in size. Approx. 2 days/week during peak summer season for approx 2 hrs/day.

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

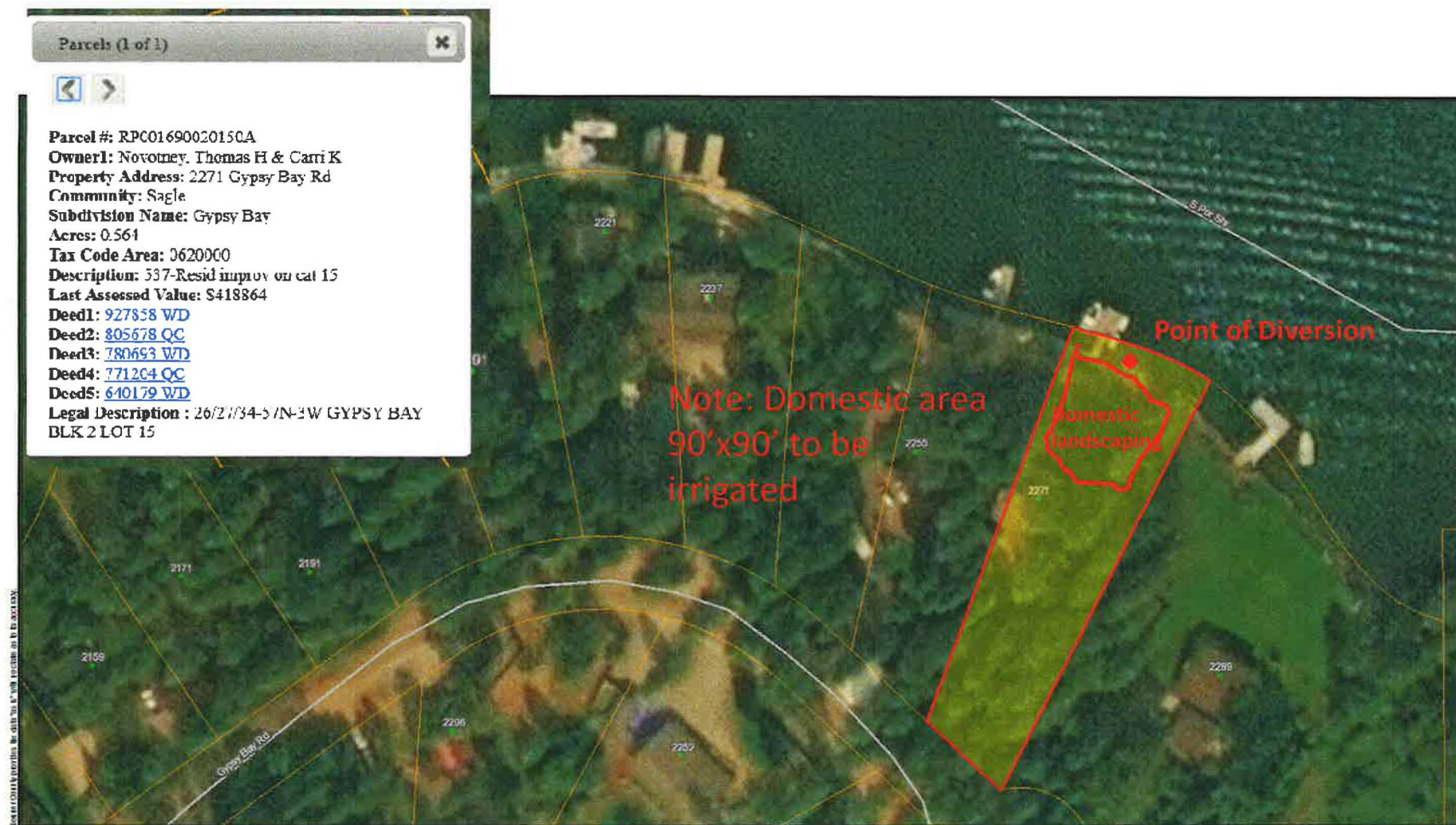
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

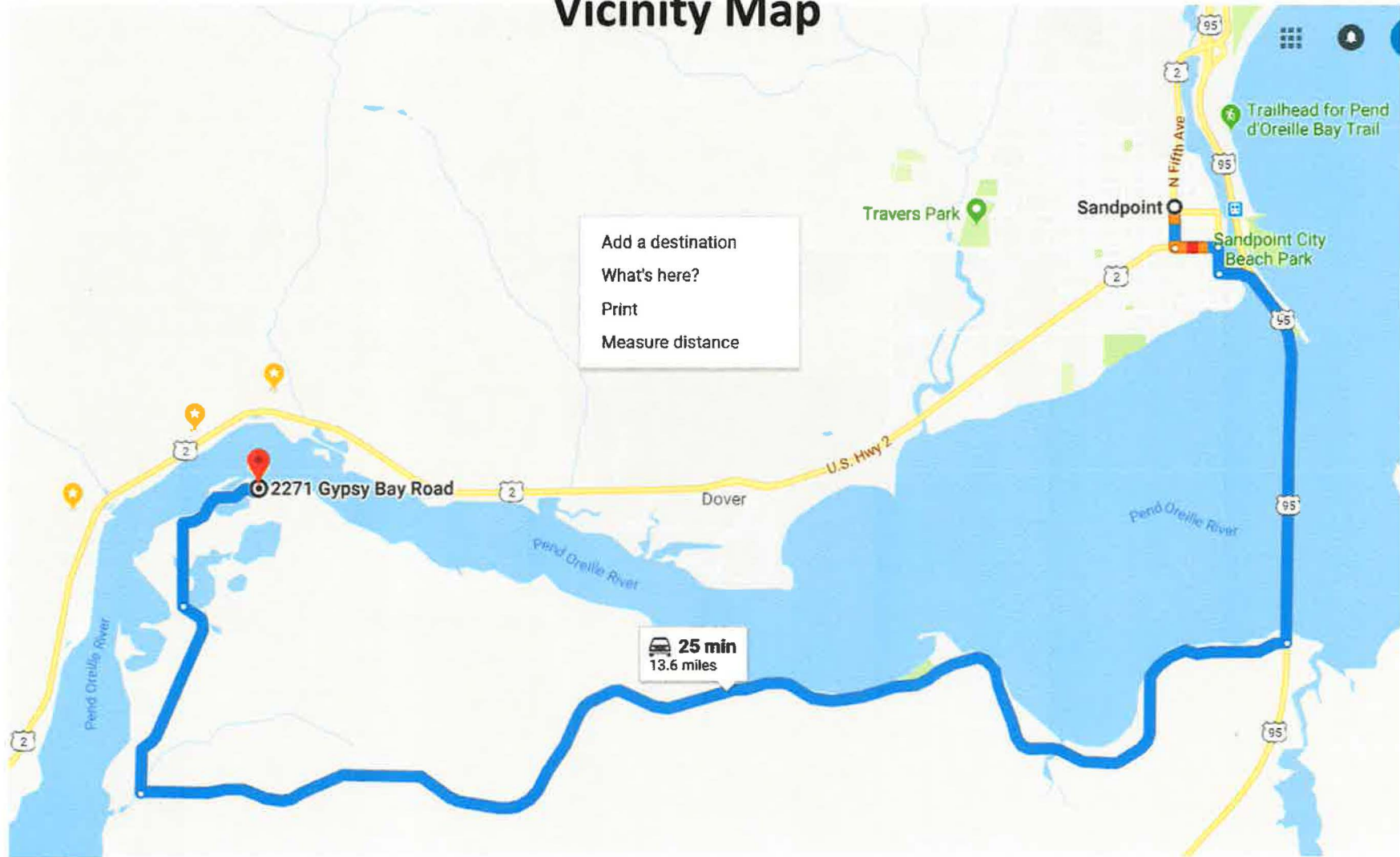
Tom Novotney
Signature of Applicant
Tom Novotney
Print Name (and title, if applicable)

2/23/2020

Carri K Novotney
Signature of Applicant
CARRI K NOVOTNEY
Print Name (and title, if applicable)



Vicinity Map



RECEIVED
FEB 26 2020

JOINT APPLICATION FOR PERMITS

IDWR / NORTH

U.S. ARMY CORPS OF ENGINEERS - IDAHO DEPARTMENT OF WATER RESOURCES - IDAHO DEPARTMENT OF LANDS

Authorities: The Department of Army Corps of Engineers (Corps), Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL) established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and State of Idaho. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill materials into waters of the United States, including adjacent wetlands. State permits are required under the State of Idaho, Stream Protection Act (Title 42, Chapter 38, Idaho Code and Lake Protection Act (Section 58, Chapter 13 et seq., Idaho Code). In addition the information will be used to determine compliance with Section 401 of the Clean Water Act by the appropriate State, Tribal or Federal entity.

Joint Application: Information provided on this application will be used in evaluating the proposed activities. Disclosure of requested information is voluntary. Failure to supply the requested information may delay processing and issuance of the appropriate permit or authorization. **Applicant will need to send a completed application, along with one (1) set of legible, black and white (8½"x11"), reproducible drawings that illustrate the location and character of the proposed project / activities to both the Corps and the State of Idaho.**

See Instruction Guide for assistance with Application. Accurate submission of requested information can prevent delays in reviewing and permitting your application. Drawings including vicinity maps, plan-view and section-view drawings must be submitted on 8-1/2 x 11 papers.

Do not start work until you have received all required permits from both the Corps and the State of Idaho

FOR AGENCY USE ONLY

USACE NWW-	Date Received:	<input type="checkbox"/> Incomplete Application Returned	Date Returned:
Idaho Department of Water Resources No. N/A	Date Received: 2-26-2020	<input type="checkbox"/> Fee Received DATE:	Receipt No.:
Idaho Department of Lands No.	Date Received:	<input type="checkbox"/> Fee Received DATE:	Receipt No.:

INCOMPLETE APPLICATIONS MAY NOT BE PROCESSED

1. CONTACT INFORMATION - APPLICANT Required:			2. CONTACT INFORMATION - AGENT: RECEIVED		
Name: Tom and Carri Novotney			Name: Tom Novotney		
Company:			Company: DEPARTMENT OF WATER RESOURCES		
Mailing Address: 7711 NE 196th St			Mailing Address: 7711 NE 196th St		
City: Kenmore	State: WA	Zip Code: 98028	City: Kenmore	State: WA	Zip Code: 98028
Phone Number (include area code): 509-701-4748	E-mail: thnovotney@gmail.com		Phone Number (include area code): 509-701-4748	E-mail: thnovotney@gmail.com	

3. PROJECT NAME or TITLE: Waterline Intake			4. PROJECT STREET ADDRESS: 2271 Gypsy Bay Road		
5. PROJECT COUNTY: Bonner	6. PROJECT CITY: Sagle		7. PROJECT ZIP CODE: 83860		8. NEAREST WATERWAY/WATERBODY: Pend Oreille River
9. TAX PARCEL ID#: RP0001690020150A	10. LATITUDE: 48.252146	11a. 1/4:	11b. 1/4:	11c. SECTION: 26	11d. TOWNSHIP: 57N
	LONGITUDE: -116.670848				11e. RANGE: 03W
12a. ESTIMATED START DATE: July 1st, 2020	12b. ESTIMATED END DATE: Aug 31, 2020		13a. IS PROJECT LOCATED WITHIN ESTABLISHED TRIBAL RESERVATION BOUNDARIES? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES Tribe:		
13b. IS PROJECT LOCATED IN LISTED ESA AREA? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES			13c. IS PROJECT LOCATED ON/NEAR HISTORICAL SITE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		

14. DIRECTIONS TO PROJECT SITE: Include vicinity map with legible crossroads, street numbers, names, landmarks.

From Sandpoint go south on US95 for approx. 2 miles. Make a right on to Lake Shore Drive, after 8.2 miles turn right on Gypsy Bay Rd. After 1.3 miles stay to the right on Gypsy Bay road for 1 mile. Project location is on your left.

15. PURPOSE and NEED: ☐ Commercial ☐ Industrial ☐ Public ☒ Private ☐ Other

Describe the reason or purpose of your project; include a brief description of the overall project. Continue to Block 16 to detail each work activity and overall project.

Install irrigation pump on bulkhead and extend water intake line to extend 30' to be laid on river bottom. The water will be used to irrigate domestic landscaping.

16. DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN RALL PROJECT. Specifically indicate portions that take place within waters of the United States, including wetlands: Include dimensions; equipment, construction, methods; erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows; borrow sources, disposal locations etc.:

Install irrigation pump on bulkhead and extend/lay intake line out from bulkhead approx 30' on the river bottom. The water intake line is the only part of this project that occurs within the waters of the United States.

17. DESCRIBE ALTERNATIVES CONSIDERED to AVOID or MEASURES TAKEN to MINIMIZE and/ or COMPENSATE for IMPACTS to WATERS of the UNITED STATES, INCLUDING WETLANDS: See Instruction Guide for specific details.

No alternatives.

18. PROPOSED MITIGATION STATEMENT or PLAN: If you believe a mitigation plan is not needed, provide a statement and your reasoning why a mitigation plan is NOT required. Or, attach a copy of your proposed mitigation plan.

No mitigation is required or proposed.

19. TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:

Dirt or Topsoil: 0 cubic yards

Dredged Material: 0 cubic yards

Clean Sand: 0 cubic yards

Clay: 0 cubic yards

Gravel, Rock, or Stone: 0 cubic yards

Concrete: 0 cubic yards

Other (describe): : cubic yards

Other (describe): : cubic yards

TOTAL: 0 cubic yards

20. TYPE and QUANTITY of impacts to waters of the United States, including wetlands:

Filling: 0 acres sq ft. cubic yards

Backfill & Bedding: 0 acres sq ft. cubic yards

Land Clearing: 0 acres sq ft. cubic yards

Dredging: 0 acres sq ft. cubic yards

Flooding: 0 acres sq ft. cubic yards

Excavation: 0 acres sq ft. cubic yards

Draining: 0 acres sq ft. cubic yards

Other: : acres sq ft. cubic yards

TOTALS: 0 acres sq ft. cubic yards

21. HAVE ANY WORK ACTIVITIES STARTED ON THIS PROJECT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES If yes, describe ALL work that has occurred including dates.				
22. LIST ALL PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS: NWW-2019-00159 Novotney - Install F-shaped Dock & Boat Lift				
23. <input type="checkbox"/> YES, Alteration(s) are located on Public Trust Lands, Administered by Idaho Department of Lands				
24. SIZE AND FLOW CAPACITY OF BRIDGE/CULVERT and DRAINAGE AREA SERVED: _____ Square Miles				
25. IS PROJECT LOCATED IN A MAPPED FLOODWAY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES If yes, contact the floodplain administrator in the local government jurisdiction in which the project is located. A Floodplain Development permit and a No-rise Certification may be required.				
26a. WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, anyone who wishes to discharge dredge or fill material into the waters of the United States, either on private or public property, must obtain a Section 401 Water Quality Certification (WQC) from the appropriate water quality certifying government entity. <u>See Instruction Guide for further clarification and all contact information.</u> The following information is requested by IDEQ and/or EPA concerning the proposed impacts to water quality and anti-degradation: <div style="display: flex; justify-content: space-between;"> <div style="width: 15%;"> <input type="checkbox"/> NO <input checked="" type="checkbox"/> NO <input checked="" type="checkbox"/> NO </div> <div style="width: 85%;"> <input checked="" type="checkbox"/> YES Is applicant willing to assume that the affected waterbody is high quality? <input type="checkbox"/> YES Does applicant have water quality data relevant to determining whether the affected waterbody is high quality or not? <input type="checkbox"/> YES Is the applicant willing to collect the data needed to determine whether the affected waterbody is high quality or not? </div> </div>				
26b. BEST MANAGEMENT PRACTICES (BMP's): List the Best Management Practices and describe these practices that you will use to minimize impacts on water quality and anti-degradation of water quality. All feasible alternatives should be considered - treatment or otherwise. Select an alternative which will minimize degrading water quality NA				
Through the 401 Certification process, water quality certification will stipulate minimum management practices needed to prevent degradation.				
27. LIST EACH IMPACT to stream, river, lake, reservoir, including shoreline: Attach site map with each impact location.				
Activity	Name of Water Body	Intermittent Perennial	Description of Impact and Dimensions	Impact Length Linear Feet
No impact				
TOTAL STREAM IMPACTS (Linear Feet):				
28. LIST EACH WETLAND IMPACT include mechanized clearing, fill excavation, flood, drainage, etc. Attach site map with each impact location.				
Activity	Wetland Type: Emergent, Forested, Scrub/Shrub	Distance to Water Body (linear ft)	Description of Impact Purpose: road crossing, compound, culvert, etc.	Impact Length (acres, square ft linear ft)
No impact				
TOTAL WETLAND IMPACTS (Square Feet):				

29. ADJACENT PROPERTY OWNERS NOTIFICATION REQUIRED: Provide contact information of ALL adjacent property owners.

<p>Name: Richard and Elise Fuhr</p> <p>Mailing Address: 2289 Gypsy Bay Road</p> <p>City: State: Zip Code: Sagle ID 83860</p> <p>Phone Number (include area code): E-mail: 208-946-3430 Fuhr2289@gmail.com</p>	<p>Name: Rob and Jill Hoffman</p> <p>Mailing Address: 2255 Gypsy Bay Road</p> <p>City: State: Zip Code: Sagle ID 83860</p> <p>Phone Number (include area code): E-mail: 206-287-8309 rdh729@frontier.com</p>
<p>Name:</p> <p>Mailing Address:</p> <p>City: State: Zip Code:</p> <p>Phone Number (include area code): E-mail:</p>	<p>Name:</p> <p>Mailing Address:</p> <p>City: State: Zip Code:</p> <p>Phone Number (include area code): E-mail:</p>
<p>Name:</p> <p>Mailing Address:</p> <p>City: State: Zip Code:</p> <p>Phone Number (include area code): E-mail:</p>	<p>Name:</p> <p>Mailing Address:</p> <p>City: State: Zip Code:</p> <p>Phone Number (include area code): E-mail:</p>
<p>Name:</p> <p>Mailing Address:</p> <p>City: State: Zip Code:</p> <p>Phone Number (include area code): E-mail:</p>	<p>Name:</p> <p>Mailing Address:</p> <p>City: State: Zip Code:</p> <p>Phone Number (include area code): E-mail:</p>

30. SIGNATURES: STATEMENT OF AUTHORIZATION / CERTIFICATION OF AGENT / ACCESS

Application is hereby made for permit, or permits, to authorize the work described in this application and all supporting documentation. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein; or am acting as the duly authorized agent of the applicant (Block 2). I hereby grant the agencies to which this application is made, the right to access/come upon the above-described location(s) to inspect the proposed and completed work/activities.

Signature of Applicant:  Date: 2/23/2020

Signature of Agent: _____ Date: _____

This application must be signed by the person who desires to undertake the proposed activity AND signed by a duly authorized agent (see Block 1, 2, 30). Further, 18 USC Section 1001 provides that: "Whoever, in any manner within the jurisdiction of any department of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both".

Hummer, Phill

From: Hummer, Phill
Sent: Tuesday, September 29, 2020 11:01 AM
To: 'Tom Novotney'
Subject: Water Right Application

Hi Tom,

Your application for a water right permit was recently approved and will be sent out to you through the mail. Attached to the water right application you also submitted a Joint Application for Stream Alteration Permit. I did some digging and determined that your property is under the Jurisdiction of the Idaho Department of Lands. If you haven't done so already, you should send the Stream Alteration Permit Application to the Pend Oreille Supervisory Area at the contact listed below:

Pend Oreille Lake Supervisory Area
Tom Fler, Area Manager
2550 Highway 2 West
Sandpoint, ID 83864-7305
(208) 263-5104

Phill Hummer
Water Rights Supervisor
IDWR State Office
(208) 287-4925

Hersley, Jean

From: Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>
Sent: Friday, July 31, 2020 5:33 PM
To: Hersley, Jean
Subject: Re: Application for Permit of 96-9813

Hi Jean,

The Idaho Department of Fish and Game does not have any comments to submit for this application.

Thank you for the opportunity.

Have a nice weekend.

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>

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Thursday, July 30, 2020 8:58 AM
To: Horsmon, Merritt
Subject: Application for Permit of 96-9813

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 me if you have any questions regarding the application.

Jean Hersley

Technical Records Specialist II

Idaho Dept Water Resources

(208) 287-4942



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

Brad Little
Governor

Gary Spackman
Director

July 30, 2020

TOM NOVOTNEY
CARRI NOVOTNEY
7711 NE 196TH ST
KENMORE, WA 98028-2098

RE: Application for Permit No. 96-9813

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the BONNER COUNTY DAILY BEE on 8/6/2020 and 8/13/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

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

Sincerely,

Jean Hersley
Technical Records Specialist

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

96-9813

TOM NOVOTNEY

CARRI NOVOTNEY

7711 NE 196TH ST

KENMORE, WA 98028-2098

Point of Diversion L5(SWSW) S26 T57N R03W BONNER County

Source PEND OREILLE RIVER Tributary COLUMBIA RIVER

Use: DOMESTIC

04/01 to 10/31

0.03 CFS

Total Diversion:

0.03 CFS

Date Filed: 05-18-2020

Place Of Use: DOMESTIC

T57N R03W S26 L5(SWSW)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; 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, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before 8/24/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/6/2020 and 8/13/2020

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, July 30, 2020 8:59 AM
To: 'bcdblegals@cdapress.com'
Subject: Legal Notice for Bonner County Daily Bee
Attachments: LegalNoticeTransferMerged21.docx

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notices which we wish to have published in the Bonner County Daily Bee on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office, PO Box 83720, Boise, Idaho, 83720-0098 before August 24, 2020. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, July 30, 2020 8:59 AM
To: 'merritt.horsmon@idfg.idaho.gov'
Subject: Application for Permit of 96-9813

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 me if you have any questions regarding the application.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

MEMORANDUM

Date: 7/10/20
To: WR No. 96-9813
From: Phill Hummer, Water Rights Supervisor
Re: Pre-Advertisement Application Review

Applicant

This application was originally received at Northern Region on 2/26/20 and sent to the State Office (received 3/2/20) to be processed by staff as part of a cross training effort. Due to teleworking and other difficulties processing was delayed. It was determined to be incomplete and a letter was sent 3/23/20 in an attempt to get the necessary corrections. Several email communications occurred resulting in an amended application on a new form received 5/18/20. The applicant also sent in the original that had been amended by hand but was still incorrect. This version was marked superseded. The amended application listed the POU in the SESE of section 26, T57N, R03W, which is inconsistent with the map. I sent an email to the applicant on 6/25/20 in an attempt to clarify the inconsistency. They responded on 6/30/20 confirming that the map was the correct location. Normally, a change to the POU would require an amendment but because of the age of the application, the applicant's difficulty understanding the PLSS, and the difficulties associated with the COVID-19 situation, I made the determination that the application received 5/18/20 is complete based on the map. The priority date of the right should be based on the 5/18/20 filing at this time.

Proposed Project

The application proposed to take water from the Pend Oreille River for irrigation of a yard and landscaping. They have opted to call the use domestic since the use is associated with a home and is less than ½ acre. Since the use is actually irrigation they should be restricted to the standard season of use for irrigation, which is 4/1 – 10/31. The proposed water use does not include use inside the home, it is external only.

Additional Comments

The proposed project site is within IDWR Administrative Basin 96. It is not within a water district, restricted area, or area of known concern so there are no initial concerns with the proposed project. Comments regarding the proposed project will be sought from IDFG to determine if there are any issues related to fish.

Hummer, Phill

From: Tom Novotney <thnovotney@gmail.com>
Sent: Tuesday, June 30, 2020 7:47 PM
To: Hummer, Phill
Subject: Re: Application for Permit-Incomplete - Novotney Sagle

Categories: More Info Emails

Phil, no apologies needed and I appreciate your support. You are correct and please make the changes you described. The map is accurate and section 9 of the application is in error. Please revise and move forward with the application. Thank you

On Thu, Jun 25, 2020 at 12:44 PM Hummer, Phill <Phill.Hummer@idwr.idaho.gov> wrote:

Tom,

First let me start by apologizing that I haven't reviewed your application sooner. I was working from home and lost track of a lot of things including this application. Im looking at my email and the revised application you sent in and it looks like I failed to recognize and notify you that you put the place of use in the SESE of section 26. From the map and the location of the point of diversion I think the place of use is also in lot 5 SWSW. If you can confirm that the map is accurate and the location listed in section 9 of the application is an error. Then I will make the change in the database and note the file. Instead of requesting an amended application. This will save time and confusion.

Once I get your response I will try really really hard to move forward with your application as quickly as possible. Again I apologize for the delay.

Phill Hummer

Water Rights Supervisor

IDWR State Office

(208) 287-4925

From: Tom Novotney [mailto:thnovotney@gmail.com]
Sent: Wednesday, May 13, 2020 9:41 PM
To: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Subject: Re: Application for Permit-Incomplete - Novotney Sagle



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

03/23/2020

TOM NOVOTNEY
CARRI NOVOTNEY
7711 NE 196TH ST
KENMORE WA 98028

Re: Application for Permit – Incomplete Application

Dear Applicant:

Your recent application for permit proposing the use of water for Domestic use has been received. The application can not be accepted into the records of the Idaho Department of Water Resources (IDWR) until the following items are addressed:

- 4 - Point of Diversion(s)
The location of the point of diversion must include the 40 acre-tract description of where water will be diverted from the river.
- 5 - Proposed Use
IDWR recommends applications use the entire year as the season of use for domestic uses of water. If water will only be used for outside irrigation you can either use the entire year or the standard irrigation season for that area, which is April 1 through October 31.
- 6 - Total Quantity
The standard rate for domestic use of water for 1 home is 0.04 cfs, or 0.03 cfs per acre for domestic irrigation. If 0.40 cfs is the rate you want to apply for, you must submit information demonstrating a higher rate is necessary for the proposed project.

Please submit the requested information within thirty (30) days so application processing to continue. You may seek additional time to provide the information by making a written request as described in Water Appropriation Rule 40.01.d. The Department will take action to void the application if a timely written reply has not been received within thirty (30) days. Refunds are not issued for voided applications. IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-287-4925 if you have any questions. Thank you for your attention to these matters.

Sincerely,

Phill Hummer
Water Rights Supervisor
Email: phill.hummer@idwr.idaho.gov

Enclosure: Original Application

FEB 26 2020

IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. RECEIVED

MAR 02 2020

DEPARTMENT OF
WATER RESOURCES

1. Name of applicant(s) Tom and Carri Novotney Phone 509-701-4748
Name connector (check one): ☒ and ☐ or ☐ and/or
Mailing address 7711 NE196th St City Kenmore
State WA ZIP 98028 Email thnovotney@gmail.com
2. Name of representative, if any _____ Phone _____
Mailing address _____ City _____
State _____ ZIP _____ Email _____
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Pend Oreille River which is a tributary of Columbia River
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
57N	03W	26					Bonner	26/27/34-57N-3W	GypsyBayBlock2Lot15

5. Water will be used for the following purposes:
- Amount 0.4cfs for Domestic purposes from 05/01 to 09/30 (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.4 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. 1.5 HP pump, 70 GPM connected to 1.5" supply line to 5 faucets for irrigation.
- b. Height of storage dam n/a feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
- c. Proposed well diameter is n/a inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? n/a; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by Ja Date 2/26/2020 Time _____ Preliminary check by _____
Fee \$ 10000 Received by Ja Receipt No. N035940 Date 2-26-2020

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; must complete and attach the Municipal Water Right Application Checklist.
- Domestic; show number of households ¹ _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

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	03W	26											D						

Total number of acres to be irrigated: 0.20

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Gypsy Bay HOA community water system, not to be used for domestic landscape watering. Only to be used for inside home.

- Who owns the property at the point of diversion? Applicants
- Who owns the land to be irrigated or place of use? Applicants
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Applicant proposes to pump water from the Pend Oreille River to be used to irrigate domestic landscaping, approx 90'x90' in size. Approx. 2 days/week during peak summer season for approx 2 hrs/day.

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Tom Novotney
Signature of Applicant
Tom Novotney
Print Name (and title, if applicable)

2/23/2020

Carri K Novotney
Signature of Applicant
CARRI K NOVOTNEY
Print Name (and title, if applicable)

Parcels (1 of 1)

Parcel #: RPC01690020150A
 Owner1: Novotney, Thomas H & Carri K
 Property Address: 2271 Gypsy Bay Rd
 Community: Sagle
 Subdivision Name: Gypsy Bay
 Acres: 0.564
 Tax Code Area: 0620000
 Description: 537-Resid improv on cal 15
 Last Assessed Value: \$418864
 Deed1: 927858 WD
 Deed2: 805678 QC
 Deed3: 780693 WD
 Deed4: 771264 QC
 Deed5: 640179 WD
 Legal Description : 26/21/34-5 1/4 NW GYPSY BAY
 BLK 2 LOT 15



February 4, 2019

polygonLayer — Arterial ☒ Parcels
 Override 1 — Collector ☐ Parcels
 Structure Local Roads
 • Structure — Local
 Major Roads — Ramp
 — Highway

1:1,128

0 0.0075 0.015 0.03 mi
 0 0.015 0.03 0.06 km

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Vicinity Map

