

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE CLARK FORK-PEND OREILLE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 69576

Claim ID: 96-9260

Date Received: 9-6-22

Receipt No: N041020

Claim Fee: 56.00 By: ja

RECEIVED

SEP 06 2022

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR / NORTH

Please type or print clearly

1. Name of claimant(s) Rob Behrens Phone () _____
Mailing address 84 Stewarts Drive, Sagle, Idaho Zip 83860
Street or Box City State
Email address (optional) _____
2. Date of priority: (Only one per claim) 09/07/2005 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____
4. a. Location of point of diversion is: Township 56N, Range 01E, Section 13,
NE 1/4 of SW 1/4, Govt. Lot _____, BM, County of Bonner
Parcel no. RP021660000WL0A - Antler Point Well Lot
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Pump and pipelines See attached Water Right No. 96-9260 and related documents (13 pages)

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Domestic (12 residences) purposes from 01 to 12/31 amount 0.06 or 14.4

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.06 (cfs) and/or (b) 14.4 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Domestic -12 residences

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

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	01E	13									X			X					12

Parcel no(s). RP02166***** - 12 residential parcels Total number of acres irrigated 0.5

10. In which county(ies) are lands listed above as place of use located? Bonner

11. Do you own the property listed above as place of use? Yes (✓) No ()
If your answer is No, describe in Remarks below the authority you have to claim this water right.

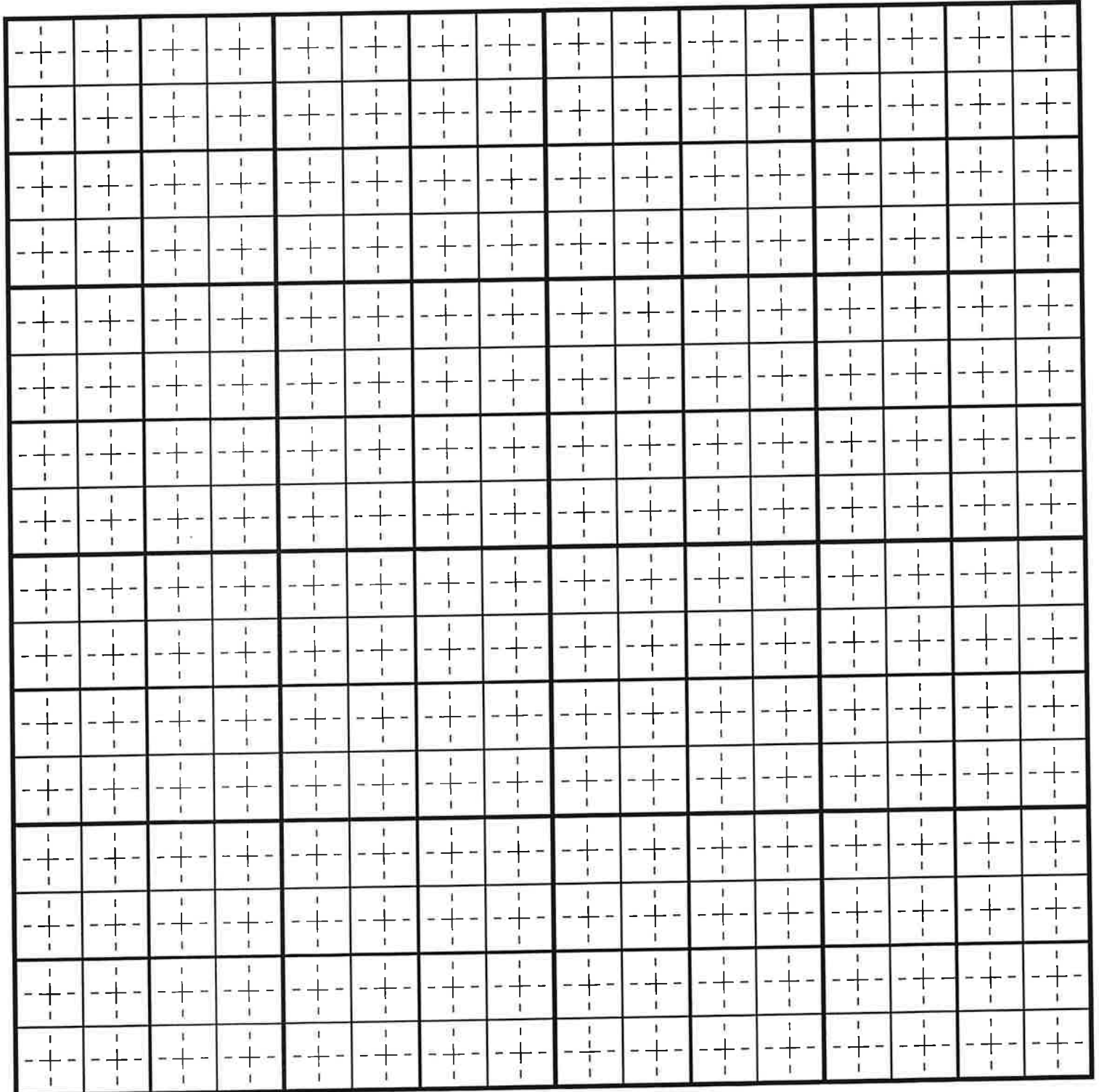
12. Describe any other water rights used at the same place and for the same purposes as described above.
Domestic Use Well or None ()

13. Remarks (Include an explanation of the priority date selected):

Name of claimant(s) Behrens, Rob Claim ID _____

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 inches equals 1 mile



Name of claimant(s) Behrens, Rob

Claim ID

14. Basis of claim (Check one) Beneficial Use (☒) Posted Notice (☐) License (☒) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

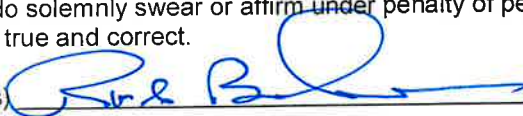
If applicable provide IDWR Water Right Number 96-09260

15. Signature(s)

- (a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Clark Fork-Pend Oreille River Basin Water System Adjudication."
(b.) I/We do (☐) do not (☒) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 13 pages

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)  Date: 9-1-22

Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Agent's title (Please print) _____ of _____
Name of organization (Please print)

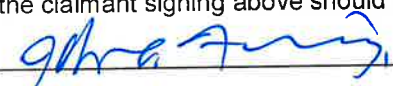
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent _____

16. Notice of Appearance:

Notice is hereby given that I, (please print) John A. Finney, Attorney at Law, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature  25810 5413 Date 09/01/2022

Address 120 E. Lake St, Ste 317, Sandpoint, Idaho 83864

Name of claimant(s) Behrens, Rob

Claim ID _____

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

8/26/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 96-9260

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROB BEHRENS 84 STEWARTS DR SAGLE, ID 83860 4063600666
Representative	JAMES A SEWELL & ASSOC ATTN MARTIN TAYLOR 1319 N DIVISION AVE SANDPOINT, ID 83864 2082634160

Priority Date: 09/07/2005

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	12/31	0.06 CFS	14.4 AFA
Total Diversion			0.06 CFS	14.4 AFA

Location of Point(s) of Diversion:

GROUND WATER|NESW|Sec. 13|Township 56N|Range 01E|BONNER County

DOMESTIC Use:

Number of homes: 12

Place(s) of use:

Place of Use Legal Description: DOMESTIC BONNER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
56N	01E	13		NESW			SESW							

Conditions of Approval:

1. X01 Domestic use is for 12 homes.
2. 070 The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot in the Antler Point Subdivision and does not cover the irrigation of common areas.
3. 004 This right does not grant any right-of-way or easement across the land of another.

Dates:

Licensed Date: 05/25/2016

Decreed Date:

Permit Proof Due Date: 1/1/2014

Permit Proof Made Date: 12/18/2013

Permit Approved Date: 1/20/2006

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 09/07/2005

Protest Deadline Date: 12/19/2005

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: NWD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Rights

DOCUMENT SEARCH RESULTS

[New Search](#)

Water Right # 96-9260

To sort, click a column heading. To view a document, click the link in the Document Name column.

DOCUMENT NAME	PROCESS	DOCUMENT DATE	DATE RECEIVED
Retuned Mail	License		6/18/2016
License and supporting documents	License	5/25/2016	
Beneficial Use Field Report	Beneficial Use	6/12/2015	
Return mail envelope ? Mail Resent on 3/3/14	Beneficial Use		2/26/2014
Proof Acknowledgment Letter	Beneficial Use	2/19/2014	
Proof of Beneficial Use	Beneficial Use		12/18/2013
Return Mail Envelope / Mail Resent on 12/10/2013	Beneficial Use		11/29/2013
Return Mail Envelope / Mail Resenrt on 11/15/2013	Beneficial Use		11/13/2013
Proof Due Notice	Beneficial Use	10/3/2013	
Letter enclosing Approved Request for Extension of Time	Beneficial Use	12/30/2008	
Letter Submitting Request for Extension of Time	Beneficial Use	12/2/2008	12/4/2008
Request for Extension of Time	Beneficial Use		12/4/2008
Returned Mail Envelope / Proof Due Notice Inside	Beneficial Use		11/7/2008
Proof Due Notice	Beneficial Use	10/31/2008	
Backfile - Permit	Water Right Archives		

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 96-09260

PRIORITY: September 07, 2005

Maximum Diversion Rate: 0.06 CFS

Maximum Diversion Volume: 14.4 AF

It is hereby certified that:

ROB BEHRENS 84 STEWARTS DR SAGLE ID 83860

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 07, 2005, and has submitted Proof of Beneficial Use on December 18, 2013. An examination confirms water is diverted from:

SOURCE: GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.06 CFS	14.4 AF

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13, Twp 56N, Rge 01E, B.M. BONNER 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	
56N	01E	13									X							X	

CONDITIONS OF APPROVAL

- Domestic use is for 12 homes.
- The irrigation occurring under this domestic use shall not exceed $\frac{1}{2}$ acre within each platted subdivision lot in the Antler Point Subdivision and does not cover the irrigation of common areas.
- This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 25th day of May, 2016.


MORGAN CASE
Northern Regional Manager

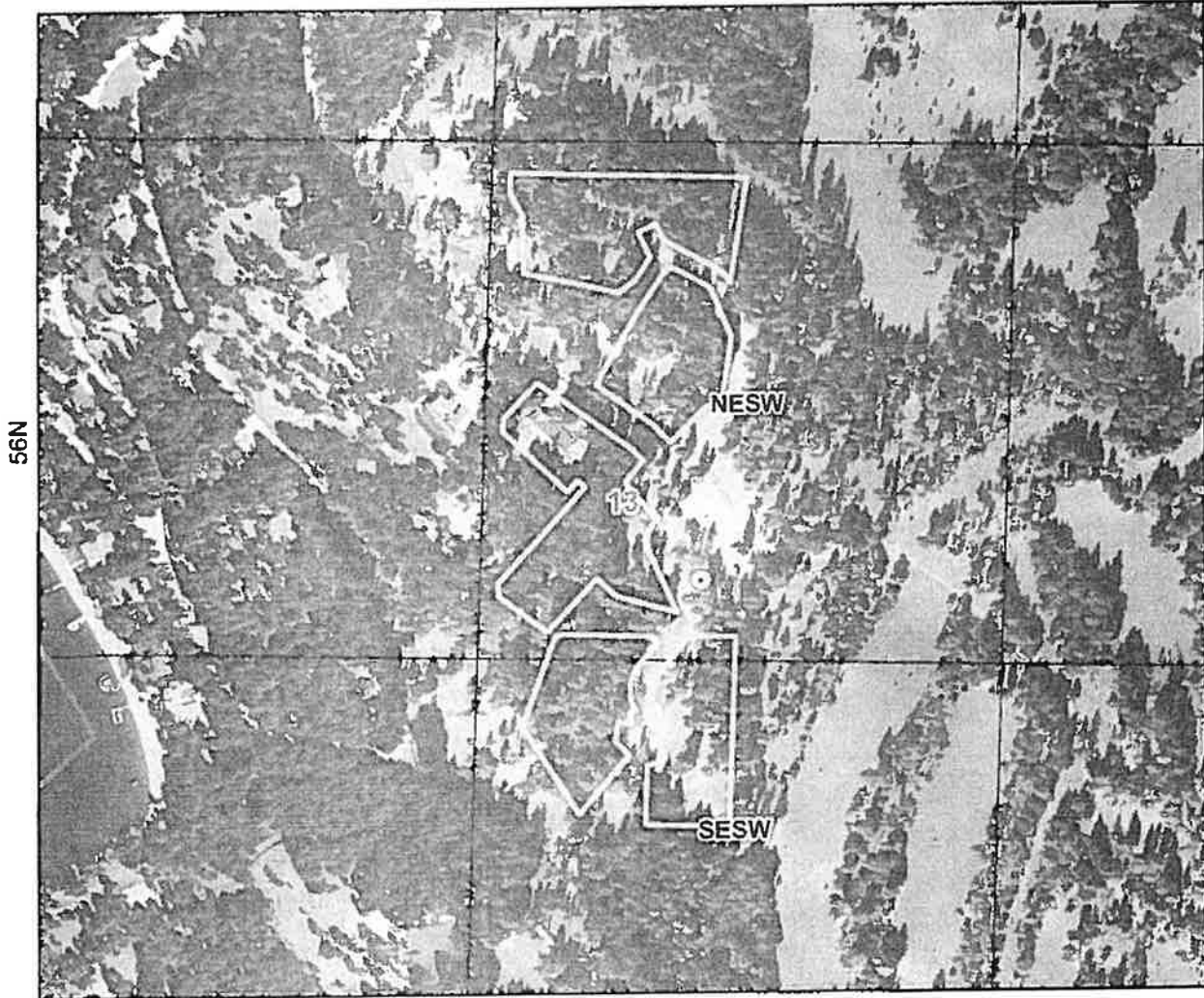
State of Idaho
Department of Water Resources

Attachment to Water Right License

96-9260

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

01E



0 0.05 0.1 0.2 Miles

- Point of Diversion
- Place Of Use Boundary

- Townships
- PLS Sections





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

June 9, 2016

ROB BEHRENS
84 STEWARTS DR
SAGLE ID 83860

RE: License No. 96-9260

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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,

Morgan Case
Northern Regional Manager

Enclosure(s)

cc: JAMES A SEWELL & ASSOC

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

96-9260

**ROB BEHRENS
84 STEWARTS DR
SAGLE ID 83860**

**JAMES A SEWELL & ASSOC
ATTN MARTIN TAYLOR
1205 W HWY 2 STE 101
SANDPOINT ID 83864**

A handwritten signature in cursive script, appearing to read "Jean Hersley", is written over a horizontal line.

Jean Hersley

Technical Records Specialist II

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.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 96-09260

RECEIVED
MAY 23 2016
IDWR / NORTH

PRIORITY: September 07, 2005

Maximum Diversion Rate: 0.06 CFS
Maximum Diversion Volume: 14.4 AF

Comes now

ROB BEHRENS 84 STEWARTS DR SAGLE ID 83860

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 96-09260, and requests that the permit be changed as follows:

SOURCE: GROUND WATER

BENEFICIAL USE
DOMESTIC

PERIOD OF USE
01/01 to 12/31

DIVERSION RATE
0.06 CFS

**ANNUAL
DIVERSION VOLUME**
14.4 AF

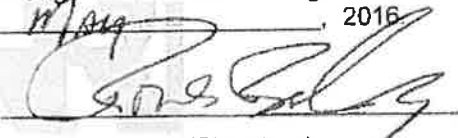
LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE¼SW¼ Sec. 13, Twp 56N, Rge 01E, B.M. BONNER 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	
56N	01E	13									X			X					

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 19 day of May, 2016


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 96-09260

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100.00 Received by B # N031926 Date 5/23/2016

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No 96-09260 with the following

CONDITIONS OF APPROVAL

1. Domestic use is for 12 homes.
2. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot in the Antler Point Subdivision and does not cover the irrigation of common areas.
3. This right does not grant any right-of-way or easement across the land of another.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 24th day of May, 2016.

Morgan Case
MORGAN CASE
Northern Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 06, 2016

ROB BEHRENS
84 STEWARTS DR
SAGLE ID 83860

COPY

RE: Water Right Permit No. 96-09260

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Section 42-211, Idaho Code. Before license(s) can be issued, your permit(s) must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

_____ Point(s) of Diversion

 X Place(s) of Use

_____ Other

The enclosed Application for Amendment form(s) depicts the elements of the water right(s) as they will appear on the license(s) when issued. Please review the amendment form(s) carefully. If you concur with the information presented, please sign and return the form(s) with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at 208-762-2800.

Sincerely,

Adam Frederick
Senior Water Resource Agent

Enclosure(s): Application for Amendment

cc:

JAMES A SEWELL & ASSOC