

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 98-8107

Priority: January 05, 2023

Maximum Diversion Rate: 0.02 CFS

It is hereby certified that:

ROBERT A DANTE 529642 HIGHWAY 95 BONNERS FERRY ID 83805-5536

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 05, 2023, and has submitted Proof of Beneficial Use on March 13, 2022. An examination confirms water is diverted from:

Source : ROUND PRAIRIE CREEK

Tributary: MOYIE RIVER

Beneficial Use
STOCKWATER

Period of Use
01/01 to 12/31

Rate of Diversion
0.02 CFS

Location of Point(s) of Diversion

ROUND PRAIRIE CREEK NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, Twp 65N, Rge 02E, B.M. BOUNDARY County
(Beginning of Stream Flow)

ROUND PRAIRIE CREEK SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30, Twp 65N, Rge 02E, B.M. BOUNDARY County
(Ending of Stream Flow)

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
65N	02E	30			X	X				X	X				X	X			

Conditions of Approval

1. Stockwater use is for the in-stream watering of livestock.
2. 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 15th day of March, 2023.



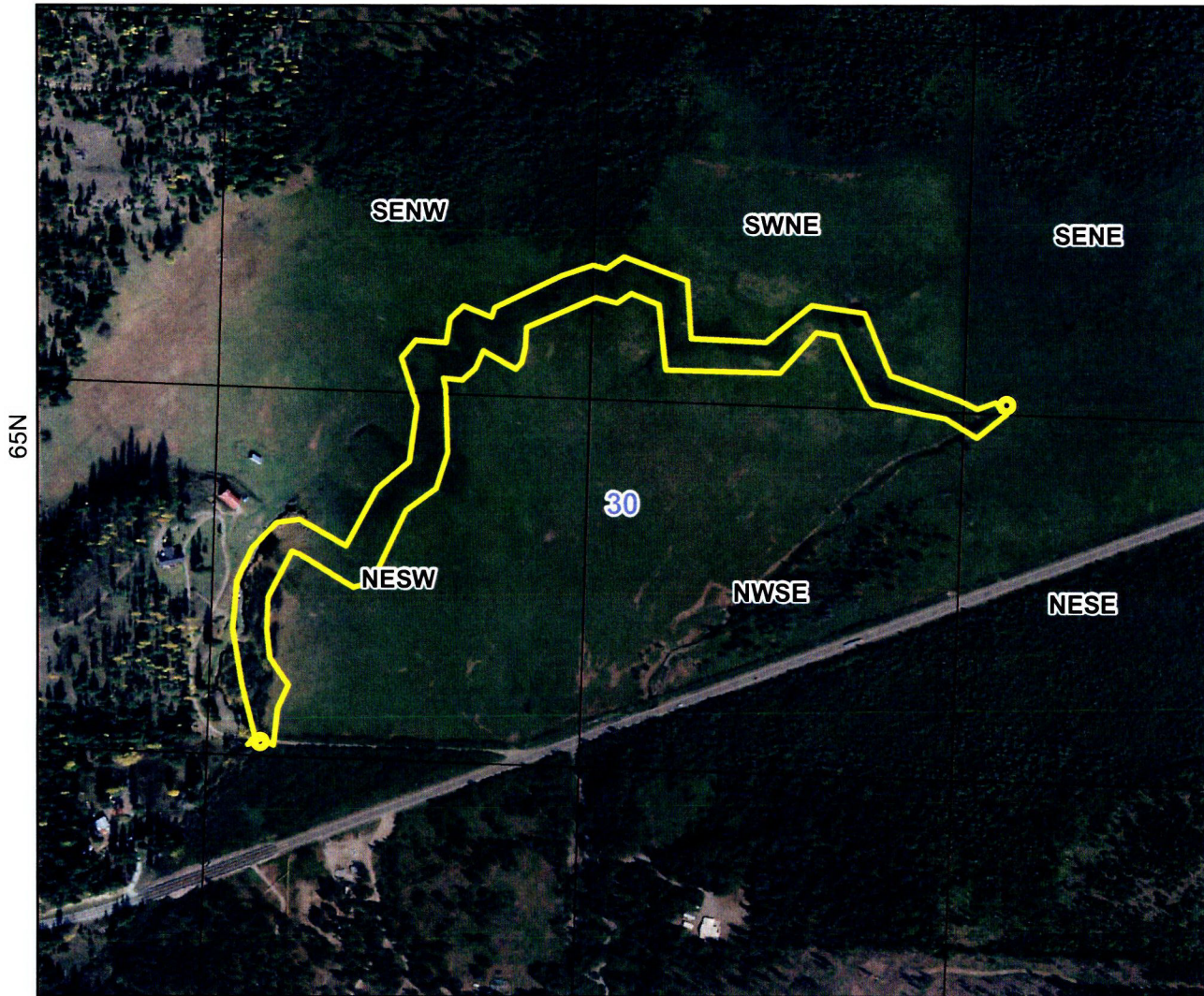
PHILL HUMMER
Water Rights Supervisor

SCANNED
MAR 17 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
98-8107

This map depicts the IN-STREAM STOCKWATER 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.

02E



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



0 750 1,500 Feet

SCANNED
MAR 17 2023

RECEIVED

MAR 13 2023

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 50.00
Receipt No. 2115544
Received By M
Date Received 3.13.23

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.

- Permit No. 98-8106 Name of Permit Holder(s) ROBERT A DANTE
Telephone No. 208-267-8105 Email DANTERANCH@GMAIL.COM
Mailing Address 52964 HWY 95 City Bonnors Ferry State ID Zip 83805
- Source of Water Round Prairie Creek If Ground Water (well), Date Drilled mo. N/A / yr.
Drilling Permit/Tag No. N/A Drilling Company's Name N/A
- Extent of use(s) completed as authorized by the water right permit:
Domestic (No. households) 0 Irrigation (No. acres) 0 Stockwater (No. and stock type) 70+ pairs cattle
Other IN-STREAM STOCKWATERING
- Total diversion rate or volume (storage only) for which proof is submitted 0.02 cfs OR N/A 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.
- Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)
INSTREAM STOCKWATER USE ON THE PROPERTY.

- 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 <u>N/A</u> |

☐ Reasonably Anticipated Future Needs ("RAFN") Municipal use

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

- Fee Enclosed \$ 50.00 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.

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

Name: Robert Dante Telephone No. 208-267-8105 Email DANTERANCH@GMAIL.COM
Mailing Address 52964 HWY 95 City BONNERS FERRY State ID Zip 83805

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.

Robert A. Dante
SIGNATURE OF PERMIT HOLDER*

ROBERT A. DANTE
PRINTED NAME AND TITLE

3/6/23
DATE

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

SCANNED
MAR 17 2023

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 98-8107

Priority: January 05, 2023

Maximum Diversion Rate: 0.02 CFS

This is to certify that

ROBERT A DANTE 529642 HIGHWAY 95 BONNERS FERRY ID 83805-5536

has applied for a permit to appropriate water from:

Source : ROUND PRAIRIE CREEK

Tributary: MOYIE RIVER

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

Beneficial Use

STOCKWATER

Period of Use

01/01 to 12/31

Rate of Diversion

0.02 CFS

Location of Point(s) of Diversion

ROUND PRAIRIE CREEK NE¼ SW¼, Sec. 30, Twp 65N, Rge 02E, B.M. BOUNDARY County
(Beginning of Stream Flow)

ROUND PRAIRIE CREEK SE¼ NE¼, Sec. 30, Twp 65N, Rge 02E, B.M. BOUNDARY County
(Ending of Stream Flow)

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
65N	02E	30			X	X				X	X				X	X			

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2024**.
2. Subject to all prior water rights.
3. This right authorizes the watering of livestock directly from the stream without a diversion.
4. Stockwater use is for 140 head cattle.
5. 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 10 day of February, 2023.


LUKE BATES

Interim Water Rights Supervisor

SCANNED

FEB 14 2023

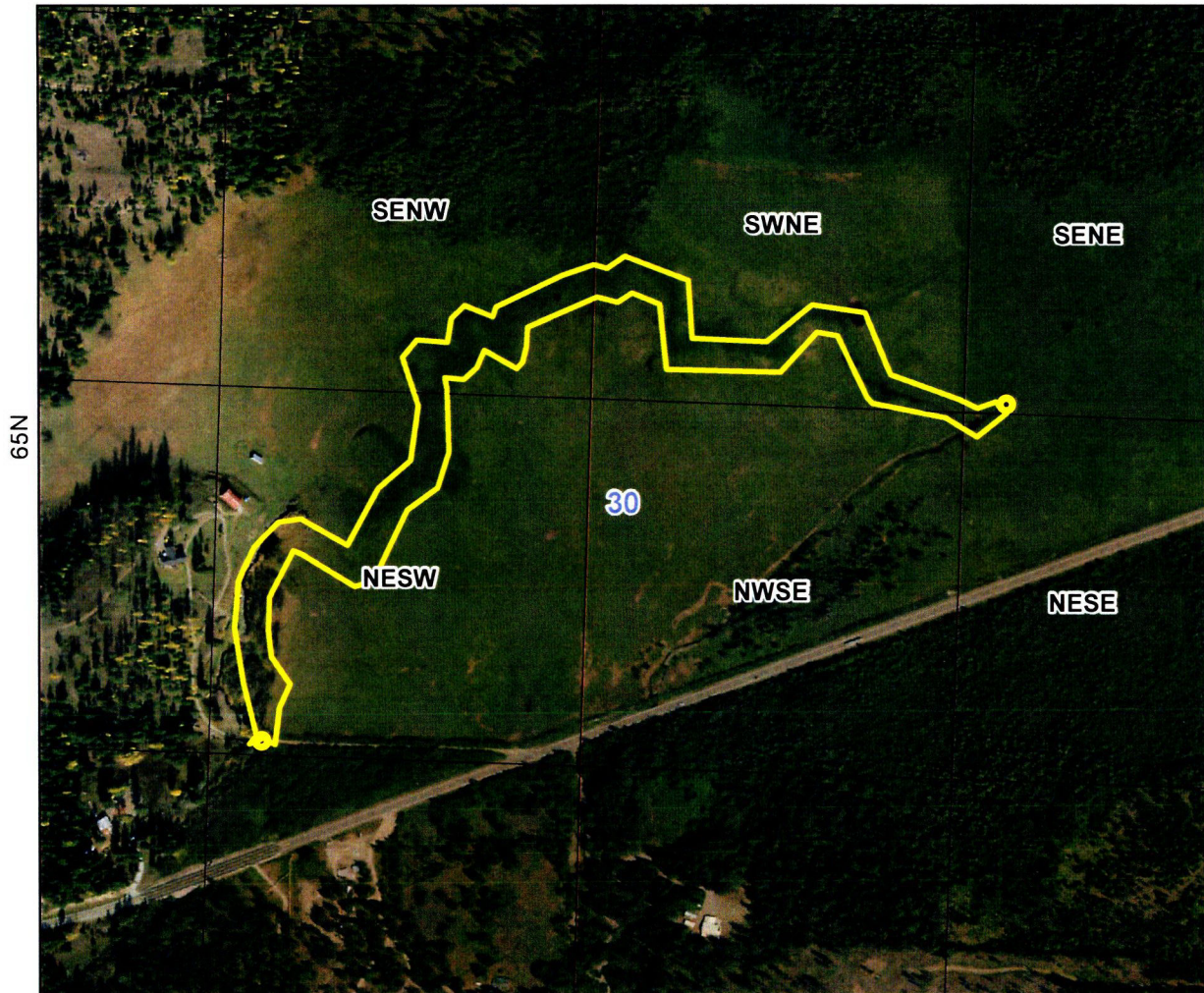
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

98-8107

This map depicts the STOCKWATER 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.

02E



0 0.075 0.15 0.3 Miles

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



SCANNED

FEB 14 2023

RECEIVED
FORM 202 Rev. 09/16
JAN 05 2023
IDWR / NORTH

87391
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 98-8107

1. Name of applicant(s) ROBERT A. DANTE Phone 208-267-8105
Name connector (check one): ☐ and ☐ or ☐ and/or
Mailing address 52964 HWY 95 City BONNERS FERRY
State IDAHO ZIP 83805 Email DANTERANCH@GMAIL.COM
2. Name of representative, if any _____ Phone _____
Mailing address _____ City _____
State _____ ZIP _____ Email _____
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply ROUND PRAIRIE CREEK which is a tributary of MOYIE RIVER

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
65N	02E	30			NE	SW	BOUNDARY	Round Prairie Creek	Beginning Reach
65N	02E	30			SE	NE	BOUNDARY	Round Prairie Creek	Ending Reach

5. Water will be used for the following purposes:
- Amount 0.02 CFS for STOCKWATER purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.02 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. INSTREAM STOCKWATER USE FOR CREEK ON PROPERTY.
- b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total reservoir capacity N/A acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☒ No
- c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? N/A; drilling firm _____; well was drilled for (well owner) N/A; Drilling Permit No. _____

Received by ya Date 1-5-23 Time _____ Preliminary check by _____
Fee \$ 100.00 Receipted by NS Receipt No. N042168 Date 1-3-23

For Department Use
JAN 18 2023
SCANNED

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. 70 + PAIRS CATTLE
- Municipal; must complete and attach the Municipal Water Right Application Checklist.
- Domestic; show number of households _____
- Other; describe fully. _____

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 the 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	
65N	02E	30			S	S				S	S				S	S			instream

Total number of acres to be irrigated: _____

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

- Who owns the property at the point of diversion? APPLICANT
- Who owns the land to be irrigated or place of use? APPLICANT
- 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. APPLICANT WANTS TO SECURE WATER RIGHT TO USE ROUND PRAIRIE CREEK WITHIN PARCEL BOUNDARY FOR INSTREAM STOCKWATER USE.

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.

Robert A. Dante
Signature of Applicant
Robert A. Dante Owner
Print Name (and title, if applicable)

Lay B. Dante
Signature of Applicant
Lay B. Dante OWNER
Print Name (and title, if applicable)

SCANNED

JAN 18 2023



IDAHO DEPARTMENT OF
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

March 16, 2023

ROBERT A DANTE
529642 HIGHWAY 95
BONNERS FERRY ID 83805-5536

RE: License No. 98-8107

ISSUANCE OF LICENSE

Dear Water Right Holder:

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,

Phill Hummer
Water Rights Supervisor

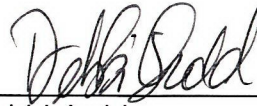
Enclosures

SCANNED
MAR 17 2023

CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2023, I served a true and correct copy of Water Right License No. 98-8107 by U.S. Mail, postage prepaid, to the following:

ROBERT A DANTE (Current Owner)
529642 HIGHWAY 95
BONNERS FERRY ID 83805-5536



Debbi Judd
Technical Records Specialist

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATIONPermit No: 98-8107

Exam Date: 03/14/2023

1. Does this qualify for an in-office field exam (IDAPA 035.02.r)? X Y N
- Irrigation of 5 acres or less
 - Storage of up to 14.6 AF for stockwater purposes only
 - Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
 - Other < >
2. Current Owner: Name: Robert A. Donte
Owner of Record Correct? X Y N
Address of Record Correct? X Y N
3. Beneficial Use Fees have been paid: X Y N Receipt No: C115544
4. **SOURCE** TRIBUTARY
Round Prairie Creek Moyie River
Method of Determination: GIS and Tax lot Data
Change in Source: Y X N

B. OVERLAP REVIEW

1. Other water rights with the same place of use (POU):
- NO
- Overlap

Water Right No.	Source	Purpose of Use	Basis
98-4004	Spring-Round Prairie Cr.	Irrigation	Statutory Claim
98-2115	Round Prairie Cr.	Irrigation	License

Comments: The proposed POU is overlapped by statutory claim 98-4004, owned by the permit holder and water right 98-2115, both of which divert surface water from Round Prairie Creek for irrigation purposes. As the proposed license is for a non-consumptive use and on a parcel listing the permit holder as the current owner there are no concerns regarding a negative impact on existing rights due to the proposed license for in-stream stock water.

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

Water Right No.	Source	Purpose of Use	Basis
NONE			

Comments: No water rights overlap the proposed point of diversion (POD).

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Round Prairie Creek (Beginning reach)			NE	SW	30	65N	02E	B.M.	BOUNDARY
Round Prairie Creek (Ending Reach)			SE	NE	30	65N	02E	B.M.	BOUNDARY

Method of Determination: GIS and Tax lot data.

Change in POD? X N Amendment Required? X N

2. **PLACE OF USE:** USE: INSTREAM STOCKWATER

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
65N	02E	30			S	S				S	S				S	S			instream
Total Acres =																			

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MAR 17 2023

Method of Determination: GIS & Parcel dataChange in POU? X N Amendment Required? X N Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable.

 Aerial Photo Attached (required for irrigation of 10+ acres). Photo of Diversion and System Attached

4. Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Instream stock	NA		NA	NA	NA

*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
NONE						

2. Measurements: No measurement is required for an in-house exam, but Administrative Memos #3 & 31 were used to determine the requested diversion rate is reasonable.

E. FLOW CALCULATIONS Additional Computation Sheets Attached

Administrative Memo #3 allows up to 0.05cfs for 140 head of cattle. The permit holder's request for 0.02cfs is acceptable as it is less than the maximum allowed rate of diversion. I am recommending 0.02cfs for the license.

Requested = 0.02cfs**Recommendation = 0.02cfs****F. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:
N/A- in-stream stock water

2. Volume Calculations for Other Uses:
According to ADAPA rule 035.01.J.iii, in-stream watering of livestock is exempt from the volume reporting requirement.

G. PURPOSE OF USEIrrigation Y X N # Stock 140 Domestic # of Homes

Other: < >

Change in Purpose of Use? Y X NMethod of Determination: Tax lot data and GIS data.**H. NARRATIVE/REMARKS/COMMENTS**

This permit for in-stream stock water meets the criteria for an in-house exam. There are no water rights overlapping the purposed PODs and the only POU overlaps are with irrigation rights. The permit for in-stream stock water for approximately 140 head of cattle only requests 0.02cfs, which is within the 0.05cfs allowed as per Administrative Memo #3. I am recommending the 0.02cfs rate of diversion on the license.

I am recommending that the license be issued with conditions N18, 004.

Have conditions of permit approval been met? X Yes No

SCANNED
MAR 17 2023

I. RECOMMENDATIONS**1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
In-Stream Stock water	01/01 to 12/31	0.02 CFS	N/A
<u>Totals:</u>		0.02 CFS	N/A

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

Other: < >

J. AUTHENTICATION- Water Resources Agent- Bob Howe

Water Resource Agent's Name Bob Howe Date 3/15/2023

Reviewer Phum Date 3/15/23

RECEIVED
MAR 17 2023

Beneficial Use Proof Evaluation

Permit Number: 98-8107 Reviewer: djudd Review Date: 3/13/2023

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: 3/13/2023
- 4) Proof Due Date: 2/1/2024
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: -325
- 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?
 - a. Measuring Device --
 - b. Lockable Device --
 - c. Fish Screen --
- 4) Is there a request to waive the required items?
- 5) Drilling Permit Number:
- 6) Is a drilling permit upgrade needed?
- 7) Was a well drillers report filed?
- 8) Is proof accepted? Yes

Fees

- 1) Is a licensing exam fee required? Yes
- 2) Was proof submitted with an exam report from a CWE? No
- 3) Filing fee due: \$50.00
- 4) Filing fee submitted: \$50.00
- 5) Remaining fee or (refund): \$0.00

Receipt IDs

N042168

Comments

Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.



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 13, 2023

ROBERT A DANTE
529642 HIGHWAY 95
BONNERS FERRY ID 83805-5536

RE: Permit No. 98-8107

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

FEB 14 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)

CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2023, I served a true and correct copy of Permit to Appropriate Water No. 98-8107 by U.S. Mail, postage prepaid, to the following:

ROBERT A DANTE (Current Owner)
529642 HIGHWAY 95
BONNERS FERRY ID 83805-5536



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.

AFFIDAVIT OF PUBLICATION

RECEIVED

State of Idaho

FEB 06 2023

SS

IDWR/NORTH

County of Boundary, Meissa Cloutier being first duly sworn on oath deposes and says that he/she is Bookkeeper of the Bonners Ferry Herald, a newspaper printed and published at Bonners Ferry, Boundary County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Boundary County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of:

Legal Notice: The Following Applications have been filed to appropriate the public waters of the State of Idaho
98-8106-988107 as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 19 day of January, 2023 and ending on the 26 day of January, 2023 and that said notice was published in said newspaper.

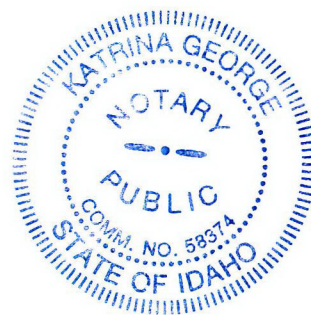
Meissa Cloutier

SUBSCRIBED AND SWORN TO before me, this 1 day of February, 2023.

Katrina George
Notary Public-State of Idaho

Residing at: Kootenai County

My Commission Expires 8/29/23



SCANNED

FEB 14 2023

Point of Diversion NWSE
S30 T65N R02E
BOUNDARY County
Source HELLROARING CREEK
Tributary ROUND PRAIRIE
CREEK
Point of Diversion NESE
S30 T65N R02E
BOUNDARY County
Source HELLROARING CREEK
Tributary ROUND PRAIRIE
CREEK
Use: STOCKWATER
01/01 to 12/31
Total Diversion: 0.02 CFS
Date Filed: 01-03-2023
Place Of Use: STOCKWATER
T65N R02E S30
NESE,NWSE

98-8107

ROBERT A DANTE
529642 HIGHWAY 95
BONNERS FERRY, ID 83805-
5536
Point of Diversion NESW
S30 T65N R02E
BOUNDARY County
Source ROUND PRAIRIE
CREEK
Tributary MOYIE RIVER
Point of Diversion SENE
S30 T65N R02E
BOUNDARY County
Source ROUND PRAIRIE
CREEK
Tributary MOYIE RIVER
Use: STOCKWATER
01/01 to 12/31
Total Diversion: 0.02 CFS
Date Filed: 01-05-2023
Place Of Use: STOCKWATER
T65N R02E S30
S W N E , S E N E , S E N -
W,NESW,NESE,NWSE

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/WRApplcationResults/>. 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 2/6/2023. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Legal#11010
AD#4606
January 19, 26, 2023

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
98-8106
ROBERT A DANTE
529642 HIGHWAY 95
BONNERS FERRY, ID 83805-5536

SCANNED

FEB 14 2023

IDAHO DEPARTMENT OF WATER RESOURCES APPROPRIATION APPLICATION ANALYSIS SHEET

MR

W.R. # 98-8107

APPLICATION ID # 87391

ENT. JB

BCA ja

OK to Publish

INITIAL REVIEW

BY JB

DATE 1/5/2023

APPLICANT: Robert A. DANTE

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 ()

ADDITIONAL INFORMATION

(Yes)(No) 1/5/2023 By: JB

☒ Shape File Created

Field check by _____

Field report attached _____

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

Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE 1/5/2023

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

ADVERTISE IN

County BOUNDARY

Newspaper: Bonnerrys Ferry Herald

Dates scheduled for publication: 1-19-23 & 1-26-23

Affidavit of Publication received: 2-6-23

Dates actually published: 1-19-23 & 1-26-23

Application published correctly: Yes X No _____

If not, action taken: _____

LETTERS SENT REQUESTING

() Dam Information () Fish Information

() Power Information () Other: _____

INFORMATION RECEIVED

() Dam Information () Fish Information

() Power Information () Other: _____

GROUNDWATER SECTION

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

Remarks Instream SW

- ☐ Groundwater management area
- ☐ Critical ground water area
- ☐ Well Drilling Permit required
- ☐ Well Drilling Application and Fees received
- ☐ Well Drilling Application approved?

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No) Final order response date: _____/_____/_____

☐ Notice of pending void order issued.

☐ Further information required from applicant _____

- ☐ Measuring device required
- ☐ Measuring port required MSF YES recommended. NO ✓ 98-7704
- ☐ Special conditions _____
- ☐ Special conditions of approval supplement and/or cover letter attached _____

Approval Recommended by: JB Date: 2/8/23 Sr. Agent Initial: JB Interim Supervisor



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

January 12, 2023

ROBERT A DANTE
529642 HIGHWAY 95
BONNERS FERRY, ID 83805-5536

RE: Application for Permit No. 98-8106 & 98-8107

Dear Applicant:

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 BONNERS FERRY HERALD on 1/19/2023 and 1/26/2023. 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

JAN 18 2023

Alleman, Tammy

From: Alleman, Tammy
Sent: Thursday, January 12, 2023 3:03 PM
To: Chantilly Higbee; Anna Moody; Horsmon, Merritt
Subject: Request for Comments for 98-8107
Attachments: 98-8107 Application for Permit.pdf

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 February 6, 2023.**

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

Thank you,



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
JAN 18 2023

Alleman, Tammy

From: Alleman, Tammy
Sent: Thursday, January 12, 2023 2:51 PM
To: BFHLegals@bonnersferryherald.com
Subject: Legal Notice for Bonners Ferry Herald
Attachments: Legal Notice for 98-8106 & 98-8107.docx

Please publish the enclosed legal notice in the **Bonners Ferry Herald** on the dates indicated **January 19th & January 26th, 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 **February 6, 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
JAN 18 2023

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

98-8106

ROBERT A DANTE
529642 HIGHWAY 95
BONNERS FERRY, ID 83805-5536
Point of Diversion NWSE
S30 T65N R02E
BOUNDARY County
Source HELLROARING CREEK
Tributary ROUND PRAIRIE CREEK
Point of Diversion NESE
S30 T65N R02E
BOUNDARY County
Source HELLROARING CREEK
Tributary ROUND PRAIRIE CREEK
Use: STOCKWATER
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Total Diversion: 0.02 CFS
Date Filed: 01-03-2023
Place Of Use: STOCKWATER
T65N R02E S30
NESE,NWSE

98-8107

ROBERT A DANTE
529642 HIGHWAY 95
BONNERS FERRY, ID 83805-5536
Point of Diversion NESW
S30 T65N R02E
BOUNDARY County
Source ROUND PRAIRIE CREEK
Tributary MOYIE RIVER
Point of Diversion SENE
S30 T65N R02E
BOUNDARY County
Source ROUND PRAIRIE CREEK
Tributary MOYIE RIVER
Use: STOCKWATER
01/01 to 12/31
Total Diversion: 0.02 CFS
Date Filed: 01-05-2023
Place Of Use: STOCKWATER
T65N R02E S30
SWNE,SENE,SENW,NESW,NESE,NWSE

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/WRAApplicationResults/>. 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 2/6/2023. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director Published on 1/19/2023 and 1/26/2023

SCANNED
JAN 18 2023