

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09690

Priority: January 24, 2018

Maximum Diversion Rate: 0.20 CFS

This is to certify, that GARFIELD VILLAS HOMEOWNERS ASSN
PO BOX 1153
SAGLE ID 83860

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4SE1/4 Sec. 21, Twp 56N, Rge 01W, B.M. BONNER County

GROUND WATER SW1/4SE1/4 Sec. 21, Twp 56N, Rge 01W, B.M. BONNER County

PLACE OF USE: DOMESTIC

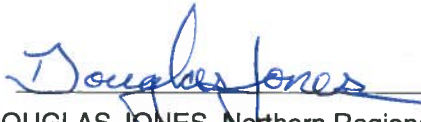
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	01W	21														X	X		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2020**.
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 Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Domestic use is for 9 homes.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre per home.
7. Prior to or in connection with the proof of beneficial use statement to be submitted for domestic water use under this right, the right holder shall provide the department with documentation showing that the water supply system is being regulated by the Idaho Department of Environmental Quality as a public water supply and that it has been issued a public water supply number.
8. Rights 96-8713 and 96-9690 when combined shall not exceed a total diversion rate of 0.20 cfs.
9. 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 27th day of February, 2018.


DOUGLAS JONES, Northern Regional Manager

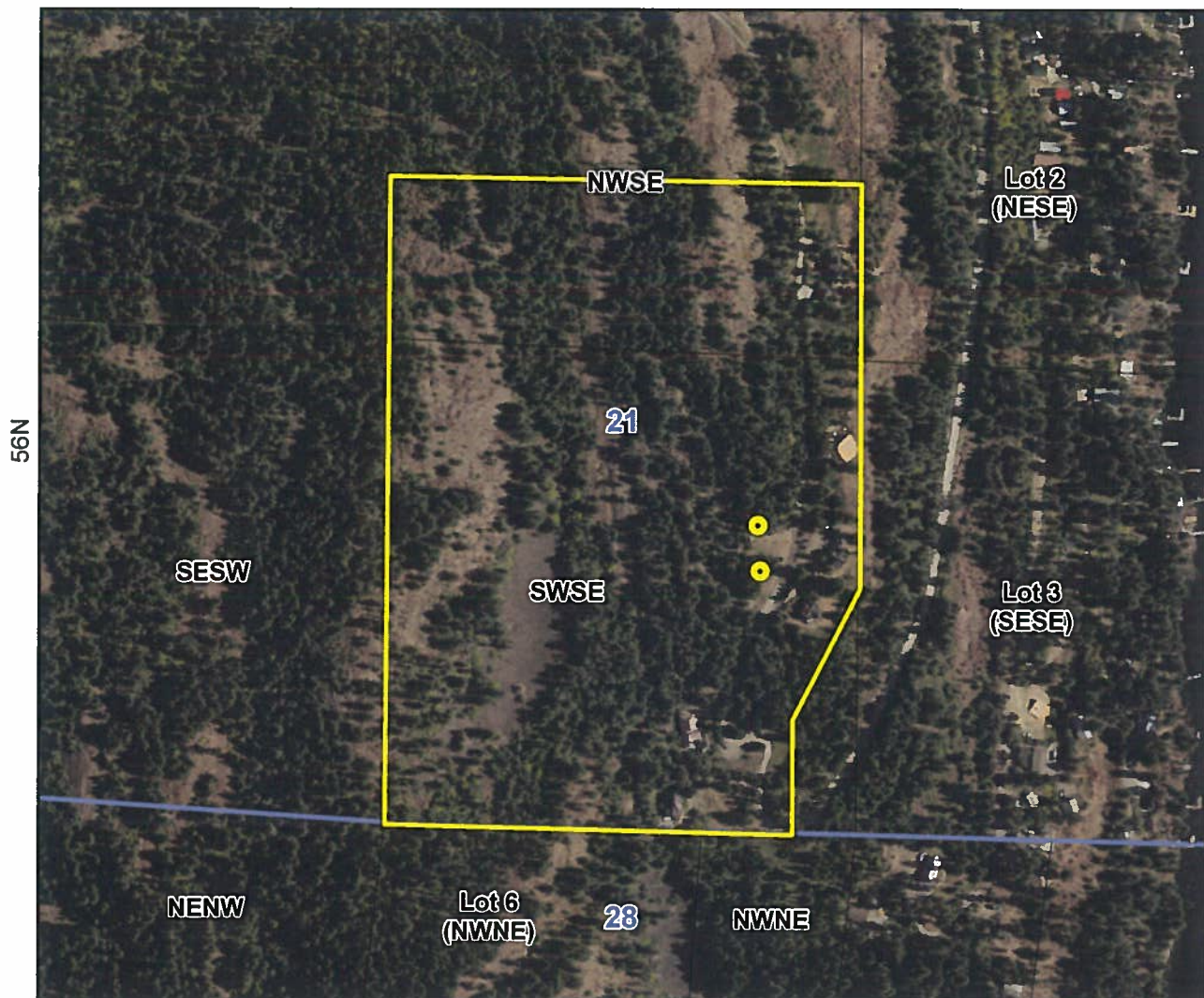
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-9690

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.

01W



0 0.05 0.1 0.2 Miles

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





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 27, 2018

GARFIELD VILLAS HOMEOWNERS ASSN
PO BOX 1153
SAGLE ID 83860

RE: Permit No. 96-9690

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right 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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact the Northern Regional Office at 208-762-2800.

Sincerely,

A handwritten signature in blue ink that reads "Douglas Jones". The signature is fluid and cursive, with the first name "Douglas" and last name "Jones" clearly distinguishable.

Douglas Jones, P.E.

Northern Regional Manager

Enclosure(s)

cc: JAMES E SHELLDY



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED
FEB 12 2018
IDWR / NORTH

2110 Ironwood Parkway, Coeur d'Alene, ID 83814 (208) 769-1422

C. L. "Butch" Otter, Governor
John H. Tippets, Director

February 12, 2018

Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815
Tammy.Alleman@idwr.idaho.gov

Subject: Comments on Application for Permit #96-9690

The Idaho Department of Environmental Quality (DEQ) Coeur d'Alene Regional Office received a request for comment regarding the subject Application for Permit for Garfield Villas Homeowners Association (Garfield Villas). The permit request is for a domestic water right for the purpose of serving water to the associated nine homes with drip irrigation, presumably with the use of a 10,000 gallon storage tank. DEQ has the following comments.

- According to DEQ and Panhandle Health District (PHD) records as of this letter, the Garfield Villas is an unregulated public drinking water system with an assigned PWS# ID1090203. However, PHD has inquired as to the status of the water system and nature of the population being served drinking water from the Garfield Villas water system.
- The applicant has been requested to provide details according to the population served through the nine service connections, as related to the Idaho Rules for Public Drinking Water Systems (Rules; IDAPA 58.01.08.003.110.). They are requested to respond to PHD by March 1, 2018.
- If Garfield Villas is determined to be a regulated public drinking water system, a well site evaluation for the subject permit and associated engineering will be required per IDAPA 58.01.08.

Thank you for the opportunity to comment on the Application for Permit #96-9690. If you have questions or comments regarding Idaho Rules for Public Drinking Water Systems please contact DEQ at (208) 769-1422 or Anna.Moody@deq.idaho.gov.

Sincerely,

Anna Moody
Drinking Water Program Supervisor

cc: Jay Shelledy, Vice President Garfield Villas Home Owners Association, jes@lsu.edu
Matt Plaisted, DEQ Regional Engineering Manager, Matthew.Plaisted@deq.idaho.gov
Jamie Barton, Panhandle Health District Sr.REHS, jbarton@phd1.idaho.gov
Filed in TRIM Record# 2018ABU7

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 96-9690

**JAMES E SHELLDY
PO BOX 875
SAGLE ID 83860**

**GARFIELD VILLAS HOMEOWNERS ASSN
PO BOX 1153
SAGLE ID 83860**



**Tammy Alleman
Administrative Assistant**

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

RECEIVED

FEB 12 2018

STATE OF IDAHO)

) ss.

IDWR / NORTH

County of Bonner)

Geri Hagler, 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 Legal Notice

My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Legal Clerk 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 1 day of February, 2018, and ending on the 8 day of February 2018.

Geri Hagler

State of Idaho, county of Bonner ss.

On this 8 day of February, in the year of 2018, before me, Katrina George, Notary Public, personally appeared

Geri Hagler, 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

Comm. Exp.: MY COMMISSION EXPIRES 8/29/23



**IDWR PERMIT
APPLICATION NOTICE**

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

96-9690

GARFIELD VILLAS
HOMEOWNERS ASSN
PO BOX 1153
SAGLE, ID 83860
Point of Diversion SWSE
S21 T56N R01W
BONNER County
Source GROUND WATER
Point of Diversion SWSE
S21 T56N R01W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 1/24/2018
Place Of Use: DOMESTIC
T56N R01W S21
NWSE SWSE

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 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
2/20/2018. The protestant
must also send a copy of the
protest to the applicant.
GARY SPACKMAN, Director
SNP LEGAL 5149
FEBRUARY 1, 8, 2018