



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

August 28, 2015

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

William Baxter
PO Box 96
Hope, Idaho 83836

Andrew Walker
PO Box 441
Hope, Idaho 83836

Dale Van Stone
19 Denton Rd
Hope, Idaho 83836

Dale Widel
28414 178 Ave. SE
Kent, WA 98042

Re: Application For Permits 96-9399 and 96-9400

Gentlemen:

As per our meeting at the pre-hearing conference for protested water right application 96-9399, I have enclosed two draft permits for your review.

The diversion rates for both draft permits have been reduced from 0.04 cfs to 0.02 cfs (9 gallons/minute) and restricts the domestic use to in house use only with no provision for the irrigation of lawn and garden (see condition #5). Condition #8 also restricts the overall diversion from Riser Creek to 0.02 cfs. In other words, if both water rights are simultaneously using water, the total diversion rate cannot exceed 0.02 cfs. Condition #7 is standard language when there is an agreement between parties that further restricts a water right. The agreement, when finalized should be submitted to the Department so it can become part of the water right files.

If the draft permits meet the approval of the protestants, they should let me know in writing within the next 30 days along with a note withdrawing their protests (e-mails/faxes are acceptable).

If the applicants approve of the drafts, they need to also let me know in writing within the next 30 days (e-mails/faxes are acceptable).

COPY

If you should have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely,

A handwritten signature in blue ink, reading "Keith E. Franklin". The signature is written in a cursive, flowing style with a large initial "K".

Keith E Franklin
Program Manager

Enclosure(s)

State of Idaho
Department of Water Resources

DRAFT

Permit to Appropriate Water

DRAFT

NO. 96-09399

Priority: July 25, 2008

Maximum Diversion Rate: 0.02 CFS

This is to certify, that ANDREW WALKER
PO BOX 441
HOPE ID 83836

has applied for a permit to appropriate water from:

Source: RISER CREEK

Tributary: LAKE PEND OREILLE

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

RISER CREEK, L3 (NE1/4NW1/4), Sec. 6, Twp 56N, Rge 02E, B.M., BONNER County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
56N	02E	6									X								

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before (Date).
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. Domestic use is for 1 home internal use only and does not include lawn, garden, landscape, or other types of irrigation.
5. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
6. 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.
7. The diversion piping and use of water described in this water right is subject to additional conditions as agreed to by Dale Van Stone and William Baxter under a separate agreement to which the Department of Water Resources is not a party and which may be independently enforceable by a court of law.
8. This right when combined with water right 96-9400 cannot divert more than 0.02 cfs from Riser Creek.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this _____ day of _____, 20_____.

COPY

GARY SPACKMAN, Director

State of Idaho
Department of Water Resources

DRAFT

Permit to Appropriate Water

DRAFT

NO. 96-09400

Priority: July 25, 2008

Maximum Diversion Rate: 0.02 CFS

This is to certify, that DALE M WIDEL
28414 178 AVE SE
KENT WA 98042

has applied for a permit to appropriate water from:

Source: RISER CREEK

Tributary: LAKE PEND OREILLE

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

RISER CREEK, L3 (NE1/4NW1/4), Sec. 6, Twp 56N, Rge 02E, B.M., BONNER County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
56N	02E	6					X												
							L3												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before (Date).
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. A fish screen of 0.25 inch or smaller mesh shall be installed and maintained at the point of diversion.
5. Domestic use is for 1 home internal use only and does not include lawn, garden, landscape, or other types of irrigation.
6. 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.
7. The diversion piping and use of water described in this water right is subject to additional conditions as agreed to by Dale Van Stone and William Baxter under a separate agreement to which the Department of Water Resources is not a party and which may be independently enforceable by a court of law.
8. This right when combined with water right 96-9399 cannot divert more than 0.02 cfs from Riser Creek.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this _____ day of _____, 20____.

COPY

GARY SPACKMAN, Director