

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 96-09588

Priority: August 04, 2015

Maximum Diversion Volume: 2.9 AF

This is to certify, that MARK WATSON And / Or REBECCA REVAK
105 VERMEER DR UNIT 2 STE 170
PONDERAY ID 83852

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: SAND CREEK

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	2.9 AF
WILDLIFE STORAGE	01/01 to 12/31	2.9 AF
FIRE PROTECTION STORAGE	01/01 to 12/31	2.9 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM, SW1/4 SE1/4, Sec. 26, Twp 58N, Rge 02W, B.M. BONNER County

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

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
58N	02W	26															X		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2020**.
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. The pond established by the storage of water under this right shall not exceed a total capacity of 2.4 acre-feet or a total surface area of 0.2 acres.
7. Right 96-09588 authorizes total annual storage volume of 2.9 acre-feet, 2.4 acre-feet to be used for the initial filling or carryover storage and 0.5 acre-feet for the replacement of losses caused by evaporation.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
9. Recreation use is for swimming and fishing.
10. 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. Witness the signature of the Director, affixed at Coeur d'Alene, this 29 day of September, 2015.


FOR GARY SPACKMAN, Director



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

October 15, 2015

GARY SPACKMAN
Director

MARK WATSON And/Or
REBECCA REVAK
105 VERMEER DR UNIT 2 STE 170
PONDERAY ID 83852

RE: Permit No.96-9588

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,

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 October 15, 2015 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. 96-9588

**MARK WATSON
105 VERMEER DR UNIT 2 STE 170
PONDERAY ID 83852**

**REBECCA REVAK
105 VERMEER DR UNIT 2 STE 170
PONDERAY ID 83852**



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

RECEIVED
SEP 04 2015
IDWR / NORTH

September 3, 2015

Shaun Maxey
Idaho Department of Water Resources
7600 N Mineral Dr, Ste. 100
Coeur d'Alene, ID 83815

Dear Shaun:

REFERENCE: 96-9587, 96-9588

We have reviewed the above-named water right applications from Mark Watson and Rebecca Revak to a) divert 0.20 cfs of water from two springs (97-9587) and b) use an existing 7,500 ft pond for recreation, wildlife storage, and fire protection (97-9588). This is an in-channel pond that utilizes an earthen dam to store water from an unnamed tributary to Sand Creek.

The Idaho Department of Fish and Game does not support or oppose this proposal. 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.

We do not anticipate any significant impacts to fish or wildlife due to the spring diversions (a). Regarding (b), typically IDFG does not condone the construction of private, in-channel ponds. This is due to the potential for loss of fish habitat connectivity and public fishing opportunities, along with the potential for aquatic invasive species introductions. As this is an existing pond, we do not expect further effects to fish or wildlife due to the applicant's expansion, assuming no additional alteration to the stream channel will occur.

We must also highlight that if the applicant intends to stock or maintain fish in the pond, they are required to complete an Application for Private Pond Permit (IDFG SP-116). Through this process, the applicant must screen pond inlet and outlets and stock only approved species from approved hatcheries. We have spoken to Mr. Watson and are happy to assist in this process.

Shaun Maxey – Page 2
September 3, 2015

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles E. Corsi', with a long horizontal stroke extending to the right.

Charles E. Corsi
Regional Supervisor

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

File: 96_9587 9588 Watson Revak.docx

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Bonner)

Danielle Rucker, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Notice of Application.
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 20 day of August, 2015, and ending on the 27 day of August, 2015.

Danielle Rucker

State of Idaho, county of Bonner ss.

On this 27 day of Aug, in the year of 2015, before me, Sherilyn Jones, Notary Public, personally appeared Danielle Rucker, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he
(or they) executed the same.

Sherilyn Jones
Notary Public
Residing at: Sandpoint
Comm. Exp.: 2/24/17



NOTICE OF APPLICATION

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

96-9584

THOMAS E YAKE
JOAN YAKE
1815 E 35TH AVE
SPOKANE, WA 99203
Point of Diversion SWNWNE S5 T55N R01W BONNER CO
Source SPRING tributary SINKS
Use: DOMESTIC 01/01 to 12/31 0.06 CFS
Use: FIRE PROTECTION 01/01 to 12/31 0.2 CFS
Use: IRRIGATION 04/01 to 10/31 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 7/30/2015
Place of Use: DOMESTIC T55N R01W S5 L2(SWNE)
Place of Use: IRRIGATION and FIRE PROTECTION same as DOMESTIC
Total Acres: 10
Domestic use is for 2 homes.

96-9585

ALTON J CLARK
LEONE K CLARK
527 RED FIR RD
HOPE, ID 83836-9765
Point of Diversion L2(NESE) S2 T56N R01E BONNER CO
Source PEND OREILLE LAKE tributary PEND OREILLE RIVER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 7/31/2015
Place of Use: DOMESTIC T56N R01E S2 L2(NESE)
Domestic use is for 1 home.

96-9586

P M HERNDON CORP
222 OTTS BASIN RD
SAGLE, ID 83860
Point of Diversion NENE S27 T56N R03W BONNER CO
Source GROUND WATER
Use: IRRIGATION 04/01 to 10/31 0.33 CFS
Total Diversion: 0.33 CFS

Date Filed: 7/31/2015
Place of Use: IRRIGATION T56N R03W S22 SESE
T56N R03W S27 SESE
Total Acres: 19.5

96-9587

MARK WATSON
REBECCA REVAK
105 VERMEER DR UNIT 2 STE 170
PONDERAY, ID 83852
Point of Diversion NWSESW S26 T58N R02W BONNER CO
Source SPRING tributary SINKS
Point of Diversion SESESW S26 T58N R02W BONNER CO
Source SPRING tributary SINKS
Use: DOMESTIC 01/01 to 12/31 0.06 CFS
Use: IRRIGATION 04/01 to 10/31 0.12 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.2 CFS

Date Filed: 8/4/2015
Place of Use: DOMESTIC T58N R02W S26 SWSE
Place of Use: STOCKWATER and IRRIGATION same as DOMESTIC
Total Acres: 4
Domestic use is for 2 homes
Stockwater use is for 10 head of mixed stock.

96-9588

MARK WATSON
REBECCA REVAK
105 VERMEER DR UNIT 2 STE 170
PONDERAY, ID 83852
Point of Diversion SWSE S26 T58N R02W BONNER CO
Source UNNAMED STREAM tributary SAND CREEK
Use: WILDLIFE STORAGE 01/01 to 12/31 2.9 AF
Use: FIRE Protection Storage 01/01 to 12/31 2.9 AF
Use: RECREATION Storage 01/01 to 12/31 2.9 AF
Total Diversion: 2.9 AF

Date Filed: 8/4/2015
Place of Use: ALL STORAGE T58N R02W S26 SWSE
Recreation storage is for swimming, and fishing.

96-9589

RHONDA OUSLEY
RICHARD L OUSLEY SR
71 PRIVATE DR
SAGLE, ID 83860
Point of Diversion SWNW S15 T56N R01W BONNER CO
Source RUNOFF tributary GARFIELD CREEK
Use: WILDLIFE STORAGE 01/01 to 12/31 1.7 AF
Use: FIRE PROTECTION STORAGE 01/01 to 12/31 1.7 AF
Use: RECREATION STORAGE 01/01 to 12/31 1.7 AF
Total Diversion: 1.7 AF

Date Filed: 8/6/2015
Place Of Use: ALL STORAGE T56N R01W S15 SWNW
Recreation use is for swimming, and ice skating.
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 9/8/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
SNP Legal 3857
August 20, 27, 2015