

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09662

Priority: June 23, 2017

Maximum Diversion Rate: 0.04 CFS

This is to certify, that PETER OTNESS
500 ROCK HARBOR RD
SAGLE ID 83860

has applied for a permit to appropriate water from:

Source: PEND OREILLE LAKE

Tributary: PEND OREILLE RIVER

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

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

PEND OREILLE LAKE L2 (NW1/4NE1/4) Sec. 27, 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 27		X			X												
		L 2			L 2												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2018**.
2. Subject to all prior water rights.
3. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
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 29th day of August, 2017.


DOUGLAS JONES, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-9662

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.



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

0 0.035 0.07 0.14 Miles





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

August 30, 2017

PETER OTNESS
500 ROCK HARBOR RD
SAGLE ID 83860

RE: Permit No. 96-9662

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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 me at (208) 762-2800.

Sincerely,

Douglas Jones, P.E.
Northern Region Manager

TA/Enc

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person listed below:

RE: WATER RIGHT NO.

96-9662

**PETER OTNESS
500 ROCK HARBOR RD
SAGLE ID 83860**



**Tammy L. 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.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

INSTRUCTIONS FOR FILING PROOF OF BENEFICIAL USE

HOW TO MAKE PROOF:

In order for a permit holder to fulfill the conditions of the permit to obtain a water right license, the permit holder must submit the Statement of Completion for Submitting Proof of Beneficial Use form (proof) together with the license examination fee (if required) **OR** submit the proof together with a completed field examination report prepared by a certified water right examiner on or before the date set in the permit for the proof. The information submitted by the permit holder will enable the department to determine the extent of beneficial use before the license is issued. The information entered on the proof form should show the extent of actual development of the project and should correspond to that authorized by the permit. If it does not, an amendment (change) to the permit may be required.

WHAT TO DO IN CASE YOU HAVE NOT FULLY APPLIED THE WATER TO BENEFICIAL USE:

If the development authorized by the permit has not been completed in the time allowed, the permit holder may submit a request for extension of time in which to submit the proof. In order for a request for extension of time to be considered without loss of priority, it must be filed prior to the date on which proof of beneficial use is due. Each request for extension of time will be considered on its own merits.

WHAT IF YOU FAIL TO MAKE PROOF OF BENEFICIAL USE ON TIME:

If you have applied the water to beneficial use, but did not submit the proof of beneficial use on or before the date set for the proof, the permit will lapse. A lapsed permit may be reinstated **within sixty (60) days** from the date the department sends the lapse notice. In order for the department to reinstate the permit, the permit holder must show reasonable cause why the permit should be reinstated. Submission of an acceptable proof of beneficial use form within the sixty (60) day period will be considered as reasonable cause for reinstatement.

If you applied the water to beneficial use and **more than sixty (60) days** have passed since mailing of the lapse notice, proof of beneficial use must be submitted with a statement of reasonable cause for filing late proof of beneficial use, a Beneficial Use Field Report prepared by a certified water right examiner, and a reinstatement application fee of \$250 pursuant to Idaho Code § 42-218a(2).

EXAMINATION FEE:

Idaho Code §§ 42-217 and 42-221 require an examination fee as part of the proof of beneficial use submittal if a completed field examination report prepared by a certified water right examiner is not submitted as part of the proof. The fee is based upon the rate of diversion or volume of storage water claimed on the proof of beneficial use form. **The appropriate fee can be determined from the license examination fee schedule on the back of these instructions.**

ISSUANCE OF LICENSE:

The department will issue a license of water right based on the determination of the amount of water beneficially used in compliance with existing law. The license will include specific information to describe the water right developed.

NOTE - You must comply with the conditions of approval of your permit or seek to have the department waive the conditions. (See the section titled "Conditions of Approval" near the bottom of your permit).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

A license examination fee is not required in connection with permits which use a ground water (well) source **AND** have a total rate of diversion of 0.04 cfs or less or where the total volume stored is 4.0 AF per annum or less.

A license exam fee is required for ANY permit which uses surface water.

The license examination fee is based on the storage volume (acre-feet per year or AFY) or on the diversion rate (cubic feet per second or CFS). For permits proposing both a diversion rate and a storage volume, determine each fee separately and pay the greater of the two.

Checks should be made payable to the Idaho Department of Water Resources (IDWR).

LICENSE EXAMINATION FEE SCHEDULE

Per Idaho Code § 42-221

FLOW RATE (CFS)			STORAGE VOLUME(AF)			FEE
0	–	0.20	0.0	–	20.0	\$50
0.21	–	1.00	20.1	–	100.0	\$100
1.01	–	2.00	100.1	–	200.0	\$125
2.01	–	3.00	200.1	–	300.0	\$150
3.01	–	4.00	300.1	–	400.0	\$175
4.01	–	5.00	400.1	–	500.0	\$200
5.01	–	6.00	500.1	–	600.0	\$225
6.01	–	7.00	600.1	–	700.0	\$250
7.01	–	8.00	700.1	–	800.0	\$275
8.01	–	9.00	800.1	–	900.0	\$300
9.01	–	10.00	900.1	–	1,000.0	\$325
10.01	–	11.00	1,000.1	–	1,100.0	\$350
11.01	–	12.00	1,100.1	–	1,200.0	\$375
12.01	–	13.00	1,200.1	–	1,300.0	\$400
13.01	–	14.00	1,300.1	–	1,400.0	\$425
14.01	–	15.00	1,400.1	–	1,500.0	\$450
15.01	–	16.00	1,500.1	–	1,600.0	\$475
16.01	–	17.00	1,600.1	–	1,700.0	\$500
17.01	–	18.00	1,700.1	–	1,800.0	\$525
18.01	–	19.00	1,800.1	–	1,900.0	\$550
19.01	–	20.00	1,900.1	–	2,000.0	\$575
20.01	–	21.00	2,000.1	–	OVER	\$600

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ _____
Receipt No. _____
Received By _____
Date Received _____

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been **completed** and that water has been applied to beneficial use to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner.** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, contact any Department office or visit the Department's website at idwr.idaho.gov for an *Assignment of Permit* form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

1. Permit No. _____ Telephone No. _____
2. Name of Permit Holder(s) _____
3. Mailing Address _____ City _____
State _____ Zip _____ Email _____
4. Source of Water _____ If **GROUND WATER** (well), Date Drilled mo. _____ / yr. _____
Well Driller _____ Drilling Permit Number _____
5. Extent of use(s) completed as authorized by the water right permit:
Domestic (No. of households) _____ Stockwater (No. and type of stock) _____
Irrigation (No. of acres) _____ Other _____
6. Total rate of diversion or storage volume for which proof is submitted _____ cfs OR _____ acre-feet.
7. Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit:
Refer to the approval conditions on your permit and respond accordingly.
The Department will not issue a license if permit conditions are not met.

Measuring Device	Is a measuring device required?	Yes ☐	No ☐
	If yes, has the measuring device been installed?	Yes ☐	No ☐
Lockable Controlling Device	Is a lockable device required to control the diversion?	Yes ☐	No ☐
	If yes, has the lockable device been installed?	Yes ☐	No ☐
Fish Screen	Is a fish screen required?	Yes ☐	No ☐
	If yes, has the fish screen been installed?	Yes ☐	No ☐

Other Conditions of Permit

Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.

_____ Completed? Yes ☐ No ☐

8. Fee Enclosed \$ _____ or not applicable ☐. See fee schedule on page 2 of the instructions.
Proof statements filed without an appropriate fee, will be considered incomplete.
9. Person to contact to accompany the Department representative during field examination of the water system.
Name _____ Telephone Number _____
Mailing Address _____ City _____
State _____ Zip _____ Email _____

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of Permit Holder _____ Date _____
(Include your title, if on behalf of company or organization)

Mail to: Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098

AFFIDAVIT OF PUBLICATION

RECEIVED

AUG - 4 2017

IDWR/NORTHERN

STATE OF IDAHO)
) ss.
County of Bonner)

states: Geri Hagler, being first duly sworn on oath, deposes and

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 6 day of July, 2017, and ending on the 13 day of July, 2017.

Geri Hagler

State of Idaho, county of Bonner ss.

On this 13 day of July, in the year of 2017, 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 8/29/17



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

96-9659

THUNDER RANCH LAND & CATTLE CO LLC

7095 BOTTLE BAY RD

SAGLE, ID 83860

Point of Diversion L2 (NESENE) S32 T57N R01W BONNER County

Source PEND OREILLE LAKE Tributary PEND OREILLE RIVER

Use: IRRIGATION	04/01 to 10/31	0.2 CFS
Total Diversion:		0.2 CFS

Date Filed: 6/7/2017

Place Of Use: IRRIGATION T57N R01W S32 L1(NENE) L2(SENE)

Total Acres: 15.1

96-9661

BARBARA STOUT

ROBERT STOUT

500 RAVENWOOD LN

SANDPOINT, ID 83864

Point of Diversion NWSW S20 T57N R02W BONNER County

Source GROUND WATER Tributary

Use: DOMESTIC	01/01 to 12/31	0.04 CFS
Use: IRRIGATION	04/01 to 10/31	0.04 CFS
Total Diversion:		0.08 CFS

Date Filed: 6/20/2017

Place Of Use: DOMESTIC T57N R02W S20 NWSW

Place Of Use: IRRIGATION T57N R02W S20 NWSW

Total Acres: 1.2

96-9662

PETER OTNESS

500 ROCK HARBOR RD

SAGLE, ID 83860

Point of Diversion L2 (NWNE) S27 T56N R01W BONNER County

Source PEND OREILLE LAKE

Tributary PEND OREILLE RIVER

Use: DOMESTIC	01/01 to 12/31	0.04 CFS
Total Diversion:		0.04 CFS

Date Filed: 6/23/2017

Place Of Use: DOMESTIC T56N R01W S27 L2 (NWNE) L2 (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 or for a full description of the rights, please see

<https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>.

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 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 7/24/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/6/2017 and 7/13/2017

4678