

State of Idaho  
Department of Water Resources  
**Water Right License**  
Water Right No. 94-7415

**Priority:** March 15, 2007

**Maximum Diversion Rate:** 0.02 CFS

**Maximum Diversion Volume:** 3.6 AF

It is hereby certified that:

MATTHEW PERRY 4073 E LANCASTER RD HAYDEN ID 83835-9378 AND  
CINDY PERRY 4073 E LANCASTER RD HAYDEN ID 83835-9378

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 18, 2007, and has submitted Proof of Beneficial Use on October 10, 2017. An examination confirms water is diverted from:

**Source :** GROUND WATER

**Beneficial Use**

DOMESTIC

**Period of Use**

01/01 to 12/31

**Rate of Diversion**

0.02 CFS

**Annual Volume**

3.6 AF

**Location of Point(s) of Diversion**

GROUND WATER NE¼ SW¼, Sec. 12, Twp 47N, Rge 03W, B.M. KOOTENAI 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 |        |
| 47N | 03W | 12  |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |        |

**Conditions of Approval**

1. Point of diversion is located within Lot 18, Blk. 6, Black Lake Shores Unit #3 Subdivision.
2. The following rights are diverted through point of diversion described above: 94-7415 & 94-7587.
3. Place of use is located within Lots 5-6, & 15-19, Blk. 6, Black Lake Shores Unit #3 Subdivision.
4. Domestic use is for 3 homes.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot or group of lots upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
6. Rights 94-7415 & 94-7587 when combined shall not exceed a total diversion rate of 0.04 cfs.
7. The diversion and use of water described in this right is subject to additional conditions and limitations agreed to by both Kootenai Environmental Alliance and the water right holder under a separate agreement to which the Idaho Department of Water Resources is not a party and which may be independently enforceable by a court of law.

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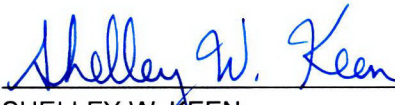
State of Idaho  
Department of Water Resources  
**Water Right License**  
Water Right No. 94-7415

**Conditions of Approval Continued**

8. 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 10<sup>th</sup> day of May, 2023.

  
\_\_\_\_\_  
SHELLEY W. KEEN  
Water Allocation Bureau Chief

SCANNED  
MAY 17 2023

State of Idaho  
Department of Water Resources  
**Attachment to Water Right License**  
94-7415

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.



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

0 0.035 0.07 0.14 Miles



N

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MAY 17 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](mailto:northerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

May 11, 2023

CINDY PERRY  
MATTHEW PERRY  
4073 E LANCASTER RD  
HAYDEN ID 83835-9378

RE: License No. 94-7415

**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](http://idwr.idaho.gov)

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

Sincerely,

Shelley Keen  
Water Allocation Bureau Chief

Enclosure(s)

SCANNED

MAY 17 2023

## CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2023, I served a true and correct copy of Water Right License No. 94-7415 by U.S. Mail, postage prepaid, to the following:

CINDY PERRY (Current Owner)  
4073 E LANCASTER RD  
HAYDEN ID 83835-9378

MATTHEW PERRY (Current Owner)  
4073 E LANCASTER RD  
HAYDEN ID 83835-9378



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Tammy Alleman  
Administrative Assistant 1

## **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  
**BENEFICIAL USE FIELD REPORT**

**A. GENERAL INFORMATION**

**Permit No:** 94-7415  
**Exam Date:** 09/10/2018

1. Current Owner:  
CINDY PERRY 4073 E LANCASTER RD HAYDEN ID 83835-9378  
MATTHEW PERRY 4073 E LANCASTER RD HAYDEN ID 83835-9378
2. Accompanied by: Matt Perry  
Phone No: 208-755-9990  
Address: Same as above.  
Relationship to permit Holder: Current Permit holder (property owner).

3. **SOURCE:**  
GROUND WATER

**Method of Determination: Arcmap and DRG.**

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: YES Overlap

| Water Right No. | Source      | Purpose of Use | Basis   |
|-----------------|-------------|----------------|---------|
| 94-7587         | GROUNDWATER | DOMESTIC       | DECREED |

Comments: Decreed right 94-7587's POU doesn't overlap this Permit's POU, but the cabin located in Lot 4 is 1-of-4 connections on a shared water system. As such, condition X35 was added during licensing review to account for combined use limits for diversion rate between 94-7587 & 94-7415.

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

| Water Right No. | Source      | Purpose of Use | Basis   |
|-----------------|-------------|----------------|---------|
| 94-7587         | GROUNDWATER | DOMESTIC       | DECREED |

Comments: Decreed right 94-7587 shares the same groundwater well POD as this permit; condition F06 was added during licensing review to describe the shared well POD.

**C. DIVERSION AND DELIVERY SYSTEM**

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

GROUND WATER NE¼ SW¼, Sec. 12, Twp 47N, Rge 03W, B.M. KOOTENAI County

Method of Determination: GPS; POD located at -116°39' 809, 47°29.090 well D-Tag D0051207

**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 |        |
| 47N | 03W | 12  |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |        |

Method of Determination: beneficial use field examination, Plat maps, and Arcmap aerial imagery.

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- 3.
- ☒ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- ☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- ☒ Aerial Photo Attached (required for irrigation of 10+ acres).
- ☒ Photo of Diversion and System Attached

4.

| Well or Diversion ID No.* | Motor Make        | Hp  | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------|-------------------|-----|------------------|-----------|-----------------------------------|
| D0051207                  | FRANKLIN ELECTRIC | 1.5 |                  |           |                                   |

**D. FLOW MEASUREMENTS**

1.

| Measurement Equipment    | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|--------------------------|------|------|-----------|------------|------|-------------|
| 5-GAL BUCKET MEASUREMENT |      |      |           |            |      |             |

2. Measurements: Three 5-gallon bucket tests were completed from frost free hydrant co-located with the well, with the average of three resulting in diversion flow rate of 5 gal / 29.13 sec x 60 sec/min = 10.30 gpm = 0.02 cfs.

**E. FLOW CALCULATIONS**

Measured Method: 5-GAL Bucket Test = (5 gal / 29.0 sec) x 60 sec/min = 10.34 gpm  
 = (5 gal / 29.3 sec) x 60 sec/min = 10.24 gpm  
 = (5 gal / 29.1 sec) x 60 sec/min = 10.31 gpm  
 Average of 3ea 5-GAL Bucket Tests = (10.34 gpm + 10.24 gpm + 10.31 gpm) / 3 = 10.30 gpm = 0.02 cfs considering department rounding standards.

**F. VOLUME CALCULATIONS**

- Volume Calculations for irrigation: none, irrigation beneficial use removed from permit during licensing review.
- Volume Calculations for Other Uses: N/a

**G. NARRATIVE/REMARKS/COMMENTS**

Department staff conducted a field examination on 9/10/2018, but insufficient data was collected to facilitate licensing this permit. A follow-up field examination was performed on 7/28/2022 with the current permit holder, Matt Perry, which showed a groundwater well providing domestic water use for 4 service connections. At the POD, GW well D0051207 has a 1.5 HP variable frequency drive franklin pump motor installed. Three 5-gallon bucket tests were completed by the initial field examiner from a frost-free hydrant co-located with the well, with the average of three resulting in diversion flow rate of 5 gal / 29.13 sec x 60 sec/min = 10.30 gpm = 0.02 cfs. The permit authorized development with a diversion rate up to 0.17 cfs, but the applicant is limited by pump performance found at time of field exam for licensing purposes, and I recommend **0.02 cfs** for licensing. A theoretic pump equation was calculated to fact check the flow measurement, and with 1.5 hp pump installed

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at depth of 587 with 45 psi operating pressure produces a flow rate of 6.9 gpm or 0.02 cfs considering department rounding standards, which is consistent with the 5-gal bucket measurements.

The permit authorized development of up to 8 homes for domestic use from the shared well. At time of initial exam only one cabin had been developed on lot 4, and the permit holder at that time asserted there were dedicated stub-ins for the other 7 lots associated with the permit. Previous exam was inconclusive on finding these stub-ins in 2018. During my follow-up exam with the current owner Matt and Cindy Perry assert they discussed with the individual who developed the system, and he assured them there were stubs for each parcel, but that they may have been covered up by roadway and/or earth works. Current permit holder unearthed the main water line and identified 4ea service connections as observed during the follow-up exam.

The domestic POU was walked with Mr. Perry at time of exam, and sketched out on field maps including Lots 5-6, & 15-19, Blk 6, Black Lake Shores Subdivision. The initial permit included Lot 4, which has the build out cabin in place and service connected to the well but during licensing review I identified that Lot 4's owner submitted an adjudication claim in the CSRBA resulting in a decreed right 94-7587 for domestic use. I removed Lot 4's service connection & domestic use from recommending this permit's domestic use so as not to stack water use between rights.

While the remaining 3ea service connections are not built out, there are 3ea dedicated stub-ins located in Lots 15, 16, & 18 of Blk 6, Black Lake Shores Subdivision. I recommend credit toward licensing for three homes domestic use to include  $\frac{1}{2}$  acre irrigation occurring per home up to 3 homes. The permit included a separate irrigation beneficial use component but due to the three service lines being stubbed-in I have removed the irrigation component and re-aligned  $\frac{1}{2}$  acre per home covered under domestic use for licensing purposes. The annual volume and maximum diversion volume recommended for licensing equals 3 homes x 1.2 afa per home = **3.6 af**.

The permit holders are in-process working to consolidate parcels to create double/triple parcels; Cindy Perry provided a plat map in which the following parcels will undergo lot consolidation:

- Lot 5,6, & 15 BLK 6 = have a single stub-in currently located in Lot 15
- Lots 16 & 1 BLK 6 = have a single stub-in currently located in Lot 16
- Lots 18 & 19 BLK 6 = have a single stub-in currently located in Lot 18

I have recommended licensing for 3 homes domestic use, and incorporated use of condition 070 to designate irrigation use shall not exceed  $\frac{1}{2}$  acre within each platted subdivision lot, **for 3 homes**. As homes are developed the  $\frac{1}{2}$  acre for each home may occur within each of the lot consolidation configurations listed above. Any additional irrigation will require a new application for permit.

Conditions 26A, 046, and 069 were removed from the permit during licensing review. Conditions 132 & R66 were replaced with conditions X04 & 070 respectively, accurately describing domestic use for 3 homes and associated  $\frac{1}{2}$  acre irrigation as described above. Conditions X59 and X60 were revised to accurately describe the POD lot and POU lots for associated with licensing. Condition F06 was added to describe shared well between rights 94-7415 & 94-7587. Condition X35 was added to describe combined use limits for diversion rate between the two water rights and capping the domestic use to 4 homes associated with the two rights 94-7415 & 94-7587. Condition 004 was added at time of licensing. All other conditions shall be carried to licensing.

Aside from overlap concerns between 94-7587 and this permit as described above PG1, there are no additional overlap concerns.

Have conditions of permit approval been met? ☒ Yes ☐ No

#### H. RECOMMENDATIONS

##### 1. Recommended Amounts

| <u>Beneficial Use</u> | <u>Period of Use</u> | <u>Rate of Diversion</u> | <u>Annual Volume</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.02 CFS                 | 3.6 AF               |

Totals: 0.02 CFS 3.6 AF

##### 2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ None

#### I. AUTHENTICATION

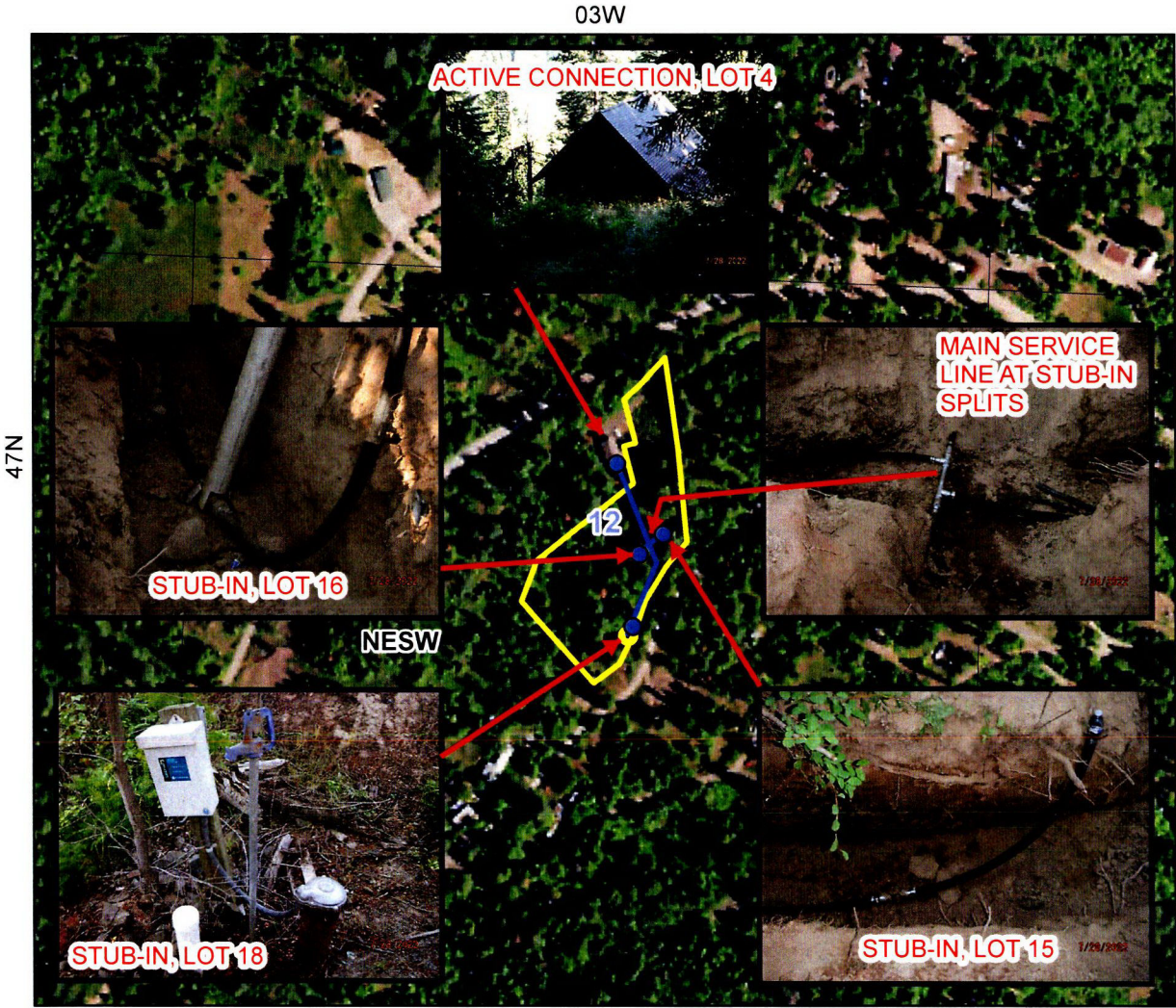
Luke Bates -

Field Examiner's Name  Date 8/26/2022

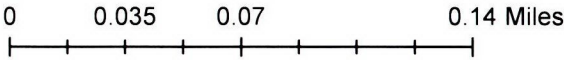
Reviewer \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho  
Department of Water Resources  
**Attachment to Field Exam**  
94-7415

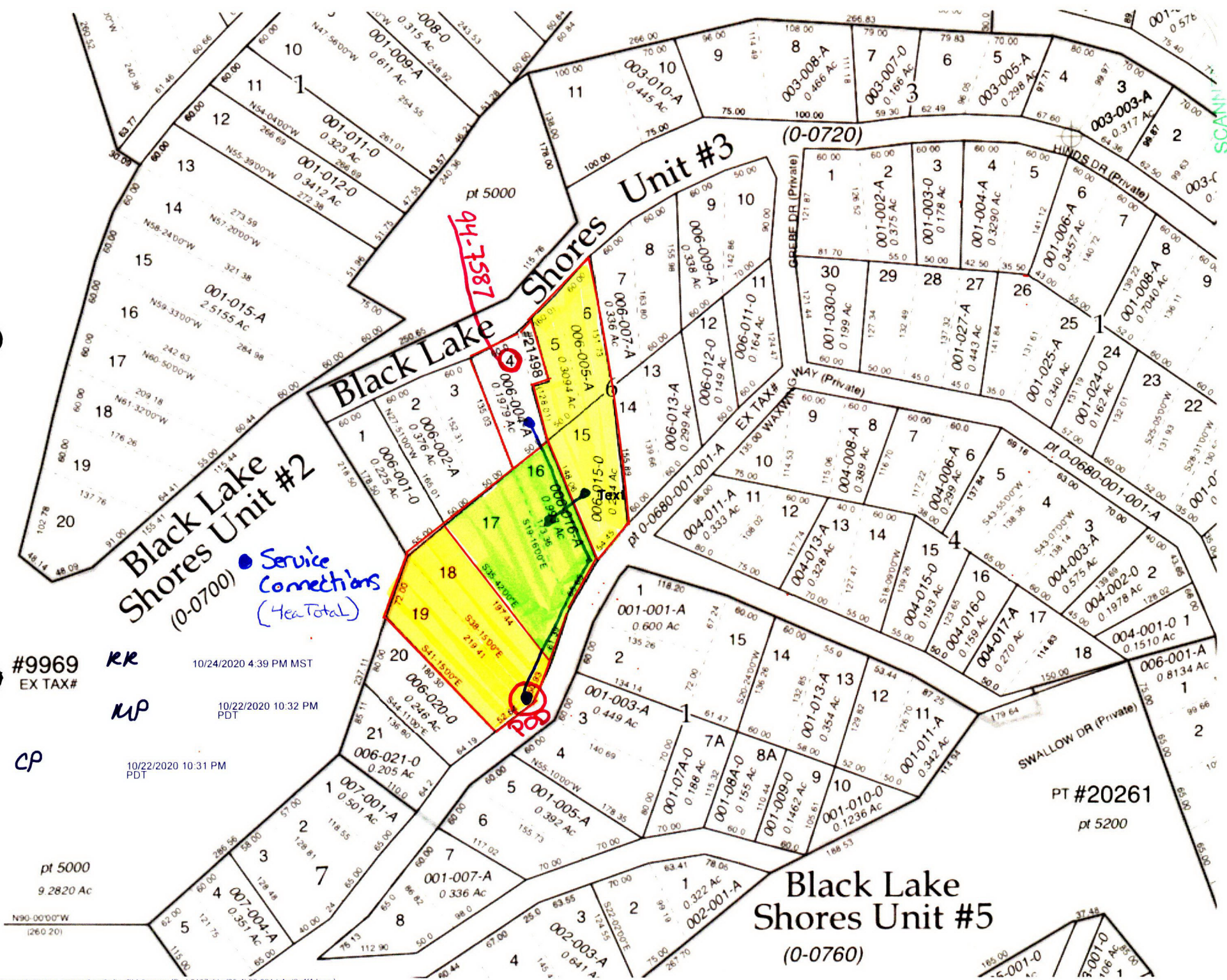
DOMESTIC system diagram.



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



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Black Lake Shores Unit #2  
(0-0700) ● Service Connections  
(Year Total)

#9969  
EX TAX#

RR

10/24/2020 4:39 PM MST

MP

10/22/2020 10:32 PM PDT

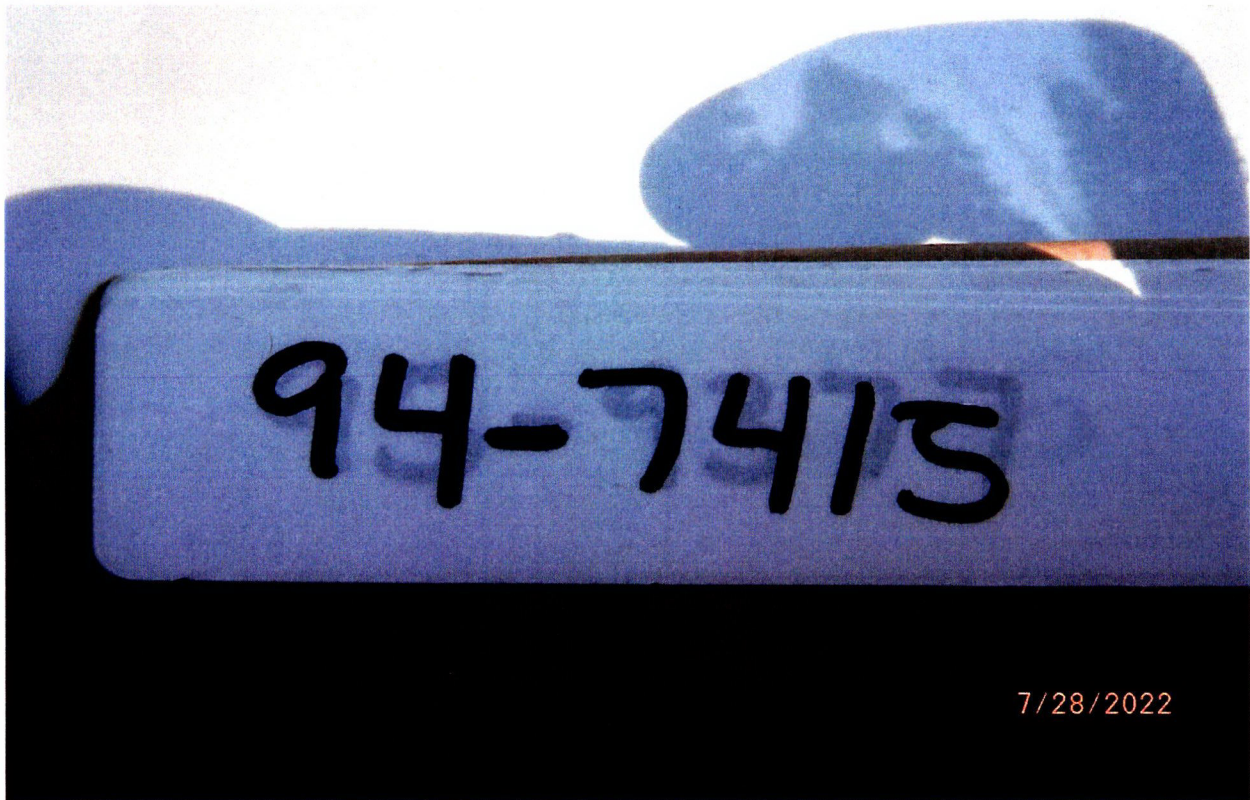
CP

10/22/2020 10:31 PM PDT

pt 5000  
9.2820 Ac

Black Lake Shores Unit #5  
(0-0760)

PT #20261  
pt 5200



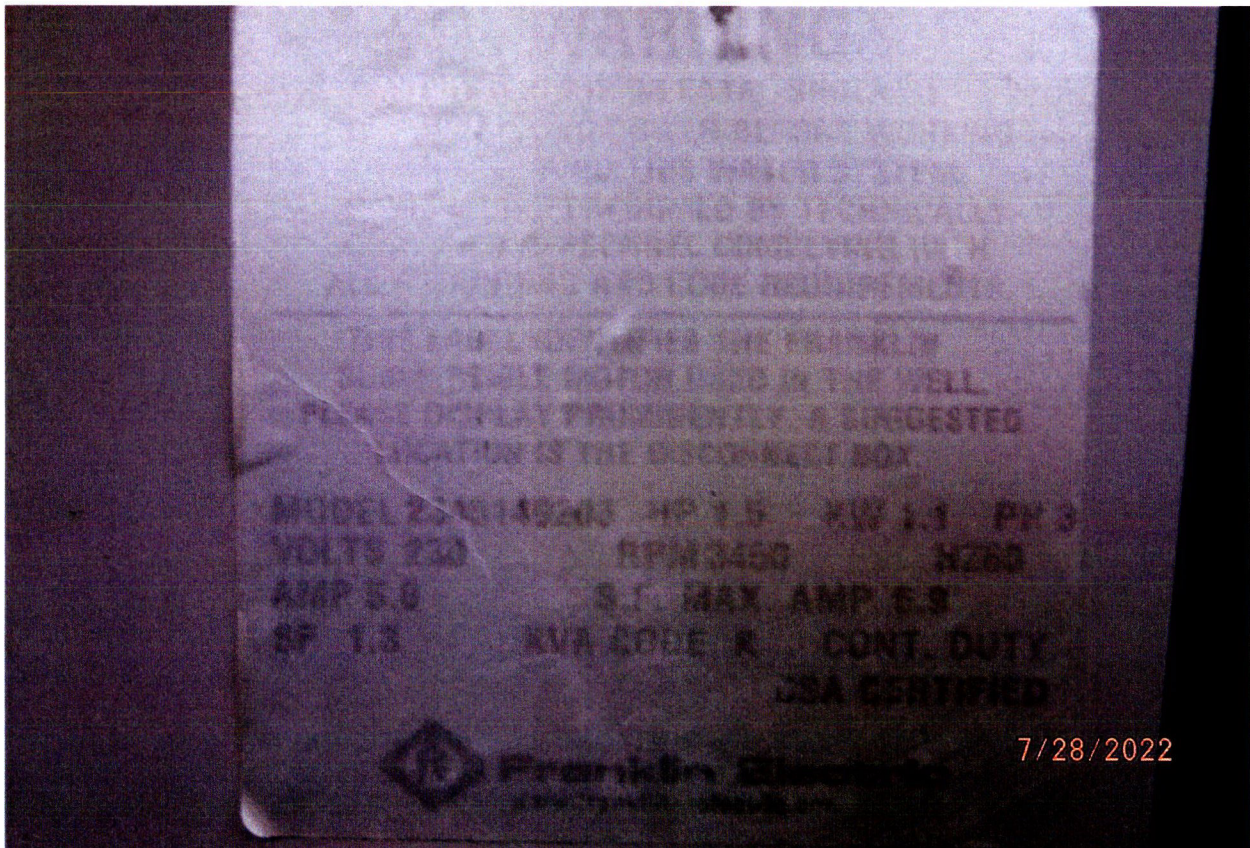
INITIAL BENEFICIAL USE FIELD EXAM DATE 9/10/2018, FOLLOW-UP EXAM DATE 7/28/2022



POD – GROUNDWATER WELL



WELL D-TAG D0051207



1.5 HP PUMP MOTOR INSTALLED IN WELL



DOMESTIC POU – HOME LOCATED ON LT 4, BLK 6



MAIN SERVICE LINE ROUTING THROUGH LT 16 FROM WELL TO LT 4, 2EA STUB-INS TEE OFF MAIN LINE

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MAY 17 2023



DOMESTIC POU – STUB-IN LT 15, BLK 6



DOMESTIC POU – STUB-IN LT 16, BLK 6



STUB-IN WITH FROST FREE HYDRANT LOCATED WITH WELL LT 18, BLK 6