

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 97-7565

Priority: April 30, 2019

Maximum Diversion Rate: 0.20 CFS

This is to certify that

GRANDVIEW ESTATES LLC PO BOX 161 COOLIN ID 83821-0161

has applied for a permit to appropriate water from:

Source : GROUND WATER

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>
DOMESTIC	01/01 to 12/31	0.20 CFS

Location of Point(s) of Diversion

GROUND WATER L1 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Sec. 17, Twp 61N, Rge 04W, B.M. BONNER County

GROUND WATER L1 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Sec. 17, Twp 61N, Rge 04W, B.M. BONNER County

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		
61N	04W	17																X		
61N	04W	17																X L1		

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2024**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality.
6. Domestic use is for 22 townhouses.
7. This right does not grant any right-of-way or easement across the land of another.

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

Signed this 26th day of June, 2019.


DOUGLAS JONES
Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

97-7565

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.

04W



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

0 0.035 0.07 0.14 Miles





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

June 27, 2019

GRANDVIEW ESTATES LLC
PO BOX 161
COOLIN ID 83821-0161

RE: Permit No. 97-7565

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.

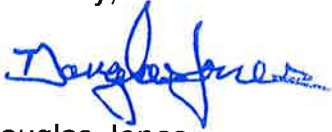
The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. In addition, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* 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.

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,

A handwritten signature in blue ink, appearing to read "Douglas Jones", with a stylized flourish at the end.

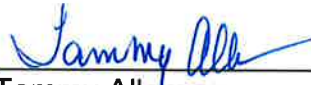
Douglas Jones
Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2019, I served a true and correct copy of Permit to Appropriate Water No. 97-7565 by U.S. Mail, postage prepaid, to the following:

GRANDVIEW ESTATES LLC (Current Owner)
PO BOX 161
COOLIN ID 83821-0161



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.

Frederick, Adam

From: Anna.Moody@deq.idaho.gov
Sent: Thursday, May 30, 2019 4:00 PM
To: Alleman, Tammy; Northern Info
Cc: kellymayspl@gmail.com; clearwaterwaterdist@gmail.com; Frederick, Adam; JBarton@phd1.idaho.gov; Katy.Baker-Casile@deq.idaho.gov
Subject: RE: Request for Comments for 97-7565
Attachments: 97-7565 Application for Permit.pdf

Good afternoon,

The Idaho Department of Environmental Quality (DEQ) Coeur d'Alene Regional Office received a request for comment regarding the subject Application for Permit from Grandview Estates, LLC. The permit request is for the purpose of serving 22 town houses through the existing well and possible future well. DEQ has the following comments.

- According to DEQ and Panhandle Health District (PHD) records, this facility is an inactive public drinking water system (PWS), previously named Grandview Resort, PWS number ID1090044. To date, PHD has not been requested to change the name of the water system facility.
- The subject point of diversion of the existing well is not currently approved by DEQ for public use and another well site has not been approved for a possible future well.
- A facility plan may be required, preliminary engineering report (PER) and plans and specifications for the drinking water infrastructure will be required, and they must include relevant requirements listed in IDAPA 58.01.18 Sections 500-513, must be submitted to DEQ by an Idaho licensed professional engineer and approved by DEQ prior to and following construction.
- Depending on the nature of the project, acceptable pump test data may be required as well.
- Demonstration of technical, financial and managerial capacity according to IDAPA 58.01.18 Section 500 may be required as well.

Thank you for the opportunity to comment on the Application for Permit #97-7565.

If you have questions or comments regarding Idaho Rules for Public Drinking Water Systems please contact DEQ at (208) 769-1422.

Anna Moody | Drinking Water Compliance Supervisor
Idaho Department of Environmental Quality
Coeur d'Alene (208) 769-1422

From: Alleman, Tammy [mailto:Tammy.Alleman@idwr.idaho.gov]
Sent: Tuesday, May 07, 2019 3:44 PM
To: Anna Moody
Subject: Request for Comments for 97-7565

Dear Department of Environmental Quality:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right application. You can find copies of the application attached to the email and also at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. The deadline for comments on the application is June 3, 2019.

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the application.

Thank you,

Tammy

Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, ID 83815
Tammy.Alleman@idwr.idaho.gov
208-762-2800 Phone
208-762-2819 Fax

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 book keeper 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 15 day of
may, 2019, and ending on the 22 day of
may, 2019.

Danielle Ruhmshottel

RECEIVED

MAY 28 2019

IDWR / NORTH

State of Idaho, county of Bonner ss.

On this 22 day of may, 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 2/29/23



PUBLIC NOTICE

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

96-9748
KEVIN BURKAMP
KRISTEN BURKAMP
167 BUCKSKIN RD
SAGLE, ID 83860-8051
Point of Diversion
L7(NESWSW)
S4 T55N R03W
BONNER County
Source SPRING
Tributary SINKS
Point of Diversion
L7(NESWSW)
S4 T55N R03W
BONNER County
Source SPRING
Tributary SINKS
Use: DIVERSION TO
STORAGE
01/01 to 12/31 0.2 CFS
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: FIRE PROTECTION
STORAGE
01/01 to 12/31 8.1 AF
Use: IRRIGATION
04/01 to 10/31 0.15 CFS
Use: IRRIGATION FROM
STORAGE
04/01 to 10/31 15 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 15 AF
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: STOCKWATER FROM
STORAGE

01/01 to 12/31 0.2 AF
Use: STOCKWATER
STORAGE
01/01 to 12/31 0.2 AF
Total Diversion: 0.2 CFS
Date Filed: 5/3/2019
Place Of Use: DOMESTIC
T55N R03W S4 SESW
Place Of Use: IRRIGATION
T55N R03W S4
L7(SWSW) SESW
Place Of Use: STOCKWATER
T55N R03W S4
L7(SWSW) SESW
Place Of Use: FIRE PROTEC-
TION STORAGE
T55N R03W S4
L7(SWSW) SESW
Place Of Use: IRRIGATION
STORAGE
T55N R03W S4
L7(SWSW) SESW
Place Of Use: IRRIGATION
FROM STORAGE
T55N R03W S4
L7(SWSW) SESW
Place Of Use: STOCKWATER
STORAGE
T55N R03W S4
L7(SWSW) SESW
Place Of Use: STOCKWATER
FROM STORAGE
T55N R03W S4
L7(SWSW) SESW
97-7563
LANCE A BARNES
LORINDA R BARNES
338 SHAW RD
PRIEST RIVER, ID
83856-9543
Point of Diversion NESW
S17 T56N R04W
BONNER County
Source ALDER CREEK
Tributary SINKS
Use: IRRIGATION
04/01 to 10/31 0.18 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.18 CFS
Date Filed: 4/4/2019
Place Of Use: IRRIGATION
T56N R04W S17
NESW NWSW
Place Of Use: STOCKWATER
T56N R04W S17
NESW NWSW
Total Acres: 31
97-7564
GRANDVIEW ESTATES LLC

PO BOX 161
COOLIN, ID 83821-0161
Point of Diversion NENE
S20 T61N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: IRRIGATION
04/01 to 10/31 0.09 CFS
Total Diversion: 0.09 CFS
Date Filed: 4/30/2019
Place Of Use: IRRIGATION
T61N R04W S17
L1(SESE) SESE
97-7565
GRANDVIEW ESTATES LLC
PO BOX 161
COOLIN, ID 83821-0161
Point of Diversion L1(SESE)
S17 T61N R04W
BONNER County
Source GROUND WATER
Point of Diversion L1(SESE)
S17 T61N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 4/30/2019
Place Of Use: DOMESTIC
T61N R04W S17
L1(SESE) SESE
Permits will be subject to all
prior water rights. For addition-
al information concerning the
property location, contact
Northern Region office at
(208) 762-2800. Protests may
be submitted based on the cri-
teria of Idaho Code § 42-203A.
Any protest against the appro-
val 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
6/3/2019. The protestant must
also send a copy of the protest
to the applicant.

GARY SPACKMAN,
Director

SNP LEGAL 6757
AD# 291931
MAY 15, 22, 2019