

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 95-17942

Priority: March 30, 2020

Maximum Diversion Rate: 0.20 CFS

This is to certify that

WINTER STATION LLC 12200 E HUMMINGBIRD LN ATHOL ID 83801-8672

has applied for a permit to appropriate water from:

Source : GROUND WATER

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	0.15 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
COMMERCIAL	01/01 to 12/31	0.03 CFS
DOMESTIC	01/01 to 12/31	0.07 CFS

Location of Point(s) of Diversion

GROUND WATER SW¼ NW¼, Sec. 27, Twp 53N, Rge 03W, B.M. KOOTENAI County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
53N	03W	27							4.0	1.0									5.0

Total Acres: 5.0

Place of Use: STOCKWATER, COMMERCIAL, and DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
53N	03W	27							X	X									

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2025**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
5. Domestic use is for 1 home, and for customer use on farm.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

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7. Stockwater use is for 40 Head of mixed stock.
8. Commercial use is for greenhouse watering on farm.
9. 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.
10. This right does not grant any right-of-way or easement across the land of another.

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

Signed this 18th day of May, 2020.








ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
95-17942

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 0.035 0.07 0.14 Miles

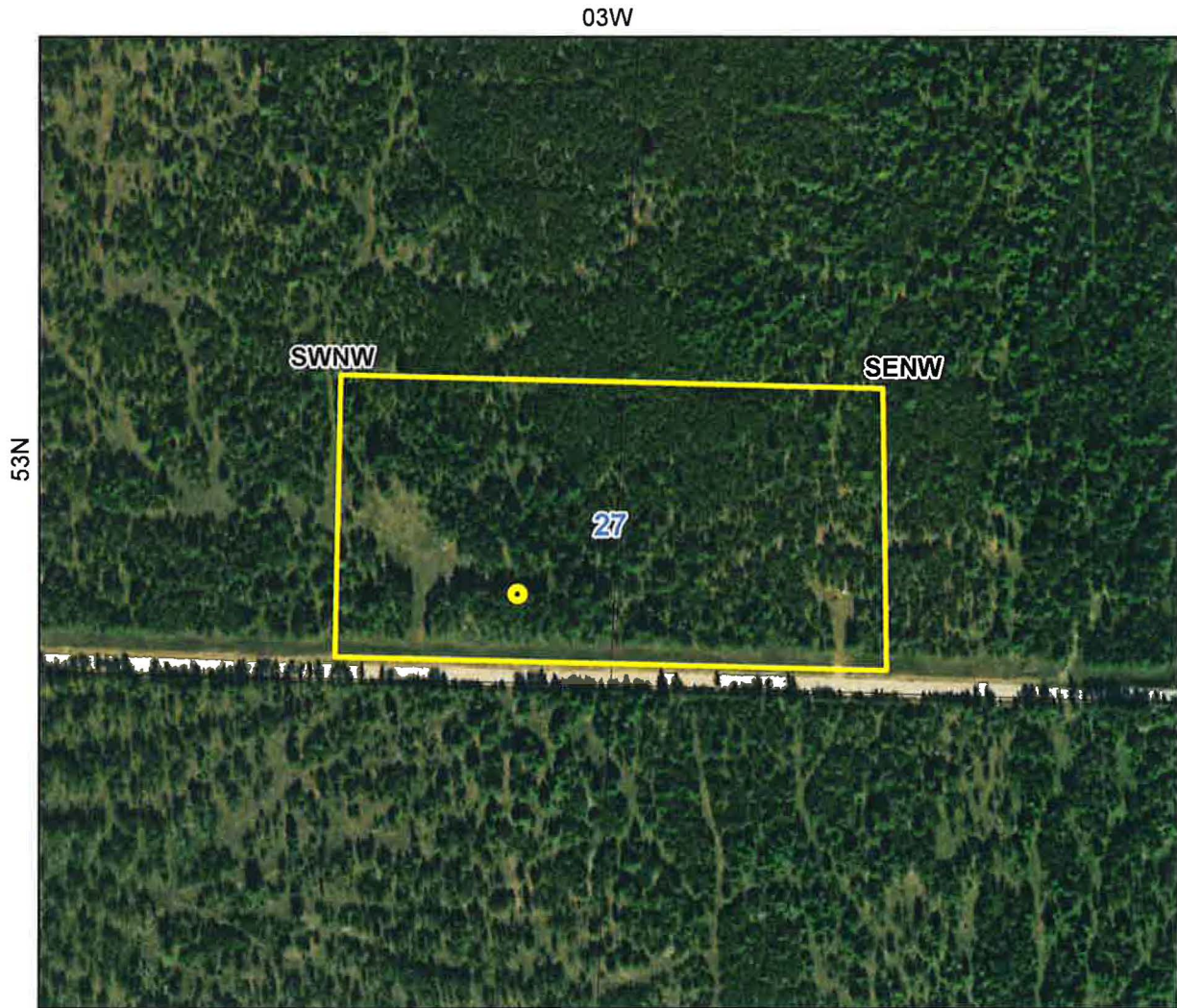







State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17942

This map depicts the STOCKWATER, COMMERCIAL, and DOMESTIC places 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 0.035 0.07 0.14 Miles





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 18, 2020

WINTER STATION LLC
12200 E HUMMINGBIRD LN
ATHOL ID 83801-8672

RE: Permit No. 95-17942

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,



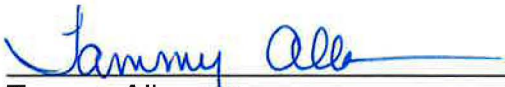
Adam Frederick
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2020, I served a true and correct copy of Permit to Appropriate Water No. 95-17942 by U.S. Mail, postage prepaid, to the following:

WINTER STATION LLC (Current Owner)
12200 E HUMMINGBIRD LN
ATHOL ID 83801-8672



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 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 April, 2020, and ending on the 23 day of April, 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 April 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

PUBLIC NOTICE

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

95-17941
TWYLA M. ANGELOS
REVOCABLE LIVING TRUST
15 GOODRICH LN
ESSEX JCT, VT 05452-2528
Point of Diversion L4(SWNW)
S1 T52N R05W
KOOTENAI County
Source TWIN LAKES
Tributary RATHDRUM CREEK
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.02 CFS
Date Filed: 03-30-2020
Place Of Use: DOMESTIC
T52N R05W S1
L4(SWNW)

95-17942
WINTER STATION LLC
12200 E HUMMINGBIRD LN
ATHOL, ID 83801-8672
Point of Diversion SWNW
S27 T53N R03W
KOOTENAI County
Source GROUND WATER
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: COMMERCIAL
01/01 to 12/31 0.03 CFS
Use: DOMESTIC
01/01 to 12/31 0.07 CFS
Use: IRRIGATION
04/01 to 10/31 0.15 CFS
Total Diversion: 0.2 CFS
Date Filed: 03-30-2020
Place Of Use:
COMMERCIAL, DOMESTIC,
IRRIGATION, STOCKWATER
T53N R03W S27
SWNW, SENW
Total Acres: 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/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, 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 5/4/2020. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
CDA LEGAL 3424
AD#376548
APRIL 16, 23, 2020

RECEIVED

MAY 08 2020

IDWR / NORTH

Alleman, Tammy

From: Anna.Moody@deq.idaho.gov
Sent: Thursday, April 9, 2020 2:52 PM
To: Alleman, Tammy
Cc: LONETREE40@REAGAN.COM; Frederick, Adam; Chantilly.Higbee@deq.idaho.gov
Subject: RE: Request for Comments WR#95-17942

Good afternoon Tammy,

Please consider this email as comment from the Idaho Department of Environmental Quality (DEQ) on the subject Application for Permit WR#95-17942 from. The permit request is to provide water from a well for domestic use for one home and water for customers on the farm, as well as commercial use for greenhouse watering.

This WR application coincides with Kootenai County CUP20-0003 and meets the definition of a transient, non-community public drinking water system (PWS) under the Idaho Rules for Public Drinking Water Systems (Rules - IDAPA 58.01.08).

- The well location, well site evaluation and construction must first be assessed and approved by DEQ. They must be designed by an Idaho licensed professional engineer (P.E.).
- The well location must meet minimum setback distances from potential sources of contamination and have at least a 50-foot radius setback from other property lines.
- A facility plan and preliminary engineering report (PER) developed by an Idaho licensed P.E., which includes relevant requirements listed in IDAPA 58.01.18 Section 500, must be submitted to and approved by DEQ.
- Plans and specifications for the drinking water infrastructure to serve this project must also be submitted to DEQ by an Idaho licensed P.E. and approved by DEQ, and the well pump test must be performed and approved in accordance with the Rules.
- Initial water quality monitoring must also be performed.

If you should have any questions or comments please do not hesitate to contact me,
Anna

Anna Moody | Drinking Water Compliance Supervisor
Idaho Department of Environmental Quality
Coeur d'Alene (208) 769-1422

From: Alleman, Tammy [mailto:Tammy.Alleman@idwr.idaho.gov]
Sent: Thursday, April 9, 2020 12:10 PM
To: Chantilly Higbee; Anna Moody
Subject: Request for Comments WR#95-17942

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right application. You can find copies of the application attached to the email and also at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the 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 after final publication. **The deadline for comments on the application is May 4, 2020.**

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the application.

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800
Fax (208) 762-2819*