

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09514

Priority: April 02, 2013

Maximum Diversion Rate: 0.32 CFS

This is to certify, that TOM McGARRAGH
63 S LONGSPUR DR
WOODLANDS TX 77380

has applied for a permit to appropriate water from:

Source: PEND OREILLE RIVER **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>
IRRIGATION	04/01 to 10/31	0.32 CFS

LOCATION OF POINT(S) OF DIVERSION:

PEND OREILLE RIVER NW1/4SE1/4 Sec. 20, Twp 56N, Rge 03W, B.M. BONNER 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	
56N 03W 20													6.0	10.0			16.0
													L3				

Total Acres: 16

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2018**.
2. Subject to all prior water rights.
3. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
5. 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.
6. 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 11 day of June, 2019.


For, GARY SPACKMAN, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 11, 2013

TOM McGARRAGH
63 S LONGSPUR DR
WOODLANDS TX 77380

RE: Permit No.96-9514

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 black ink, appearing to read "Eric Davis". The signature is written in a cursive, flowing style.

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

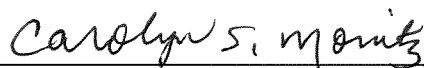
CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2013 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.

96-9514

**TOM McGARRAGH
63 S LONGSPUR DR
WOODLANDS TX 77380**

A handwritten signature in cursive script, reading "Carolyn S. Monitz", is written over a horizontal line.

**Carolyn S. 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.

MEMORANDUM

Date: June 11, 2013
To: Water Right File 96-9514
From: kfranklin
Re: Place of Use

Government Lot 3 in the NESE was omitted on the application. Government Lot 3 was added to the NESE at the time the permit was issued. The Northern Region determined readvertising the application for this correction was not necessary.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS**

W.R. # 96 - 9514 APPLICATION ID # 78519 ENT. ED BCA 4/23 OK to Publish 4/19/13
 APPLICANT: Tom McGarragh INITIAL REVIEW BY: ED DATE: 4 / 11 / 2013

- ITEM REQUIRED INFORMATION**
1. ☒ Name and Address
 2. ☐ Source
 3. ☐ Point of Diversion & County
 4. ☐ Quantity
 5. ☐ Nature of Proposed Use
 6. ☐ Period of Use
 7. ☐ Total Quantity
 8. ☐ Description of diverting works
 9. ☐ Time required for b/u
 10. ☐ Proposed use
 11. ☐ Place of use or acres irrigated
 12. ☐ Other water Rights
 13. ☐ Ownership
 14. ☐ Map
 15. ☐ Signature
 16. ☐ Fee (Amt, receipt, acknowledgement)

PROCESSING
 (Yes)(No) PRIORITY DATE: 4 / 2 / 2013
☒ (Include Moratorium Remark)
☒ Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).
 ADVERTISE IN: PRT BONNER County
 Newspaper: PRT
 Dates scheduled for publication: 5/14/13
 Affidavit of Publication received: 6/7/13
 Dates actually published: 5/14/13
 Application published correctly. Yes ☒ No ☐
 If not, action taken: _____
 Final Date for Protest: 5/20/13
 Protests Received: Yes ☐ No ☒

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

(Yes)(No)
☒ Shape File Created Date 4-11-13 By: ED
☐ Field check: by _____
☐ Field report attached
☐ Analysis Supp. Attached (>5cfs/500af)
☐ Water delivered by water master? Water District # _____

LETTERS SENT REQUESTING:

() Dam Information () Fish Information
 () Power Information () Other: _____

INFORMATION RECEIVED:

() Dam Information () Fish Information
 () Power Information () Other: _____

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()

Groundwater management area Pond Oreille River Remarks: _____
 Critical ground water area _____
 Well Drilling Permit required _____
 Well Drilling Application and Fees received _____
 Well Drilling Application approved? _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)
☒ Notice of pending void order issued. Final order response date: _____ / _____ / _____
☒ Further information required from applicant _____

☒ Measuring device required
☒ Measuring port required
☒ Special conditions: 0.25 screen @ POD
☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: E.D. Date: 6 / 10 / 2013 Sr. Agent initial E.D.

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, Terri Jure

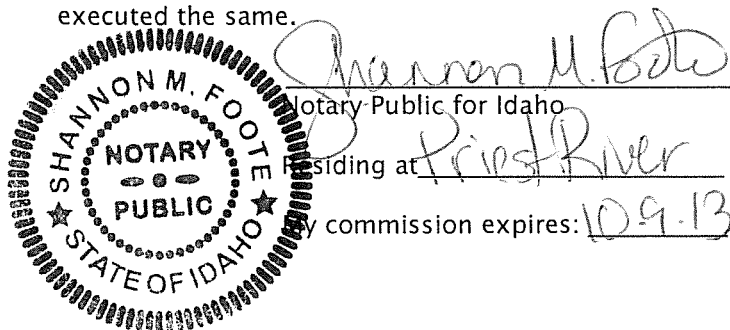
being first duly sworn on oath deposes and says that he/she is Managing Editor of the Priest River Times, a newspaper printed and published at Priest River, Bonner County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Bonner County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of:

96-9511 Scott Mac Donald

96-9514 Tom McGarragh

as it was published in the regular and entire issue of the said newspaper for a period of 2 consecutive weeks, commencing on the 1st day of May, 20 13 and ending on the 8th day of May, 20 13 and that said notice was published in said newspaper.

On this 8th day of May in the year of 2013, before me, a Notary Public, personally appeared Terri Jure, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



RECEIVED
JUN 07 2013
IDWR / NORTH

NOTICE OF APPLICATION OF WATER RIGHTS

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

96-9511

SCOTT MacDONNALD
250 CHAPARRAL COURT SE
CALGARY, AB T2X3M3

Point of Diversion L1(NENE) S34 T57N R03W BONNER CO
Source PEND OREILLE RIVER tributary COLUMBIA RIVER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 3/7/2013

Place of Use: DOMESTIC T57N R03W S34 L1(NENE)
Domestic use is for 1 home.

96-9514

TOM McGARRAGH
63 S LONGSPUR DR
WOODLANDS, TX 77380

Point of Diversion NWSE S20 T56N R03W BONNER CO
Source PEND OREILLE RIVER tributary LAKE PEND OREILLE
Use: IRRIGATION 04/01 to 10/31 0.32 CFS
Total Diversion: 0.32 CFS

Date Filed: 4/2/2013

Place of Use: IRRIGATION T56N R03W S20 NESE NWSE
Total Acres: 16

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800. 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 5/20/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PRT legal 2584

MAY 1, 8, 2013