

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 91-07902

Priority: June 25, 2015

Maximum Diversion Rate: 0.04 CFS

This is to certify, that JEFF SCOGGIN
11024 W RIVERVIEW DR
POST FALLS ID 83854

And/Or

KIM R SCOGGIN
11024 W RIVERVIEW DR
POST FALLS ID 83854

has applied for a permit to appropriate water from:

Source: ST JOE RIVER

Tributary: COEUR D ALENE LAKE

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	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

ST JOE RIVER L5 (NE1/4, SW1/4), Sec. 14, Twp 46N, Rge 01W, B.M., BENEWAH County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N 01W 14										X							
										L 5							

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 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. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
5. Water shall not be diverted under this right when flows in the St. Joe River are below established minimum flow amounts as defined by Right 91-7122.
6. Domestic use is for 1 home.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
8. 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 18 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

September 24, 2015

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

JEFF SCOGGIN
11024 W RIVERVIEW DR
POST FALLS ID 83854

KIM R SCOGGIN
11024 W RIVERVIEW DR
POST FALLS ID 83854

RE: Permit No.91-7902

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,


Keith E. Franklin
Program Manager

Enclosure(s)

CERTIFICATE OF SERVICE

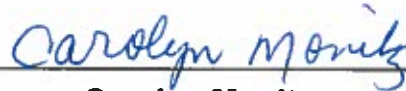
I hereby certify that on September 24, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

91-7902

**JEFF SCOGGIN
11024 W RIVERVIEW DR
POST FALLS ID 83854**

**KIM R SCOGGIN
11024 W RIVERVIEW DR
POST FALLS ID 83854**



**Carolyn Monitz
Technical Records Specialist**

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.

RECEIVED
AUG 28 2015
IDWR / NORTH

Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 19 day of August, 2015 and the last on the 26 day of August, 2015.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

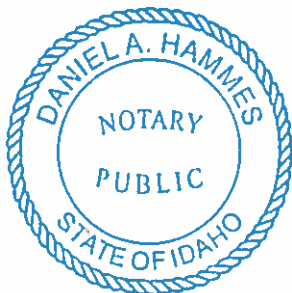
Dated this 26 day of August, 2015.

Cynthia Ann Hammes

STATE OF IDAHO)

COUNTY OF BENEWAH)

On this 26 day of August, in the year of 2015 before me, a Notary Public, personally appeared Cynthia Ann Hammes, known or identified to me to be the person whose name subscribed to within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Daniel A. Hammes

Notary Public for Idaho
Residing at St. Maries, Idaho
My commission expires:

July 13, 2019

NOTICE OF APPLICATION

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

91-7902

JEFF SCOGGIN

KIM R SCOGGIN

11024 W RIVERVIEW DR

POST FALLS, ID 83854

Point of Diversion L5(NESW) S14 T46N R01W BENEWAH County

Source ST JOE RIVER Tributary COEUR D ALENE LAKE

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 6/25/2015

Place Of Use: DOMESTIC

T46N R01W S14 L5(NESW)

92-11033

HAROLD G STONE

JANET M STONE

PO BOX 431

ST MARIES, ID 83861

Point of Diversion NENW S33 T44N R02W BENEWAH County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Use: STOCKWATER

01/01 to 12/31

0.02 CFS

Total Diversion:

0.06 CFS

Date Filed: 6/23/2015

Place Of Use: DOMESTIC STOCKWATER

T44N R02W S33 NENW

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 9/08/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/19/2015 and 8/26/2015

9203 August 19 - 26

August 11, 2015

JEFF SCOGGIN
KIM R SCOGGIN
11024 W RIVERVIEW DR
POST FALLS, ID 83854

Application For Permit No. 91-7902

Dear Applicant(s):

The Department of Water Resources was notified the original legal notice was published in the St Maries Gazette on incorrect dates. Your application will need to be republished.

A legal notice of the application has been prepared and is scheduled for publication in the ST MARIES GAZETTE RECORD on 8/19/2015 and 8/26/2015. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Jean Hersley
Technical Records Specialist

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

91-7902

JEFF SCOGGIN

KIM R SCOGGIN

11024 W RIVERVIEW DR

POST FALLS, ID 83854

Point of Diversion L5(NESW) S14 T46N R01W BENEWAH County

Source ST JOE RIVER Tributary COEUR D ALENE LAKE

Use: DOMESTIC

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0.04 CFS

Total Diversion:

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Date Filed: 6/25/2015

Place Of Use: DOMESTIC

T46N R01W S14 L5(NESW)

92-11033

HAROLD G STONE

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Total Diversion:

0.06 CFS

Date Filed: 6/23/2015

Place Of Use: DOMESTIC STOCKWATER

T44N R02W S33 NENW

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GARY SPACKMAN, Director

Published on 8/19/2015 and 8/26/2015

Ball, Dianne

From: Hersley, Jean
Sent: Tuesday, July 28, 2015 10:26 AM
To: Corsi, Charles
Subject: RE: July 13 water rights notice

Not sure what you consider important fish bearing streams, but here is a list of the surface water rights from that list.

91-7902- domestic from St. Joe River
95-17045- Domestic from Spirit Lake
96-9571- Domestic/Irrigation from unnamed stream tributary to Grouse Creek
96-9573- Irrigation from Sandcreek
96-9575- fire Protection from unnamed stream tributary to Syringa Creek
96-9577- domestic from Pend Oreille River tributary to Columbia River

I hope this helps. Let me know if you need anything else.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

From: Corsi, Charles [<mailto:charles.corsi@idfg.idaho.gov>]
Sent: Friday, July 17, 2015 4:55 PM
To: Hersley, Jean
Subject: July 13 water rights notice

Hi Jean,

I received a letter signed by you inviting written comment on a long list (13) of Applications for Permit for basins 91, 95, and 96. I am currently short staffed here and it would be helpful to know, without searching each AFP individually, what these applications are for. If they are for typical domestic water rights, it's probably not critical for IDFG to comment. If they are surface diversions from important fish bearing streams, it would be good for us to know that so that we could assess and provide IDWR with input to avoid or mitigate impacts to important or even ESA listed fish. And, if they are applications from one applicant for multiple diversions across the landscape, that would allow us to prepare a single response instead of up to 13.

Is there anyway of sending us more details on these applications up front? It would be greatly appreciated!

Thanks,
Chip Corsi
Panhandle Regional Supervisor
Idaho Department of Fish and Game
2885 Kathleen Avenue
Coeur d'Alene, ID 83815
(208) 769-1414

To: Dianne Ball

From: Sandra Thiel

Subject: Water right application 91-7902

Date: August 3, 2015

The purpose of this memo is to provide the Planning Section's comments on the application for permit 91-7902. Jeff and Kim Scoggin of Post Falls submitted an application on June 25, 2015. They intend to divert 0.04 cfs from the St. Joe River at T46N R1W Section 14 NESW Lot 5 in Benewah County for domestic use. According to their application a one quarter horse power electric pump will draw water from St Joe River to hoses and sprinkler system to irrigate less than .5 acres and for backup emergency domestic use in buildings & RV trailers.

The applicant should be aware that the Idaho Water Resource Board holds minimum stream flow water right 91-7122 on the St. Joe River. This right has a priority date of June 15, 1992, for the protection of fish and wildlife habitat, aquatic life and recreational values. From August 1 through October 31 the minimum stream flow (MSF) is 470 cfs; from November 1 through July 31 the MSF is 941 cfs.

As a junior water right holder the applicant's water could be curtailed when the minimum stream flow is not being met. The Idaho Water Resource Board would like assurance that this water right will be actively administered to protect the Board's minimum stream flow right.

Ball, Dianne

From: Thiel, Sandra
Sent: Monday, August 03, 2015 2:54 PM
To: Ball, Dianne
Cc: Palmer, Cherie; Miller, Neeley; Clark, Cynthia (Bridge)
Subject: Applicaiton for permit: 96-9571, 91-7902, and 97-7526
Attachments: Memo96-9571.docx; Memo 97-7526.docx; Memo 91-7902.docx *Scoggen*

Hi Dianne, the attached documents have the Planning Section's comments on three applications for permit.

Sandra Beer Thiel
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
(208)287-4881
sandra.thiel@idwr.idaho.gov