State of Idaho **Department of Water Resources**

Permit to Appropriate Water

No. 95-17926

Priority:

January 27, 2020

Maximum Diversion Rate: 0.04 CFS

This is to certify that

STEPHEN E REILLY 17952 RIDGE LAKE DR LAKE OSWEGO OR 97034-7582

has applied for a permit to appropriate water from:

Source: COEUR D ALENE LAKE

Tributary: SPOKANE RIVER

and a permit is APPROVED for development of water as follows:

Beneficial Use

Period of Use

Rate of Diversion

DOMESTIC

01/01 to 12/31

0.04 CFS

Location of Point(s) of Diversion

COEUR D ALENE LAKE L4 (NW1/4 SW1/4), Sec. 14, Twp 48N, Rge 04W, B.M. KOOTENAI County

Place of Use: 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	
48N	04W	14					198/8	170				Х							
					1					1		L4							

Conditions of Approval

- 1. Proof of application of water to beneficial use shall be submitted on or before April 01, 2021.
- Subject to all prior water rights.
- 3. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
- 4. Domestic use is for 1 home.
- 5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
- 6. This right does not grant any right-of-way or easement across the land of another.
- 7. Some of the water use authorized by this right is claimed with an earlier priority date on Coeur d'Alene Basin Adjudication Claim No. 95-4114. If Claim 95-4114 is decreed as it is claimed, this right shall be diminished by the amount necessary to avoid any redundancy of water rights.

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

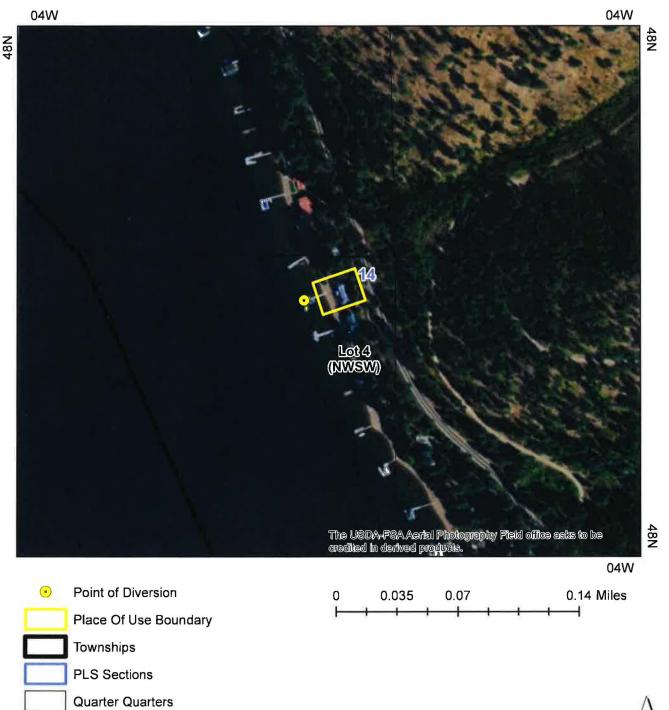
Signed this ____ day of _____

Water Rights Section Manager

State of Idaho Department of Water Resources

Attachment to Permit to Appropriate Water

This map depicts the DOMESTIC 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.







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

Gary Spackman Director

Governor
April 02, 2020

STEPHEN E REILLY 17952 RIDGE LAKE DR

LAKE OSWEGO OR 97034-7582

RE: Permit No. 95-17926

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 divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") 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. If you have already diverted and used water to the full extent intended, you may complete and submit the enclosed Proof form immediately.

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 me at (208) 287-4951.

Sincerely,

Jan Husley
Angela Grimm

Water Rights Section Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 02, 2020, I served a true and correct copy of Permit to Appropriate Water No. 95-17926 by U.S. Mail, postage prepaid, to the following:

STEPHEN E REILLY (Current Owner) 17952 RIDGE LAKE DR LAKE OSWEGO OR 97034-7582

> Jan Husley Jean Hersley

Technical Records Specialist 2

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. <u>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:</u>

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 <u>received</u> 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 ECEIV

MAR 0 2 2020

STATE OF IDAHO)	DEPARTMENT OF WATER RESOURCES
County of Kootenai) ss.)	
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MINIMINIAN PARTY

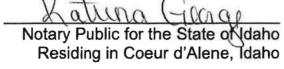
PUBLIC NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho: 95-17926 STEPHEN E REILLY 17952 RIDGE LAKE DR 97034-7582 Point of 5 OR Point of Diversion L4(NWSW) S14 T48N R04W

KOOTENAI County
Source COEUR D ALENE
LAKE Tributary SPOKANE RIVER Use: DOMESTIC 01/01 to 12/31 0.04 CFS Total Diversion: 0.04 CFS Date Filed: 01-27-2020 Place Of Use: DOMESTIC T48N R04W S14 L4(NWSW)

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/WRApplica tionResults/. Protests may be tionResults/. 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 3/09/2020. The protestant 3/09/2020. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director CDA LEGAL 3176 AD#366068 FEBRUARY 20, 27, 2020

RECEIVED MAR 0 2 2020 FISCAL



My Commission Expires 8/29/23

Hersley, Jean

From:

Roda, Evan

Sent:

Friday, February 14, 2020 9:32 AM

To:

Hersley, Jean

Subject:

RE: Application for Permit of 95-17926

Jean,

I've reviewed the application and have no concerns. The property has not been claimed in the CSRBA and Kootenai County records indicate a year built of 1995 for the claimed tax parcel (48N04W145000). The source, Coeur d'Alene Lake, has not been fully appropriated and there is water available for allocation.

Evan

From: Hersley, Jean

Sent: Friday, February 14, 2020 7:24 AM
To: Roda, Evan <Evan.Roda@idwr.idaho.gov>
Subject: Application for Permit of 95-17926

Evan,

The State Office is processing some Applications for Permit for your region for training purposes. We are seeking comments or concerns regarding the above referenced application. Please let me know if you have any comments or concerns by the protest end date, March 9, 2020. The documents will be scanned and available for review by the end of the day. Thank you.

Jean