

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-17688

Priority: November 08, 2018

Maximum Diversion Rate: 0.02 CFS

This is to certify that

THE WATT FAMILY TRUST 4201 CHESTNUT AVE LONG BEACH CA 90807-1903

has applied for a permit to appropriate water from:

Source : SPOKANE RIVER

Tributary: COLUMBIA RIVER

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>
IRRIGATION	03/15 to 11/15	0.02 CFS

Location of Point(s) of Diversion

SPOKANE RIVER L9 (SE¼, SE¼), Sec. 5, Twp 50N, Rge 05W, 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	05W	5																0.5 L9		0.5

Total Acres: 0.5

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2024**.
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. 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.
5. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
6. Water shall not be diverted under this right when flows in the Spokane River are below minimum flow amounts as defined by Right 95-08780. 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 gauging station, No.12419000, may be used for purposes of determining the daily flow amounts.
7. Rights 95-14579 and 95-17688 when combined shall not exceed a total diversion rate of .04 Cubic Feet per Second (CFS), a total annual maximum diversion volume of 1.2 Acre Feet (AF) at the field headgate, and the irrigation of .5 acres.
8. This right when combined with all other rights shall provide no more than .02 Cubic Feet per Second (CFS) nor more than .6 Acre Feet (AF) annually at the field headgate for irrigation of the place of use.

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

Signed, this 15th day of March, 20 19.


DOUGLAS JONES
Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17688

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.

05W



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

0 0.015 0.03 0.06 Miles



Tax parcel information provided by Kootenai County.



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

March 19, 2019

THE WATT FAMILY TRUST
4201 CHESTNUT AVE
LONG BEACH CA 90807-1903

RE: Permit No. 95-17688

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.

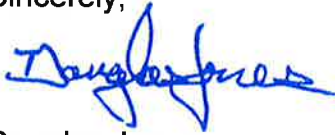
The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. 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,



Douglas Jones
Northern Regional Manager

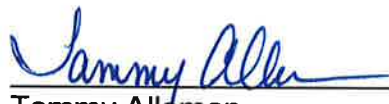
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2019, I served a true and correct copy of Permit to Appropriate Water No. 95-17688 by U.S. Mail, postage prepaid, to the following:

THE WATT FAMILY TRUST (Current Owner)
4201 CHESTNUT AVE
LONG BEACH CA 90807-1903

RUSSELL L SMITH (Representative)
745 W HONEYSUCKLE AVE
HAYDEN ID 83835



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

March 13, 2019

Water Permit: 95-17688

Author: smaxey

Subject: Purpose of Use

APPLICANT AND REPRESENTATIVE INDICATED ON 3/13/2019 THAT USE OF WATER FROM SPOKANE RIVER IS FOR LAWN, GARDEN, AND LANDSCAPE IRRIGATION NOT TO EXCEED .5 ACRES. INTERNAL BUILDING DOMESTIC USE WATER FOR ONE HOME IS PROVIDED BY A WELL UNDER COEUR D'ALENE SPOKANE RIVER BASIN ADJUDICATION DECREED WATER RIGHT 95-14579.

Maxey, Shaun

From: Janet Watt <jmmwatt@hotmail.com>
Sent: Wednesday, March 13, 2019 12:55 PM
To: Maxey, Shaun
Subject: Re: Future correspondence for Idaho Water Right

Landscape only.

From: Janet Watt <jmmwatt@hotmail.com>
Sent: Friday, November 9, 2018 6:59 AM
To: Maxey, Shaun
Cc: 5628229533@vtext.com; buildersmith@aol.com
Subject: Re: Future correspondence for Idaho Water Right

Please send me and Russell copies.
Thank you

Sent from my iPhone

On Nov 8, 2018, at 5:27 PM, Maxey, Shaun <Shaun.Maxey@idwr.idaho.gov> wrote:

Ms. Watt:

I received the Application for Permit today for your Spokane River property (232 Stoneriver DR) from Russell Smith.

Do you wish all future original correspondence about this Water Right Application to:

1) Be sent to Mr. Russell Smith only

OR

2) Be sent to you with copies to Russell Smith?

Thanks,

Shaun Maxey

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral DR Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762.2816 /2800
Fax (208) 762.2819
www.idwr.idaho.gov

CONVERSATION MEMO

OV- Office Visit T-Telephone M-Meeting O- Other

TO Right No. 95-17688

FROM Shaun Maxey, IDWR

☐ OV ☒ T ☐ M ☐ Other _____ DATE 3/12/19 WITH Russell L. Smith
Contacted Mr. Smith via phone. He requested I text
my contact phone number. I texted the number as
requested.

☐ OV ☒ T ☐ M ☐ Other _____ DATE 3/13/19 WITH Russell L. Smith
Left voicemail message for Mr. Smith requesting callback
in reply to voicemail message left yesterday that I retrieved
today.

☐ OV ☒ T ☐ M ☐ Other _____ DATE 3/13/19 WITH Russell L. Smith (Representative)
Mrs. Warr (Applicant)
Spoke with Mrs. Warr via telephone. She indicated she would
coordinate with Russell L. Smith (Representative) about whether
water from Spokane River is to be used only for home on
property or also for lawn, garden, & landscaping irrigation. Mr.
Smith replied by phone to state use will be external
lawn, garden, & landscaping only.

☐ OV ☐ T ☐ M ☐ Other _____ DATE _____ WITH _____

Maxey, Shaun

From: Maxey, Shaun
Sent: Tuesday, March 12, 2019 10:56 AM
To: 'Janet Watt'
Cc: 'buildersmith@aol.com'
Subject: RE: Watt Water Right for use of Spokane River (Idaho Water Right)

Ms. Watt:

I'm preparing your Water Right Permit for use of the Spokane River at your Spokane River property (232 Stoneriver DR). Is it your intent to use water from the River for lawn, garden & landscaping irrigation use **only OR** for in home domestic use plus the exterior use for lawn, garden & landscaping irrigation.

Our records you already have an Adjudication Claim (95-14579), originally filed by the Steve & Lynn Rinker, for use of water from a 200 foot well (Ground Water) for in-home use.

Thanks,

Shaun Maxey

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral DR Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762.2816 /2800
Fax (208) 762.2819
www.idwr.idaho.gov

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 6 day of December, 2018, and ending on the 13 day of December, 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 13 day of December 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

NOTICE FOR WATER RIGHT APPLICATIONS

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

95-17680
COMERFORD FIVE LLC
1217 E 26TH AVE
SPOKANE, WA 99203
Point of Diversion NWSW
S20 T48N R04W
KOOTENAI County
Source COEUR D ALENE LAKE
Tributary SPOKANE RIVER
Use: IRRIGATION
03/15 to 11/15 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 11/6/2018
Place Of Use: IRRIGATION
T48N R04W S20
L2(SWNW) L2(NWSW)
Total Acres: 0.6

95-17688
THE WATT FAMILY TRUST
4201 CHESTNUT AVE
LONG BEACH, CA 90807
Point of Diversion L9(SESE)
S5 T50N R05W
KOOTENAI County
Source SPOKANE RIVER
Tributary COLUMBIA RIVER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 11/8/2018
Place Of Use: DOMESTIC
T50N R05W S5 L9(SESE)

95-17691
GLENN R BURDICK
KELLIE R BURDICK
4605 S WILDWOOD LN
SPOKANE, WA 99206
Point of Diversion SESW
S14 T49N R04W
KOOTENAI County
Source COEUR D ALENE LAKE
Tributary SPOKANE RIVER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 11/19/2018
Place Of Use: DOMESTIC
T49N R04W S14 L4(SESW)

95-17696
CDA LAKE LLC
5114 S MUIRFIELD RD
SPOKANE, WA 99223
Point of Diversion L1(NENE)
S25 T48N R05W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 11/23/2018
Place Of Use: DOMESTIC
T48N R05W S25 L1(NENE)

RECEIVED

DEC 20 2018

IDWR / NORTH

95-17699

PEGGY L EMTMAN
20802 RD 6 NW
QUINCY, WA 98848
Point of Diversion L1(NENE)
S25 T48N R05W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 11/23/2018
Place Of Use: DOMESTIC
T48N R05W S25 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 12/24/2018. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director
Published on 12/6/2018 and 12/13/2018
CDA LEGAL 788
AD# 251008
DECEMBER 6, 13, 2018