

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 98-07953

Priority: August 05, 2015

Maximum Diversion Rate: 0.03 CFS

This is to certify, that MARK A LOGAN
6914 WESTVIEW DR
BONNERS FERRY ID 83805

And/Or

DEBORAH A LOGAN
6914 WESTVIEW DR
BONNERS FERRY ID 83805

has applied for a permit to appropriate water from:

Source: MOYIE RIVER

Tributary: KOOTENAI RIVER

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

LOCATION OF POINT(S) OF DIVERSION:

MOYIE RIVER NW1/4, SW1/4, Sec. 14, Twp 65N, Rge 02E, B.M., BOUNDARY 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	
65N	02E	14																	3
Total Acres: 0.3																			

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2017**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Water shall not be diverted under this right when flows in the Moyie River are below minimum flow amounts as defined by Right 98-07704.
5. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
6. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
7. 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.
8. Place of use is located within Lot 57, Nixon's Moyie River subdivision.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Signed, this 8 day of January, 2016.


KEITH E. FRANKLIN, Program Manager



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

January 13, 2016

DEBORAH A LOGAN And/Or
MARK A LOGAN
6914 WESTVIEW DR
BONNERS FERRY ID 83805

RE: Permit No.98-7953

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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 "Keith E. Franklin". The signature is written in a cursive style with a large, stylized "K" and "F".

Keith E. Franklin
Program Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 13, 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.

98-7953

**DEBORAH A LOGAN
6914 WESTVIEW DR
BONNERS FERRY ID 83805**

**MARK A LOGAN
6914 WESTVIEW DR
BONNERS FERRY ID 83805**



**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.

Maxey, Shaun

From: Maxey, Shaun
Sent: Tuesday, January 05, 2016 9:03 AM
To: 'Mark Logan'
Subject: RE: Water Right Application on Moyie River

Mr. Logan;

Thanks for your e-mail reply. The location of the Point of Diversion has been adjusted in our mapping system.

Please be advised that the legal notices published in the newspaper incorrectly listed the amount of land to be irrigated as 3 acres instead of the 0.3 acres shown in your Application (98-7953). The 0.3 acres for Irrigation will appear on the Permit.

Shaun Maxey

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral DR Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762.2816 /2800
Fax (208) 762.2819
www.idwr.idaho.gov

From: Mark Logan [<mailto:mark@selkirknet.com>]
Sent: Monday, January 04, 2016 8:01 PM
To: Maxey, Shaun
Subject: RE: Water Right Application on Moyie River

Shawn,

Updated the point of diversion closer to the property line...I also own the property next to it. Talked to Amity Fuson at IDL, she said I do not need an encroachment permit.

Please let me know if I need to do anything else.

Mark

From: Maxey, Shaun [<mailto:Shaun.Maxey@idwr.idaho.gov>]
Sent: Tuesday, December 22, 2015 3:45 PM
To: mark@selkirknet.com
Subject: Water Right Application on Moyie River

Mr. or Mrs. Logan:

Attached is a letter and map that are in outgoing mail for you tomorrow. Please contact me if you receive this e-mail before getting the letter in the U.S. mail.

I need to confirm that the area shown as the Place of Use is correct and discuss the legal notice that was published in the newspaper.

Shaun Maxey

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral DR Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762.2816 /2800
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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

December 23, 2015

Mark. A. Logan OR Deborah Logan
6914 Westview DR
Bonners Ferry, ID 83805

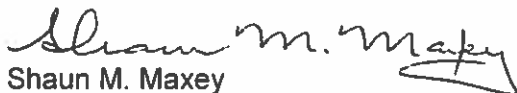
Re: Idaho Water Right on Moyie River (98-7953)

Dear Mr. or Mrs. Logan:

Idaho Department of Water Resources (IDWR) is completing steps required to issue your water Right Permit (98-7953). Please contact me about the area that you intend to irrigate and your Point of Diversion after you have reviewed the enclosed map.

I can be reached at (208) 762.2800 or the above address.

Respectfully,



Shaun M. Maxey
Senior Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 Mineral DR, Ste. 100
Coeur d'Alene, ID 83815

Enc

IDWR map
Copy of Application 80311

Maxey, Shaun

From: Maxey, Shaun
Sent: Tuesday, December 22, 2015 3:46 PM
To: 'mark@selkirknet.com'
Subject: Water Right Application on Moyie River
Attachments: 98-7953-logan-idwr-ltr.pdf; 98-7953-logan-idwr-map.pdf

Mr. or Mrs. Logan:

Attached is a letter and map that are in outgoing mail for you tomorrow. Please contact me if you receive this e-mail before getting the letter in the U.S. mail.

I need to confirm that the area shown as the Place of Use is correct and discuss the legal notice that was published in the newspaper.

Shaun Maxey

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral DR Suite 100
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State of Idaho
Department of Water Resources
Application For Permit
98-7953

December 22, 2015



- Point of Diversion
- Place Of Use Boundary
- Taxlots

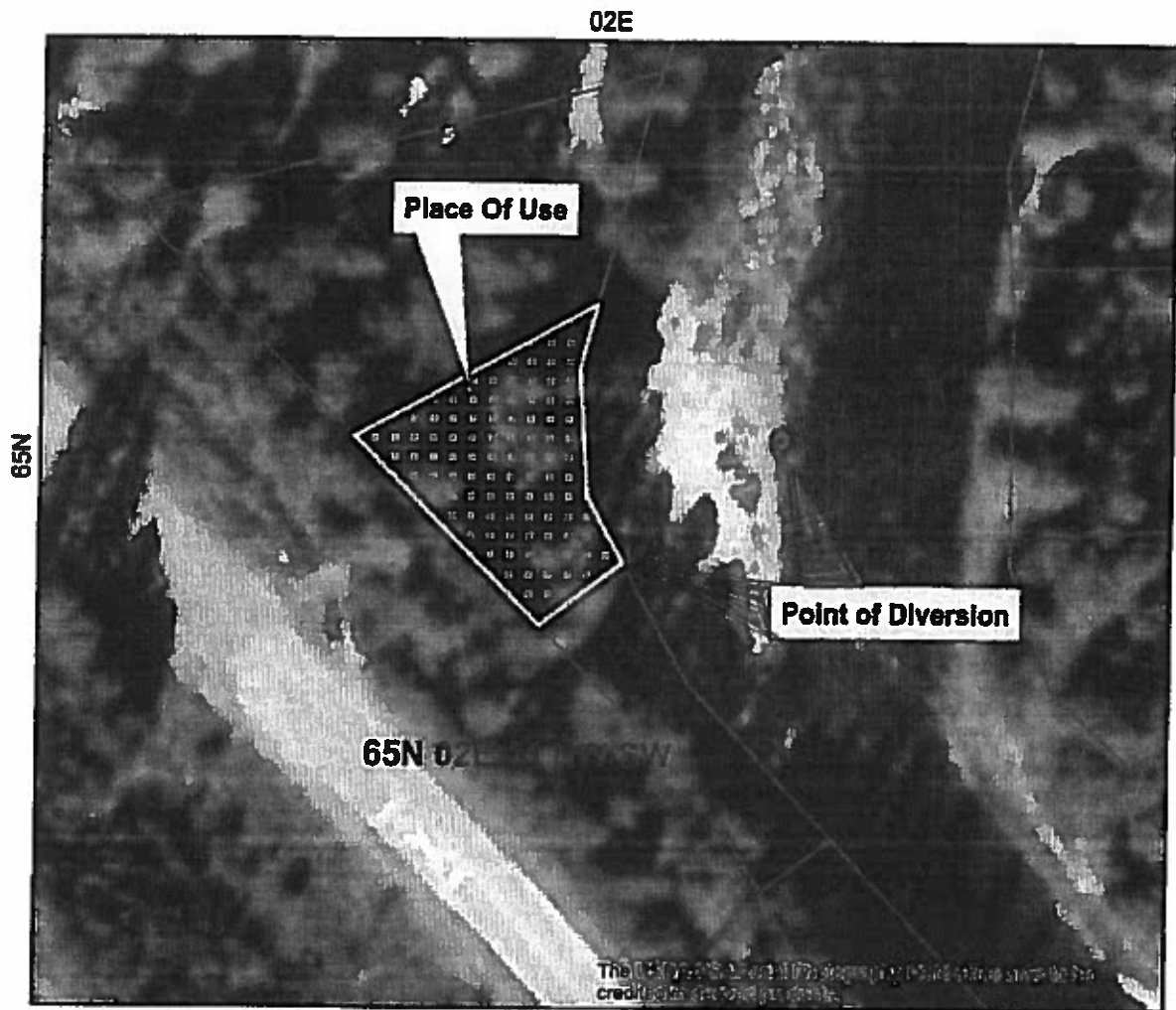
0 0.0075 0.015 0.03 Miles



Prepared By: Maxey, Shaun

State of Idaho
Department of Water Resources
Application For Permit
98-7953

December 22, 2015



- ⊙ Point of Diversion
- Place Of Use Boundary
- Taxlots

0 0.0075 0.015 0.03 Miles



Prepared By: Maxey, Shaun

MEMORANDUM

Date: December 22, 2015
To: Water Right File 98-7953
From: smaxey
Re: Legal Notice error

IDWR INCORRECTLY PUBLISHED THE AMOUNT OF AREA TO BE IRRIGATED IN TWO LEGAL NOTICES IN THE BONNERS FERRY NEWSPAPER. THE AMOUNT PUBLISHED WAS 3 ACRES. THE CORRECT AMOUNT IS 0.3 ACRES. THE ERROR OCCURED BECAUSE THE CORRECT AMOUNT WAS NOT DATA ENTERED PROPERLY

IDWR NORTHERN REGION STAFF DETERMINED THAT REPUBLICATION OF THE LEGAL NOTICES IS NOT REQUIRED THE PLACE OF USE AND POINT OF DIVERSION LEGAL DESCRIPTIONS ARE CORRECT AS PUBLISHED.AND NO PORTION OF THE APPLICANTS PROPERTY LIES WITHIN A DIFFERENT LEGAL DESCRIPTION.

NO PROTESTS HAVE BEEN RECEIVED AS OF THE DEADLINE DATE. NO INJURY TO OTHER WATER RIGHTS IS LIKELY BECAUSE OF THE PUBLICATION ERROR.

Maxey, Shaun

From: Maxey, Shaun
Sent: Monday, December 21, 2015 12:43 PM
To: 'Mike Ahmer'; 'AFuson@idl.idaho.gov'
Subject: Logan Encroachment Permit needed for Moyie River?

Mike or Amidy:

Do you have a encroachment permit on record for a Mike or Deborah Logan on Boundary County tax parcel RP008000010570? The proposed Point of Diversion on the Moyie River is 65N 02E S.14 NW SW.

Apologies, if we have previously discussed this Water Right Application.

Thanks,

Shaun Maxey

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral DR Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762.2816 /2800
Fax (208) 762.2819
www.idwr.idaho.gov

AFFIDAVIT OF PUBLICATION

State of Idaho

SS

County of Boundary, Jinda Johnson
being first duly sworn on oath deposes and says that
he/she is book keeper of the
Bonners Ferry Herald, a newspaper printed and
published at Bonners Ferry, Boundary County, Idaho;
that the said newspaper has been continuously and
uninterruptedly published in said Boundary County
during a period of 12 months prior to the first publication
of the hereto attached notice of publication in the case
of:

Application for Permit
NO. 98-7953, 98-7954 as it
was published in the regular and entire issue of the said
paper for a period of 2 consecutive weeks,
commencing on 5th day of Nov., 2015 and
ending on the 12th day of Nov., 2015 and
that said notice was published in said newspaper.

Jinda Johnson

SUBSCRIBED AND SWORN TO before me, this

12th day of November, 2015.

Sherif Jones

Notary Public-State of Idaho

Residing at: Sandpoint

My Commission Expires: 2/24/17

RECEIVED

DEC 03 2015

IDWR / NORTH

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

98-7953

MARK A LOGAN
DEBORAH A LOGAN
6914 WESTVIEW DRIVE
BONNERS FERRY, ID 83805
Point of Diversion NWSW S14 T65N R02E BOUNDARY CO
Source MOYIE RIVER Tributary KOOTENAI RIVER
Use: IRRIGATION 04/15 to 10/31 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 8/5/2015

Place of Use: IRRIGATION T65N R02E S14 NWSW

Total Acres: 3

98-7954

KENTON GOH
PO BOX 915
PORTHILL, ID 83853
Point of Diversion NESWSE S14 T65N R01W BOUNDARY CO
Source SPRING Tributary SINKS
Points of Diversion(3) SWSE S14 T65N R01W BOUNDARY CO
Source GROUND WATER tributary SINKS
Use: DIVERSION to Storage 01/01 to 12/31 0.2 CFS
Use: FIRE Protection Storage 01/01 to 12/31 27 AF
Use: RECREATION Storage 01/01 to 12/31 27 AF
Use: WILDLIFE Storage 01/01 to 12/31 27 AF
Total Diversion: 0.2 CFS

Date Filed: 8/21/2015

Place of Use: DIVERSION to Storage T65N R01W S14 SWSE

Place of Use for ALL OTHER STORAGE

T65N R01W S14 SWSE

RECREATIONAL STORAGE IS FOR FISHING AND SWIMMING.

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:

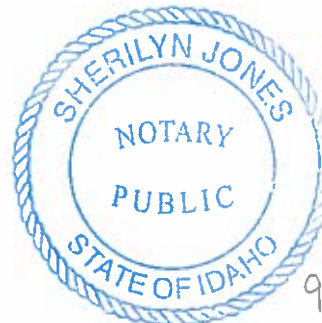
www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

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 11/23/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

BFH Legal 9333

November 5, 12, 2015



9333



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

November 16, 2015

Mr. Shaun Maxey
Senior Water Resource Agent
Idaho Department of Water Resources
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

RECEIVED
NOV 19 2015
IDWR/NORTHERN

Dear Shaun:

REFERENCE: 98-7953 LOGAN

We have reviewed the above-named application by Mark and Deborah Logan to divert 0.03 cfs of water from the Moyie River for irrigation. 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 Moyie River is managed by IDFG as a wild trout fishery and it is becoming increasingly popular with sport fishing anglers. This waterway provides important spawning areas for native rainbow (redband) trout and provides year-round foraging habitat for other game fish. We request this permit include conditions to screen the intake with $\leq 0.25"$ mesh and limit approach velocity to ≤ 0.5 cfs to protect fish from entrainment or impingement.

The applicants should also be made aware of the minimum stream flow requirements downstream of their diversion. The State of Idaho's water right 98-7704 established minimum flows of 354.0 cfs from April 1 to July 31, and 149.0 cfs from August 1 through March 31 in order to protect fish, aquatic life, and recreational values of the Moyie River. The Logans' may not divert water for irrigation if these minimum flows are breached.

Thank you for the opportunity to comment.

Sincerely,

Charles E. "Chip" Corsi
Regional Supervisor

CEC:KJS:njk

C: Sharon Kiefer, IDFG Boise

File: 98-7953_Logan

Keeping Idaho's Wildlife Heritage