

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 84-12298

Priority: March 15, 2019

Maximum Diversion Rate: 0.11 CFS

This is to certify that

TIMOTHY M SOKOLOWSKI 140 LARRADON DR KAMIAH ID 83536-5146 AND/OR
COURTNEY SOKOLOWSKI 140 LARRADON DR KAMIAH ID 83536-5146

has applied for a permit to appropriate water from:

Source : SPRING

Tributary: TOM TAHA CREEK

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

Beneficial Use

IRRIGATION

Period of Use

03/15 to 11/15

Rate of Diversion

0.11 CFS

Location of Point(s) of Diversion

SPRING L1 (SW¼ NW¼ NW¼), Sec. 32, Twp 34N, Rge 04E, B.M. IDAHO County

Place of Use: IRRIGATION

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		
34N	04E	31	0.2			0.4														
34N	04E	32						3.0	0.2											0.6
								L1												3.2

Total Acres: 3.8

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **May 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. 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.
5. Water shall not be diverted under this right when flows in Tom Taha Creek are below minimum flow amounts as defined by Right 84-12223.
6. 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.

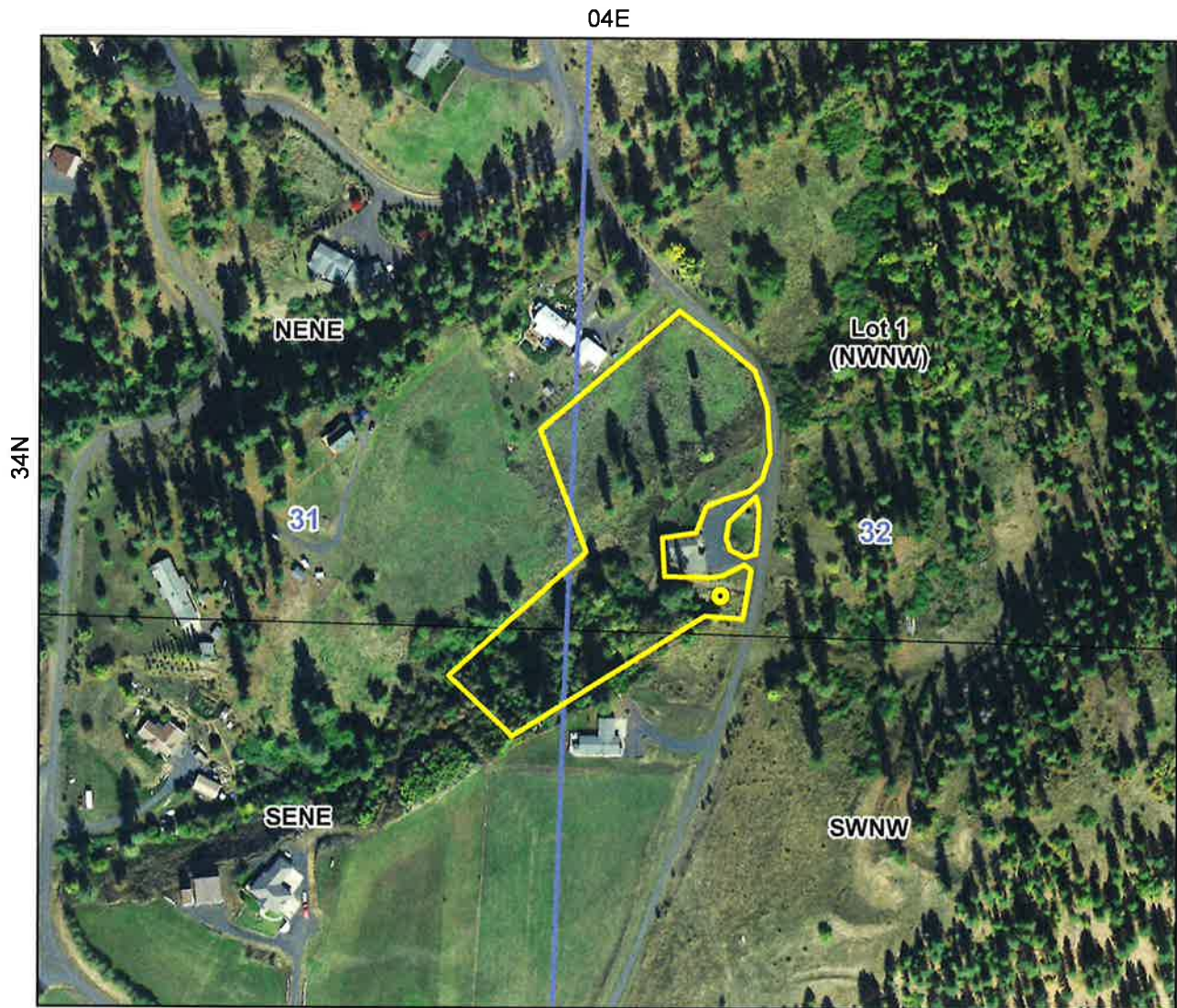
Signed this 13th day of May, 2019.


DOUGLAS JONES

Northern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
84-12298

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
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles





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

May 14, 2019

TIMOTHY M SOKOLOWSKI
COURTNEY SOKOLOWSKI
140 LARRADON DR
KAMIAH ID 83536-5146

RE: Permit No. 84-12298

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", is written over the typed name.

Douglas Jones
Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2019, I served a true and correct copy of Permit to Appropriate Water No. 84-12298 by U.S. Mail, postage prepaid, to the following:

COURTNEY SOKOLOWSKI (Current Owner)
140 LARRADON DR
KAMIAH ID 83536-5146

TIMOTHY M SOKOLOWSKI (Current Owner)
140 LARRADON DR
KAMIAH ID 83536-5146



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.

MEMORANDUM

To: Water Right Application 84-12298

From: Adam Frederick AF

Date: 4/24/2019

Re: Application for a Permit to Appropriate Water within the Salmon and Clearwater River Basins.

Re: Regional Analysis and Recommendation in accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05).

Water Supply Information

Water from the spring should be available however long it produces water. However, Tom Taha Creek is covered under minimum stream flow (MSF) 84-12223 and water should be made available at times when MSF is not met.

Good Faith, Delay, or Speculative Information

The applicant plans to divert water for his/her own property and there are no known issues with any other party.

Financial Resources Information

No significant resources required.

Local Public Interest

The Idaho Department of Fish & Game (F & G) and the Department of Environmental Quality (DEQ) have been asked to comment by the Idaho Department of Water Resources. DEQ commented that the diversion should not impair existing beneficial uses. F & G did not comment. The Idaho Water Resource Board, who owns the MSF was also asked for comment but did not submit any. None of the agencies protested this application.

Injury to Other Water Rights

It is unknown how much the spring will produce including how much it will produce during the time of the year the water is needed for the MSF. There will be a MSF condition added to the permit to make the applicant aware that a future watermaster could curtail this water.

Recommendation

The Northern Region recommends proceeding with the processing of this water right application.

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

84-12297

TIMOTHY M SOKOLOWSKI
COURTNEY SOKOLOWSKI
140 LARRADON DR
KAMIAH, ID 83536-5146

Point of Diversion

L1(NWNW)

S32 T34N R04E

IDAHO County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 3/15/2019

Place Of Use: DOMESTIC

T34N R04E S32

L1(NWNW)

84-12298

TIMOTHY M SOKOLOWSKI

COURTNEY SOKOLOWSKI

140 LARRADON DR

KAMIAH, ID 83536-5146

Point of Diversion L1(SWN-

WNW)

S32 T34N R04E

IDAHO County

Source SPRING

Tributary

TOM TAHA CREEK

Use: IRRIGATION

03/15 to 11/15 0.11 CFS

Total Diversion: 0.11 CFS

Date Filed: 3/15/2019

Place Of Use: IRRIGATION

T34N R04E S31

NENE SENE

T34N R04E S32

L1(NWNW) SWNW

85-15797

MICHAEL ASKER

104 S A ST

GRANGEVILLE, ID 83530

Point of Diversion NESE

S31 T30N R03E

IDAHO County

Source

UNNAMED STREAM

Tributary

THREE MILE CREEK

Use: DIVERSION TO

STORAGE

01/01 to 12/31 0.2 CFS

Use: FIRE PROTECTION

STORAGE

01/01 to 12/31 0.8 AF

Use: IRRIGATION FROM

STORAGE

04/01 to 10/31 4.5 AF

Use: IRRIGATION STOR-

AGE

01/01 to 12/31 4.5 AF

Use: RECREATION

01/01 to 12/31 0.2 CFS

Use: RECREATION

STORAGE

01/01 to 12/31 0.8 AF

Total Diversion: 0.2 CFS

Date Filed: 3/13/2019

Place Of Use: RECREATION

T30N R03E S31 NESE

Place Of Use: RECREATION

STORAGE

T30N R03E S31 NESE

Place Of Use: FIRE

PROTECTION STORAGE

T30N R03E S31 NESE

Place Of Use: IRRIGATION

STORAGE

T30N R03E S31 NESE

Place Of Use: IRRIGATION

FROM STORAGE

T30N R03E S31 NESE

Permits will be subject to all

prior water rights. For addi-

tional 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 ap-

proval 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 applica-

tion on or before 4/22/2019.

The protestant must also send a

copy of the protest to the appli-

cant.

GARY SPACKMAN,

Director

Published on

4/3/2019 and 4/10/2019

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

David P. Rauzi, being first duly sworn, says he is the Editor of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 3rd day of April, 2019; and the last publication on the 10th day of April, 2019; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.

STATE OF IDAHO
COUNTY OF IDAHO

On this 10th day of April in the year of 2019, before me a Notary Public personally appeared David P. Rauzi, 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.

Notary Public for Idaho

Residing at Grangeville, ID

My commission expires: 1-24-25



RECEIVED

APR 17 2019

IDWR / NORTH



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED

MAR 27 2019

IDWR / NORTH

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

Governor Brad Little
Director John H. Tippetts

March 26, 2019

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

Subject: Water Appropriation, # 84-12298

Dear Mr. Frederick:

We received a request for comment along with a copy of an application for a permit to appropriate 0.11 acre feet of water from a spring located on private property in Idaho County, near Tom Taha Creek. The applicant intends to develop the spring with an above ground collection tank. The spring is located T34N, R04E, and Section 31. The appropriated water will be used for irrigation from March 15 to November 15. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

Because we assume any water of the State which occurs beneath the surface of the earth in a saturated geological formation of rock or soil to be ground water (Idaho Code 58.01.02.010.45), we assume there to be hydrologic gradient connectivity to surface waters of the State. It is the policy of the State of Idaho Ground Water Management Plan that existing and projected beneficial uses of ground water and interconnected surface water be maintained and protected and degradation that would impair beneficial uses of ground water and interconnected surface water not be allowed.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards, please call us 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: Timothy and Courtney Sokolowski, Kamiah, ID
Sujata Connell, DEQ