State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 97-8755

Priority: September 22, 2022 **Maximum Diversion Rate:** 0.09 CFS

This is to certify that

TROY DAVIS 376 STILL MEADOW LN PRIEST RIVER ID 83856

has applied for a permit to appropriate water from:

Source : PRIEST RIVER **Tributary:** PEND OREILLE RIVER

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

Beneficial Use	Period of Use	Rate of Diversion
IRRIGATION	04/01 to 10/31	0.09 CFS

Location of Point(s) of Diversion
PRIEST RIVER L2 (SE¼ NW¼), Sec. 20, Twp 57N, Rge 04W, B.M. BONNER County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N	04W	20							0.6	2.5 L2	0.4 L3	0.1							3.6

Total Acres: 3.6

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2026.**
2. Subject to all prior water rights.
3. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
6. Water shall not be diverted under this right when flows in the Priest River are below minimum flow amounts as defined by Right 97-7380. The right holder shall be responsible for monitoring the daily flow of the Priest River using real-time data and shall cease diverting water when flows in the Priest River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey Priest River Gauging Station, No.12395000 may be used for purposes of determining the daily flow amounts.
7. This right does not grant any right-of-way or easement across the land of another.

SCANNED
SEP 1 1 2023

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 97-8755

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 7 day of September, 2023.

LUKE BATES
Interim Water Rights Supervisor

SCANNED
SEP 11 2023

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

97-8755

This map depicts the IRRIGATION 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
SEP 1 1 2023

86907

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho
No. 97-8765

1. Applicant(s)
TROY DAVIS
376 STILL MEADOW LN
PRIEST RIVER ID 83856
208-448-1867, TROYWCDAVIS@MSN.COM

2. Representative(s) N/A

3. Source of Water Supply:
Source : PRIEST RIVER **Tributary:** PEND OREILLE RIVER

4. Location of Point(s) of Diversion:

Heading	Point of Diversion # 1
Source	PRIEST RIVER
Tributary of	PEND OREILLE RIVER
Township	57N
Range	04W
Section	20
Govt. Lot	2
QQQ/QQ/Quarter	SE¼NW¼
County	BONNER
Diversion Type	
Local name or Tag#	
Type and size of devices	SCREENED INTAKE WITH PUMP AND PIPELINE
Height of storage dam	
Active/ Total Reservoir capacity	
Dam Application required?	No
Proposed well diameter/ depth	
Water Temp > 85°F?	No
Drilled Date	8/1/2005 12:00:00 AM
Drilling firm	
Property Owner	Applicant
Access Arrangement Description	N/A

5. Water will be used for the following purposes:
Purposes Season Rate Volume Description
IRRIGATION 04/01 to 10/31 0.09 CFS

6. Total quantity to be appropriated is (a) 0.09 **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:
Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE					Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	S W	SE	No QQ	

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SEP 18 2022

57N	04W	20							06		04	01							36	
										L2	L3									

Total Acres: 3.6

RECEIVED
Sep 22, 2022
DEPARTMENT OF
WATER RESOURCES

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?

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:

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.
APPLICANT PLANS TO USE WATER FROM RIVER FOR IRRIGATION PURPOSES.

13. Time required for completion of works and application of water to proposed beneficial use is 3 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

Troy Davis

TROY DAVIS

Signature of Applicant

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee $ _____ Receipted by _____ Receipt No. _____ Date _____

SCANNED
SEP 28 2022

State of Idaho
Department of Water Resources

Application For Permit

97-8755



0 0.035 0.07 0.14 Miles

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

N

SCANNED
SEP 28 2022

Prepared By: Web User

86907

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho
No. 97-8755

1. **Applicants**
Troy Davis
376 Still Meadow LAne
Priest River, ID 83856
2084481867
troywcdavis@msn.com

2. **Representatives**
Submitter is one of the applicants

3. **Source of Water Supply**
Source : GROUND WATER

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

POD #	Source	Tributary Of	Diversion Type	Township	Range	Section	Govt Lot	QQQ/QQ/Q	County
1	GROUND WATER			57N	04W	20	2	/SE/NW	BONNER

SUPERSEDED

5. **Water will be used for the following purposes:**

Purposes	Season	Rate	Volume	Description
DOMESTIC	05/01 to 10/31	0.09 cfs	0.00 afa	

6. **Total quantity to be appropriated is (a)** 0.09 cfs **and/or** 0 afa

7. **Proposed Diverting Works:**
POD No :1
Description: 3/4 hp Pump for Well
Drill Date :8/1/2005
Metal Tag :
Drilled By :
Drilled For :
Drilling Permit :
GeothermalWater :False

8. **Description of Place Of Use:**

DOMESTIC							
Township	Range	Section	QQ	Q	County	Govt Lot	Acres

9. **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.**
None

10. **Land Ownership**
   - **Who owns the land to be irrigated or place of use?** Applicant
   - **Who owns the land at the point of diversion?** Applicant does not own

11. **Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.**
it will be for domestics and irrigation use

12. **Time required for completion of works and application of water to proposed beneficial use is** 3 years **(minimum is 1 year).**

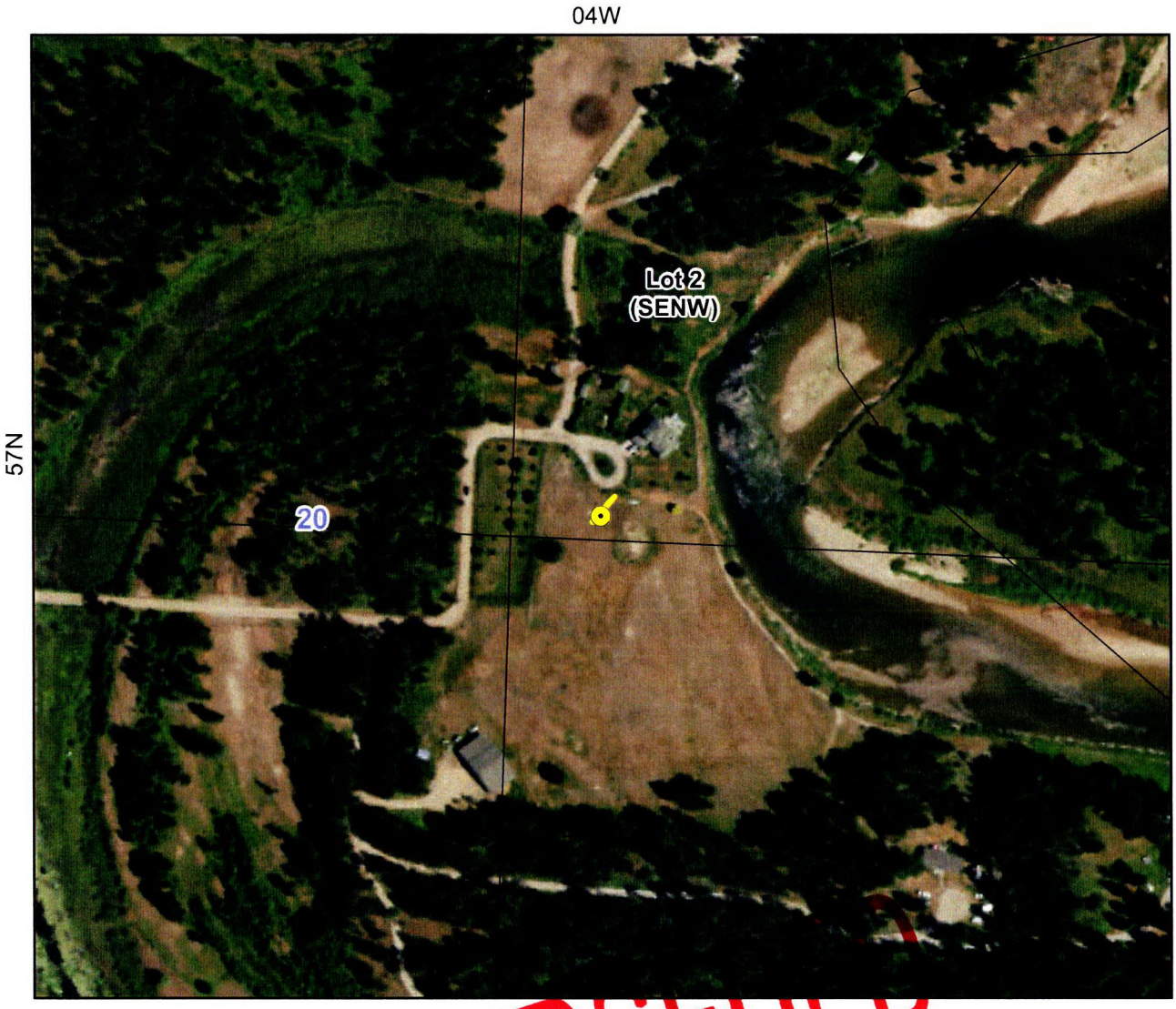
T112979 $100.00

SCANNED
SEP 28 2022

State of Idaho
Department of Water Resources

Application For Permit

97-8755



SUPERSEDED

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

0 0.035 0.07 0.14 Miles

N

SCANNED
SEP 2 8 2022

Prepared By: Web User

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 Mathew Weaver

September 11, 2023

TROY DAVIS
376 STILL MEADOW LN
PRIEST RIVER ID 83856

RE: Permit No. 97-8755

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.

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

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SEP 1 1 2023

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
SEP 11 2023

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2023, I served a true and correct copy of Permit to Appropriate Water No. 97-8755 by U.S. Mail, postage prepaid, to the following:

TROY DAVIS (Current Owner)
376 STILL MEADOW LN
PRIEST RIVER ID 83856

Taya Sharp
Administrative Assistant 1

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SEP 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.

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SEP 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
SEP 1 1 2023

Sharp, Taya

From: Chantilly Higbee
Sent: Monday, September 11, 2023 8:35 AM
To: Sharp, Taya
Subject: RE: Request for Comments for Water Right 97-8755

Hi Taya,

Sorry about that! It looks like that letter was intended for 9612753 Wilson (7 excavated ponds with discharge to surface water).

I don't see a comment in my files intended for 97-8755. Typically, I recommend applicants withdrawing water from Priest River practice water conservation measures in the hot summer months because that river usually runs below its minimum in-stream flow requirement. So, the river's water right is not being met part of the year, in most years. This makes it harder on cold water aquatic life.

Thank you,

Chantilly

From: Sharp, Taya <Taya.Sharp@idwr.idaho.gov>
Sent: Monday, September 11, 2023 8:18 AM
To: Chantilly Higbee <Chantilly.Higbee@deq.idaho.gov>
Subject: Request for Comments for Water Right 97-8755

Good Morning Chantilly,

I am working on getting this Water Right approved and sent to the applicant, but we noticed the comments we received from you back in October of 2022 appears to be referencing a different application. The comments refer to a pond and this application does not have a pond.

Please review the attached documents and provide any new comments if applicable.

Thank you,

Taya Sharp | 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

WATER RESOURCES

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SEP 1 1 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 Mathew Weaver

September 7, 2023

TROY DAVIS
376 STILL MEADOW LN
PRIEST RIVER, ID 83856

RE: Withdrawal of Protest against Application for Permit No. 97-8755

Dear Applicant:

The Department of Water Resources has received a withdrawal of protest against the above referenced application. Withdrawals have been received from the following protestant:

IDAHO DEPT OF FISH & GAME

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

Michelle Richman

Michelle Richman
Northern Regional Manager

SCANNED
SEP 07 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 Mathew Weaver

September 7, 2023

IDAHO DEPT OF FISH & GAME
2885 W KATHLEEN AVE
COEUR D ALENE, ID 83815

RE: Withdrawal of Protest against Application for Permit No. 97-8755

Dear Protestant:

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

Michelle Richman

Michelle Richman
Northern Regional Manager

SCANNED
SEP 07 2023

RECEIVED
SEP 0 5 2023
IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WITHDRAWAL OF PROTEST

Application for ☐ **Transfer** ☒ **Permit** ☐ **Amendment of Permit** **No.** 97-8755

In the Name of TROY DAVIS
Applicant

Name of Protestant: IDAHO DEPARTMENT OF FISH AND GAME

Represented by: CARSON WATKINS

I hereby withdraw my protest to the above referenced matter. All of my issues of protest have been addressed and/or resolved.

☒ My withdrawal is not conditional.

Or

☐ My withdrawal is conditioned on the following:

Signature of Protestant or Representative | Title: Regional Supervisor | Date: 9/1/23

SCANNED
SEP 0 7 2023

INFORMAL SETTLEMENT CONFERENCE ATTENDANCE

Applications for Permit: 97-8755
Date: August 31, 2023
Presiding Officer: Luke Bates
Assisted by: Michelle Richman

NAME	**PHONE NUMBER** ADDRESS, CITY, ZIP	EMAIL ADDRESS	REPRESENTING
Luke Bates	208-762-2817 2800 N. Mineral Dr., Suite 100 CDA	Luke.Bates@IDWR.Idaho.Gov	IDWR
MERRITT HORSMON	208-251-4509	Merritt.horsmon@idfg.idaho.gov	IDFG
TROY DAVIS	208-946-0052	TroyWCDavis@MSN.com	Applicant
Michelle Richman	208-762-2803	michelle.richman@idwr.idaho.gov	IDWR

If you are the applicant or the protestant, you can sign in and add your phone number. If you are not the protestant or the applicant, please fill in all the address information. PLEASE MAKE SURE TO ALWAYS PUT YOUR PHONE NUMBER AND EMAIL, IF POSSIBLE. Thank you, IDWR.

SCANNED
SEP 0 [illegible]2023

PROTEST CHECKLIST

APPLICATION # **97-8755**

APPLICANT: **TROY DAVIS**

INITIAL PROCESSING

- [x] Green file folder label on file
- [x] Protest info sheet (yellow)
- [x] Data enter protest if Workflow processing (permit, amendment of permit, transfer)
- [x] Scan/profile protest in Laserfiche (green stamp)
- [x] Update Tracking Sheet
- [x] Update File Inventory - app. for permit only
- [ ] Approved Interveners (process same as protests)
- [x] Acknowledgement letters sent to all parties (*w/ copies of all protests to applicants*)

INFORMAL SETTLEMENT CONFERENCE

- [x] Confirm possible dates with staff assigned to conference
- [x] Reserve room, must meet ADA standards (handicap)
- [x] Mail conference notices to all parties
- [x] Attendance sheet in file
- [x] Outlook meeting invitation to staff and appropriate conference room
- [x] Database update if Workflow processing

PREHEARING CONFERENCE

- [ ] Confirm possible dates with staff assigned to conference
- [ ] Reserve room, must meet ADA standards (handicap)
- [ ] Mail conference notices to all parties
- [ ] Attendance sheet in file
- [ ] Outlook meeting invitation to staff and appropriate conference room
- [ ] Database update if Workflow processing

PROTEST / APPLICATION WITHDRAWN OR TO HEARING

- [ ] Database update if Workflow processing
- [ ] Update E-books
- [ ] Rest of file scanned to Laserfiche (green stamp)
- [ ] File to Agent to Permit OR SO
- [ ] File to SO -- Appropriate Hearing Officer (hearing) ***(Unless the hearing is conducted at the region)***
- [ ] Update File Inventory - appl. for permit only

PROTEST INFORMATION SHEET

Application for Permit No. 97-8755

Date Filed: SEPTEMBER 22, 2022 **Protest Date**: OCTOBER 18, 2022

Applicant:

TROY DAVIS
376 STILL MEADOW LN
PRIEST RIVER, ID 83856
(208) 448-1867
TROYWCDAVIS@MSN.COM

Applicant's Attorney Name & Address:

Applicant's Consultant Name & Address: N/A

Protestant(s) Name & Address:

IDAHO DEPT OF FISH & GAME
ATTN: MERRITT HORSMON
2885 W KATHLEEN AVE
COEUR D'ALENE, ID 83815
208.769.1414 office
208.251.4509 mobile
merritt.horsmon@idfg.idaho.gov

Protestant's Attorney Name & Address: **N/A**

Protestant's Consultant Name & Address: N/A

Informal Settlement Conference Date(s): _____ **Time**: _____ a.m.

Location: _____

Pre-hearing Conference Date(s): _____ **Time**: _____ a.m.

Location: _____

Hearing Date(s): _____

Location: _____

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION) **FOR PERMIT NO. 97-8755)** **IN THE NAME OF)** **TROY DAVIS)**	**NOTICE OF INFORMAL SETTLEMENT CONFERENCE**

On 9/22/2022, TROY DAVIS, filed Application for Water Right Permit No. 97-8755 with the Idaho Department of Water Resources ("Department"). A protest was filed by IDAHO DEPT OF FISH & GAME.

The Department has scheduled this case for informal settlement conference on Thursday, August 31, 2023 beginning at 10:00 AM at COUNTY OF BONNER, Smaller 2nd Floor Conference Room, 1500 HWY 2, SANDPOINT, ID 83864. The applicant and protestant(s) must attend.

Agenda items for the informal settlement conference will include:

1. Review of the application and protest(s),

2. Additional informational needs,

3. Settlement options,

4. Need for additional informal proceedings or alternative dispute resolution options, and

5. Commencement of formal proceedings.

The Department encourages the applicant and protestant(s) to discuss and resolve the protest(s) before the informal settlement conference. If private discussions are not possible or do not resolve the protest(s), the informal settlement conference provides another opportunity for the applicant and protestant(s) to meet before commencing a formal hearing. Parties often settle their differences at the informal settlement conference.

If informal proceedings are unlikely to resolve this protested case, the Department will initiate formal proceedings by issuing a notice of prehearing conference and identifying a presiding officer. It is important for all parties to make the most of the opportunity to resolve the dispute informally.

The informal settlement conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the prehearing conference, please notify the Department at least ten (10) days prior to the conference. Inquiries about scheduling, hearing facilities, etc., should be directed to Taya Sharp at 208-762-2800.

Dated this 8th day of August, 2023.

Taya Sharp
Administrative Assistant 1

SCANNED
AUG 09 2023

CERTIFICATE OF SERVICE

I certify that on the 8th day of August 2023, I served or caused to be served the Notice of Informal Settlement Conference to the parties by the following method(s):

TROY DAVIS
376 STILL MEADOW LN
PRIEST RIVER, ID 83856
2084481867
TROYWCDAVIS@MSN.COM
Applicant

- ☐ U.S. Mail, Certified, postage prepaid
- ☒ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Email

IDAHO DEPT OF FISH & GAME
2885 W KATHLEEN AVE
COEUR D ALENE, ID 83815
2087691414
Protestant

- ☐ U.S. Mail, Certified, postage prepaid
- ☒ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Email

Taya Sharp
Administrative Assistant 1

SCANNED
AUG 09 2023

INFORMAL SETTLEMENT CONFERENCE PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Applications to appropriate the water of the state of Idaho are referred to as applications for permit and are for the development of new water rights. Section 42-203A, Idaho Code, requires the Idaho Department of Water Resources (Department) to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation reduce the quantity of water under existing water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, 6, and 7 above and must provide evidence for the Department to evaluate these criteria.

The initial burden of proof on issue 5 lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for all of these issues.

PROCEDURE

The Department generally conducts an informal settlement conference with the parties to determine the issues and to try to settle a protested matter before the formal hearing process starts. The formal hearing process commences with a prehearing conference, which may require parties to be represented by an attorney.

SCANNED
AUG 09 2023

INFORMAL SETTLEMENT CONFERENCE

The purpose of an informal settlement conference is to provide the opportunity for the parties and the Department to familiarize themselves with a protested matter and to attempt to resolve the matter. At the conference, the Department and the parties will discuss the application and protests, explore settlement options, discuss additional informational needs, evaluate the need for additional informal proceedings or alternative dispute resolution options such as mediation, and discuss the commencement of formal proceedings. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the informal settlement conference for the purpose of scheduling follow-up conferences, if needed.

HEARING

If the parties do not resolve the matter at the informal settlement conference, a formal hearing process may be commenced according to Sections 42-1701A(1) and (2), Idaho Code and the Department's Rules of Procedure. Copies of Idaho Code and the Department's rules are available upon request or by accessing the Department's website at: www.idwr.idaho.gov. The Department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

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AMERICANS WITH DISABILITIES ACT

Any scheduled conferences or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please notify the Department no later than ten (10) days prior to the conference or hearing.

SCANNED
AUG 09 2023

Sharp, Taya

From: Horsmon,Merritt
Sent: Friday, August 4, 2023 3:31 PM
To: Sharp, Taya
Subject: RE: 97-8755 Request for Availability for Informal Settlement Conference
Attachments: IDFG Availibility Aug-Oct 23.pdf

Hi Taya,
Attached is my availability.

Thanks,

Merritt Horsmon
Regional Technical Assistance Manager
Panhandle Region
2885 W. Kathleen Ave.
Coeur d'Alene, ID 83815
208.769.1414 office
208.251.4509 mobile
merritt.horsmon@idfg.idaho.gov

From: Sharp, Taya <Taya.Sharp@idwr.idaho.gov>
Sent: Wednesday, August 02, 2023 10:37 AM
To: troywcdavis@msn.com; Horsmon,Merritt <merritt.horsmon@idfg.idaho.gov>
Subject: 97-8755 Request for Availability for Informal Settlement Conference

Dear Interested Parties,

Attached you will find a letter and calendars that have also been mailed to you. These are for protested application 97-8755. We need to schedule an informal settlement conference. You have until **August 16th 2023** to return the calendars with your dates that you are **unavailable**. If we do not receive your availability, we will schedule the informal settlement conference and you are required to attend.

Thank you,

SCANNED
AUG 09 2023

IDAHO DEPARTMENT OF WATER RESOURCES

Taya Sharp | 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
AUG 09 2023

Name: ____IDAHO DEPT. OF FISH & GAME_____ **"X" = UnAvailable**

96-13599, 97-9227, 97-9572, 97-9599, 97-9676, 97-8755, 97-9625

PRE-HEARING CONFERENCE FOR [redacted]

August 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
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SCANNED
AUG 09 2023

Name: ____IDAHO DEPT. OF FISH & GAME_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR ALAN & MELVA BRADSHAW APPLICATION FOR PERMIT 97-9599

September 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 IDWR OFFICES CLOSED	5	6	7	8	9
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SCANNED
AUG 09 2023

Name: ____IDAHO DEPT. OF FISH & GAME_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR ALAN & MELVA BRADSHAW APPLICATION FOR PERMIT 97-9599

October 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9 IDWR OFFICES CLOSED	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SCANNED
AUG 09 2023

Sharp, Taya

From: Troy Davis <troywcdavis@icloud.com>
Sent: Wednesday, August 2, 2023 3:30 PM
To: Sharp, Taya
Attachments: Aug 2, 2023 Doc.pdf

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.

If you need anything else let me know

Sent from my iPhone

SCANNED
AUG 03 2023

Name: _____TROY DAVIS_____ "X" = UNAVAILABLE

PRE-HEARING CONFERENCE FOR TROY DAVIS APPLICATION FOR PERMIT 97-8755

August 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3 X	4 X	5
6	7 X	8 X	9	10 X	11	12
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SCANNED
AUG 03 2023

Name: _____TROY DAVIS_____ "X" = UNAVAILABLE

PRE-HEARING CONFERENCE FOR TROY DAVIS APPLICATION FOR PERMIT 97-8755

September 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 IDWR OFFICES CLOSED	5	6	7	8	9
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SCANNED
AUG 03 2023

Name: _____TROY DAVIS_____ "X" = **UNAVAILABLE**

PRE-HEARING CONFERENCE FOR TROY DAVIS APPLICATION FOR PERMIT 97-8755

October 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9 IDWR OFFICES CLOSED	10 X	11 X	12 X	13 X	14
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29	30 X	31 X				

SCANNED
JUL 13 2023

Sharp, Taya

From: Sharp, Taya
Sent: Wednesday, August 2, 2023 10:37 AM
To: troywcdavis@msn.com; Horsmon,Merritt
Subject: 97-8755 Request for Availability for Informal Settlement Conference
Attachments: 97-8755 Second Request Availability Calendar Informal Settlement Conference.pdf

Dear Interested Parties,

Attached you will find a letter and calendars that have also been mailed to you. These are for protested application 97-8755. We need to schedule an informal settlement conference. You have until **August 16th 2023** to return the calendars with your dates that you are **unavailable**. If we do not receive your availability, we will schedule the informal settlement conference and you are required to attend.

Thank you,

Taya Sharp | 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
AUG 02 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**

August 02, 2023

TROY DAVIS
376 STILL MEADOW LN
PRIEST RIVER, ID 83856

IDAHO DEPT OF FISH & GAME
2885 W KATHLEEN AVE
COEUR D ALENE, ID 83815

RE: Application for Permit No(s). 97-8755

Dear Parties:

On October 21st 2022 we received a protest from Idaho Dept. of Fish & Game filed against Application for Permit No(s). 97-8755. The following options are available for the resolution of protested applications:

- Direct contact between the parties to determine the nature of the protest(s) and to attempt to resolve the protest. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).
- Discussions at an informal settlement conference between Department staff, the applicant(s), and the protestant(s). The enclosed document summarizes the informal settlement conference purpose and procedure.
- Formal proceedings administered by the Department after the informal settlement conference. If formal proceedings are necessary, the Department will schedule a prehearing conference to begin the process.

Please consider the best option(s) for resolution of the protested application.

On April 18th 2023 we sent a letter to the parties to schedule an informal settlement conference pursuant to the Department's Rules of Procedure (IDAPA 37.01.01). We have not received a response from either party. Attached with this letter are calendars. **Please notify the Department within 14 days of any dates you are UNAVAILABLE to participate in an informal settlement conference in the next three months (see attached calendars).** You may provide unavailable dates via mail or via email to the email address below. **If you do not notify the Department of unavailable dates, the Department will assume you are available for the informal settlement conference on any date selected**. The Department may schedule the informal settlement conference as a conference phone call or in-person. The Department will send notice of the informal settlement conference once it is scheduled.

SCANNED
AUG 0 2 2023

You may contact this office if you have any questions regarding the procedure discussed in this letter or additional information regarding the application, protest(s), water rights, and other matters administered by the Department is available on the Internet at www.idwr.idaho.gov.

Sincerely,

Taya Sharp
Administrative Assistant 1
(208)762-2807
Taya.Sharp@idwr.idaho.gov

Enclosure(s): Informal Settlement Conference Procedure

SCANNED
AUG 02 2023

Name: ____IDAHO DEPT. OF FISH & GAME_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR TROY DAVIS APPLICATION FOR PERMIT 97-8755

August 2023

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SCANNED
AUG 02 2023

Name: ____IDAHO DEPT. OF FISH & GAME_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR TROY DAVIS APPLICATION FOR PERMIT 97-8755

September 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 IDWR OFFICES CLOSED	5	6	7	8	9
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SCANNED
AUG 02 2023

Name: ____IDAHO DEPT. OF FISH & GAME_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR TROY DAVIS APPLICATION FOR PERMIT 97-8755

October 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9 IDWR OFFICES CLOSED	10	11	12	13	14
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SCANNED
AUG 0 2 2023

Name: _____TROY DAVIS_____ "X" = **UNAVAILABLE**

PRE-HEARING CONFERENCE FOR TROY DAVIS APPLICATION FOR PERMIT 97-8755

August 2023

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SCANNED
AUG 02 2023

Name: _____TROY DAVIS_____ "X" = **UNAVAILABLE**

PRE-HEARING CONFERENCE FOR TROY DAVIS APPLICATION FOR PERMIT 97-8755

September 2023

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SCANNED
AUG 02 2023

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PRE-HEARING CONFERENCE FOR TROY DAVIS APPLICATION FOR PERMIT 97-8755

October 2023

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SCANNED
AUG 02 2023

INFORMAL SETTLEMENT CONFERENCE PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Applications to appropriate the water of the state of Idaho are referred to as applications for permit and are for the development of new water rights. Section 42-203A, Idaho Code, requires the Idaho Department of Water Resources (Department) to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation reduce the quantity of water under existing water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, 6, and 7 above and must provide evidence for the Department to evaluate these criteria.

The initial burden of proof on issue 5 lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for all of these issues.

PROCEDURE

The Department generally conducts an informal settlement conference with the parties to determine the issues and to try to settle a protested matter before the formal hearing process starts. The formal hearing process commences with a prehearing conference, which may require parties to be represented by an attorney.

SCANNED
AUG 02 2023

INFORMAL SETTLEMENT CONFERENCE

The purpose of an informal settlement conference is to provide the opportunity for the parties and the Department to familiarize themselves with a protested matter and to attempt to resolve the matter. At the conference, the Department and the parties will discuss the application and protests, explore settlement options, discuss additional informational needs, evaluate the need for additional informal proceedings or alternative dispute resolution options such as mediation, and discuss the commencement of formal proceedings. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the informal settlement conference for the purpose of scheduling follow-up conferences, if needed.

HEARING

If the parties do not resolve the matter at the informal settlement conference, a formal hearing process may be commenced according to Sections 42-1701A(1) and (2), Idaho Code and the Department's Rules of Procedure. Copies of Idaho Code and the Department's rules are available upon request or by accessing the Department's website at: www.idwr.idaho.gov. The Department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

If necessary, the hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. The hearing officer will be designated in a notice of prehearing conference that commences the formal hearing process.

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SCANNED
AUG 02 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**

April 18, 2023

TROY DAVIS
376 STILL MEADOW LN
PRIEST RIVER, ID 83856

IDAHO DEPT OF FISH & GAME
2885 W KATHLEEN AVE
COEUR D ALENE, ID 83815

RE: Application for Permit No. 97-8755

Dear Parties:

This letter acknowledges receipt of a protest(s) filed against Application for Permit No(s). 97-8755. The following options are available for the resolution of protested applications:

- Direct contact between the parties to determine the nature of the protest(s) and to attempt to resolve the protest. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).
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Please consider the best option(s) for resolution of the protested application.

Meanwhile, the Department will schedule an informal settlement conference pursuant to the Department's Rules of Procedure (IDAPA 37.01.01). **Please notify the Department within 14 days of any dates you are UNAVAILABLE to participate in an informal settlement conference in the next three months (see calendars attached).** You may provide unavailable dates via mail or via email to the email address below. If you do not notify the Department of unavailable dates, the Department will assume you are available for the informal settlement conference on any date selected. The Department may schedule the informal settlement conference as a conference phone call or in-person. The Department will send notice of the informal settlement conference once it is scheduled.

SCANNED
APR 18 2023

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Sincerely,

Tammy Alleman
Administrative Assistant 1
(208) 762-2807
Tammy.Alleman@idwr.idaho.gov

Enclosure(s): Informal Settlement Conference Procedure

SCANNED
APR 18 2023

INFORMAL SETTLEMENT CONFERENCE PROCEDURE

APPLICATION FOR PERMIT

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4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
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SCANNED
APR 18 2023

INFORMAL SETTLEMENT CONFERENCE

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SCANNED
APR 18 2023

Name: ____TROY DAVIS_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR TROY DAVIS APPLICATION FOR PERMIT 97-8755

May 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
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21	22	23	24	25	26	27
28	29 IDWR OFFICES CLOSED	30	31			

SCANNED
APR 18 2023

Name: ____TROY DAVIS_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR TROY DAVIS APPLICATION FOR PERMIT 97-8755

June 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
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18	19 IDWR OFFICES CLOSED	20	21	22	23	24
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SCANNED
APR 18 2023

Name: ____TROY DAVIS_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR TROY DAVIS APPLICATION FOR PERMIT 97-8755

July 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 IDWR OFFICES CLOSED	5	6	7	8
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SCANNED
APR 18 2023

Name: _____IDFG MERRITT HORSMON_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR TROY DAVIS APPLICATION FOR PERMIT 97-8755

May 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
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21	22	23	24	25	26	27
28	29 IDWR OFFICES CLOSED	30	31			

SCANNED
APR 18 2023

Name: _____IDFG MERRITT HORSMON_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR TROY DAVIS APPLICATION FOR PERMIT 97-8755

June 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
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18	19 IDWR OFFICES CLOSED	20	21	22	23	24
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SCANNED
APR 18 2023

Name: _____IDFG MERRITT HORSMON_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR TROY DAVIS APPLICATION FOR PERMIT 97-8755

July 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
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2	3	4 IDWR OFFICES CLOSED	5	6	7	8
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SCANNED
APR 18 2023

IDAHO DEPARTMENT OF FISH AND GAME
PANHANDLE REGION
2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

Brad Little / Governor
Ed Schriever / Director

RECEIVED
OCT 21 2022
IDWR / NORTH

October 18, 2022

IDWR Northern Region,
Michelle Richman, Regional Manager
Tammy Alleman, Administrative Assistant
7600 North Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Troy Davis
376 Still Meadow Lane
Priest River, ID 83856

REFERENCE: Application No. 97-8755 – Priest River

Dear Michelle and Tammy:

We have reviewed the above-named water right application for 0.09 cfs for irrigation from Priest River in Bonner County. The purpose of these comments is to assist the decision-making authority by providing technical information addressing potential effects on wildlife and wildlife habitat and how any adverse effects might be mitigated.

Priest River is hydrologically connected to Lake Pend Oreille with no barriers to fish movement, and like a number of other Idaho tributaries to the system, provides spawning and early rearing habitat for Lake Pend Oreille Bull Trout. Native Westslope Cutthroat Trout also inhabit Lower Priest River. The entire 45-mile length is federally listed as critical habitat for Bull Trout.

Streamflow in Lower Priest River is regulated by the Priest Lake Outlet Dam, installed in 1950 and operated by the Idaho Department of Water Resources. Dam operations target a discharge of at least 60 cfs to Lower Priest River during the recreation season and the majority of the irrigation season. During low water years, it has been difficult for the 60 cfs minimum flow to be met, and occasionally the flows have been dropped to nearly half that amount. Furthermore, Priest River, below the mouth of the East River (mile 21.7) has a minimum flow water right requirement of 300 cubic feet per second held by the Idaho Water Resources Board. Although this request is for a small amount of water, during dry years which we are experiencing more frequently, this minimum flow requirement may not be met and will be further impacted if water diversions continue to be appropriated but not regulated. At this time, we are unaware of a Water Master or other individual with the authority to ensure senior water rights are met prior to diversion of junior rights. During the 2022 irrigation season, this minimum flow requirement was not met for most of August and September and didn't return to above the minimum flow right until recreational water was released from Priest Lake. This time period coincides with Bull Trout spawning, which is one of the reasons that a minimum stream flow water right was requested.

SCANNED
APR 18 2023

Lower Priest River is classified as water quality limited under §303(d) of the Clean Water Act. It is TMDL listed for both temperature and sediment. Further reduction of flows may adversely affect beneficial uses.

IDFG is **protesting** the above-listed water right per Idaho Code §42-203A(4) to offer the Idaho Department of Water Resources (IDWR) technical assistance with decision-making and recommendations to avoid, minimize, or mitigate adverse effects on public interest resources (Idaho Code §42-203A(5)(e); IDAPA 37.03.08.45.01.e.ii).

Thank you for the opportunity to review and comment. Please initiate Interagency Billing for the $25.00 fee (PCA 11806; B799) for each water right to the attention of Tom Bassista (IDFG Headquarters, P.O. Box 25, Boise ID 83707). If information becomes available to alleviate concerns about potential adverse fishery and flow effects, IDFG may amend or remove this protest. For questions and to arrange informal follow-up discussions, please contact Merritt Horsmon (Panhandle Region Environmental Staff Biologist) or Tom Bassista (Technical Assistance Program Coordinator) at 208-610-4032.

Sincerely,

Carson Watkins

Digitally signed by Carson Watkins
Date: 2022.10.18 12:20:14 -07'00'

Carson Watkins
Panhandle Regional Supervisor

CJW:MH:lat
CC (electronic): Tom Bassista, IDFG-Headquarters
Ann Yribar, Deputy Attorney General
Remington Buyer, Idaho Department of Water Resources
Mike Edmondson, Office of Species Conservation
Chantilly Higbee, Idaho DEQ

SCANNED
APR 18 2023

AFFIDAVIT OF PUBLICATION

RECEIVED
OCT 17 2022
IDWR / NORTH

STATE OF IDAHO)
) ss.
County of Bonner)

I Italia Jimenez, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Public Notice.
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 5th day of October, 2022, and ending on the 12th day of October, 2022

Italia Jimenez

State of Idaho, county of Bonner ss.
On this 14th day of October, in the year of 2022, before me, Katrina George, Notary Public, personally appeared Italia Jimenez known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she (or they) executed the same.

Katrina George
Notary Public
Residing at: Kootenai County

My Commission Expires 8/29/23

KATRINA GEORGE NOTARY PUBLIC COMM. NO. 58974 STATE OF IDAHO

SCANNED
APR 18 2023

PUBLIC NOTICE

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

97-8755
TROY DAVIS
376 STILL MEADOW LN
PRIEST RIVER, ID 83856
Point of Diversion L2(SENW)
S20 T57N R04W
BONNER County
Source PRIEST RIVER
Tributary PEND OREILLE RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.09 CFS
Date Filed: 09-22-2022
Place Of Use: IRRIGATION
T57N R04W S20
L3(NESW),SWNW,NWSW,L2(SENW)
Total Acres: 3.6

97-8825
JANICE THOMPSON
LANE THOMPSON
PO BOX 1950
PRIEST RIVER, ID 83856-1950
Point of Diversion SWNE
S18 T56N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 06-15-2022
Place Of Use: DOMESTIC
T56N R04W S18
SENE,SWNE

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 10/24/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Legal#4603
AD#565071
October 5, 12, 2022

SCANNED
APR 18 2023

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 97 - 8755 APPLICATION ID # 86907 ENT. AF BCA JL OK to Publish AF

INITIAL REVIEW

APPLICANT: Troy Davis BY: AF DATE: 9 / 22 / 2022

ITEM	REQUIRED INFORMATION
1.	(X) Name and Address
2.	(X) Source
3.	(X) Point of Diversion & County
4.	(X) Quantity
	(X) Nature of Proposed Use
	(X) Period of Use
5.	(X) Total Quantity
6.	(X) Description of diverting works
7.	(X) Time required for b/u
8.	(X) Proposed use
9.	(X) Place of use or acres irrigated
10.	( ) Other water Rights
11.	(X) Ownership
12.	(X) Map
	(X) Signature
	(X) Fee (Amt, receipt, acknowledgement)

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

PROCESSING

(Yes)(No) **PRIORITY DATE:** 9 / 22 / 2022

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

ADVERTISE IN: Bonner County

Newspaper: Bonner County Daily Bee

Dates scheduled for publication 10-5-22 & 10-12-22

Affidavit of Publication received: 10-17-22

Dates actually published: 10-5-22 & 10-12-22

Application published correctly. Yes Y No ____

If not, action taken: ____

Final Date for Protest: October 24, 2022

Protests Received: Yes ____ No Y

LETTERS SENT REQUESTING:

( ) Dam Information ( ) Fish Information
( ) Power Information ( ) Other: ____

INFORMATION RECEIVED:

( ) Dam Information ( ) Fish Information
( ) Power Information ( ) Other: ____

DEQ, F&G, IDL, Board

ADDITIONAL INFORMATION

(Yes)(No)

X ___ **Shape File Created** **Date** 9/22/22 **By:** AF
___ ___ Field check: by ____
___ ___ Field report attached
___ ___ Analysis Supp. attached(>5cfs/500af)
___ ___ Water delivered by water master? Water District # ____

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( )

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

Remarks: ____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

___ ___ Notice of pending void order issued. Final order response date: ____/____/____
___ ___ Further information required from applicant ____

___ ___ Measuring device required NSF 227 ✓
___ ___ Measuring port required
___ ___ Special conditions: ____
___ ___ Special conditions of approval supplement and/or cover letter attached: ____

Approval Recommended by: ____ Date: 9 / 7 / 23 Sr. Agent initial GB 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

September 28, 2022

TROY DAVIS
376 STILL MEADOW LN
PRIEST RIVER, ID 83856

RE: Application for Permit No. 97-8755

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 BONNER COUNTY DAILY BEE, PRIEST RIVER VERSION on 10/5/2022 and 10/12/2022. 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
SEP 28 2022

Alleman, Tammy

From: Alleman, Tammy
Sent: Wednesday, September 28, 2022 11:40 AM
To: bcdblegals@cdapress.com
Subject: Legal Notice for 97-8755 & 97-8825
Attachments: Legal Notice for 97-8755 & 97-8825.docx

Please publish the enclosed legal notice in the **Bonner County Daily Bee, Priest River Version** on the dates indicated **October 5th & October 12th, 2022** (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 **October 24, 2022.** Your cooperation is appreciated.

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
SEP 28 2022

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GARY SPACKMAN, Director Published on 10/5/2022 and 10/12/2022

SCANNED
SEP 2 8 2022

Frederick, Adam

From: Frederick, Adam
Sent: Thursday, September 22, 2022 2:21 PM
To: troywcdavis@msn.com
Subject: Corrected Application for Permit
Attachments: 97-8755_01_85980.pdf; Application For Permit 97-8755 0.docx

Hello,
Attached is a corrected application for permit and map for your review. If everything looks correct, please print, sign, and return to the address below or scanned as a pdf to the following email address, file@idwr.idaho.gov. Once we receive the signed corrected application for permit, we can proceed onto advertising. If you have any questions, feel free to call or email me.

Thanks,
Adam

Adam Frederick | Water Rights Supervisor
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
SEP 28 2022