

State of Idaho
Department of Water Resources

AMENDED

Water Right License

AMENDED

Water Right No. 87-10100

Priority: September 26, 2018

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 1.2 AF

It is hereby certified that:

JOAN CASS OR THOMAS CASS 940 CANTERWOOD DR MOSCOW ID 83843

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 26, 2018, and has submitted Proof of Beneficial Use on July 18, 2019. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.04 CFS

Annual Volume

1.2 AF

Location of Point(s) of Diversion

GROUND WATER SE¼ SW¼, Sec. 31, Twp 40N, Rge 05W, B.M. LATAH 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	
40N	05W	31												X					

Conditions of Approval

1. Domestic use is for 1 home.
2. Domestic use authorized by rights 87-7197 and 87-10100 when combined shall not exceed a total annual diversion volume of 9.0 af for a total of 15 homes.
3. The diversion and use of water described in Right 87-10100 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
4. Point of diversion is located within Lot 5, Blk. 2, Canterwood Estates subdivision.
5. Place of use is located within Lot 5, Blk. 2, Canterwood Estates subdivision.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 31st day of OCTOBER, 2019.



ANGELA GRIMM

Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
87-10100

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.

05W



-  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

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 31, 2019

JOAN CASS OR THOMAS CASS
940 CANTERWOOD DR
MOSCOW ID 83843

RE: Water Right License 87-10100

Dear Water Right Holder:

The Department of Water Resources (IDWR) has enclosed an amended water right license for Water Right 87-10100. The amended license includes additional volume for external domestic use for irrigation of lawn, garden, and landscaping. IDWR removed the condition limiting domestic use to internal use only. These amendments are the response to the request you submitted to IDWR on October 31, 2019. The amended license is a preliminary order issued by IDWR pursuant to Rule 730 of IDWR's Rules of Procedure (IDAPA 37.01.01). The amended water right license supersedes the license issued on October 21, 2019. **The preliminary order can and will become a final order without further action of the Department unless you petition for reconsideration or file an exception and/or brief as further described in the enclosed information sheet.**

If you have questions, please contact me at (208) 287-4951.

Sincerely,

Angela M. Grimm, P.G.
Water Rights Section Manager

Enclosures

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.

RECEIVED

OCT 31 2019

DEPARTMENT OF
WATER RESOURCES

940 Canterwood Drive
Moscow, ID 83843

October 28, 2019

Angela Grimm
Water Rights Section Manager
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Re: Water Right License; Water Right 87-10100; Thomas or Joan Cass

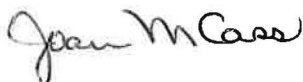
Dear Ms. Grimm:

Thank you for returning my call on Thursday, October 24, 2019 regarding the above referenced Water Right License mailed to us on October 21, 2019.

As discussed with you, our only source of water is from this well. We are no longer connected to the Canterwood Estates common well. Because of this, we need our permit to include lawn, garden, landscape or other types of irrigation as well as domestic in-home use.

Please reconsider and rewrite our Water Right License to add outside water usage. If you have any questions, don't hesitate to contact us. Thank you for all your help.

Sincerely,



Joan Cass