

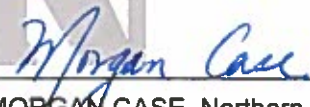
State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 95-17141

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2018**.
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. Stockwater is for 8 head of mixed stock.
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. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
9. Right 95-17141 authorizes a total annual storage volume of 12.6 acre-feet to be used for the initial filling of the pond, for the replacement of losses caused by evaporation, and for the storage of water for irrigation, stockwater, wildlife, fire protection, and recreation purposes.
10. The pond established by the storage of water under this right shall not exceed a total capacity of 5.0 acre-feet or a total surface area of 0.5 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 29th day of April, 2016.


MORGAN CASE, Northern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
95-17141

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.



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

0 0.0375 0.075 0.15 Miles



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17141

This map depicts the FIRE PROTECTION STORAGE, IRRIGATION STORAGE, STOCKWATER STORAGE, WILDLIFE STORAGE, and RECREATION 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.

03W



- 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 3, 2016

JOHN GRIMM And/Or
SARA GRIMM
11784 N TRACEY RD
HAYDEN ID 83835

RE: Permit No.95-17141

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 3, 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.

95-17141

**JOHN GRIMM
11784 N TRACEY RD
HAYDEN ID 83835**

**SARA GRIMM
11784 N TRACEY RD
HAYDEN ID 83835**



**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.



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

April 15, 2016

COPY

John and Sarah Grimm
11784 N Tracey Rd.
Hayden, Idaho 83835

Re: Application for Permit No. 95-17141

Dear Mr. and Ms. Grimm:

The Idaho Department of Water Resources has been processing your application for permit to build a dam and store water for irrigation and stock water use. The Department seeks comments from the Idaho Department of Fish and Game (IDFG) on applications for permit from surface water. We received the attached comment letter from IDFG. The concerns raised in the letter do not rise to the level of a protest of your water right. Before we move forward with permitting, we wanted to give you an opportunity to review the letter and determine whether you would like to amend the application to address IDFG concerns.

If you would like to amend your application, please contact Adam Frederick at 208.762.2800. If you would like us to move forward with the application, as filed, please contact me at the email or phone number below. If we don't hear from you within 14 days, we will begin processing your permit.

Thank you for your consideration.

Sincerely,

Morgan Case
Regional Manager
IDWR Northern Region
morgan.case@idwr.idwr.gov
208.762.2800

Enc.



IDAHO DEPARTMENT OF FISH AND GAME
PANHANDLE REGION
2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

RECEIVED
APR 07 2016

IDWR / NORTH

C.L. "Butch" Otter/Governor
Virgil Moore/Director
April 4, 2016

Mr. Adam Frederick
Idaho Department of Water Resources
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Dear Adam:

REFERENCE: 95-17141 Grimm Pond

We have reviewed the above application to dam an unnamed stream near Hayden and store 12.5 AF for irrigation of 2 acres, 8 head of stock, and storage for recreation, wildlife, and fire protection. The application includes construction of a 10 ft. dam and active reservoir capacity of 5.0 AF. The purpose of these comments is to assist the decision-making authority by providing technical information addressing potential effects on wildlife and wildlife habitat and how any adverse effects might be mitigated. It is not the purpose of Idaho Department of Fish and Game to support or oppose this proposal.

The unnamed stream the applicants propose to dam continues for approximately 1.5 miles downstream towards the city of Hayden. In addition to this riverine habitat, there are at least 35 acres of wetlands below the proposed POD associated with this stream according to the National Wetlands Inventory. The stream appears to be disconnected from other tributaries, terminating in a wetland in town near Hayden Lake.

We recommend the applicants consider building the pond outside of the stream channel so as not to create a movement barrier for existing aquatic species. If fish are to be stocked, the applicants are required to complete the application for Private Pond Permit (available on Idaho Department of Fish and Game website fishandgame.idaho.gov). Impacts to downstream wetlands are unknown but should be considered as the proposed volume and dam height may divert all flow of this small stream during parts of the year.

Thank you for the opportunity to comment.

Sincerely,

Chip Corsi
Regional Supervisor

CEC:KJS:njk
C: Sharon Kiefer, IDFG Boise

File: Grimm_20160404

Keeping Idaho's Wildlife Heritage

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss

Melinda Vansickle

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 Thursday issue of said newspaper for 2 consecutive Weeks commencing on the 17 day of March, 20 16 and ending on the 24 day of March, 20 16 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 Melinda Vansickle

On this 24 day of March in the year of 2016, before me, a Notary Public, personally appeared Melinda Vansickle, 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
MAR 28 2016
IDWR / NORTH

RECEIVED
MAR 28 2016
IDWR / NORTH

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

95-17141

JOHN GRIMM
SARA GRIMM
11784 N TRACEY RD
HAYDEN, ID 83835

Point of Diversion SENE S6 T51N R03W KOOTENAI County
Source UNNAMED STREAM tributary SINKS

Use: FIRE PROTECTION Storage	01/01 to 12/31	6.5 AF
Use: IRRIGATION from Storage	03/15 to 11/15	6 AF
Use: IRRIGATION Storage	01/01 to 12/31	12.5 AF
Use: RECREATION STORAGE	01/01 to 12/31	6.5 AF
Use: STOCKWATER from Storage	01/01 to 12/31	0.1 AF
Use: STOCKWATER Storage	01/01 to 12/31	6.6 AF
Use: WILDLIFE Storage	01/01 to 12/31	6.5 AF
Total Diversion:		12.6 AF

Date Filed: 2/26/2016

Place of Use: IRRIGATION from Storage T51N R03W S6 SENE

All other Places of Use same as IRRIGATION from Storage

Total Acres: 2

Stockwater use is for 8 head of mixed stock.

Recreation storage is for swimming and possibly fishing.

95-17142

TCRV LLC
20464 N GUNNING RD
RATHDRUM, ID 83858

Point of Diversion NENW S17 T52N R04W KOOTENAI County
Source TWIN LAKES tributary RATHDRUM CREEK

Use: IRRIGATION	03/15 to 11/15	0.12 CFS
Use: STOCKWATER	01/01 to 12/31	0.02 CFS
Total Diversion:		0.14 CFS

Date Filed: 3/3/2016

Place of Use: IRRIGATION T52N R04W S17 NENW SWNW SENW

Place of Use: STOCKWATER same as IRRIGATION

Total Acres: 5.3

Stockwater use is for 15 head of mixed stock.

95-17143

DAVID BERTSCHI
212 W IRONWOOD DR #D184
COEUR D'ALENE, ID 83814

Point of Diversion L1 (SENE) S9 T49N R04W 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: 3/7/2016

Place of Use: DOMESTIC T49N R04W S9 L1 (SENE)

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

95-17144

KOOTENAI COUNTY FIRE & RESCUE

1590 SELTICE WAY

POST FALLS, ID 83854

Point of Diversion NESE S6 T50N R04W KOOTENAI County

Source GROUND WATER

Use: DOMESTIC	01/01 to 12/31	0.04 CFS
Use: INDUSTRIAL	01/01 to 12/31	0.2 CFS
Use: IRRIGATION	03/15 to 11/15	0.2 CFS
Total Diversion:		0.2 CFS

Date Filed: 3/8/2016

Place of Use: DOMESTIC T50N R04W S6 NESE

Place of Use: IRRIGATION & INDUSTRIAL same as DOMESTIC

Total Acres: 10

Domestic use is for fire station bathrooms and kitchen.

Industrial use is for fire station operation.

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:

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 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 4/4/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

LEGAL 5273

MARCH 17, 24, 2016

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, March 10, 2016 10:51 AM
To: kiira.siitari@idfg.idaho.gov
Subject: RE: Application for Permit No. 95-17141
Attachments: App-map-pond-info-95-17141.pdf

Dear Kiira:

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

This is being prepared for publication in the Coeur d'Alene Press on March 17 and 24, 2016, with April 4, 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 this application.

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