

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 87-10575

Priority: June 04, 2019

Maximum Diversion Rate: 0.04 CFS

This is to certify that

COPE R GALE JR 3930 MOSCOW MOUNTAIN RD MOSCOW ID 83843-8114

has applied for a permit to appropriate water from:

Source : GNAT CREEK

Tributary: SOUTH FORK PALOUSE
RIVER

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>
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

Location of Point(s) of Diversion

GNAT CREEK NE¼, NW¼, Sec. 24, Twp 40N, Rge 05W, B.M., LATAH County

Place of Use: STOCKWATER

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	24					X													

Place of Use: DOMESTIC

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	24					X													

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **January 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. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. Stockwater use is for 12 chickens.
7. 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.
8. Rights 87-10753 and 87-10575 when combined shall not exceed a total diversion rate of 0.06 Cubic Feet per Second (CFS) for domestic and stockwater use.

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

Signed this 8th day of January, 2020.



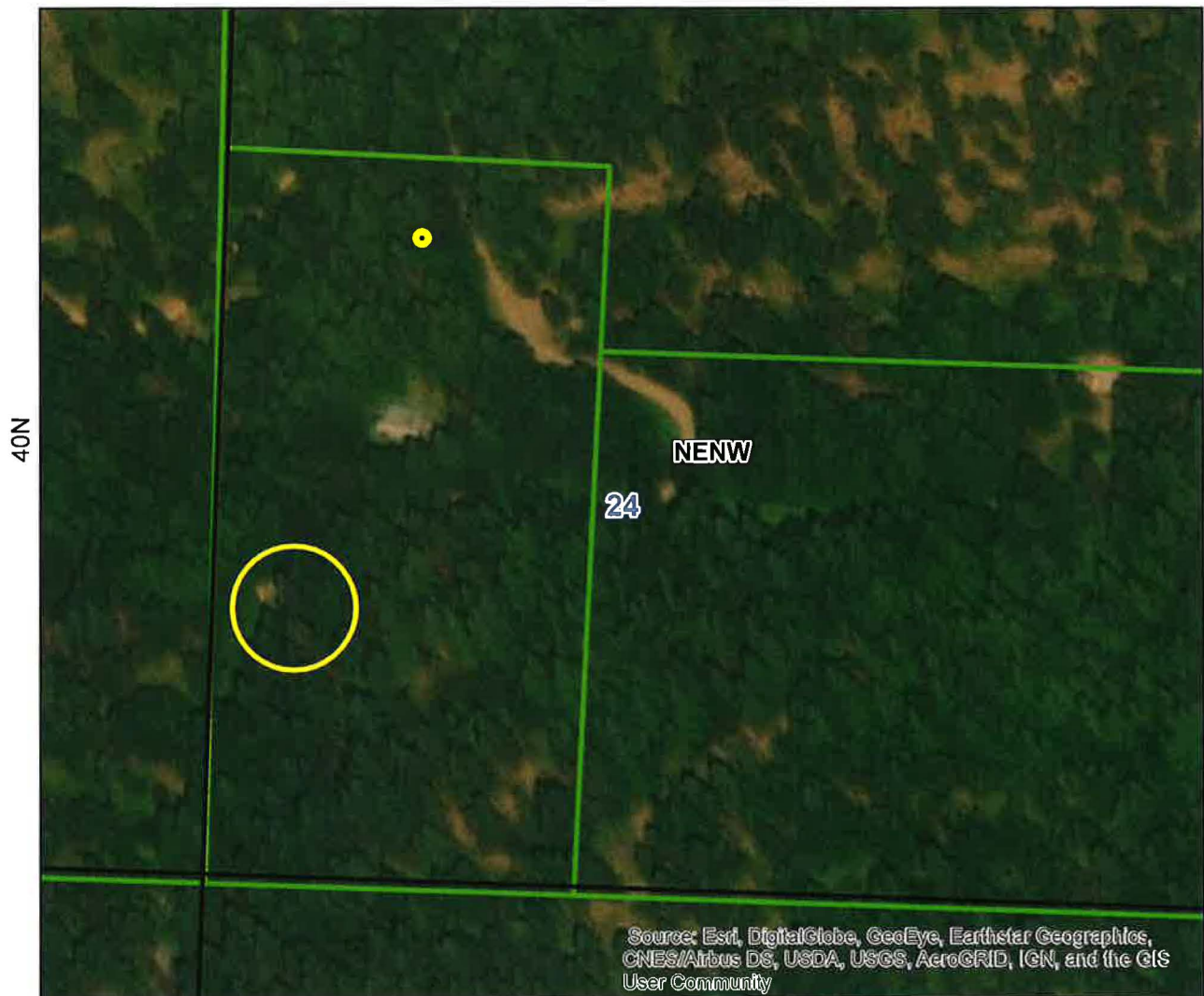
ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water 87-10575

This map depicts the STOCKWATER 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 0.02 0.04 0.08 Miles








Tax parcel information provided by Latah County.

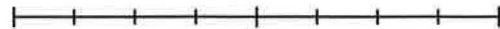
State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
87-10575

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.



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

0 0.025 0.05 0.1 Miles



Tax parcel information provided by Latah 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 08, 2020

COPE R GALE JR
3930 MOSCOW MOUNTAIN RD
MOSCOW ID 83843-8114

RE: Permit No. 87-10575

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 08, 2020, I served a true and correct copy of Permit to Appropriate Water No. 87-10575 by U.S. Mail, postage prepaid, to the following:

COPE R GALE JR (Current Owner)
3930 MOSCOW MOUNTAIN RD
MOSCOW ID 83843-8114



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:

06/27/2019

INVOICE NO.

152593

Account No.

964750

Description

152593 The foll

Times

2

Lines

100

Tab. lines

\$ 561.60

**LEGAL ADVERTISING
INVOICE**

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

PO#

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.

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

86-12062

KELLY L GRABER TRUST

1751 WALLER RD

TROY, ID 83871-9634

Point of Diversion SWNE

S9 T39N R04W

LATAH County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31 0.02 CFS

Use: STOCKWATER

01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 6/3/2019

Place Of Use: DOMESTIC

T39N R04W S9 SWNE

Place Of Use: STOCKWATER

T39N R04W S9 SWNE

87-10407

LARRY B LACY

BETTY J LACY

1145 HEADRICK RD

POTLATCH, ID 83855-9646

Point of Diversion SWSESW

S29 T41N R04W

LATAH County

Source SPRING

Tributary SINKS

Point of Diversion SENENW

S32 T41N R04W

LATAH County

Source SPRING

Tributary SINKS

Point of Diversion SWSESW

S29 T41N R04W

LATAH County

Source SPRING

Tributary SINKS

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:

June 20th & 27th

2019

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

Julie L. Winters

On this 28th day of June
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 W. Ruby

Notary Public for Idaho,

Residing at Lewiston, Idaho

My Commission Expires

4/17/21



RECEIVED

JUL 03 2019

IDWR / NORTH

Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.03 CFS
Total Diversion: 0.07 CFS
Date Filed: 5/23/2019
Place Of Use: DOMESTIC
T41N R04W S29 SESW
Place Of Use: STOCKWATER
T41N R04W S29 SESW
T41N R04W S32 NENW
87-10453

CAROL THOMPSON
1387 DEEP CREEK RD
POTLATCH, ID 83855-9777
Point of Diversion SESW
S2 T42N R05W
LATAH County
Source GROUND WATER
Point of Diversion SESW
S2 T42N R05W
LATAH County
Source GROUND WATER
Use: IRRIGATION
01/01 to 12/31 0.35 CFS
Use: STOCKWATER
01/01 to 12/31 0.07 CFS
Total Diversion: 0.4 CFS
Date Filed: 5/31/2019
Place Of Use: IRRIGATION
T42N R05W S2
NESW SESW NWSE SWSE
Place Of Use: STOCKWATER
T42N R05W S2
NESW SESW
87-10454

KATHLEEN LAFORTUNE
GREGORY SCORSONE
PO BOX 66
VIOLA, ID 83872-0066
Point of Diversion SENE
S20 T41N R05W
LATAH County
Source UNNAMED STREAM
Tributary PALOUSE RIVER
Use: AESTHETIC STORAGE
01/01 to 12/31 1.2 AF
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 1.2 AF
Use: WILDLIFE STORAGE
01/01 to 12/31 1.2 AF
Total Diversion: 1.2 AF
Date Filed: 5/28/2019
Place Of Use: AESTHETIC STORAGE
T41N R05W S20 SENE
Place Of Use: FIRE PROTECTION STORAGE
T41N R05W S20 SENE
Place Of Use: WILDLIFE STORAGE
T41N R05W S20 SENE

87-10455

JOHN ROY
JILL ROY
1034 LESTER LN
PRINCETON, ID 83857-6000
Point of Diversion NESE
S7 T41N R03W
LATAH County
Source SURFACE RUNOFF
Tributary SINKS
Point of Diversion NWSW
S8 T41N R03W
LATAH County
Source SURFACE RUNOFF
Tributary SINKS
Point of Diversion NESE
S7 T41N R03W
LATAH County
Source SURFACE RUNOFF
Tributary SINKS
Point of Diversion NWSW
S8 T41N R03W
LATAH County
Source SURFACE RUNOFF
Tributary SINKS

Point of Diversion NWSW
S8 T41N R03W
LATAH County
Source SURFACE RUNOFF
Tributary SINKS
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 8.2 AF
Use: IRRIGATION FROM STORAGE
04/01 to 10/31 1.2 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 1.2 AF
Use: STOCKWATER FROM STORAGE
01/01 to 12/31 0.5 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 8.2 AF
Total Diversion: 9.9 AF
Date Filed: 5/30/2019
Place Of Use: STOCKWATER STORAGE
T41N R03W S7 NESE
T41N R03W S8 NWSW
Place Of Use: STOCKWATER FROM STORAGE
T41N R03W S7 NESE
T41N R03W S8 NWSW
Place Of Use: FIRE PROTECTION STORAGE
T41N R03W S7 NESE
T41N R03W S8 NWSW
Place Of Use: IRRIGATION STORAGE
T41N R03W S7 NESE
T41N R03W S8 NWSW
Place Of Use: IRRIGATION FROM STORAGE
T41N R03W S8 NWSW
87-10575

COPE R GALE JR
3930 MOSCOW MOUNTAIN RD
MOSCOW, ID 83843-8114
Point of Diversion NENW
S24 T40N R05W
LATAH County
Source GNAT CREEK
Tributary SOUTH FORK PALOUSE RIVER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.04 CFS
Date Filed: 6/4/2019
Place Of Use: STOCKWATER
T40N R05W S24 NENW
Place Of Use: DOMESTIC
T40N R05W S24 NENW

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 7/8/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 6/20/2019 and
6/27/2019



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED

JUN 21 2019

IDWR / NORTH

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

Governor Brad Little
Director John H. Tippetts

June 19, 2019

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

Subject: Water Right Application #87-10575

Dear Mr. Frederick:

DEQ has received a request for comment on the approval of a water right application to withdraw 0.04 cubic feet per second from Gnat Creek to provide water for livestock and domestic use, a tributary to the South Fork of the Palouse River. The source is located at Township 40N, Range 05W, and Section 24. The activity will be from January 1 to December 31.

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

Gnat Creek is in assessment unit ID17060108CL004b_02. Gnat Creek is listed in category 2 of Idaho's 2014 Integrated Report as fully supporting the designated beneficial use of secondary contact recreation and is unassessed for the designated use of cold water aquatic life.

DEQ has no stream flow data on this assessment unit however, data from adjacent assessment units show flows less than 1 cubic foot per second during the summer. Based on this information we are concerned that there may not be sufficient flow outside of 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 cubic foot per second. 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 contact me at (208) 983-0808, or by email at 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: Cope R. Gale, Jr. Moscow, ID
Sujata Connell, DEQ
EDMS