

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 97-8329

Priority: February 09, 2022

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 1.2 AF

It is hereby certified that:

THOMAS G ZWAINZ 30879 ZWAINZ RD N REARDAN WA 99029-8610 AND/OR
WENDY S ZWAINZ 30879 ZWAINZ RD N REARDAN WA 99029-8610

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 09, 2022, and has submitted Proof of Beneficial Use on December 05, 2022. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.04 CFS

Annual Volume

1.2 AF

Location of Point(s) of Diversion

GROUND WATER L6 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 27, Twp 60N, Rge 04W, B.M. BONNER 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	
60N	04W	27												X L6					

Conditions of Approval

1. The following rights are diverted through point of diversion described above: 97-8329 & 97-8368.
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 21 day of December, 2022.



PHILL HUMMER
Water Rights Supervisor

SCANNED
APR 04 2023

SCANNED
DEC 22 2022

State of Idaho
Department of Water Resources
Attachment to Water Right License
97-8329

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.

04W



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

0 0.0125 0.025 0.05 Miles

SCANNED
APR 04 2023



RECEIVED

DEC 05 2022

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. 2114794
Received By Ku
Date Received 12.5.22

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been **completed** and that water has been applied to beneficial use 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.** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, contact any Department office or visit the Department's website at idwr.idaho.gov for an *Assignment of Permit* form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

- Permit No. 97-8329 Telephone No. 509-995-5744
- Name of Permit Holder(s) Thomas G. Zwanz Wendy S. Zwanz
- Mailing Address 30879 Zwanz Rd. N City Reardan
State WA Zip 99029 Email tzwanz@aol.com
- Source of Water Well If **GROUND WATER** (well), Date Drilled mo. _____ / yr. Pre 1987
Well Driller _____ Drilling Permit Number _____
- Extent of use(s) completed **as authorized by the water right permit:**
Domestic (No. of households) 1 Stockwater (No. and type of stock) _____
Irrigation (No. of acres) _____ Other _____
- Total rate of diversion or storage volume for which proof is submitted .04 cfs OR _____ acre-feet.

- Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit: Refer to the approval conditions on your permit and respond accordingly.

The Department will not issue a license if permit conditions are not met.

Measuring Device	Is a measuring device required?	Yes ☐	No ☒
	If yes, has the measuring device been installed?	Yes ☐	No ☐
Lockable Controlling Device	Is a lockable device required to control the diversion?	Yes ☐	No ☒
	If yes, has the lockable device been installed?	Yes ☐	No ☐
Fish Screen	Is a fish screen required?	Yes ☐	No ☒
	If yes, has the fish screen been installed?	Yes ☐	No ☐

Other Conditions of Permit

Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.

Completed? Yes ☐ No ☒

- Fee Enclosed \$ 50 or not applicable ☐. See fee schedule on page 2 of the instructions.
Proof statements filed without an appropriate fee, will be considered incomplete.
- Person to contact to accompany the Department representative during field examination of the water system.
Name Thomas G. Zwanz Telephone Number 509-995-5744
Mailing Address 30879 Zwanz Rd. N. City Reardan
State WA Zip 99029 Email tzwanz@aol.com

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 a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of Permit Holder Thomas G. Zwanz Date 11-27-22
(Include your title, if on behalf of company or organization)

Mail to: Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098



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

December 22, 2022

WENDY S ZWAINZ
THOMAS G ZWAINZ
30879 ZWAINZ RD N
REARDAN WA 99029-8610

RE: License No. 97-8329

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.

A refund has been requested for the \$50 filing fee you submitted with your proof of beneficial use. Idaho Code § 42-222K states an examination fee is not required for domestic use that does not require a water right permit. The refund will be sent to you under separate cover from the Idaho State Controller's office.

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,

FOR
Phill Hummer
Water Rights Supervisor

Enclosure(s)

SCANNED

APR 14 2023

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2022, I served a true and correct copy of Water Right License No. 97-8329 by U.S. Mail, postage prepaid, to the following:

WENDY S ZWAINZ (Current Owner)
30879 ZWAINZ RD N
REARDAN WA 99029-8610

THOMAS G ZWAINZ (Current Owner)
30879 ZWAINZ RD N
REARDAN WA 99029-8610



Jean Hersley
Technical Records Specialist 2

SCANNED

APR 4 2023

MEMORANDUM

TO: Sascha Marston
FROM: Jean Hersley
DATE: December 22, 2022
RE: **Refund: No fee required**

Please refund \$50.

NAME: WENDY S ZWAINZ
THOMAS G ZWAINZ
30879 ZWAINZ RD N
REARDAN WA 99029-8610

RECEIPT #: C114794

Thank you.

Jean

SCANNED
APR 04 2023

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, December 22, 2022 7:52 AM
To: IdwrPayable
Subject: Refund for Zwainz
Attachments: Zwainz.doc

Please process the attached refund. Thank you.

Jean

SCANNED
APR 04 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.

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: 97-8329
Exam Date: 12/08/2022

1. Current Owner:
THOMAS G ZWAINZ 30879 ZWAINZ RD N REARDAN WA 99029-8610 AND/OR
WENDY S ZWAINZ 30879 ZWAINZ RD N REARDAN WA 99029-8610
2. Accompanied by: In house
Phone No:
Address:
Relationship to permit Holder:

3. **SOURCE:**
GROUND WATER

Method of Determination: Application and permit

B. OVERLAP REVIEW

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

NO gmk
~~YES~~ Overlap

Water Right No.	Source	Purpose of Use	Basis

Comments: NA

2. Other water rights with the same point-of-diversion:

YES gmk
~~NO~~ Overlap

Water Right No.	Source	Purpose of Use	Basis
97-8368	Ground water	Domestic	permit

Comments: the well is on the Zwainz property and they have a shared well agreement with the Chapman's, 97-8368.

C. DIVERSION AND DELIVERY SYSTEM

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

GROUND WATER L6 (SE¼ SW¼), Sec. 27, Twp 60N, Rge 04W, B.M. BONNER County

Method of Determination: Application, permit and ArcMap

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	
60N	04W	27												X L6					

Method of Determination: Application, permit and ArcMap

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

E. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses: 1.2 af for domestic- in house use and up to ½ acre of irrigation per administrative memo # 22.

G. NARRATIVE/REMARKS/COMMENTS: ArcMap and Bonner County confirms dwelling on property and lists the permit holder as current owner. This is a groundwater source. The well is on the Zwainz property, and they have a shared well agreement with the Chapmans and water permit 97-8368 (see the scanned documents in 97-8368 for the agreement). This water right is not currently within a WD. Removed condition 046. A filing fee was received with the submittal of the statement of completion and is not required as this is a groundwater right for 0.04 cfs. A refund will be requested

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	0.04 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 ☒ None

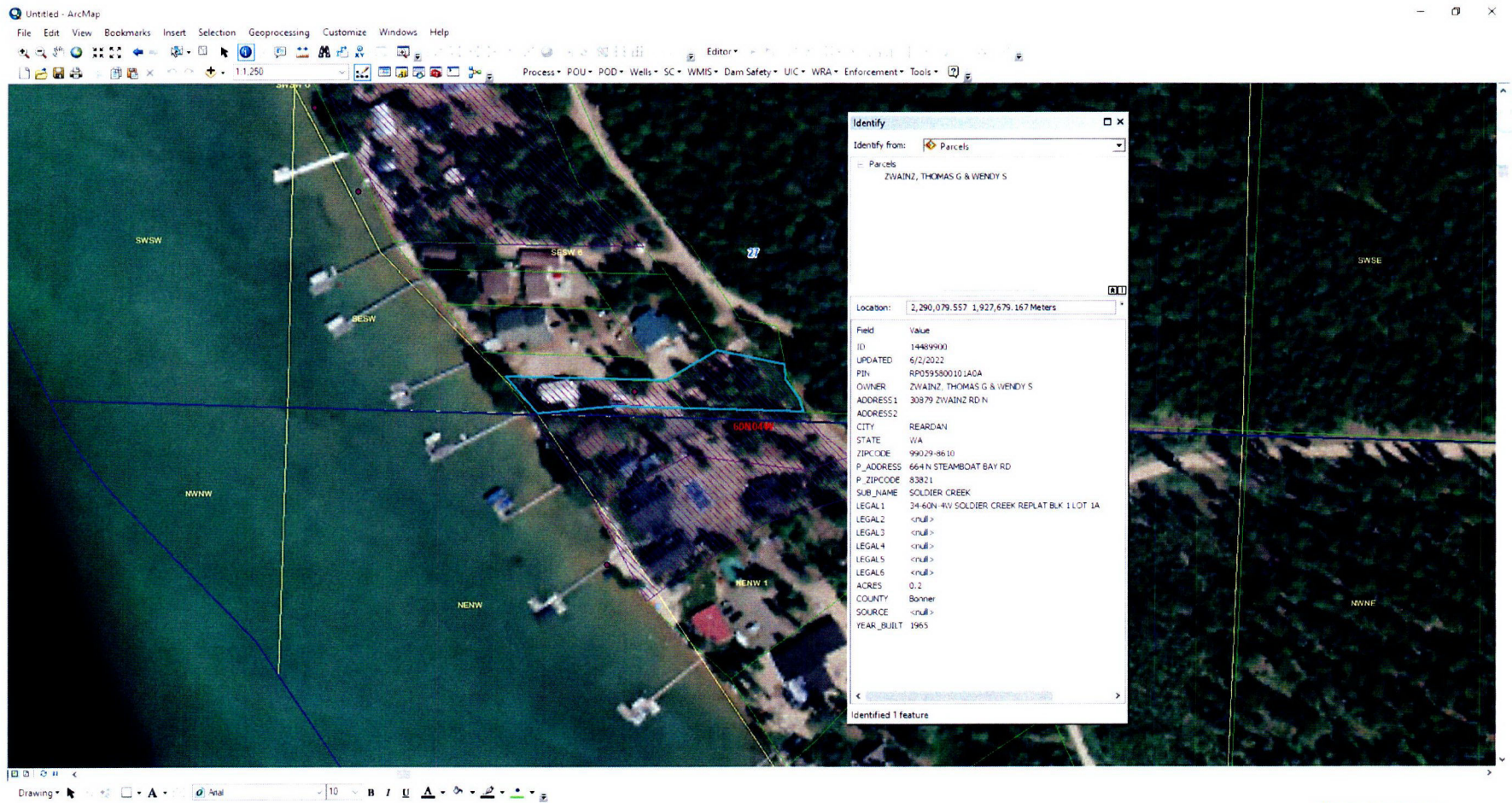
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ None

I. AUTHENTICATION

Jean Hersley -

Field Examiner's Name Jean Hersley Date 12-8-22

Reviewer PH Date 12/21/22



2290253.19 1927808.151 Meters

ArcMap shows dwelling on property and lists Thomas G and Wendy S Zwainz as current owners.

Parcel maps - GIS Ser... Idaho Parcels

Public Map

Zoom to: 2 of 2

Parcel

PIN	RP0595800101A0A
Owner1	Zwainz, Thomas G & Wendy S
Owner2	
Property Class Description	537-Resid improv on cat 15
Tax Code Area	140000
Last Assessed Value	797969
Acres	0.243
Legal Description	34-00N-4W SOLDIER CREEK REPLAT BLK 1 LOT 1A
Deed1:	865566
Deed2:	891361
Deed3:	865567
Deed4:	865565
Deed5:	892378

1:282

Powered by Esri

Bonner County shows dwelling on property and list the Zwainz's as current owners

Beneficial Use Proof Evaluation

Permit Number: 97-8329 Reviewer: djudd Review Date: 12/5/2022

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: 12/5/2022
- 4) Proof Due Date: 4/1/2023
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: -117
- 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: NA
- 6) Is a drilling permit upgrade needed? No
- 7) Was a well drillers report filed? No
- 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: \$50.00
- 5) Remaining fee or (refund): (\$50.00)

Receipt IDs

N038334

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. Exam fee not required, request refund.

