COPY

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 91-8068

Priority: February 09, 2023

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that:

JAMES FOSDICK 120 BIG EDDY LANE ST. MARIES ID 83861

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 09, 2023, and has submitted Proof of Beneficial Use on April 21, 2023. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
DOMESTIC	1 /1 to 12/31	0.04 CFS	1.2 AF

Location of Point(s) of Diversion
GROUND WATER NW¼ NW¼, Sec. 31, Twp 46N, Rge 02E, B.M. SHOSHONE County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N	02E	31						X L2											
46N	02E	31						X											

Conditions of Approval

1. The following rights are diverted through point(s) of diversion described above: 91-7635 & 91-8068.
2. Domestic use is for 1 home.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
4. 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 Idaho Code § 42-219. 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 28th day of April, 2023.

PHILL HUMMER
Water Rights Supervisor

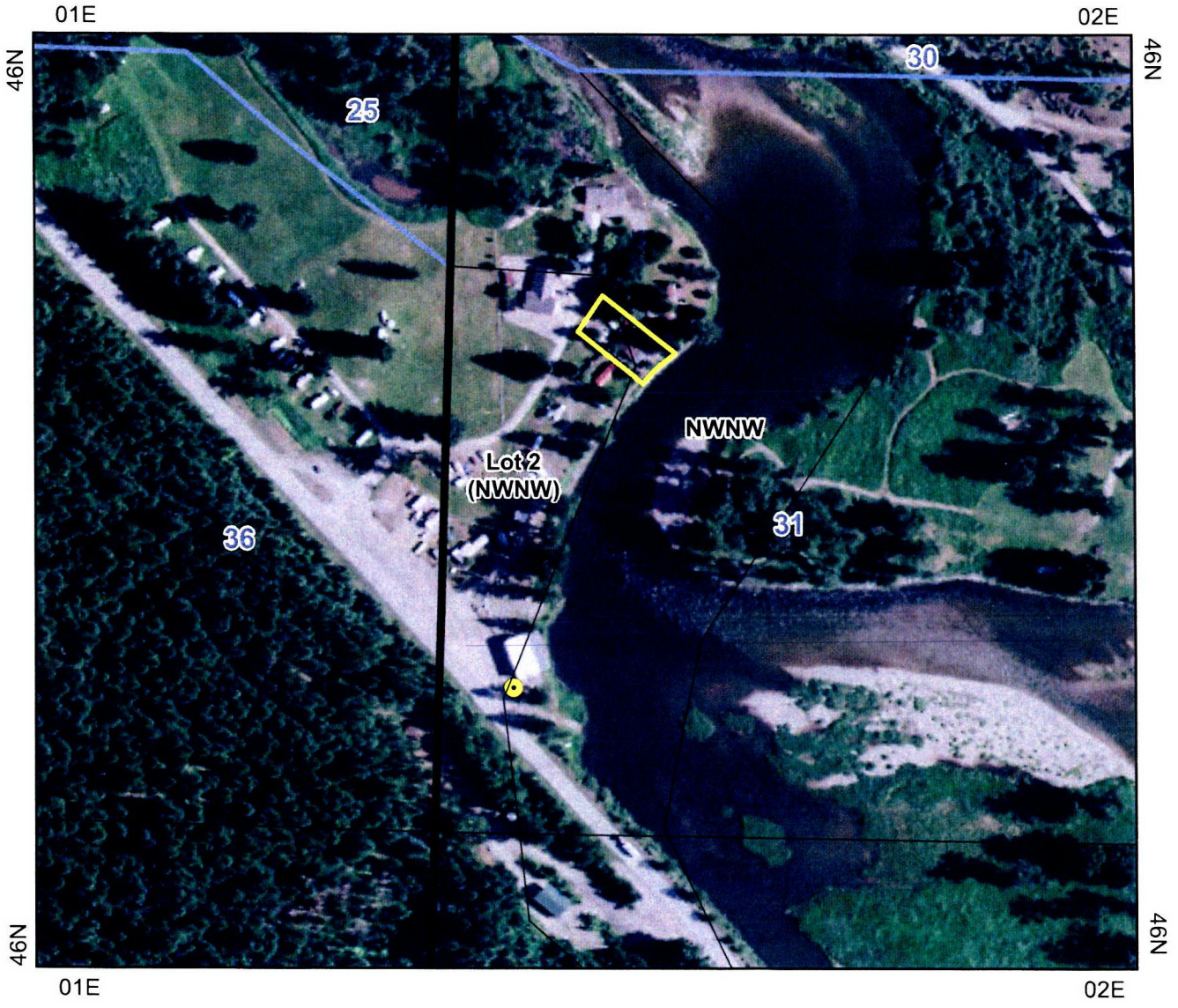
SCANNED
JUL 12 2023

State of Idaho
Department of Water Resources

Attachment to Water Right

91-8068

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.



0 0.035 0.07 0.14 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

N

SCANNED
JUL 12 2023

Form 42-217 Rev. 6/22

RECEIVED
APR 24 2023
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 21 2023
IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee $	
Receipt No.	N/A
Receipted By	
Date Receipted	

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 91-8068 Name of Permit Holder(s) JAMES FOSDICK

Telephone No. 208-245-3559 Email golftustdoit@yahoo.com

Mailing Address 120 Big Eddy Ln City ST. MARIES State ID Zip 83861

2. Source of Water WELL If Ground Water (well), Date Drilled mo. 06 / yr. 2009

Drilling Permit/Tag No. 856205 Drilling Company's Name ALLWAYS Drilling

3. Extent of use(s) completed **as authorized by the water right permit**:

Domestic (No. households) 1 Irrigation (No. acres) Ø Stockwater (No. and stock type) Ø

Other N/A

4. Total diversion rate or volume (storage only) for which proof is submitted Ø cfs OR _____ af

If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

Pump & Pipe To Residence

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required?	Yes	No	(If "Yes", attach required data, evidence of compliance, or evidence of installation)
☐	☐	☐	Ground water level data, pumping information, or other diversion data
☐	☐	☐	Mitigation plan
☐	☐	☐	Lockable controlling works
☐	☐	☐	Measuring device
☐	☐	☐	Fish screen
☐	☐	☐	Other requirements of the water right permit _____
	☐	☐	Reasonably Anticipated Future Needs ("RAFN") Municipal use

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed $_____ or ☐ CWRE field report attached or ☒ No fee required

See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: JAMES FOSDICK Telephone No. 208-245-3559 Email golftustdoit@yahoo.com

Mailing Address 120 Big Eddy LA City ST. MARIES State ID Zip 83861

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

James Fosdick — JAMES C. FOSDICK III — 4/21/23

SIGNATURE OF PERMIT HOLDER* PRINTED NAME AND TITLE DATE

*Attach power of attorney if completing on behalf of permit holder.

SCANNED
JUL 12 2023

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 91-8068

Priority: February 09, 2023 **Maximum Diversion Rate:** 0.04 CFS

This is to certify that

JAMES FOSDICK 120 BIG EDDY LANE ST. MARIES ID 83861

has applied for a permit to appropriate water from:

Source : GROUND WATER

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

Beneficial Use	**Period of Use**	**Rate of Diversion**
DOMESTIC	1 /1 to 12/31	0.04 CFS

Location of Point(s) of Diversion

GROUND WATER NW¼ NW¼, Sec. 31, Twp 46N, Rge 02E, B.M. SHOSHONE County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N	02E	31						X L2											
46N	02E	31						X											

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2024.**
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. The following rights are diverted through point(s) of diversion described above: 91-7635 & 91-8068.
5. Domestic use is for 1 home.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. 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 Idaho Code § 42-204.

Signed this 7 day of April, 2023.

LUKE BATES
Interim Water Rights Supervisor

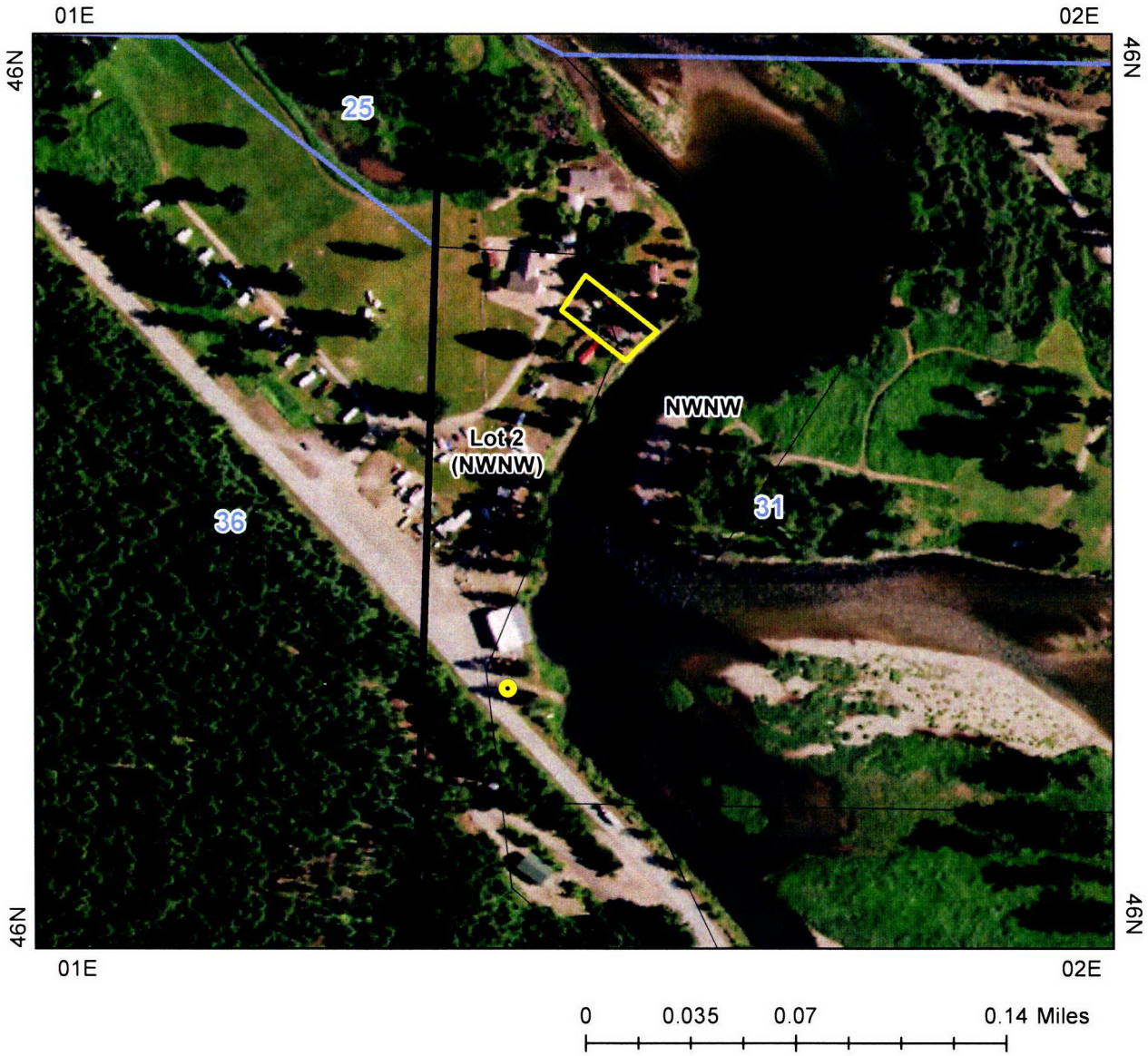
SCANNED
APR 11 2023

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

91-8068

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.



SCANNED
APR 1 1 2023

87528

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

No. 91-8068

1. Applicant(s)

JAMES FOSDICK
120 BIG EDDY LANE
ST. MARIES ID 83861
208-245-3559, GOLFJUSTDOIT@YAHOO.COM

RECEIVED
FEB 09 2023
IDWR / NORTH

2. Representative(s) N/A

3. Source of Water Supply:
Source : GROUND WATER

4. Location of Point(s) of Diversion:

Heading	Point of Diversion # 1
Source	GROUND WATER
Tributary of	
Township	46N
Range	02E
Section	31
Govt. Lot	
QQQ/QQ/Quarter	NW¼NW¼
County	SHOSHONE
Diversion Type	
Local name or Tag#	
Type and size of devices	Existing shared community well with supply to existing lots
Height of storage dam	
Active/ Total Reservoir capacity	
Dam Application required?	No
Proposed well diameter/ depth	
Water Temp > 85°F?	No
Drilled Date	
Drilling firm	
Property Owner	Michael & Amanda Clary
Access Arrangement Description	Agreement with written permission from Clary's to access well that I am already service connected to.

5. Water will be used for the following purposes:

Purposes	Season	Rate	Volume	Description
DOMESTIC	1 /1 to 12/31	0.04 CFS		1 Home(s)

6. Total quantity to be appropriated is (a) 0.04 **cubic feet per second (cfs) and/or (b)** Not Stated **acre-feet / year (af).**

7. Proposed diverting works:

a. If an existing well, who was the well drilled for? Drilling Permit No.

8. Describe other proposed water uses : N/A

9. Description of place of use:

SCANNED

For Department Use

FEB 24 2023

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee $ 100.00 Receipted by NS Receipt No. N0424467 Date 2-9-23

No. 91-8066

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE					Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	No QQ	
46N	02E	31						X L2												
46N	02E	31						X												

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?
N/A

11.

a. Who owns the land to be irrigated or place of use? Applicant.

b. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.
I want to secure water rights for an existing well that my home is service connected to, used for domestic use 1 home with ½ acre irrigation included.

13. Time required for completion of works and application of water to proposed beneficial use is 1 **years (minimum 1 year).**

14. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

JAMES FOSDICK

Signature of Applicant

SCANNED

FEB 2 4 2023

To whom it concerns.

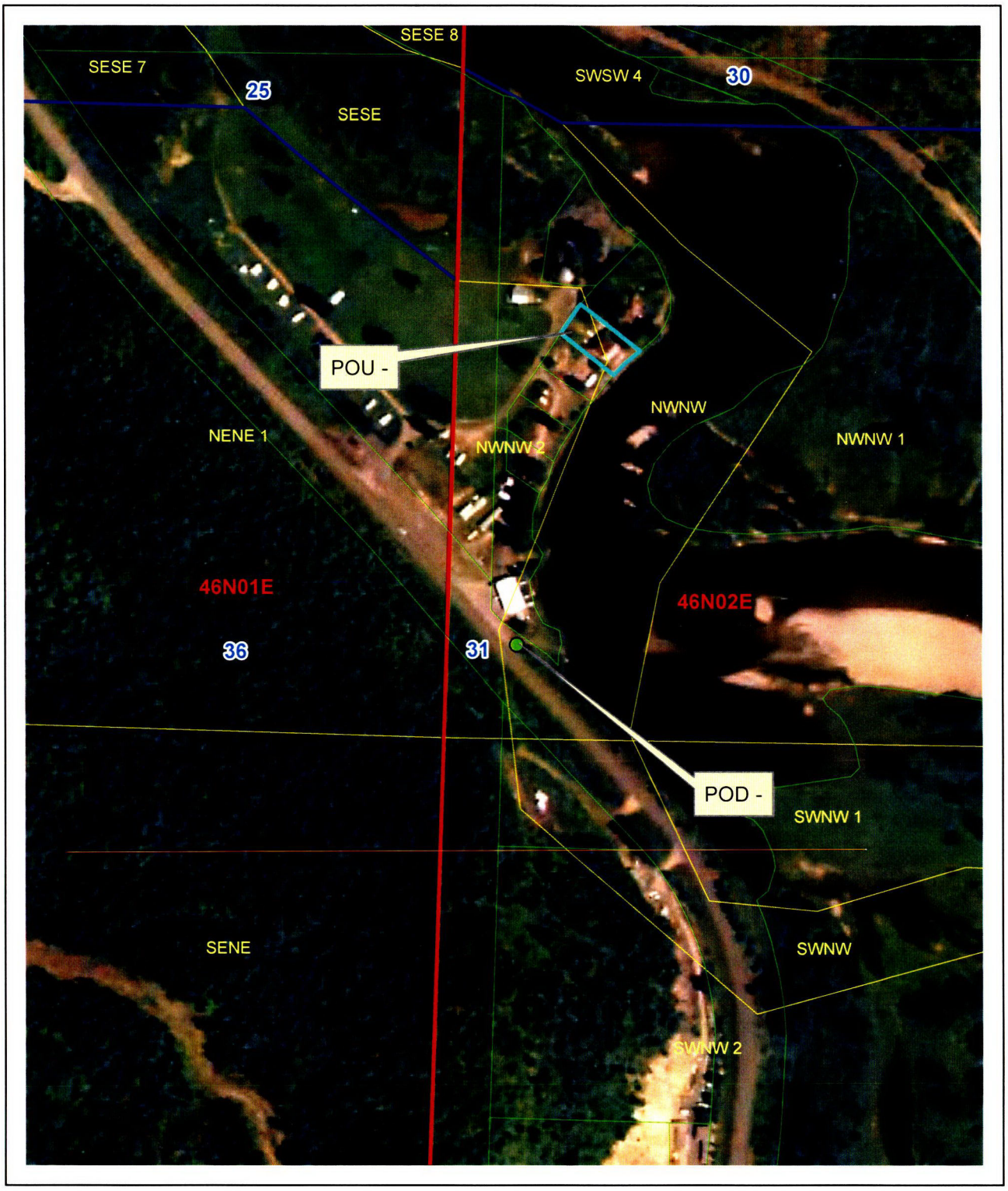
This is to certify that Micheal and Amanda Clary supply domestic water to James Fosdick at 120 Big Eddy Lane, St. Maries Idaho 83861.The property is charged a monthly water fee of $30 a month since August 13, 2018.

Micheal Clary — Date 12/13/22

Amanda Clary — Date 12/13/22

SCANNED

FEB 2 4 2023



Legend

- Township/Range
- Sections
- QQ

0 0.03 0.06 0.12 Miles

N

SCANNED
FEB 7 4 2023

IDAHO DEPARTMENT
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 02, 2023

JAMES FOSDICK
120 BIG EDDY LANE
ST. MARIES ID 83861

RE: License No. 91-8068

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") 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 all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4925.

Sincerely,

Sidney Palmer for

Phill Hummer
Water Rights Supervisor

Enclosure(s)

SCANNED
JUL 12 2023

CERTIFICATE OF SERVICE

I hereby certify that on May 02, 2023, I served a true and correct copy of Water Right License No. 91-8068 by U.S. Mail, postage prepaid, to the following:

JAMES FOSDICK (Current Owner)
120 BIG EDDY LANE
ST. MARIES ID 83861

Sidney Palmer
Sidney Palmer
Technical Records Specialist 1

SCANNED
JUL 12 2023

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.

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JUL 12 2023

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
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 91-8068
Exam Date: 4/28/2023

1. Does this qualify for an in-office field exam (IDAPA 035.02.r)? __X__Y ____N
   a. Irrigation of 5 acres or less
   b. Storage of up to 14.6 AF for stockwater purposes only
   c. Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
   d. Other < >

2. Current Owner: Name: James Fosdick III
   Owner of Record Correct? __X__Y ____N
   Address of Record Correct? __X__Y ____N
   If No: Address

According to Tax Parcel Data the property is owned by James Fosdick III.

3. Beneficial Use Fees have been paid: __X__Y ____N Receipt No: N/A
4. **SOURCE** **TRIBUTARY**
   Groundwater N/A

   Method of Determination: GIS and Tax Parcel Data
   Change in Source: ____Y __X__N

B. OVERLAP REVIEW

1. Other water rights with the same place of use: No Overlap

Water Right No.	Source	Purpose of Use	Basis
N/A			

Comments: There are other domestic rights near the place of use, but they do not overlap.

2. Other water rights with the same point of diversion: No Overlap

Water Right No.	Source	Purpose of Use	Basis
91-7635			

Comments: Water Right 91-7635 shares the same point of diversion. The permit holder received permission to access the point of diversion from the current property owners. A combined limit condition would not be required because these water rights are likely not exceeding the system capacity.

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Groundwater			NW	NW	31	46N	02E	B.M.	Shoshone
								B.M.	
								B.M.	

Method of Determination: GIS and Tax Parcel Data.

Change in POD? ____Y __X__N Amendment Required? ____Y __X__N

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JUL 12 2023

2. **PLACE OF USE:** 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	02E	31						D											N/A
46N	02E	31						D											N/A
		Lot #						2											N/A
																Total Acres =			0.3

Method of Determination: GIS and Tax Parcel Data

Change in POU? ____Y __X__N Amendment Required? ____Y __X__N

4. Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A					

**Code to correspond with No. on map and aerial photo*

D. FLOW MEASUREMENTS

1.Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurements: The permit holder did not provide a pump horsepower and there are no records of pump size from water right 91-7635 which shares the same point of diversion. Therefore, a diversion rate calculation is not possible.

E. FLOW CALCULATIONS _____Additional Computation Sheets Attached

Measured Method: **Since the permit holder did not provide a pump horsepower and there are no records of the pump size a diversion rate calculation is not possible. According to Administrative Processing Memo #22 the standard diversion rate for a single-family home is 0.04 cfs. The permit authorizes 0.04 cfs. I am recommending a 0.04 cfs diversion rate.**

F. VOLUME CALCULATIONS

2. **Volume Calculations for Other Uses: According to Administrative Processing Memo #22 the standard diversion volume for a domestic use is 0.6 af for in house use and 0.6 for up to ½ an acre of yard irrigation or 1.2 af. I am recommending a 1.2 af diversion volume.**

G. PURPOSE OF USE

Irrigation __X__Y ____N # Stock_____ Domestic # of Homes ___1___

Other: < >

Change in Purpose of Use? ____Y __X__N

Method of Determination: GIS, Tax Parcel Data, and Google Earth Imagery.

If Yes: From Use _____To Use _____Amount _____CFS _____AFA_____

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JUL 12 2023

H. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-office examination. According to Tax Parcel Data the property was developed in 1975. The permit authorizes domestic use including in house use and up to ½ an acre of yard irrigation. The permit was approved on April 7th, 2023, and Proof was submitted on April 27th, 2023. According to the permit holders submitted *Statement of Completion for Proof of Beneficial Use* development of domestic use was complete. Since the permit holder did not provide a pump horsepower a diversion rate calculation was not possible. The standards set in Administrative Processing Memo #22 were used to make diversion rate and volume recommendations. The point of diversion is on property not owned by the applicant and is shared with water right 91-7635. The permit holder received permission from the property owner allowing access to the point of diversion. All of the conditions have been met and it is confirmed the permit holder developed the beneficial use authorized under their permit. Therefore, I am recommending a 0.04 cfs diversion rate and 1.2 af diversion volume.

Conditions F06, X01, and 187 should remain on the license. Condition 004 should also remain because the point of diversion is on another property not owned by the applicant. There could be legal access concerns if water right ownership is changed or permissions from the other property owner change. Condition 046 should be removed because the permit holder complied with the well drilling permit requirements. All other conditions should be removed as standard with licensing.

Have conditions of permit approval been met? __X__Yes _____No

I. RECOMMENDATIONS

1. Recommended Amounts

BENEFICIAL USE	PERIOD OF USE		DIVERSION RATE	ANNUAL VOLUME
Domestic	1/1 to 12/31		0.04 CFS	1.2 AF
		Totals:	0.04 CFS	1.2 AF

2. Recommended Amendments

___Change P.D. as reflected above ___Add P.D. as reflected above __X_None

___Change P.U. as reflected above ___Add P.U. as reflected above __X_None

Other: < >

J. AUTHENTICATION Skyler Cheever, Water Resource Agent

Field Examiner's Name Skyler Cheever Date 4/28/2023

Reviewer PDunn Date 4/28/23

SCANNED
JUL 12 2023

Field Exam Map:

The orange border shows the place of use, and the yellow point shows the point of diversion.



SCANNED
JUL 12 2023

Beneficial Use Proof Evaluation

Permit Number: 91-8068 Reviewer: AVeibell Review Date: 4/21/2023

Acceptability

1) Is the contact on the request the current permit holder? Yes
2) Does the address of record need to be updated? No
3) Proof Submitted Date: 4/21/2023
4) Proof Due Date: 4/1/2024
5) Days added for weekend due date?
6) Days added for holiday due date?
7) Number of days late: -346
8) Proof received timely? Yes

Analysis

1) Are the water uses correct? Yes
2) Are one of the following items required?
    a. Measuring Device -- No
    b. Lockable Device --No
    c. Fish Screen -- No
3) Are the required items installed? Yes
    a. Measuring Device -- No
    b. Lockable Device --No
    c. Fish Screen -- No
4) Is there a request to waive the required items? No
5) Drilling Permit Number: 856205
6) Is a drilling permit upgrade needed? No
7) Was a well drillers report filed? Yes
8) Is proof accepted? Yes

Fees

1) Is a licensing exam fee required? No
2) Was proof submitted with an exam report from a CWE? No
3) Filing fee due: $0.00
4) Filing fee submitted: $0.00
5) Remaining fee or (refund): $0.00

Receipt IDs

N042467

Comments

IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 10, 2023

JAMES FOSDICK
120 BIG EDDY LANE
ST. MARIES ID 83861

RE: Permit No. 91-8068

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

SCANNED
APR 1 1 2023

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact the Northern Region Office at (208) 762-2800.

Sincerely,

Luke Bates
Interim Water Rights Supervisor

Enclosure(s)

SCANNED
APR 11 2023

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2023, I served a true and correct copy of Permit to Appropriate Water No. 91-8068 by U.S. Mail, postage prepaid, to the following:

JAMES FOSDICK (Current Owner)
120 BIG EDDY LANE
ST. MARIES ID 83861

Tammy Alleman
Administrative Assistant 1

SCANNED
APR 1 1 2023

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.

SCANNED
APR 1 1 2023

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.

SCANNED
APR 11 2023

AFFIDAVIT OF PUBLICATION

RECEIVED
APR 0 3 2023
IDWR/NORTH

STATE OF IDAHO)
) ss.
County of Shoshone)

Rikki Jade Lindstrom, being first duly sworn upon oath, deposes and states:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Shoshone News Press", a newspaper printed and published Tuesday and Friday, in Shoshone County, Idaho, and having a general circulation in said county.

3. The Legal Notice of which the annexed is a printed copy, was published in the regular Friday issue of said newspaper for 2 consecutive weeks commencing on the 17 day of March, 2023, and ending on the 24 day of March, 2023, and such publication was made as often during said period as said bi-weekly newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Shoshone County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

K. Sikkelee

On this 24 day of March in the year of 2023 before me, a Notary Public, personally appeared Rikki Jade Lindstrom, 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/she executed the same.

LEGAL NOTICE

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

91-8068
JAMES FOSDICK
120 BIG EDDY LANE
ST. MARIES, ID 83861
Point of Diversion NWNW
S31 T46N R02E
SHOSHONE County
Source GROUND WATER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.04 CFS

Date Filed: 02-09-2023
Place Of Use: DOMESTIC
T46N R02E S31
L2(NWNW),NWNW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. 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 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of $25.00 for each application on or before 4/3/2023. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Legal#4393
AD#6399
March 17, 24, 2023

KATRINA GEORGE NOTARY PUBLIC COMM. NO. 69614 STATE OF IDAHO

Katrina George
Notary Public for the State of Idaho
Residing in Coeur d'Alene, Idaho

My Commission Expires 8/29/23

SCANNED
APR 1 1 2023

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 91 - 8868 APPLICATION ID # 87520 ENT. YB BCA Je OK to Publish MR

INITIAL REVIEW BY YB DATE 2/9/2023

APPLICANT: JAMES FOSDICK

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)

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

PROCESSING (Yes)(No) PRIORITY DATE 2/9/2023

✓ ✓ (Include Moratorium Remark) Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af)

ADVERTISE IN: SHOSHONE County

Newspaper: Shoshone News Press

Dates scheduled for publication: 3-17-23 & 3-24-23

Affidavit of Publication received: 4-3-23

Dates actually published: 3-17-23 & 3-24-23

Application published correctly. Yes Y No ____

If not, action taken ____

Final Date for Protest: ~~March 20, 2023~~ April 3, 2023

Protests Received Yes ____ No X

LETTERS SENT REQUESTING

( ) Dam Information ( ) Fish Information

( ) Power Information ( ) Other: ____

INFORMATION RECEIVED

( ) Dam Information ( ) Fish Information

( ) Power Information ( ) Other: ____

ADDITIONAL INFORMATION (Yes)(No)

✓ ___ Shape File Created Date 2/9/23 By: YB

___ ___ Field check by ____

___ ___ Field report attached

___ ___ Analysis Supp. Attached (>5cfs/500af)

___ ___ Water delivered by water master? Water District # ____

DEQ - part of Community System

GROUNDWATER SECTION

WD Permit No.'s	Tag #	Type	Fees	Receipt No	Upgrade Needed?
____	D0056462	Dom X Non-Dom ___	Paid $____	____	Y ( ) N (✓)
____	____	Dom ___ Non-Dom ___	Paid $____	____	Y ( ) N ( )
____	____	Dom ___ Non-Dom ___	Paid $____	____	Y ( ) N ( )

___ ___ Groundwater management area

___ ___ Critical ground water area

___ ___ Well Drilling Permit required

___ ___ Well Drilling Application and Fees received

___ ___ Well Drilling Application approved?

Remarks well part of previously licensed Community System. No upgrad fee recommended.

FINAL REGIONAL PROCESSING/REVIEW

Final order response date ___/___/___

(Yes)(No)

___ ___ Notice of pending void order issued.

___ ___ Further information required from applicant ____

___ ___ Measuring device required FOG with 91-7635

___ ___ Measuring port required

___ ___ Special conditions: ____

___ ___ Special conditions of approval supplement and/or cover letter attached ____

Approval Recommended by: ____ Date 4/6/23 Sr. Agent initial Interim Supervisor

IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 7, 2023

JAMES FOSDICK
120 BIG EDDY LANE
ST. MARIES, ID 83861

RE: Application for Permit No. 91-8068

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application was supposed to be published on March 3rd and the paper notified us that it did not get into that edition. We have prepared a new notice and it is now scheduled for publication in the SHOSHONE NEWS PRESS on 3/17/2023 and 3/24/2023. 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,

Tammy Alleman
Administrative Assistant

SCANNED
MAR 07 2023

Alleman, Tammy

From: Alleman, Tammy
Sent: Tuesday, March 7, 2023 10:39 AM
To: Lindstrom, RikkiJade
Subject: RE: Legal Notice for Shoshone News Press
Attachments: 91-8068 Re-advertised Legal Notice.docx

Please publish the enclosed legal notice in the **Shoshone News Press** on the dates indicated **March 17th & March 24th, 2023** (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof once you have the article ready for print for our review.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **April 3, 2023.** Your cooperation is appreciated.

Sincerely,

IDAHO DEPARTMENT OF WATER RESOURCES

Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

From: Lindstrom, RikkiJade <rlindstrom@cdapress.com>
Sent: Thursday, March 2, 2023 4:07 PM
To: Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
Subject: Re: Legal Notice for Shoshone News Press

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

I am seriously so sorry for the troubles

Thank you,
RikkiJade Lindstrom
Legal Clerk

SCANNED
MAR 07 2023

Coeur d'Alene Press, The Daily Bee,
Shoshone News Press & Bonners Ferry Herald
Hagadone Newspaper Group
208.664.8176 ext. 1000
rlindstrom@cdapress.com

On Thu, Mar 2, 2023 at 3:48 PM Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov> wrote:

Sorry, Same goes with this one. I will send a new legal notice but thanks for the heads up. It will have to be published the 17th & 24th.

From: Lindstrom, RikkiJade <rlindstrom@cdapress.com>
Sent: Thursday, March 2, 2023 3:45 PM
To: Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
Subject: Re: Legal Notice for Shoshone News Press

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

I apologize but something happened and this was not able to get into the tomorrow publication of Shoshone March 3, 2023. I can have this print on March 7, 14, 2023. so so sorry

Thank you,

RikkiJade Lindstrom
Legal Clerk
Coeur d'Alene Press, The Daily Bee,
Shoshone News Press & Bonners Ferry Herald
Hagadone Newspaper Group

208.664.8176 ext. 1000

rlindstrom@cdapress.com

On Mon, Feb 27, 2023 at 4:48 PM Lindstrom, RikkiJade <rlindstrom@cdapress.com> wrote:

Attached is the legal proof set to run in Shoshone News Press

run dates March 3, 10, 2023

SCANNED
MAR 07 2023

Legal#4390 AD#6103 invoicing to acct#21739

Please check billing and contact information on the confirmation

page to make sure all information is correct.

Please confirm once you've checked proof. If you need a correction

please email requesting a correction or AD will run as proof sent.

Thank you,

RikkiJade Lindstrom
Legal Clerk
Coeur d'Alene Press, The Daily Bee,
Shoshone News Press & Bonners Ferry Herald
Hagadone Newspaper Group

208.664.8176 ext. 1000

rlindstrom@cdapress.com

On Thu, Feb 23, 2023 at 8:18 AM Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov> wrote:

Please publish the enclosed legal notice in the **Shoshone News Press** on the dates indicated **March 3rd & March 10th , 2023** (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof once you have the article ready for print for our review.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **March 20, 2023.** Your cooperation is appreciated.

Sincerely,

Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

SCANNED
MAR 0 7 2023

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
91-8068
JAMES FOSDICK
120 BIG EDDY LANE
ST. MARIES, ID 83861
Point of Diversion NWNW
S31 T46N R02E
SHOSHONE County
Source GROUND WATER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 02-09-2023
Place Of Use: DOMESTIC
T46N R02E S31
L2(NWNW),NWNW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. 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 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of $25.00 for each application on or before 4/3/2023. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director Published on 3/17/2023 and 3/24/2023

SCANNED
MAR 0 7 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

February 23, 2023

JAMES FOSDICK
120 BIG EDDY LANE
ST. MARIES, ID 83861

RE: Application for Permit No. 91-8068

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the SHOSHONE NEWS PRESS on 3/3/2023 and 3/10/2023. 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,

Tammy Alleman
Administrative Assistant

SCANNED
FEB 7 4 2023

Alleman, Tammy

From: Alleman, Tammy
Sent: Thursday, February 23, 2023 8:12 AM
To: Anna Moody
Subject: Request for Comments 91-8068
Attachments: 91-8068 Application for Permit.pdf

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right Permit application. You can find copies of the application at: http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application(s), you may do so after the notice is published by filing a written protest along with a $25.00 filing fee within 10 days after final publication. The deadline for comments on the applications is March 20, 2023.

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the Permit application.

Thank you,

IDAHO DEPARTMENT OF WATER RESOURCES

Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

SCANNED
FEB 24 2023

Alleman, Tammy

From: Alleman, Tammy
Sent: Thursday, February 23, 2023 8:17 AM
To: LEGALS@CDAPRESS.COM
Subject: Legal Notice for Shoshone News Press
Attachments: 91-8068 Legal Notice.docx

Please publish the enclosed legal notice in the **Shoshone News Press** on the dates indicated **March 3rd & March 10th , 2023** (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof once you have the article ready for print for our review.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **March 20, 2023.** Your cooperation is appreciated.

Sincerely,

IDAHO DEPARTMENT OF WATER RESOURCES

Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

SCANNED
FEB 24 2023

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
91-8068
JAMES FOSDICK
120 BIG EDDY LANE
ST. MARIES, ID 83861
Point of Diversion NWNW
S31 T46N R02E
SHOSHONE County
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Date Filed: 02-09-2023
Place Of Use: DOMESTIC
T46N R02E S31
L2(NWNW),NWNW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. 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 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of $25.00 for each application on or before 3/20/2023. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director Published on 3/3/2023 and 3/10/2023

SCANNED
FEB 2 4 2023