State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 96-9760

Priority: July 01, 2019 **Maximum Diversion Rate:** 0.06 CFS

This is to certify that

LORI GETTS PO BOX M SANDPOINT ID 83864-0238
AND/OR
CLEMENT YONKER PO BOX M SANDPOINT ID 83864-0238

have applied for a permit to appropriate water from:

Source : RAPID LIGHTNING CREEK **Tributary:** PACK RIVER

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

Beneficial Use	Period of Use	Rate of Diversion
IRRIGATION	04/01 to 10/31	0.06 CFS

Location of Point(s) of Diversion

RAPID LIGHTNING CREEK SW¼, SE¼, Sec. 2, Twp 58N, Rge 01E, B.M. BONNER County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE					Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	No QQ	
58N	01E	2															2.0			2.0

Total Acres: 2.0

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2020.**
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. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
5. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa 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 26th day of September, 2019.

DOUGLAS JONES
Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-9760

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.

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

0 0.02 0.04 0.08 Miles

N

Tax parcel information provided by Bonner 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

September 26, 2019

CLEMENT YONKER
LORI GETTS
PO BOX M
SANDPOINT ID 83864-0238

RE: Permit No. 96-9760

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,

Douglas Jones, P.E.
Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2019, I served a true and correct copy of Permit to Appropriate Water No. 96-9760 by U.S. Mail, postage prepaid, to the following:

CLEMENT YONKER (Current Owner)
PO BOX M
SANDPOINT ID 83864-0238

LORI GETTS (Current Owner)
PO BOX M
SANDPOINT ID 83864-0238

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.

RECEIVED
JUL 30 2019
IDWR / NORTH

IDAHO DEPARTMENT OF FISH AND GAME
PANHANDLE REGION
2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

Brad Little / Governor
Ed Schriever / Director

July 26, 2019

Mr. Adam Frederick
Idaho Department of Water Resources
7600 N. Mineral Drive, Suite. 100
Coeur d'Alene, ID 83815

Dear Adam:

REFERENCE: 96-9760

We have reviewed the above-named water right application for irrigation withdrawal from Rapid Lightning Creek in Bonner County. The permit request is to pump 0.06 cfs to irrigate 2 acres of land from April until November. The Idaho Department of Fish and Game does not support or oppose this proposal. The purpose of these comments is to assist the decision-making authority by providing technical information addressing potential effects on wildlife and wildlife habitat and how any adverse effects might be mitigated.

While the application gives specs on the type and size of the pump and intake, it fails to describe screening their proposed diversion. According to Idaho Code 36-906, a diversion must be properly screened in order to prevent fish entrainment. We recommend **less than 0.25" mesh screen** and **approach velocity of less than 0.5 feet per second** in order to protect juvenile fish from the proposed pump. Beyond this, we have no evidence to assume negative impacts to fish and wildlife if the applicants adhere to these recommendations.

Thank you for the opportunity to comment.

Sincerely,

Charles E. Corsi
Regional Supervisor

CEC:MH:lat
C: Paul Kline, Director's Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Bonner)

Danielle Ruhmshottel, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Public Notice.
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 18 day of July, 2019, and ending on the 25 day of July, 2019.

Danielle Ruhmshottel

State of Idaho, county of Bonner ss.
On this 25 day of July, in the year of 2019, before me, Katrina George, Notary Public, personally appeared Danielle Ruhmshottel known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Katrina George
Notary Public
Residing at: Kootenai County

MY COMMISSION EXPIRES 8/29/23

KATRINA GEORGE NOTARY PUBLIC COMM. NO. 58374 STATE OF IDAHO

RECEIVED
JUL 30 2019
IDWR / NORTH

PUBLIC NOTICE

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

96-9758
ANNA M TEI LIVING TRUST
2108 E MISSION AVE
SPOKANE, WA 99202-2629
Point of Diversion NWNE
S23 T55N R01W
BONNER County
Source LAKE PEND OREILLE
Tributary PEND OREILLE RIVER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 6/24/2019
Place Of Use: DOMESTIC
T55N R01W S23
L1(NWNE)

96-9759
AMELIA MORGAN
456 W 2ND ST
NEW RICHMOND, WI 54017-1658
Point of Diversion NENE
S21 T57N R03W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 6/10/2019
Place Of Use: DOMESTIC
T57N R03W S21 NENE

96-9760
LORI GETTS
CLEMENT YONKER
PO BOX M
SANDPOINT, ID 83864-0238
Point of Diversion SWSE
S2 T58N R01E
BONNER County
Source RAPID LIGHTNING CREEK
Tributary PACK RIVER
Use: IRRIGATION
04/01 to 10/31 0.06 CFS
Total Diversion: 0.06 CFS
Date Filed: 7/1/2019
Place Of Use: IRRIGATION
T58N R01E S2 SWSE
Total Acres: 2

96-9761
DPRKT ENTERPRISES INC
PO BOX 684209
PARK CITY, UT 84068-4209
Point of Diversion L3(NENW)
S3 T54N R03E
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: IRRIGATION
04/01 to 10/31 0.06 CFS
Total Diversion: 0.1 CFS
Date Filed: 6/5/2019
Place Of Use: DOMESTIC
T54N R03E S3
L3(NENW)
Place Of Use: IRRIGATION
T54N R03E S3
L3(NENW)

96-9762
DPRKT ENTERPRISES INC
PO BOX 684209
PARK CITY, UT 84068-4209
Point of Diversion L3(NENW)
S3 T54N R03E
BONNER County
Source GROUND WATER
Point of Diversion L3(NENW)
S3 T54N R03E
BONNER County
Source GROUND WATER
Use: DIVERSION TO STORAGE
01/01 to 12/31 0.2 CFS
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 10.6 AF
Use: IRRIGATION FROM STORAGE
04/01 to 10/31 6 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 6 AF
Use: RECREATION STORAGE
01/01 to 12/31 10.6 AF
Total Diversion: 0.2 CFS 16.6 AF
Date Filed: 7/5/2019
Place Of Use: FIRE PROTECTION STORAGE
T54N R03E S3
L3(NENW)
Place Of Use: RECREATION STORAGE
T54N R03E S3
L3(NENW)
Place Of Use: IRRIGATION STORAGE
T54N R03E S3
L3(NENW)
Place Of Use: IRRIGATION FROM STORAGE
T54N R03E S3
L3(NENW)

96-9763
LARRY DERBES
ROBIN DERBES
4469 ELMIRA RD
SANDPOINT, ID 83864-5953
Point of Diversion NWSE
S12 T59N R01W
BONNER County
Source SAND CREEK
Tributary PEND OREILLE RIVER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: IRRIGATION
04/01 to 10/31 0.11 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.17 CFS
Date Filed: 7/1/2019
Place Of Use: DOMESTIC
T59N R01W S12 NWSE
Place Of Use: STOCKWATER
T59N R01W S12 NWSE
Place Of Use: IRRIGATION
T59N R01W S12 NWSE

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 8/5/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director
SNP LEGAL 6989
AD# 310025
JULY 18, 25, 2019