

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 86-12041

Priority: April 13, 2016

Maximum Diversion Volume: 19.0 AF

This is to certify, that KAREN CHOJNACKI And/Or
NICHOLAS CHOJNACKI
1240 ORCHARD LOOP RD
TROY ID 83871

has applied for a permit to appropriate water from:

Source: RUNOFF

Tributary: SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER FROM STORAGE	01/01 to 12/31	0.1 AF
IRRIGATION FROM STORAGE	04/01 to 10/31	10.0 AF
STOCKWATER STORAGE	01/01 to 12/31	9.0 AF
WILDLIFE STORAGE	01/01 to 12/31	8.9 AF
RECREATION STORAGE	01/01 to 12/31	8.9 AF
FIRE PROTECTION STORAGE	01/01 to 12/31	8.9 AF
IRRIGATION STORAGE	01/01 to 12/31	18.9 AF

LOCATION OF POINT(S) OF DIVERSION:

RUNOFF SW1/4SE1/4 Sec. 30, Twp 40N, Rge 03W, B.M. LATAH County

RUNOFF SW1/4SE1/4 Sec. 30, Twp 40N, Rge 03W, B.M. LATAH County

PLACE OF USE: STOCKWATER STORAGE, STOCKWATER FROM STORAGE, WILDLIFE STORAGE, RECREATION STORAGE, FIRE PROTECTION STORAGE, AND IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
40N 03W 30															X		

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
40N 03W 30															5.0		5.0

Total Acres: 5

State of Idaho
Department of Water Resources
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NO. 86-12041

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 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. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. This right when combined with all other rights shall provide no more than 2.0 afa per acre at the field headgate for irrigation of the place of use.
6. Recreation storage is for swimming and fishing.
7. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
8. Stockwater is for 25 goats or sheep.
9. Right 86-12041 authorizes a total annual storage volume of 19.0 acre-feet to be used for the initial filling of the ponds, for the replacement of losses caused by seepage and evaporation, and for the storage of water for irrigation, stockwater, wildlife, recreation, and fire protection purposes.
10. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 6.9 acre-feet or a total surface area of 0.9 acres.
11. 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 18th day of May, 20 16.

Morgan Case
MORGAN CASE, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

86-12041

This map depicts the IRRIGATION FROM STORAGE and STOCKWATER FROM STORAGE 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.



0 0.045 0.09 0.18 Miles

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



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

86-12041

This map depicts the FIRE PROTECTION STORAGE, IRRIGATION STORAGE, RECREATION STORAGE, WILDLIFE STORAGE, and STOCKWATER STORAGE 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 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 20, 2016

KAREN CHOJNACKI And/Or
NICHOLAS CHOJNACKI
1240 ORCHARD LOOP RD
TROY ID 83871

RE: Permit No.86-12041

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,



Morgan Case
Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 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.

86-12041

**KAREN CHOJNACKI
1240 ORCHARD LOOP RD
TROY ID 83871**

**NICHOLAS CHOJNACKI
1240 ORCHARD LOOP RD
TROY ID 83871**



**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: Water Right Application 86-12041

From: Adam Frederick

Date: 5/18/16

Re: Application for a Permit to Appropriate Water within the Salmon and Clearwater River Basins.

Re: Regional Analysis and Recommendation in accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05).

Water Supply Information

The Idaho Department of Fish & Game as well as the Department of Environmental Quality were asked for comments regarding this application. Both Departments did not respond with any comment.

Good Faith, Delay, or Speculative Information

The applicant plans to divert water for his/her own use on property that he/she owns and there are no known issues with any other party.

Financial Resources Information

The applicant will use its own resources to complete the project

Local Public Interest

The Idaho Department of Fish & Game and the Department of Environmental Quality have been asked to comment by the Idaho Department of Water Resources. Both Departments did not respond with any comment

Injury to Other Water Rights

There does not appear to be any foreseen impacts to the minimum stream flow requirement on the Clearwater River. There have been no objections from the Idaho Department of Fish & Game and the Department of Environmental Quality.

Recommendation

The Northern Region recommends proceeding with the processing of this water right application.

NEWS REVIEW PUBLISHING COMPANY

The Moscow-Pullman Daily News

P.O.Box 374

Lewiston, Idaho 83501

(208) 743-9411

Date:

04/28/2016

INVOICE NO.

122674

Account No.

30010311

Description

122674 The foll

Times

2

Lines

53

Tab. lines

\$ 165.36

**LEGAL ADVERTISING
INVOICE****RECEIVED**

Sold To: IDAHO DEPT/ WATER RESOURCES

7600 N. MINERAL DR STE 100

COEUR D ALENE ID 83814

MAY 02 2016

PO#

86-12041

IDWR / NORTH

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

Karen J. Lewis, Legal Clerk
being first duly sworn, on oath deposes
and says: I am the printer of
Moscow-Pullman Daily News, a newspaper
of general circulation, published daily
except Sunday at Moscow, Latah County,
Idaho, in compliance with Sections 60-106,
60-107, and 60-108 of the Idaho Code and the
amendments thereto; and an official newspaper
for Whitman County, Washington as required
by R.C.W. 36.72.071 and other provisions of
the Revised Code of Washington and the
amendments thereto: that the notice of which the
annexed is a full, true and correct printed
copy was published in the regular and entire
issues of said newspaper and not in a
supplement thereto, upon the following dates:

April 21, 28, 2016

the same being the date designated for
the publication of said notice.

Karen J. Lewis
On this 29th day of April
in the year of 2016 before me, a Notary Public,
personally appeared Karen J. Lewis,
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.

Carol Peterson
Notary Public for Idaho,
Residing at Lewiston, Idaho
My Commission Expires 9-1-2017

The following application(s) have been filed to appropriate
the public waters of the State of Idaho:
86-12041

KAREN CHOJNACKI
NICHOLAS CHOJNACKI
1240 ORCHARD LOOP RD
TROY, ID 83871
Point of Diversion SWSE S30 T40N R03W LATAH County
Source RUNOFF tributary SINKS
Point of Diversion SWSE S30 T40N R03W LATAH County
Source RUNOFF tributary SINKS
Use: IRRIGATION STORAGE 01/01 to 12/31 18.9 AF
Use: IRRIGATION from Storage 04/01 to 10/31 10 AF
Use: FIRE PROTECTION Storage 01/01 to 12/31 8.9 AF
Use: RECREATION Storage 01/01 to 12/31 8.9 AF
Use: STOCKWATER from Storage 01/01 to 12/31 0.1 AF
Use: STOCKWATER Storage 01/01 to 12/31 9 AF
Use: WILDLIFE Storage 01/01 to 12/31 8.9 AF
Total Diversion: 19 AF

Date Filed: 4/13/2016

Place of Use: IRRIGATION STORAGE T40N R03W S30 SWSE

Place of Use: ALL OTHER STORAGE USES same as
IRRIGATION STORAGE

Total Acres: 5

Recreation use is for swimming and fishing.

Stockwater use is for 25 goats or sheep.

87-10083

GREGORYS CUSTOM SAUSAGE

3025 HWY 8 E

MOSCOW, ID 83843

Point of Diversion NESW S15 T39N R05W LATAH County

Source GROUND WATER

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

Total Diversion: 0.04 CFS

Date Filed: 4/7/2016

Place of Use: DOMESTIC T39N R05W S15 NWSW

Domestic use is for 1 small meat processing facility, less than
2500 GPD

Permits will be subject to all prior water rights. For additional
information concerning the property location, contact North-
ern Region office at (208) 762-2800; or for a full description of
the right(s), please see:

www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

Protests may be submitted based on the criteria of Idaho Code
§ 42-203A. Any protest against the approval of this applica-
tion must be filed with the Director, Dept. of Water Resourc-
es, 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 5/9/2016. The protestant must also
send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/21/2016 and 4/28/2016

