

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 94-9633

Priority: July 15, 2019

Maximum Diversion Rate: 0.01 CFS

This is to certify that

RANDALL W OENS
503 N BURNS RD
SPOKANE VLY, WA 99216-2098

has applied for a permit to appropriate water from:

Source : COEUR D ALENE RIVER

Tributary: COEUR D ALENE LAKE

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 10/31 | 0.01 CFS |

Location of Point(s) of Diversion

COEUR D ALENE RIVER L8 (NE¼, SE¼), Sec. 31, Twp 49N, Rge 01E, 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 | | |
| 49N | 01E | 31 | | | | | | | | | | | | | 0.3 L8 | | | | | 0.3 |

Total Acres: 0.3

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2021**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. 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.
5. Water shall not be diverted under this right when flows in the Coeur d'Alene River are below minimum flow amounts as defined by Right 94-7341. The right holder shall be responsible for monitoring the daily flow of the Coeur d'Alene River using real-time data and shall cease diverting water when flows in the Coeur d'Alene River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey Cataldo gauging station, No.12413500 may be used for purposes of determining the daily flow amounts.
6. This right when combined with all other rights shall provide no more than 0.03 Cubic Feet per Second (CFS) per acre nor more than 3.0 Acre Feet (AF) annually per acre at the field headgate for irrigation of the place of use.

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

Signed this 28th day of January, 2020.



ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources






Attachment to Permit to Appropriate Water

94-9633

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.

01E



-  Point of Diversion
-  Place Of Use Boundary
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.02 0.04 0.08 Miles



Tax parcel information provided by Kootenai County.



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

Gary Spackman
Director

January 28, 2020

RANDALL W OENS
503 N BURNS RD
SPOKANE VLY WA 99216-2098

RE: Permit No. 94-9633

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 the Northern Region Office at (208) 762-2800.

Sincerely,



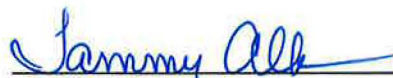
Adam Frederick
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2020, I served a true and correct copy of Permit to Appropriate Water No. 94-9633 by U.S. Mail, postage prepaid, to the following:

RANDALL W OENS (Current Owner)
503 N BURNS RD
SPOKANE VLY WA 99216-2098



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)

Ashley Kinzer, 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 week commencing on the 1 day of August, 2019, and ending on the 8 day of August, 2019, 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

Ashley Kinzer
On this 8 day of August in the year of 2019 before me, a Notary Public, personally appeared Ashley Kinzer, 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
AUG 19 2019
IDWR / NOTARY

application on or before 8/19/2019. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director.

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

94-9633
RANDALL W OENS
503 N BURNS RD
SPOKANE VLY, WA 99216-2098
Point of Diversion L8(NESE)
S31 T49N R01E
KOOTENAI County
Source COEUR D ALENE RIVER
Tributary COEUR D ALENE LAKE
Use: IRRIGATION
03/15 to 10/31 0.01 CFS
Total Diversion: 0.01 CFS
Date Filed: 7/15/2019
Place Of Use: IRRIGATION
T49N R01E S31
L8(NESE)
Total Acres: 0.3

95-17608
NORTH KOOTENAI WATER DISTRICT
13649 N MEYER RD
RATHDRUM, ID 83858-4904
Points of Diversion:
26 existing GROUND WATER source wells in KOOTENAI County within portions of T51N R04W Sec 2, 14, 15, 23, & 24; T51N R05W Sec 23 & 32; T52N R03W Sec 8 & 18; T52N R04W Sec 6, 17, 28 & 33; and T53N R04W Sec 28.
See remarks below.
Use: MUNICIPAL
01/01 to 12/31 32 CFS
Total Diversion: 32 CFS
Date Filed: 7/24/2018
Place Of Use: MUNICIPAL
See remarks below.

Applicant proposes a Reasonably Anticipated Future Needs (RAFN) municipal water right of 32.0 CFS for a 30 year planning horizon within the North Kootenai Water District service area. Total beneficial use for a RAFN water right will occur by the end of the planning horizon.

95-17847
TRAVIS R BURGUS
JENNIFER L BURGUS
14808 E 48TH LN
VERADALE, WA 99037-8701
Point of Diversion SESW
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: 7/12/2019
Place Of Use: DOMESTIC
T48N R04W S14
L5(SESW)

95-17849
RICK LOUIE
13907 N WANDERMERE ESTATES LN
SPOKANE, WA 99208-4981
Point of Diversion NENW
S11 T50N R05W
KOOTENAI County
Source SPOKANE RIVER
Tributary COLUMBIA RIVER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 7/17/2019
Place Of Use: DOMESTIC
T50N R05W S11 NENW .
95-17850
JAMES M MC NAMARA
JODY MC NAMARA
18670 N CRYSTAL SPRINGS LN
RATHDRUM, ID 83858-6045
Point of Diversion SWSNE
S26 T52N R05W
KOOTENAI County
Source SPRING
Tributary SINKS
Use: AESTHETIC STORAGE
01/01 to 12/31 2.4 AF
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 2.4 AF
Use: WILDLIFE STORAGE
01/01 to 12/31 2.4 AF
Total Diversion: 2.4 AF
Date Filed: 7/17/2019
Place Of Use: FIRE PROTECTION STORAGE
T52N R05W S26 SENE
Place Of Use: AESTHETIC STORAGE
T52N R05W S26 SENE
Place Of Use: WILDLIFE STORAGE
T52N R05W S26 SENE

95-17851
JAMES M MC NAMARA
JODY MC NAMARA
18670 N CRYSTAL SPRINGS LN
RATHDRUM, ID 83858-6045
Point of Diversion SENE
S26 T52N R05W
KOOTENAI County
Source GROUND WATER
Point of Diversion SENE
S26 T52N R05W
KOOTENAI County
Source GROUND WATER
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: 7/17/2019
Place Of Use: DOMESTIC
T52N R05W S26 SENE
Place Of Use: IRRIGATION
T52N R05W S26 SENE
Permits will be subject to all prior water rights. 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 § 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 8/19/2019. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Published on 8/1/2019 & 8/8/2019
CDA LEGAL # 2089
AD# 313428
AUGUST 1, 8, 2019

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83459

BLACKSTONE ESTATES WATER ASSOCIATION INC, 320 E NEIDER AVE STE 204, COEUR D ALENE, ID 83815-6007, has filed Application No. 83459 for changes to the following water rights within KOOTENAI County(s): Right No(s). 95-9312; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

This transfer proposes to add a new point of diversion to Blackstone Estates Water Assn Inc's existing groundwater right in the NE1/4NE1/4 of Section 2, Twp 49N, Rge 05W.

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

Alleman, Tammy

From: Northern Info
Sent: Thursday, July 25, 2019 3:36 PM
To: Alleman, Tammy
Subject: FW: permit 94-9633 additional information

From: Randall Oens [mailto:rwoens@NIC.EDU]
Sent: Thursday, July 25, 2019 11:53 AM
To: Northern Info <northerninfo@idwr.idaho.gov>
Cc: Randall Oens <rwoens@NIC.EDU>
Subject: permit 94-9633 additional information

Attention Tammy Allerman

Tammy,
Regarding application for permit No.
94-9633
Randall W. Oens
503 N. Burns RD
Spokane Valley, Wa. 99216-2098
(208) 446-4329 cell

This is information that Shawn wanted to describe the property more precisely.

The parcel # is **RP49N01E319250** the AIN# **251434**
31613 E Dutch Harbor

If you need any additional information please don't hesitate to ask😊

rwoens@nic.edu

(208) 446-4329 cell