

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 92-11044

PRIORITY: January 04, 2016

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 1.2 AF

It is hereby certified that:

JASON LESLIE FRANK 3974 SANDERS RD ST MARIES ID 83861

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 04, 2016, and has submitted Proof of Beneficial Use on March 09, 2016. An examination confirms water is diverted from:

SOURCE: GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 35, Twp 44N, Rge 03W, B.M. BENEWAH 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	
44N	03W	35			X														

CONDITIONS OF APPROVAL

1. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
2. Domestic use is for 1 home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 12th day of May, 2016.



SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
92-11044

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.

03W



0 0.035 0.07 0.14 Miles

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





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 13, 2016

JASON LESLIE FRANK
3974 SANDERS RD
ST MARIES ID 83861

RE: License No. 92-11044

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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 208-287-4951.

Sincerely,

Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2016, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

92-11044

**JASON LESLIE FRANK
3974 SANDERS RD
ST MARIES ID 83861**



Darla Block

Technical Records Specialist

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.

NOTICE TO WATER RIGHT OWNER CONCERNING ISSUES WITH WELL CAP INSTALLATION

Dear Mr. Frank,

During the review of your water right license, Idaho Department of Water Resource (Department) staff discovered that the well cap on your well does not comply with the Idaho Administrative Well Construction Standard Rules, IDAPA 37.03.09.025.17a. The well cap has several unsealed openings on the top where ropes, pipe and power cords are exiting the well casing. This situation could be dangerous and cause contamination of the water source supplying the well. Well drilling standards require that a sanitary cap be installed on all wells to avoid contamination. The rule regarding that addresses the proper well cap installation is as follows:

- a. Upon completion of drilling and prior to removal of well drilling equipment from a water well site, the top of the casing must be completely covered with: (5-8-09)
 - i. A one-fourth inch (1/4") thick solid, new or like-new steel plate with a three-fourths inch (3/4) threaded and plugged access port, welded to and completely covering the casing (Figure 12, Appendix A); or (5-8-09)
 - ii. A threaded cap, or a commercially manufactured watertight sanitary well cap (Figure 12, Appendix A); or (5-8-09)
 - iii. A commercially manufactured water-tight, snorkel-vented or non-vented well cap on any well susceptible to submergence; or (5-8-09)
 - iv. A control device approved by the Director per Section 42-1603, Idaho Code, on any well that flows at land surface (Figure 11, Appendix A). (5-8-09)

The well drilling rules were instituted to protect not only the well owner, but everyone who uses the same water source. The above rule requires that you fix or replace the current well cap with a well cap that complies with the above conditions.

A copy of this notice along with the pictures that you sent to us for licensing purposes have been sent to our Ground Water Protection Section for further review. If you have any questions concerning the proper well cap to place on this well, you can contact our Northern Region Office at (208) 762-2800.

Respectfully,

Daniel Nelson
Staff Hydrologist
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

Favreau, Danielle

From: Favreau, Danielle
Sent: Friday, April 15, 2016 9:13 AM
To: 'Jason Frank'
Subject: RE: Request for Information: Water Permit 92-11044

Hello Jason,

Thank you for sending me the pictures and explanation. I will review them in regards to Water Permit 92-11044 within the next week.

I will let you know if I have any follow-up questions.

Thank you again,

Danielle

Danielle Bruno-Favreau, GISP
GIS Analyst
Idaho Dept. of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

From: Jason Frank [mailto:jsnfrankmaintenance@gmail.com]
Sent: Wednesday, April 13, 2016 7:35 PM
To: Favreau, Danielle
Subject: RE: Request for Information: Water Permit 92-11044

Danielle, Sorry about that short email but I guess I hit a key that also decided to send it before I was finished. Here is the rest of the story...

Picture ending 174910 is a picture facing east from the well head to my camper. This will also be where a pump house will be constructed for the pressure tank.

Picture ending 174948 is the hose connection on the well. I am using a power cord to run the pump and pump water up to the camper to fill it and then unplug it when it is full. There is not pressure tank and switch yet so the power cannot be left on because the pump won't shut off without it.

Picture ending 175014 is just the power and water hose across the road going to the trailer.

Picture ending 175042 is just a different angle looking back towards the well head of the power and water lines across the road.

Picture ending 175102 is the water hose connection to the trailer. When the power is turned on we fill our holding tank and then turn it off.

Picture 175701 is of the cleared area where I plan to put the house.

The eventual house hookup system will be this...At the well head will be the pressure tank and pump power supply (the power will be connected directly to its own power breaker at the 200Amp main connection and buried in conduit to the well head with a secondary breaker box). From there the water line will be buried 4' underground to wherever the final location of the water connection to the home will be located. I will most likely be using 1" poly pipe from the pump house to the final connection into the home.

Hope this is everything you need but please let me know if you require more info.

Thanks,

Jason Frank

From: Favreau, Danielle [<mailto:Danielle.Favreau@idwr.idaho.gov>]

Sent: Monday, April 11, 2016 4:13 PM

To: Jason Frank <jsnfrankmaintenance@gmail.com>

Subject: RE: Request for Information: Water Permit 92-11044

Hi Jason,

Thank you for confirming the physical address of the property.

I will keep an "eye out" for your pictures.

As you are using the water for your camper, please provide pictures of the camper, the water hookup, and the general delivery system from the well. If you know how you plan to hook up the home to the existing system, a general description of how you plan to do so would be appreciated.

Please let me know if you have any questions.

Danielle

Danielle Bruno-Favreau, GISP
GIS Analyst
Idaho Dept. of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

From: Jason Frank [<mailto:jsnfrankmaintenance@gmail.com>]
Sent: Monday, April 11, 2016 4:26 PM
To: Favreau, Danielle
Subject: RE: Request for Information: Water Permit 92-11044

Danielle, I am working on getting pictures for you of the water being used at the property. We are in our camper on site, living here, working and using the water until we can get a house built this year. As far as the physical mailing address goes it is...

3974 Sanders Rd.

St. Maries ID, 83861

The property (and well) is actually in the town of Emida Idaho but there is no post office here so my mail comes out of St. Maries. I believe I had put this address on all of the paperwork I have already submitted for the permit. (?)

Anyway I will work on getting pictures A.S.A.P.

Thanks,

Jason frank

From: Favreau, Danielle [<mailto:Danielle.Favreau@idwr.idaho.gov>]
Sent: Tuesday, April 5, 2016 1:54 PM
To: jsnfrankmaintenance@gmail.com
Cc: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: Request for Information: Water Permit 92-11044

April 5, 2016

Jason L. Frank
3974 Sanders Rd.
St. Maries, ID 83861

RE: Water Appropriation Permit 92-11044

Request for Information

Dear Permit Holder:

In 2016 the Idaho Department of Water Resources (IDWR) issued permit 92-11044 authorizing the development of a right to divert 0.04 cfs of water from a Groundwater within SW¼NE¼ of Section 35, Township 44 North, Range 03 East, B.M., for domestic use.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. If you have not developed a beneficial use of water from Groundwater within the development period authorized by your permit a license cannot be issued. Once the development period authorized by your permit expires, your permit cannot be retained to cover future development of the resource.

In an attempt to expedite the licensing process, IDWR would like for you to provide the following information regarding your permit:

- Please provide the physical mailing address of the home to which 92-11044 applies.
- Please provide photographs of the domestic hook-up to the home or trailer area, pictures of the home, and other evidence of the use of the water delivery system developed under 92-11044.

Please provide the information requested by April 22, 2016.

Please email the information to Danielle.Favreau@idwr.idaho.gov. If you would prefer to mail the information, mail to: IDWR, C/O Danielle Favreau, PO Box 83720, Boise, ID 83720-0098.

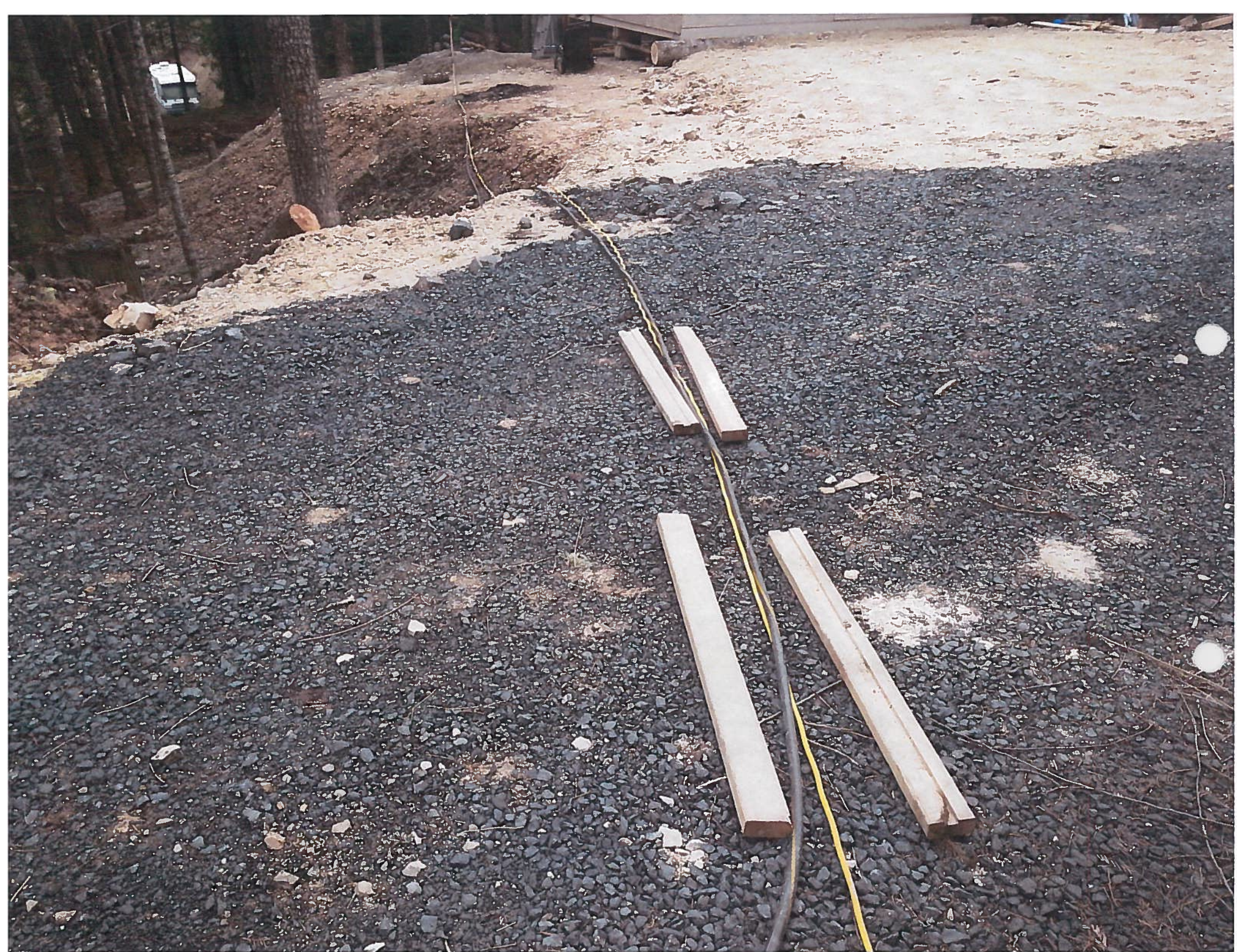
If you have any questions regarding proof of beneficial use, please contact Dan Nelson at 208-287-4800.

Respectfully,

Danielle Favreau
GIS Analyst
Idaho Department of Water Resources









WARNING
POTABLE WATER ONLY
SAFETY: DO NOT DRINK OR USE
FOR ANY OTHER PURPOSE
FAILURE TO COMPLY COULD RESULT
IN DEATH OR SERIOUS INJURY

FRESH WATER
CONNECTION

SEWAGE
CONNECTION







State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 6, 2016

Jason L. Frank
3974 Sanders Rd.
St. Maries, ID 83861

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Please provide the information requested by April 22, 2016.

Please mail the information to IDWR, C/O Danielle Favreau, to the address on at the top of this letter. If you would like, you could email the information to Danielle.Favreau@idwr.idaho.gov.

If you have any questions regarding proof of beneficial use, please contact Dan Nelson at 208-287-4800.

Respectfully,

Danielle Favreau
GIS Analyst

Enclosure

Favreau, Danielle

Subject: FW: Request for Information: Water Permit 92-11044

From: Favreau, Danielle
Sent: Tuesday, April 05, 2016 2:54 PM
To: 'jsnfrankmaintenance@gmail.com'
Cc: Nelson, Dan
Subject: Request for Information: Water Permit 92-11044

April 5, 2016

Jason L. Frank
3974 Sanders Rd.
St. Maries, ID 83861

RE: Water Appropriation Permit 92-11044

Request for Information

Dear Permit Holder:

In 2016 the Idaho Department of Water Resources (IDWR) issued permit 92-11044 authorizing the development of a right to divert 0.04 cfs of water from a Groundwater within SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 44 North, Range 03 East, B.M., for domestic use.

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If you have any questions regarding proof of beneficial use, please contact Dan Nelson at 208-287-4800.

Respectfully,

Danielle Favreau
GIS Analyst
Idaho Department of Water Resources