

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09607

Priority: February 08, 2016

Maximum Diversion Volume: 2.3 AF

This is to certify, that ROBERT CROUSORE And/Or
MELIA CROUSORE
7343 BOLERO ST
CARLSBAD CA 92009-7103

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM 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>
RECREATION STORAGE	01/01 to 12/31	2.3 AF
WILDLIFE STORAGE	01/01 to 12/31	2.3 AF
FIRE PROTECTION STORAGE	01/01 to 12/31	2.3 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SW1/4SE1/4 Sec. 10, Twp 54N, Rge 02W, B.M. BONNER County

PLACE OF USE: RECREATION STORAGE, WILDLIFE STORAGE, AND FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
54N 02W 10																	X

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 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. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
6. Recreation storage is for swimming and fishing.
7. Right 96-9607 authorizes a total annual storage volume of 2.3 acre-feet to be used for the initial filling of the pond, the replacement of losses caused by evaporation and seepage, and for the storage of water for wildlife, recreation, and fire protection purposes.

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8. The pond established by the storage of water under this right shall not exceed a total capacity of 1.0 acre-feet or a total surface area of 0.2 acres.
9. 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 23rd day of March, 20 16.

Morgan Case
MORGAN CASE, Northern Regional Manager



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-9607

This map depicts the RECREATION, WILDLIFE, and FIRE PROTECTION 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

March 24, 2016

ROBERT CROUSORE And/Or
MELIA CROUSORE
7343 BOLERO ST
CARLSBAD CA 92009-7103

RE: Permit No.96-9607

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 March 24, 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.

96-9607

**MELIA CROUSORE
7343 BOLERO ST
CARLSBAD CA 92009-7103**

**ROBERT CROUSORE
7343 BOLERO ST
CARLSBAD CA 92009-7103**



**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.



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION

2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

C.L. "Butch" Otter/Governor
Virgil Moore/Director

March 7, 2016

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

RECEIVED
MAR - 9 2016
IDWR/NORTHERN

Dear Adam:

REFERENCE: 96-9606, 96-9607 CROUSORE

We have reviewed the above applications by Robert and/or Melia Crousore to store 2.3 AF and 2.4 AF in two ponds for fire protection, wildlife, and recreation storage. Proposed recreation use is stated to be swimming and fishing. 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 (IDFG) to support or oppose this proposal.

The pond associated with application number 96-9606 has already been constructed and filled. The pond for 96-9607 is planned to be built by damming an unnamed stream: likely a headwater to Three Sisters Creek. We recommend the latter pond be built outside of the stream channel, with screened inlets and outlets to prevent fish from moving in and out of the pond. In both cases, the Crousorens are required to obtain a private pond permit from IDFG if fish have been, or will be, stocked. These measures are in place to protect native fish and aquatic wildlife from invasive species and disease.

Please have the applicants contact IDFG Regional Fisheries Manager Andy Dux to obtain a private pond permit and information on approved species and hatcheries: 208-769-1414.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in dark ink, appearing to read "Chip Corsi".

Chip Corsi
Regional Supervisor

CEC:KJS:njk

C: Sharon Kiefer, IDFG Boise

File: 96-9606, 9607 Crousore

Keeping Idaho's Wildlife Heritage

IDWR / NORTH
AFFIDAVIT OF PUBLICATION

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

96-9603

TERRY CROUSORE

TAMI CROUSORE

342 FOREVER RANCH RD

ATHOL, ID 83801

Point of Diversion SWSWSE S10 T54N R02W BONNER County

Source SPRING tributary SINKS

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

Use: IRRIGATION 04/01 to 10/31 0.12 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.18 CFS

Date Filed: 2/4/2016

Place of Use: DOMESTIC T54N R02W S10 SWSE

Place of Use: IRRIGATION and STOCKWATER

same as DOMESTIC

Total Acres: 6

Domestic use is for 1 home.

Stockwater is for 50 head of mixed stock.

96-9604

MICHAEL BOEHM

JENNIFER BOEHM

9667 W NOVA LN

COEUR D'ALENE, ID 83814

Point of Diversion L3(NESE) S33 T57N R01W BONNER County

Source LAKE PEND OREILLE tributary PEND OREILLE RIVER

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

Total Diversion 0.04 CFS

Date Filed: 2/5/2016

Place of Use: DOMESTIC T57N R01W S33 L3(NESE)

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

96-9606

ROBERT CROUSORE

MELIA CROUSORE

7343 BOLERO ST

CARLSBAD, CA 92009-7103

Point of Diversion NESWSE S10 T54N R02W BONNER County

Source SPRING tributary SINKS

Use: WILDLIFE Storage 01/01 to 12/31 2.4 AF

Use: FIRE PROTECTION Storage 01/01 to 12/31 2.4 AF

Use: RECREATION Storage 01/01 to 12/31 2.4 AF

Total Diversion: 2.4 AF

Date Filed: 2/8/2016

Place of Use: WILDLIFE STORAGE T54N R02W S10 SWSE

Place of Use: FIRE PROTECTION STORAGE and RECREATION

STORAGE - same as WILDLIFE STORAGE

Recreation use is for swimming and fishing.

96-9607

ROBERT CROUSORE

MELIA CROUSORE

7343 BOLERO ST

CARLSBAD, CA 92009-7103

Point of Diversion SWSE S10 T54N R02W BONNER County

Source UNNAMED STREAM tributary SINKS

Use: WILDLIFE STORAGE 01/01 to 12/31 2.3 AF

Use: FIRE PROTECTION Storage 01/01 to 12/31 2.3 AF

Use: RECREATION STORAGE 01/01 to 12/31 2.3 AF

Total Diversion: 2.3 AF

Date Filed: 2/8/2016

Place of Use: WILDLIFE STORAGE T54N R02W S10 SWSE

Place of Use: FIRE PROTECTION STORAGE and RECREATION

STORAGE - same as WILDLIFE STORAGE

Recreation storage is for swimming and fishing.

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

3/7/2016. The protestant must also send a copy of the protest to the

applicant.

GARY SPACKMAN, Director

Published on 2/18/2016 and 2/25/2016

SNP LEGAL 3596

FEBRUARY 18, 2016

RECEIVED

MAR 03 2016

IDWR / NORTH