

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 97-07521

Priority: February 27, 2015

Maximum Diversion Rate: 0.56 CFS
Maximum Diversion Volume: 135.0 AF

This is to certify, that OUTLET WATER ASSN
PO BOX 846
PRIEST RIVER ID 83856

has applied for an amendment of a permit and the amendment is APPROVED for development of water as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MUNICIPAL	01/01 to 12/31	0.56 CFS	135.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4SE1/4 Sec. 31, Twp 60N, Rge 04W, B.M. BONNER County
GROUND WATER SW1/4SE1/4 Sec. 31, Twp 60N, Rge 04W, B.M. BONNER County

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. 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. This water right is also subject to the Plan of Operations approved by the Forest Service as well as other state and federal laws.
6. Rights 97-7291, 97-2053, 97-7013 and 97-7521 when combined shall not exceed a total diversion rate of 0.56 cfs and a total annual volume of 142.1 acre feet.
7. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
8. Place of use is within the area served by the public water supply system of Outlet Water Association ID1090094. The place of use is generally located within Section 6, Township 59N, Range 04W.
9. This right does not grant any right-of-way or easement across the land of another.

This amendment of permit is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 9th day of August, 20 16.


MORGAN CASE, Northern Regional Manager

81106

Form 211 07/2011 Print Form as a 2 page, single sided document

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR AMENDMENT OF A PERMIT

Fee is \$100 per § 42-221C, Idaho Code

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Applicant(s) Outlet Water Association Phone (208) 443-3146
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address P.O. Box 846 City Priest River
 State ID Zip 83856 Email: billmcpriestlake@sisna.com

I am the owner of Water Appropriation Permit No. 97-07521 and request that the permit be amended as follows:

- ☒ Change point of diversion ☐ Add point of diversion ☐ Change period of use
☐ Change nature of use ☐ Change place of use ☐ Other _____

1. Point of diversion: ☐ No changes to point(s) of diversion. Skip item #1 and proceed to #2.
☐ Attach Eastern Snake Plain Aquifer analysis if this proposes to change a point of diversion affecting the ESPA.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
60N	04W	31		SW	SE		Bonner	Groundwater Well	Well No. 1 - Existing
60N	04W	31		SW	SE		Bonner	Groundwater Well	Well No. 2- Proposed

2. Period and nature of use: ☐ No changes to period and/or nature of use. Skip item #2 and proceed to #3.

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)

3. Place of use or land to be irrigated: ☐ No changes to place of use. Skip item #3 and proceed to #4.

Twp	Rge	Sec	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres to be irrigated _____

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4. Property ownership: ☐ No changes to point of diversion and/or place of use. Skip item #4 and proceed to #5.
- a. Who owns the property at the point of diversion? USFS
- b. Who owns the land to be irrigated or place of use? Association Water Customer
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:
The Association leases the property upon which the proposed Well No. 2 is located.

5. Describe the proposed change in narrative form:

6. Map: ☐ The point(s) of diversion and/or the place of use are not amended, therefore a map is not attached.

Attach a map showing the proposed point(s) of diversion and/or place(s) of use. Clearly label the map with township, range, section, and $\frac{1}{4}$ of section information. A photocopy of a USGS 7.5 minute topographic quadrangle is commonly used, or the *Map Tool* available on the Department website provides a satisfactory template for creating the required map (<http://maps.idwr.idaho.gov/TransferApplicationLayouts/Map>).

7. Signature:

The information in this application is true to the best of my knowledge. I understand that any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Bill McInerney
Signature of applicant or authorized agent

BILL MCINERNEY PRES.
Print name (and title, if applicable)

08-05-2016
Date

Signature of applicant or authorized agent

Print name (and title, if applicable)

Date

FOR DEPARTMENT USE ONLY

Received by db
Received by db
Reviewed by _____

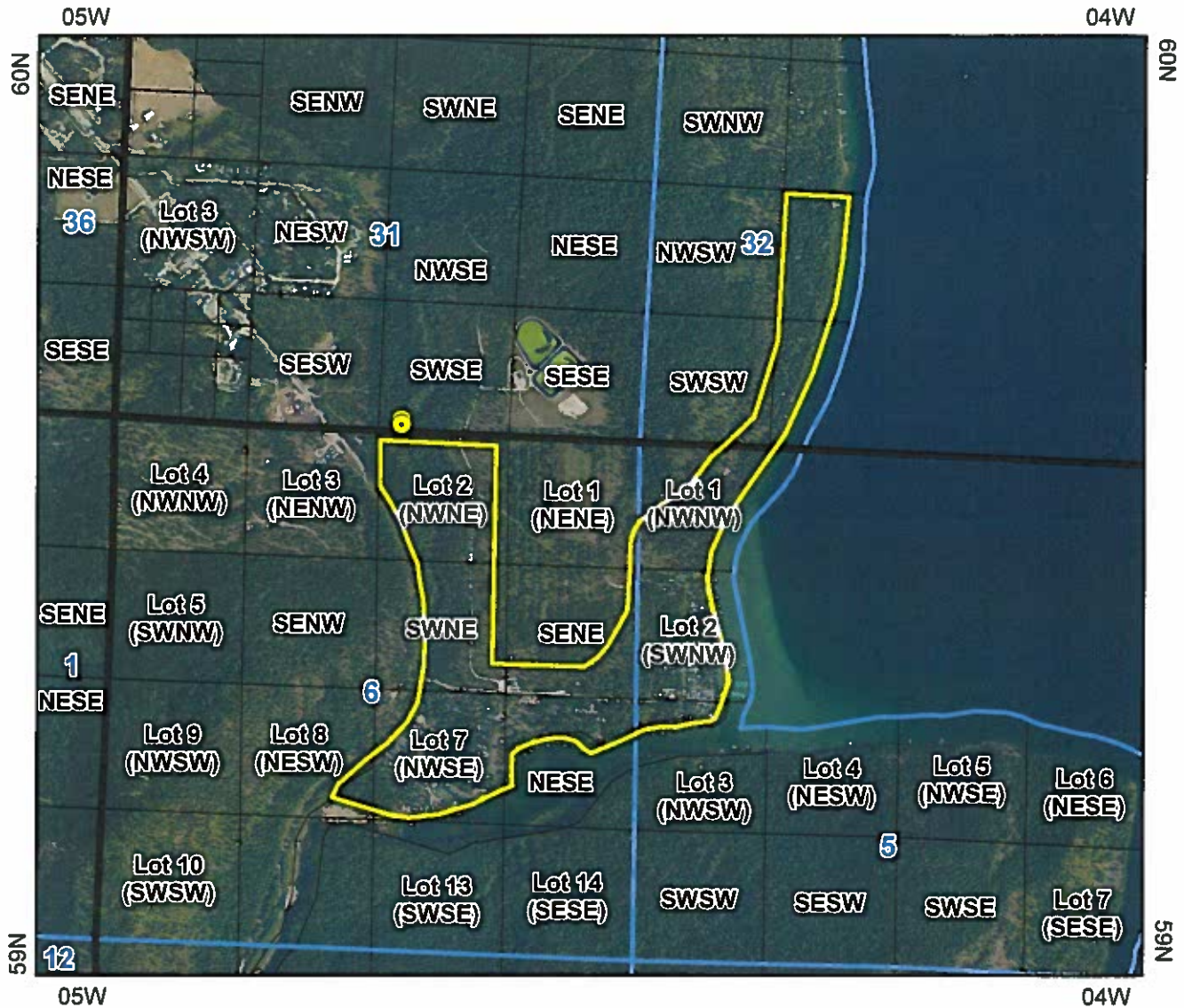
Date 8/8/16
Date 8/8/16
Date _____

Amount \$100.00
Receipt No. N032101

Attachment for Application to Amend a Permit

97-7521

This map depicts the MUNICIPAL 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



Water Service Area Boundary



Townships



PLS Sections





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

August 10, 2016

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

OUTLET WATER ASSN
PO BOX 846
PRIEST RIVER ID 83856

RE: Permit No.97-7521

Amendment of Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed amendment of permit approving your application to amend the permit referenced above. Please be sure to thoroughly review every element including the conditions of approval listed on your permit.

The amendment of 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.

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,

A handwritten signature in blue ink that reads "Morgan Case".

Morgan Case

Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Amendment of Permit) to the person(s) listed below:

RE: WATER RIGHT PERMIT NO. 97-7521

**OUTLET WATER ASSN
PO BOX 846
PRIEST RIVER ID 83856**



**Dianne L Ball
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.

MEMORANDUM

To: WR File 97-7521

From: Adam Frederick

Date: 8/8/16

Re: No Advertising for Amendment of Permit

Application for Amendment of Permit was received and reviewed on August 8, 2016. Upon review it was determined that application 97-7521 identified the same well location that was associated with Water Right License 97-7291 as one of the wells and a new well to be drilled next to it. Well location was misidentified on license and applicant used the license location to fill out the Application for Permit 97-7521. The permit was advertised in the SWNE quarter quarter of Sec. 06 T59N R 04W without protest. The actual location of both the existing well and the proposed POD is in the SWSE quarter quarter of Sec. 31 T60N R 04W, approximately 0.3 miles north. As there were no protests received for additional water rights for a known water provider in the same area, IDWR staff determined that advertising was not necessary.



JAMES A. SEWELL & ASSOCIATES, LLC

600-4th Street West
Newport, Washington 99156
(509) 447-3626 (208) 437-2641
(509) 447-2112 Fax

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*Civil Engineering *Electrical Engineering *Land Surveying *Building Inspection * Land Use Planning

August 5, 2016

Idaho Dept of Water Resources
7600 N. Mineral Dr, Suite 100
Coeur d'Alene, ID 83815-7763

Attn: **Adam Frederick, Water Resource Agent**
Subj: **Outlet Water Association, Priest Lake**
Ref: **Application for Amendment of a Permit**

Dear Adam:

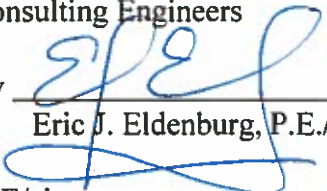
Attached herewith, please find an application package for amendment of a permit to appropriate the public waters of the State of Idaho, on behalf of the Outlet Water Association. The application package includes the following:

- ▶ A \$100 Application for Amendment of a Permit fee
- ▶ Completed Application for Amendment of a Permit form
- ▶ Quad map showing proposed location of the groundwater well and the service area

Please let us know if you need anything else. Thanks.

Sincerely,

JAMES A. SEWELL & ASSOCIATES
Consulting Engineers

By 
Eric J. Eldenburg, P.E./Principal

EJE/eje

encl: Application Package

pc: Outlet Water Association, P.O. Box 846, Priest River, ID 83856 w/encl
File w/encl

James A. Sewell & Associates, LLC

Newport Office - 600-4th Street West, Newport, WA 99156 (509)447-3626 (509)447-2112 Fax
Sandpoint Office - 1319 N. Division St, Sandpoint, ID 83864 (208)263-4160 (509)263-5229 Fax
Spokane Office - 400 S. Jefferson Ave, Suite 452, Spokane, WA 99204 (509)747-5794 (509)747-5798 Fax
