

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 94-09482

Priority: May 20, 2016

Maximum Diversion Rate: 0.03 CFS

This is to certify, that J EDWARD SHORT
PO BOX 2728
COEUR D ALENE ID 83816

has applied for a permit to appropriate water from:

Source: COEUR D ALENE RIVER **Tributary:** COEUR D ALENE LAKE

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 10/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

COEUR D ALENE RIVER L5 (SE1/4SW1/4) Sec. 32, Twp 49N, Rge 01E, B.M. KOOTENAI County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
49N 01E 32												1.0					1.0
												1.5					

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2021**.
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. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
5. Water shall not be diverted under this right when flows in the Coeur d'Alene River are below minimum flow amounts as defined by Right 94-7341. The right holder shall be responsible for monitoring the daily flow of the Coeur d'Alene River using real-time data and shall cease diverting water when flows in the Coeur d'Alene 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 Cataldo gauging station, No. 12413500, may be used for purposes of determining the daily flow amounts.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
7. 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 July, 20 16.

Morgan Case
MORGAN CASE, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

94-9482

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.

01E



-  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 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

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

August 5, 2016

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

J EDWARD SHORT
PO BOX 2728
COEUR D ALENE ID 83816

RE: Permit No. 94-9482

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.

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,

A handwritten signature in blue ink that reads "Morgan Case". The signature is written in a cursive, flowing style.

Morgan Case
Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2016 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.

94-9482

**J EDWARD SHORT
PO BOX 2728
COEUR D ALENE ID 83816**



**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

Date: July 28, 2016
To: Water Right File 94-9482
From: mcase
Re: MSF Monitoring

The USGS Gage at Cataldo (12413600) was chosen as the MSF monitoring location because the quantities established for the minimum flow are based on the Cataldo records and the diversion is 1.9 miles downstream from the gage.

Case, Morgan

From: Case, Morgan
Sent: Tuesday, July 26, 2016 10:50 AM
To: Thiel, Sandra
Cc: Clark, Cynthia (Bridge); Frederick, Adam
Subject: Application for Permit No. 94-9482

Sandra:

The Department has received your memo concerning Application for Permit No. 94-9482. The application proposes diversion of 0.03 cfs from the Coeur d'Alene River for irrigation purposes above the reach of the Board's minimum stream flow (MSF) water right no. 94-7341. Your memo requested active administration of water rights to protect the minimum stream flow. Basin 94 does not currently have any active water districts. When issuing applications which propose to divert water from MSF reaches, the Northern Region adds a condition requiring the right holder to monitor any active USGS stream gages within the reach to ensure that diversion of their water right would not reduce flows below the MSF. If a water district is established on the Coeur d'Alene River, the Board's MSF water right would be actively administered by a water master.

Please let me know if you have any questions.

Morgan

Morgan Case
Northern Regional Manager
Idaho Department of Water Resources
7600 N Mineral Dr. Suite 100
Coeur d'Alene, ID 83815
208.762.2800

MEMORANDUM

DATE: July 25, 2016
TO: Water Right 94-9482
FROM: Planning & Projects Section
RE: Application for Permit No. 94-9482

IDWR Planning & Projects Section staff reviewed the above referenced application for permit on behalf of the Idaho Water Resource Board (Board). Staff does not wish to raise any public interest concerns over Application No. 94-9484. According to the application, Edward Short proposes to divert 0.03 cfs of water from the Coeur d'Alene River for irrigation of one acre.

The applicant should be aware that the Idaho Water Resource Board holds minimum stream flow (MSF) water right 94-7341 on the Coeur d'Alene River, downstream from the proposed diversion. This right has a priority date of June 15, 1992, for the protection of fish and wildlife habitat, aquatic life, and recreational values. From November 1 through June 30 the MSF is 1,018 cfs; from July 1 through October 31 the MSF is 413 cfs. As a junior water right holder the applicant's water could be curtailed when the minimum stream flow is not being met. The Idaho Water Resource Board would like assurance that this water right will be actively administered to protect the Board's minimum stream flow right.

USGS 12413500 COEUR D ALENE RIVER NR CATALDO ID

00060, Discharge, cubic feet per second,												
Day of mo nth	Mean of daily mean values for each day for 82 - 84 years of record in, ft3/s (Calculation Period 1910-10-01 -> 2016-09-30)											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	1,730	2,510	2,500	5,320	7,480	4,470	1,440	589	430	435	722	1,990
2	1,640	2,390	2,420	5,560	7,430	4,430	1,380	586	421	443	691	2,110
3	1,700	2,240	2,420	5,590	7,480	4,300	1,330	578	413	447	758	2,120
4	1,730	2,220	2,520	5,710	7,670	4,110	1,290	564	407	469	827	1,970
5	1,640	2,250	2,660	5,740	7,670	3,940	1,230	551	406	477	866	1,920
6	1,630	2,080	2,760	6,150	7,690	3,830	1,180	541	403	468	869	1,820
7	1,750	2,180	2,770	6,510	7,760	3,720	1,150	534	400	449	970	1,670
8	2,160	2,430	2,630	6,610	7,750	3,540	1,100	526	399	445	970	1,520
9	2,130	2,920	2,600	6,350	7,690	3,480	1,070	515	398	467	1,000	1,510
10	2,000	2,940	2,900	6,310	7,620	3,330	1,040	504	397	502	1,030	1,630
11	1,880	2,820	2,940	6,370	7,500	3,120	1,010	496	403	516	1,010	1,880
12	1,790	2,670	3,050	6,570	7,420	2,980	967	486	406	525	1,100	2,260
13	1,860	2,560	3,200	6,880	7,360	2,880	938	483	405	519	1,230	2,390
14	1,880	2,380	3,220	7,550	7,410	2,790	919	477	405	509	1,230	2,390
15	2,020	2,250	3,190	7,940	7,390	2,700	894	473	414	514	1,170	2,330
16	2,080	2,320	3,420	7,730	7,400	2,610	869	469	419	519	1,130	2,060
17	2,170	2,330	3,540	7,640	7,510	2,510	840	461	418	527	1,130	1,840
18	2,060	2,270	3,700	8,210	7,420	2,380	816	453	428	527	1,190	1,780
19	1,930	2,430	3,640	8,270	7,160	2,260	795	450	430	536	1,280	1,800
20	1,970	2,900	3,680	8,020	7,060	2,160	782	455	421	568	1,300	1,830
21	2,020	2,990	3,790	8,080	6,950	2,090	760	447	422	595	1,360	1,860
22	1,890	3,050	3,820	8,060	6,610	2,040	736	443	421	613	1,320	2,350
23	1,860	2,770	4,080	7,960	6,330	1,980	718	446	416	619	1,410	2,560
24	1,900	2,560	4,150	8,050	5,990	1,890	702	448	414	619	1,680	2,270
25	1,950	2,500	4,180	7,990	5,740	1,810	688	447	411	612	2,290	1,870
26	1,940	2,460	4,320	7,860	5,570	1,720	669	452	416	639	2,380	1,650
27	1,920	2,520	4,420	7,900	5,400	1,650	655	442	410	642	2,050	1,530

28	1,840	2,590	4,630	7,910	5,180	1,590	642	436	408	634	1,840	1,500
29	1,880	3,750	4,810	7,850	4,970	1,560	632	424	410	664	1,770	1,580
30	1,910		4,920	7,660	4,780	1,510	617	418	412	693	1,950	1,730
31	2,110		5,090		4,610		602	418		721		1,720

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss

RECEIVED

JUL 18 2016

IDWR / NORTH

Holly Fredericks

being first duly sworn

upon oath deposes and says:

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 except Sunday 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 issue of said newspaper for 2 consecutive THURS weeks commencing on the 7 day of July, 2016, and ending on the 14 day of July, 2016, 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 Holly Fredericks. On this 14 day of July in the year of 2016, before me, a Notary Public, personally appeared Holly Fredericks, 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 at Coeur d'Alene, Idaho



MY COMMISSION EXPIRES 8/29/17

RECEIVED

JUL 18 2016

IDWR / NORTH

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

94-9482

J EDWARD SHORT

PO BOX 2728

COEUR D ALENE, ID 83816

Point of Diversion L5(SSEW) S32 T49N R01E KOOTENAI County

Source COEUR D ALENE RIVER tributary COEUR D ALENE LAKE

Use: IRRIGATION

03/15 to 10/31

0.03 CFS

Total Diversion:

0.03 CFS

Date Filed: 5/20/2016

Place of Use: IRRIGATION T49N R01E S32 L5(SSEW)

Total Acres: 1

95-17161

REBECCA KARVONEN

10997 W THOMPSON RD

COEUR D ALENE, ID 83814

Point of Diversion SESW S26 T50N R05W KOOTENAI County

Source(2) NORTH FORK COUGAR CREEK tributary COUGAR CREEK

Use: FIRE PROTECTION STORAGE

01/01 to 12/31 0.6 AF

Use: IRRIGATION from STORAGE

03/15 to 11/15 6.9 AF

Use: IRRIGATION STORAGE

01/01 to 12/31 7.5 AF

Use: RECREATION STORAGE

01/01 to 12/31 0.6 AF

Use: STOCKWATER from STORAGE

01/01 to 12/31 0.2 AF

Use: STOCKWATER STORAGE

01/01 to 12/31 0.8 AF

Use: WILDLIFE STORAGE

01/01 to 12/31 0.6 AF

Total Diversion: 7.7 AF

Date Filed: 5/11/2016

Place of Use: STOCKWATER STORAGE, STOCKWATER FROM STORAGE, FIRE PROTECTION STORAGE, WILDLIFE STORAGE, RECREATION STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE - T50N R05W S26 SWSW SESW

Irrigation Total Acres: 2.3

Stockwater use is for 12 head of mixed stock.

Recreation use is for swimming.

95-17167

CHRISTINE QUARTIN

212 W IRONWOOD DR STE 281

COEUR D ALENE, ID 83814

Point of Diversion L1(NENW) S31 T49N R03W 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: 5/18/2016

Place of Use: DOMESTIC T49N R03W S31 L1(NENW)

Domestic use is for 1 home with up to 1/2 acre of irrigation.

95-17168

JERRY JOHN And/Or

RENATE JOHN

3215 E FRENCH GULCH RD

COEUR D ALENE, ID 83814

Point of Diversion NENE S18 T50N R03W KOOTENAI County

Source FRENCH GULCH CREEK tributary SINKS

Use: IRRIGATION

03/15 to 11/15

0.02 CFS

Use: STOCKWATER

01/01 to 12/31

0.02 CFS

Total Diversion:

0.04 CFS

Date Filed: 5/20/2016

Place of Use: IRRIGATION T50N R03W S18 NENE

Place of Use: STOCKWATER same as IRRIGATION

Total Acres: 0.5

Stockwater use is for 1 horse and 15 chickens.

95-17169

RAYMOND HUGHES

SHERRY HUGHES

31884 N TIARA LN

ATHOL, ID 83801

Point of Diversion NENE S11 T53N R03W KOOTENAI County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31

0.04 GFS

Total Diversion:

0.04 CFS

Date Filed: 5/27/2016

Place of Use: DOMESTIC T53N R03W S11 NENE

Domestic use is for 1 home and up to 1/2 acre irrigation.

95-17170

ROBERT J LAUER

BRENDA J CHRISTENSEN

31780 N TIARA LN

ATHOL, ID 83801

Point of Diversion NENE S11 T53N R03W KOOTENAI County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 5/27/2016

Place of Use: DOMESTIC T53N R03W S11 NENE

Domestic use is for 1 home and up to 1/2 acre irrigation.

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 right(s), please see:

<http://www.idwr.idaho.gov/apps/ExtSearch/WRApplicationResults>

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 7/25/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

LEGAL 5872

JULY 7, 14, 2016

Case, Morgan

From: Case, Morgan
Sent: Tuesday, July 12, 2016 2:31 PM
To: Clark, Cynthia (Bridge)
Subject: Application for Permit from the Coeur d'Alene River

Application for Permit No. 94-9482

Dear Interested Party:

The Department of Water Resources is notifying you of an application for permit that may be of interest to you. A full description of the application may be found at: <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25 protest fee for each application protested must be received by **July 25, 2016**.

Morgan

Morgan Case
Northern Regional Manager
Idaho Department of Water Resources
7600 N Mineral Dr. Suite 100
Coeur d'Alene, ID 83815
208.762.2800

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, July 05, 2016 12:31 PM
To: 'Siitari, Kiira'; Mike Ahmer (mahmer@idl.idaho.gov)
Subject: RE: Application for Permit No. 94-9482, 95-17167;
Attachments: App-and-map-94-9482.pdf; App-and-map-95-17167-Quartin.pdf

Dear Kiira and Mike

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. A copy of each of the applications is attached for your reference.

These are being published in the Coeur d'Alene Press on 7/7/16 and 7/14/16 with July 25, 2016 as final date for protests to be received in our office

Your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact Adam Frederick in this office if you have any questions regarding any of these applications.

Sincerely,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819