

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 87-11365

Priority: July 18, 2019

Maximum Diversion Volume: 12.4 AF

This is to certify that

GARY J PRESOL
PO BOX 585
STERLING, AK 99672-0585

has applied for a permit to appropriate water from:

Source : UNNAMED STREAM

Tributary: IDLERS REST CREEK

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

Beneficial Use

WILDLIFE STORAGE

Period of Use

01/01 to 12/31

Annual Volume

12.4 AF

Location of Point(s) of Diversion

UNNAMED STREAM

SE¼, SW¼, Sec. 22, Twp 40N, Rge 05W, B.M., LATAH County

Place of Use: WILDLIFE STORAGE

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		
40N	05W	22												X						

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. Right 87-11365 authorizes the storage of an annual total of 12.4 Acre Feet (AF), comprised of 9.6 AF to be used for the initial filling or carryover storage of the pond and 2.8 AF for the replacement of losses due to seepage and evaporation.
6. The pond established by the storage of water under this right shall not exceed a total capacity of 9.6 AF or a total surface area of 1.2 acres.

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

Signed this 16th day of January, 2020.



ADAM FREDERICK
Water Rights Supervisor

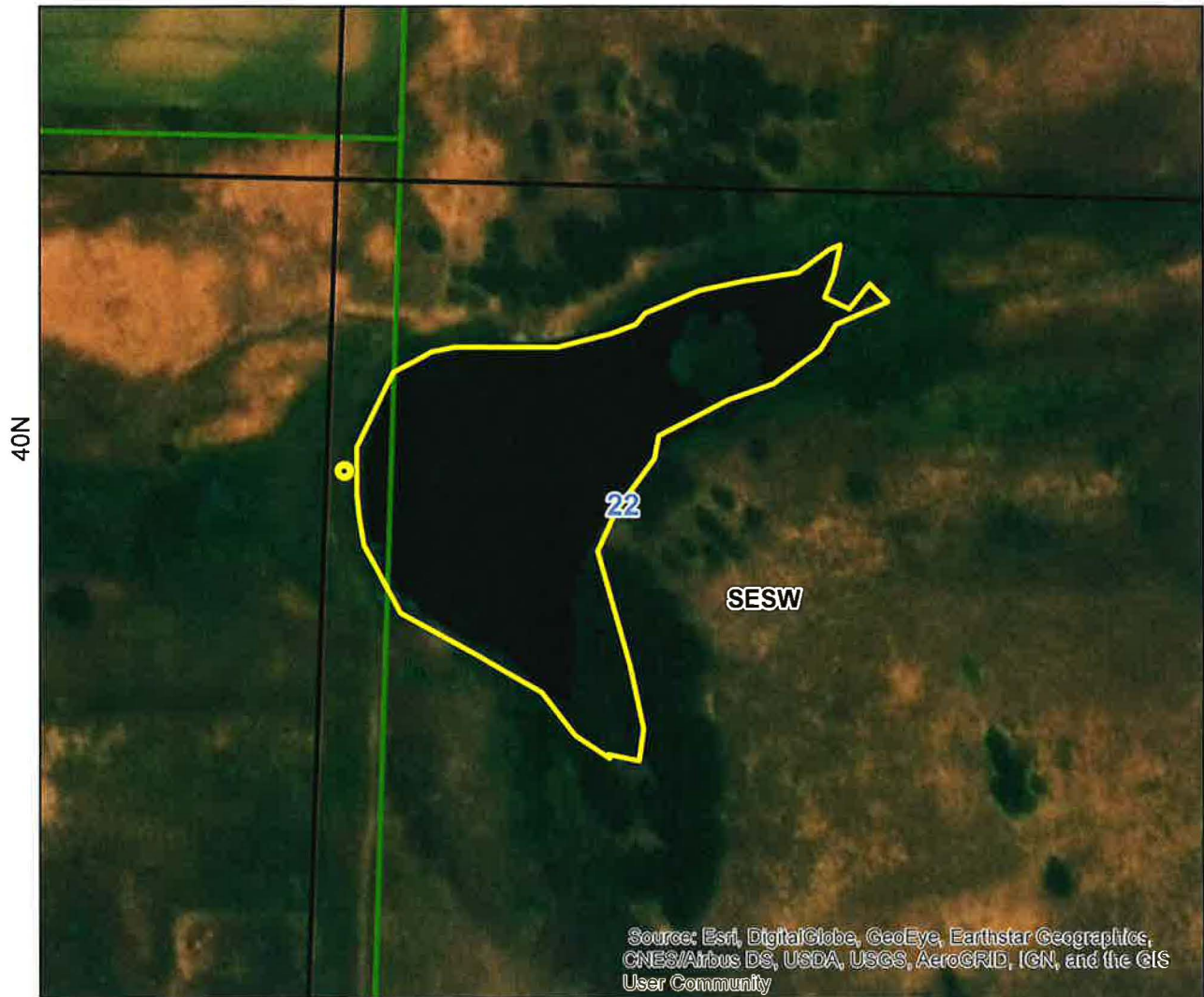
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

87-11365

This map depicts the WILDLIFE STORAGE 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.

05W



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

0 0.015 0.03 0.06 Miles



Tax parcel information provided by Latah County.



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

January 16, 2020

GARY J PRESOL
PO BOX 585
STERLING AK 99672-0585

RE: Permit No. 87-11365

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,



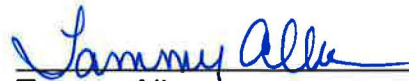
Adam Frederick
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2020, I served a true and correct copy of Permit to Appropriate Water No. 87-11365 by U.S. Mail, postage prepaid, to the following:

GARY J PRESOL (Current Owner)
PO BOX 585
STERLING AK 99672-0585



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.

NEWS REVIEW PUBLISHING COMPANY

The Moscow-Pullman Daily News

P.O.Box 957

Lewiston, Idaho 83501

(208) 743-9411

Date:

08/22/2019

INVOICE NO.

153806

Account No.

964750

Description

153806 The foll

Times

2

Lines

128

Tab. lines

**LEGAL ADVERTISING
INVOICE****RECEIVED**

AUG 26 2019

PO#

\$ 182.40

Sold To: ID DEPT. OF WATER RESOURCES
7600 MINERAL DR #100
COEUR D ALENE ID 83814

IDWR/NORTHERN

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

Julie L. Winters _____, Legal Clerk
being first duly sworn, on oath deposes
and says: I am the printer of
Moscow-Pullman Daily News, a newspaper
of general circulation, published daily
except Sunday at Moscow, Latah County,
Idaho, in compliance with Sections 60-106,
60-107, and 60-108 of the Idaho Code and the
amendments thereto; and an official newspaper
for Whitman County, Washington as required
by R.C.W. 36.72.071 and other provisions of
the Revised Code of Washington and the
amendments thereto: that the notice of which the
annexed is a full, true and correct printed
copy was published in the regular and entire
issues of said newspaper and not in a
supplement thereto, upon the following dates:

August 15th & 22nd
2019

the same being the date designated for
the publication of said notice.

Julie L. Winters

On this 22nd day of Aug
in the year of 2019, before me, a Notary Public,
personally appeared Julie L. Winters,
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.

Cheri Whitby
Notary Public for Idaho,
Residing at Lewiston, Idaho
My Commission Expires 4/17/21



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

87-11340

KEITH M KOPF

HEIDI L KOPF

6952 SR 270

PULLMAN, WA 99163-8717

Point of Diversion NESE

S25 T40N R06W

LATAH County

Source GROUND WATER

Use: INDUSTRIAL

01/01 to 12/31 0.07 CFS

Use: IRRIGATION

03/15 to 10/31 0.07 CFS

Total Diversion: 0.07 CFS

Date Filed: 7/24/2019

Place Of Use: INDUSTRIAL

T40N R06W S25 NESE

Place Of Use: IRRIGATION

T40N R06W S25 NESE

87-11342

LARRY WOLFE

LYNNEL WOLFE

33253 ST JOE RIVER RD

CALDER, ID 83808-9710

Point of Diversion SWSESW

S4 T41N R03W

LATAH County

Source SPRING

Tributary SINKS

Use: FIRE PROTECTION

STORAGE

01/01 to 12/31 3.3 AF

Use: RECREATION STORAGE

01/01 to 12/31 3.3 AF

Use: STOCKWATER STORAGE

01/01 to 12/31 3.3 AF

Total Diversion: 3.3 AF

Date Filed: 7/23/2019

Place Of Use: STOCKWATER

STORAGE

T41N R03W S4 SESW

Place Of Use: FIRE PROTECTION STORAGE

T41N R03W S4 SESW

Place Of Use: RECREATION

STORAGE

T41N R03W S4 SESW

87-11350

GLENN GROENEVELD

REBEKAH GROENEVELD

620 NW LOOP RD

WHITE SALMON, WA 98672-

8724

Point of Diversion SWSWNW

S8 T40N R04W

LATAH County

Source SPRING

Tributary LONG CREEK

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 7/26/2019

Place Of Use: DOMESTIC

T40N R04W S8 SWNW

87-11361

JAMES J BULL

2201 E 6TH ST

MOSCOW, ID 83843-9725

Point of Diversion SWSW

S28 T40N R05W

LATAH County

Source GROUND WATER

Use: IRRIGATION

03/15 to 10/31 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 7/29/2019

Place Of Use: IRRIGATION

T40N R05W S28 SWSW

87-11365

GARY J PRESOL

PO BOX 585

STERLING, AK 99672-0585

Point of Diversion SESW

S22 T40N R05W

LATAH County

Source

UNNAMED

STREAM

Tributary IDLERS REST

CREEK

Use: WILDLIFE STORAGE

01/01 to 12/31 12.4 AF

Total Diversion: 12.4 AF

Date Filed: 7/18/2019

Place Of Use: WILDLIFE

STORAGE

T40N R05W S22 SESW

Permits will be subject to all

prior water rights. For additional

information concerning the property location,

contact Northern Region office at (208) 762-2800. Pro-

tests 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

9/3/2019. The protestant

must also send a copy of the

protest to the applicant.

GARY SPACKMAN,

Director

-Published on 8/15/2019

and 8/22/2019



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370
www.deq.idaho.gov

Governor Brad Little
Director John H. Tippetts

August 14, 2019

Adam Frederick
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

Subject: Application for a Water Right Permit, #87-11365

Dear Mr. Frederick:

We received a request for comment on a water appropriation permit for 12.4 acre feet from an unnamed tributary to Idlers Rest Creek in Latah County. The application does not specify if this is an existing pond. The instream storage pond will appropriate water from January 1 through December 31. The pond will be used for wildlife storage and as a wildfire helicopter water source if needed.

Assuming all federal, state, and local permits have been obtained, regulations met, and reviews completed, we can offer the following comments.

The pond is located in water body ID17060108CL005_02a; it is an unnamed tributary to Idlers Rest Creek. Idlers Rest Creek is listed in Category 4a and 4c of Idaho's 2016 Integrated Report as not supporting the designated beneficial uses of cold water aquatic life and secondary recreation due to temperature, sediment, nutrients, and bacteria.

Data collected on July 15, 2013, in Paradise Creek, of which Idlers Rest Creek is a tributary showed a flow rate of 0.1 cubic feet per second (cfs). Based on this we are concerned that there may not be sufficient flow outside the seasonal high flow period to support the designated beneficial uses. We recommend that the legally appropriated withdrawal be made during periods of seasonal high flow or at a minimum, flows greater than 1 cfs. At no time should the stream be allowed to go dry as a result of legally appropriated and allowable water withdrawals.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards or the conditions listed above, please call me at (208) 983-0808, or Daniel.Stewart@deq.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel D. Stewart".

Daniel D. Stewart
Water Quality Analyst

c: Gary Presol, Sterling, AK
Sujata Connell, DEQ
EDMS