

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-17611

Priority: August 01, 2018

Maximum Diversion Rate: 0.02 CFS

This is to certify that

TIMOTHY VANLOHUIZEN AND / OR LEAANN VANLOHUIZEN
1250 W IRONWOOD DR STE 320
COEUR D ALENE, ID 83814-2682

have applied for a permit to appropriate water from:

Source : WOLF LODGE CREEK

Tributary: COEUR D ALENE LAKE

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

0.02 CFS

Location of Point(s) of Diversion

WOLF LODGE CREEK SE¼, NE¼, Sec. 29, Twp 50N, Rge 02W, B.M., KOOTENAI 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		
50N	02W	29				0.6														0.6

Total Acres: 0.6

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **May 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. 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.
6. Water shall not be diverted under this right when flows in the Wolf Lodge Creek are below minimum flow amounts as defined by Right 95-7874.
7. Water shall not be diverted under this right when flows in the Spokane River are below minimum flow amounts as defined by Right 95-8780. The right holder shall be responsible for monitoring the daily flow of the Spokane River using real-time data and shall cease diverting water when flows in the Spokane River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey (Spokane River near Post Falls, Idaho) gauging station, No.12419000, may be used for purposes of determining the daily flow amounts.
8. Place of use is located within Lot 15, Blk. 2, Gateway Ranch subdivision.

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

Signed, this 24th day of April, 2019.


DOUGLAS JONES
Northern Regional Manager

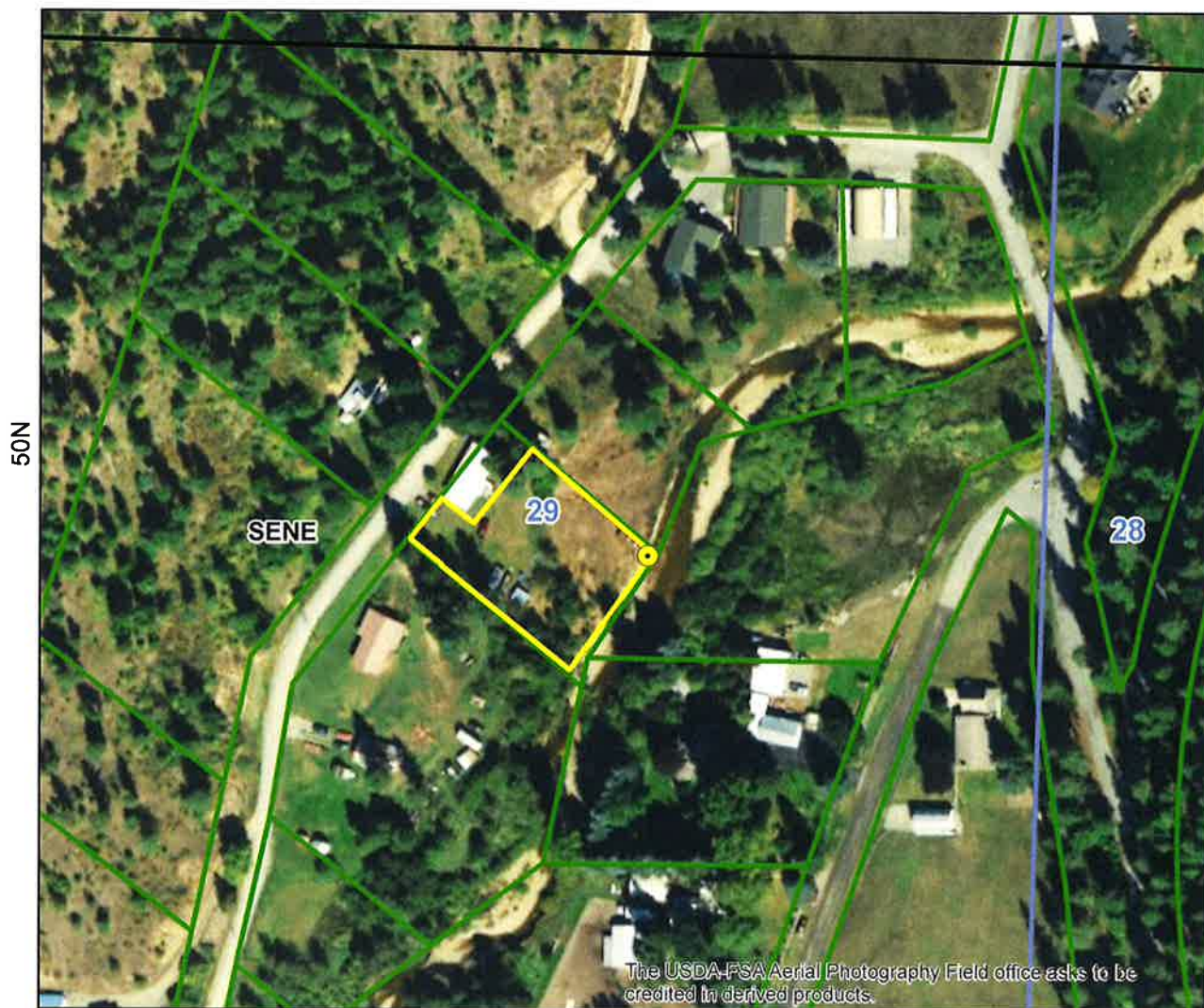
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17611

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.

02W



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

0 0.0225 0.045 0.09 Miles



Tax parcel information provided by Kootenai 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

April 24, 2019

LEAANN VANLOHUIZEN
1250 W IRONWOOD DR STE 320
COEUR D ALENE ID 83814-2682

TIMOTHY VANLOHUIZEN
1250 W IRONWOOD DR STE 320
COEUR D ALENE ID 83814-2682

RE: Permit No. 95-17611

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.

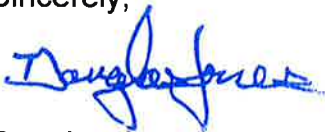
The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") by the date shown in condition no. 1 of your 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
Northern Regional Manager

Enclosure(s)

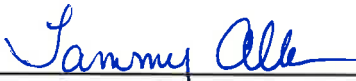
CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2019, I served a true and correct copy of Permit to Appropriate Water No. 95-17611 by U.S. Mail, postage prepaid, to the following:

LEAANN VANLOHUIZEN (Current Owner)
1250 W IRONWOOD DR STE 320
COEUR D ALENE ID 83814-2682

TIMOTHY VANLOHUIZEN (Current Owner)
1250 W IRONWOOD DR STE 320
COEUR D ALENE ID 83814-2682

THERON J DE SMET (Attorney)
700 NORTHWEST BLVD
COEUR D ALENE ID 83814-2238



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

DATE: November 5, 2018

TO: Tammy Alleman, IDWR

FROM: Emily Skoro, Staff Engineer, Water Projects Section,

RE: IDWR Application for Permit No. 95-17611

The Idaho Water Resource Board (Board), would like to submit the following comments for consideration when processing the Application for Permit No. 95-17611. The applicant is requesting a water right for an irrigation beneficial use with a total diversion rate of 0.02 cfs. The water supply source is Wolf Lodge Creek which is a tributary to Coeur D Alene Lake.

The applicant should be aware that the Board holds a minimum stream flow (MSF) water 95-7874 on Wolf Lodge Creek downstream of the applicant's point of diversion (POD). Any water rights with a priority date junior to the Board's water right should be administered in priority and may be curtailed if the MSF is not being met. Currently, there is no gage data available to verify if the MSF water right is being met. In the future if a gage is placed on Wolf Lodge Creek, the applicant will need to verify that the MSF water right is being met prior to any diversions from the creek. Please see the attached Proof Report for the diversion rates authorized under the Board's MSF water right 95-7874.

The Board also holds a MSF water right 95-8780 on the Spokane River downstream of the applicant's POD. Any water rights with a priority date junior to the Board's water right should be administered in priority and may be curtailed if the MSF is not being met. USGS Gage 12419000 (Spokane River near Post Falls Idaho) is located along the Board's MSF water right. Historic records show that this reach of the Spokane River is generally below the MSF most of the year except parts of April and May during low flow years. Therefore, flows measured at the referenced gage should be used to verify current Spokane River stream flows, and diversions should be limited to times when the Board's MSF water right is met. Please see the attached Proof Report for the diversion rates authorized under the Board's MSF water right 95-8780.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/25/2018

Water Right 95-7874

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO IDAHO WATER RESOURCE BOARD 322 E FRONT ST PO BOX 83720 BOISE, ID 83720-0098 (208) 287-4800

Priority Date: 9/13/1978

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
WOLF LODGE CREEK	COEUR D ALENE LAKE

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MINIMUM STREAM FLOW	7/01	11/15	7.000 CFS	
MINIMUM STREAM FLOW	11/16	6/30	30.000 CFS	
	<u>Total Diversion</u>		30.000 CFS	

Source and Point(s) of Diversion

WOLF LODGE CREEK	NWSW	Sec. 21, Twp 50N, Rge 02W, KOOTENAI County(B)
WOLF LODGE CREEK	NWNE	Sec. 5, Twp 49N, Rge 02W, KOOTENAI County(E)

Place Of Use

MINIMUM STREAM FLOW

Conditions of Approval:

1. 027 Use of water under this right shall be non-consumptive.
2. Use of water under this license shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file issued by the Director under provisions of Chapter 2, Title 42 Idaho Code, with the priority of the water right dated earlier than the priority date of this license.
The use of the water under this license shall be non-consumptive. Upon the future finding and order of the Director that gauging stations are required to maintain the aproved minimum flow on Wolf Lodge Creek, the measuring devices shall be permanently installed as specified by the Department.
The Director retains jurisdiction to review and amend any and all parameters of this license. Any person seeking review and amendment of the license shall file a request with the Board, which request shall include the amendment sought, the reasons for the amendment, and a statement of the change in circumstances since the license was issued or last reviewed that merit a review of the license. A copy of the petition shall be served upon the Director of the Department of Water Resources. The Board may petition the Director for an amendment to the license. The petition must set forth any significant change in circumstances and evidence of public interest supporting the proposed amendment. The Director will notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/25/2018

purpose of determining whether the license should be amended in the public interest. The burden of proof at the hearing shall be upon the person or party seeking the amendment to establish that amendment of the license would be in the public interest. This minimum stream flow reach is between a point in the NWSW, S21, T50N, R2W and a point in the NWNE, S5, T49N, R2W, where Wolf Lodge Creek flows under Interstate Highway 90.

Comments:

1.	mciscell	6/10/2013	POD
Bulk Generate Shape From PLS			

Dates and Other Information

Licensed Date: 7/15/1994
Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/25/2018

Water Right 95-8780

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO IDAHO WATER RESOURCE BOARD 322 E FRONT ST PO BOX 83720 BOISE, ID 83720-0098 (208) 287-4800

Priority Date: 6/15/1992

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPOKANE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MINIMUM STREAM FLOW	11/01	6/30	2,495.000 CFS	
MINIMUM STREAM FLOW	7/01	10/31	951.000 CFS	
	<u>Total Diversion</u>		2,495.000 CFS	

Source and Point(s) of Diversion

SPOKANE RIVER	SWNE	Sec. 4, Twp 50N, Rge 05W, KOOTENAI County(B)
SPOKANE RIVER	SWNW	Sec. 12, Twp 50N, Rge 06W, KOOTENAI County(E)

Place Of Use

MINIMUM STREAM FLOW

Conditions of Approval:

1. This minimum streamflow shall be subject to future municipal and domestic development from the Spokane River and its tributaries for the use in the basin within and upstream of the minimum streamflow reach. The minimum streamflow will not be subject to water rights established in the future for irrigation uses or other large consumptive purposes even though covered under a municipal or domestic use definition.

Specifically because of the generalization of the Tennant method, the Director retains jurisdiction, as described below, to review and amend any and all parameters of this right. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the right. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the right should be amended in the public interest.

The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the right would be in the public interest.

Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/25/2018

water right date earlier than 06/15/1992.

Upon further finding and order of the Director that gauging stations are required to maintain the approved minimum flows on Spokane River, such measuring devices shall be permanently installed and maintained as specified by the Director.

Establishment of minimum flows on the Spokane River in the requested reach shall serve to protect water released from Post Falls Dam as it flows through the requested reach at rates up to the established minimum flow, but shall not directly or indirectly cause any change in operation of Post Falls Dam.

The reach of the Spokane River for which the requested minimum flows are established is as follows: Spokane River, commencing at a point downstream from the Post Falls Dam at which the overflow channels converge with the main channel below the dam in the SWNE, S4, T50N, R5W and extending downstream to the Idaho-Washington state line in the SWNW, S12, T50N, R6W, Kootenai County, a reach of approximately five miles.

This minimum stream flow is for the protection of fish and wildlife habitat, aquatic life and recreational values.

2. 027 Use of water under this right shall be non-consumptive.

Comments:

- | | | | |
|--|----------|-----------|-----|
| 1. | mciscell | 6/10/2013 | POD |
| Bulk Generate Shape From PLS | | | |
| 2. | cfritsch | 8/16/2017 | POD |
| PODID 88525 correlated from SpatialDataID 479951 to SpatialDataID 402540 | | | |
| 3. | cfritsch | 8/16/2017 | POD |
| PODID 88526 correlated from SpatialDataID 482879 to SpatialDataID 511256 | | | |

Dates and Other Information

Licensed Date: 10/24/1995

Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Kootenai)

Ashley Kinzer, being first duly sworn upon oath, deposes and states:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press", a newspaper printed and published daily in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive week commencing on the 18 day of October, 2018, and ending on the 25 day of October, 2018, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice

Ashley Kinzer

On this 25 day of October in the year of 2018 before me, a Notary Public, personally appeared Ashley Kinzer, 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.



Katrina George
Notary Public for the State of Idaho
Residing in Coeur d'Alene, Idaho

MY COMMISSION EXPIRES 8/29/23

PUBLIC NOTICE

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

95-17611

TIMOTHY VANLOHUIZEN
LEAANN VANLOHUIZEN
1250 W IRONWOOD DR STE 320
COEUR D ALENE, ID 83814-2682

Point of Diversion SENE

S29 T50N R02W

KOOTENAI County

Source WOLF LODGE

CREEK

Tributary COEUR D ALENE

LAKE

Use: IRRIGATION

03/15 to 11/15 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 8/1/2018

Place Of Use: IRRIGATION

T50N R02W S29 SENE

Total Acres: 0.6

95-17619

GARY & KATHRYN JENKINS

LIVING TRUST

11425 E BUNCO RD

ATHOL, ID 83801

Point of Diversion SWSW

S24 T53N R03W

KOOTENAI County

Source GROUND WATER

Point of Diversion SWSW

S24 T53N R03W

KOOTENAI County

Source WASTE WATER

Tributary SINKS

Use: FIRE PROTECTION

STORAGE

01/01 to 12/31 0.9 AF

Use: IRRIGATION FROM

STORAGE

04/01 to 10/31 10.2 AF

Use: IRRIGATION STORAGE

01/01 to 12/31 10.2 AF

Total Diversion: 11.1 AF

Date Filed: 8/9/2018

Place Of Use: FIRE PROTEC-

TION STORAGE

T53N R03W S24 SWSW

Place Of Use: IRRIGATION

STORAGE

T53N R03W S24 SWSW

Place Of Use: IRRIGATION

FROM STORAGE

T53N R03W S24 SWSW

Total Acres: 3.4

95-17654

DARRYL RICKARD

WILLIAM HALL

7508 W LUND STREET

RATHDRUM, ID 83858

Point of Diversion NENE

S24 T53N R05W

KOOTENAI County

Source SPIRIT LAKE

Tributary SPIRIT CREEK

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/2/2018

Place Of Use: DOMESTIC

T53N R05W S24 L1(NENE)

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 11/5/2018. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Published on 10/18/2018 and 10/25/2018
CDA LEGAL 505
AD# 236481
OCTOBER 18, 25, 2018