

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-17679

Priority: November 02, 2018

Maximum Diversion Rate: 0.12 CFS

This is to certify, that SCENIC BAY WATER SYSTEM INCORPORATED
8663 E BEAUTY BAY DR
COEUR D ALENE ID 83814

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	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4NW1/4 Sec. 12, Twp 49N, Rge 03W, B.M. KOOTENAI County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
49N 03W 12					X	X											

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2020**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. Domestic use is for 6 homes.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre per home.
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 Section 42-204, Idaho Code.

Signed this 7th day of January, 2019.


DOUGLAS JONES, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17679

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.

03W



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

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

January 08, 2019

SCENIC BAY WATER SYSTEM INCORPORATED
8663 E BEAUTY BAY DR
COEUR D ALENE ID 83814

RE: Permit No. 95-17679

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.

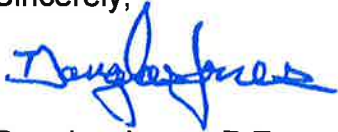
The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") by the date shown in condition no. 1 of your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

A handwritten signature in blue ink, appearing to read "Douglas Jones", is written over the word "Sincerely,".

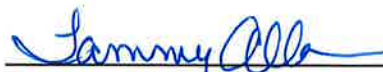
Douglas Jones, P.E.
Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 08, 2019, I served a true and correct copy of Permit to Appropriate Water No. 95-17679 by U.S. Mail, postage prepaid, to the following:

SCENIC BAY WATER SYSTEM INCORPORATED (Current Owner)
8663 E BEAUTY BAY DR
COEUR D ALENE ID 83814



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.

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 15 day of November, 2018, and ending on the 22 day of November, 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

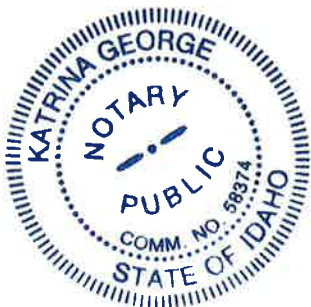
Ashley Kinzer
On this 22 day of November in the year of 2018 before me, a Notary Public, personally appeared Ashley Kinzer, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

RECEIVED

NOV 29 2018

IDWR / NOTARY

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



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

95-17677

DANIEL D PARRIS
DOUGLAS A PARRIS
14151 GYPSY TRAIL
HARRISON, ID 83833

Point of Diversion

L2(NWNWNE)

S5 T48N R03W

KOOTENAI County

Source SPRING

Tributary SINKS

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/29/2018

Place Of Use: DOMESTIC

T48N R03W S5 L2(NWNE)

95-17679

SCENIC BAY WATER SYS-

TEM INCORPORATED

8663 E BEAUTY BAY DR

COEUR D ALENE, ID 83814

Point of Diversion NENW

S12 T49N R03W

KOOTENAI County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 11/2/2018

Place Of Use: DOMESTIC

T49N R03W S12

NENW NWNW

95-17681

JANET G BRIGGS FAMILY

TRUST

14582 S RENNER LN

HARRISON, ID 83833

Point of Diversion L4(NWNW)

S4 T48N R03W

KOOTENAI County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Use: STOCKWATER

01/01 to 12/31 0.02 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/6/2018

Place Of Use: DOMESTIC

T48N R03W S4 L4(NWNW)

Place Of Use: STOCKWATER

T48N R03W S4 L4(NWNW)

95-17682

DENNIS W JOHNSON

MARJORIE J JOHNSON

19254 N RIMROCK RD

HAYDEN, ID 83835

Point of Diversion NWNESW

S20 T52N R03W

KOOTENAI County

Source SPRING

Tributary SINKS

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Use: STOCKWATER

01/01 to 12/31 0.02 CFS

Total Diversion: 0.06 CFS

Date Filed: 11/6/2018

Place Of Use: DOMESTIC

T52N R03W S20 SENW

Place Of Use: STOCKWATER

T52N R03W S20 SENW

MY COMMISSION EXPIRES 8/29/23

95-17684

ROBERT E SEDDON JR FAMILY TRUST DATED 11/12/84
C/O ROBERT E & ANN J SEDDON

2477 W HULL LOOP
COEUR D'ALENE, ID 83814
Point of Diversion L3(NENW)
S1 T49N R04W

KOOTENAI County

Source: GROUND WATER

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Use: STOCKWATER

01/01 to 12/31 0.02 CFS

Total Diversion: 0.06 CFS

Date Filed: 11/2/2018

Place Of Use: DOMESTIC

T49N R04W S1 L3(NENW)

Place Of Use: STOCKWATER

T49N R04W S1 L3(NENW)

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 12/3/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

CDA LEGAL 670

AD# 245413

NOVEMBER 15, 22, 2018

MEMORANDUM

DATE: November 29, 2018

TO: Tammy Alleman, IDWR

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

RE: IDWR Application for Permit No. 95-17679

The Idaho Water Resource Board (Board), would like to submit the following comments for consideration when processing the Application for Permit No. 95-17679. The applicant is requesting a water right for a domestic beneficial use for a total diversion rate of 0.12 cfs. The water supply source is groundwater. The well location is in a tributary of Coeur D' Alene Lake which is a tributary of the Spokane River.

The applicant should be aware that the Board holds a minimum stream flow (MSF) water right 95-8780 on the Spokane River downstream of the applicant's well location. If this basin is ever administered conjunctively, 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. 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 95-8780

<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