

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 97-8876

Priority: June 21, 2022

Maximum Diversion Rate: 0.14 CFS
Maximum Diversion Volume: 1.5 AF

It is hereby certified that:

COOLIN BAY CONDOMINIUM ASSN 4415 S NORTH MORRILL CT SPOKANE WA 99223-2228

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 21, 2022, and has submitted Proof of Beneficial Use on July 28, 2023. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use
DOMESTIC

Period of Use
01/01 to 12/31

Rate of Diversion
0.14 CFS

Annual Volume
1.5 AF

Location of Point(s) of Diversion

GROUND WATER SE¼ NE¼, Sec. 9, Twp 59N, 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	
59N	04W	9				X													
59N	04W	10							X										
									L2										
59N	04W	10							X										

Conditions of Approval

- Domestic use is for a 14 unit condominium building.
- The irrigation occurring under this domestic use shall not exceed 1/2 acre.

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 August, 2023.



PHILL HUMMER
Water Rights Supervisor

SCANNED

AUG 22 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
97-8876

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.035 0.07 0.14 Miles

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

SCANNED 
AUG 22 2023

RECEIVED
JUL 28 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
 Receipt No. C116814
 Received By KM
 Date Received 7.28.23

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. 97-08876 Name of Permit Holder(s) COOLIN BAY CONDO ASSOC
 Telephone No. 509 953-8563 Email rmindemann@tristatedistributors.com
 Mailing Address 4415 S North Morrill Ct City SPOKANE State WA Zip 99223
- Source of Water ground water If Ground Water (well), Date Drilled mo. / yr. 1986
 Drilling Permit/Tag No. Drilling Company's Name
- Extent of use(s) completed as authorized by the water right permit:
 Domestic (No. households) 14 Irrigation (No. acres) Stockwater (No. and stock type)
 Other
- Total diversion rate or volume (storage only) for which proof is submitted .2 cfs OR af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.
- Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

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

Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| ☐ | ☐ | ☐ | Ground water level data, pumping information, or other diversion data |
| ☐ | ☐ | ☐ | Mitigation plan |
| ☐ | ☐ | ☐ | Lockable controlling works |
| ☐ | ☐ | ☐ | Measuring device |
| ☐ | ☐ | ☐ | Fish screen |
| ☐ | ☐ | ☐ | Other requirements of the water right permit <u> </u> |

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

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

7. Fee Enclosed \$ 50 or ☐ CWRE field report attached or ☐ No fee required
See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

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

Name: Joan PIERCE Telephone No. 208 660 8531 Email idahopierce@gmail.com
 Mailing Address BOX 294 City COOLIN State ID Zip 83821

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.

Ron Mindemann RON MINDEMANN, PRESIDENT 7-21-23
 SIGNATURE OF PERMIT HOLDER* PRINTED NAME AND TITLE DATE

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

SCANNED

AUG 22 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

May 31, 2023

COOLIN BAY CONDOMINIUM ASSN
PO BOX 392
NEWMAN LAKE WA 99025-0392

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 97-08876

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holder(s):

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before **August 01, 2023**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a \$50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this department on or before the above proof due date. If neither is received, the department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Water Rights Section

Enclosure(s)

c: RON MINDERMAN , LORALI HOLT



Governor Brad Little

Director Gary Spackman

August 22, 2023

COOLIN BAY CONDOMINIUM ASSN
4415 S NORTH MORRILL CT
SPOKANE WA 99223-2228

RE: License No. 97-8876

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

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

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

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

Sincerely,

Jean Hersley

For

Phill Hummer

Water Rights Supervisor

Enclosure(s)

SCANNED

AUG 22 2023

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2023, I served a true and correct copy of Water Right License No. 97-8876 by U.S. Mail, postage prepaid, to the following:

COOLIN BAY CONDOMINIUM ASSN (Current Owner)
4415 S NORTH MORRILL CT
SPOKANE WA 99223-2228

LORALI HOLT (Representative)
PO BOX 392
NEWMAN LAKE WA 99025-0392

RON MINDERMAN (Representative)
PO BOX 392
NEWMAN LAKE WA 99025-0392



Jean Hersley
Technical Records Specialist 2

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
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATIONExam Date: 8/10/2023

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? X Y N
- a. Irrigation of 5 acres or less
- b. Storage of up to 14.6 AF for stockwater purposes only
- c. X Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
- d. Other < >

2. Current Owner: Coolin Bay Condo Assoc.

Owner of Record Correct? NAddress of Record Correct? N

If No Explain: N/A

3. Beneficial Use Fees have been paid: X Y N Receipt No: C116816

4. Source: Tributary:

Groundwater N/A

Method of Determination:

Change in Source: Y X N**B. OVERLAP REVIEW**1. Other water rights with the same place of use: X No Overlap

Water Right No.	Source	Purpose of Use	Basis
97-7297	Groundwater	Commercial	License

Comments: Water right 97-7297 slightly overlaps the proposed place of use. However, after looking at a map provided with a claim filing in the water right backfile demonstrated there is no actual overlap.

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

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

Comments: N/A

C. DIVERSION AND DELIVERY SYSTEM

1. Location of Point(s) of Diversion:

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Groundwater			SE	NE	9	59N	04W	B.M.	Bonner
								B.M.	
								B.M.	

Method of Determination: GIS and Tax Parcel Data.Change in POD? Y X N Amendment Required? Y X N**SCANNED**

AUG 22 2023

Place of Use: Domestic

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
59N	04W	9				X													N/A
59N	04W	10							X										N/A
		Lot #							2										N/A
59N	04W	9							X										N/A

Method of Determination: GIS, Tax Parcel Data, and 2023 Bonner County Aerial Imagery.Change in POU? Y X N Amendment Required? Y X NDelivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable:

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

3. Diversion Id No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A					

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

D. FLOW MEASUREMENTS

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

2. Measurement Comments: The permit holder did not provide a pump horsepower. Therefore, a diversion rate calculation is not possible.**E. FLOW CALCULATIONS**Additional Computation Sheets Attached

Measured Method: Since the permit holder did not provide a pump horsepower a diversion rate calculation was not possible. According to Administrative Processing Memo #22 the standard diversion rate for a single-family home is 0.04 cfs. The permit authorizes domestic use for 14 condominium units. If each unit were considered a home the standard diversion rate would be 0.17 cfs. After a phone conversation with the permit holder on August 7th, 2023, the permit holder explained the diversion rate, 0.14 cfs, was determined because the units are not occupied year around because the units are mostly used as a weekend retreat. Therefore, the reduced diversion rate is closer to actual use. This permit authorized 0.14 cfs. I am recommending 0.14 cfs.

F. VOLUME CALCULATIONS

(60 gpd) * (14 condo units) * (365 days) * (325,850 gallons) = 0.9 af combined in-house use.

(0.9 af) + (0.6 af for up to ½ an acre yard irrigation) = 1.5 af.

2. Volume Calculations for Other Uses: According to Administrative Processing Memo #22 the standard diversion volume for a single domestic use is 0.6 af for in-house use and 0.6 af for up to ½ an acre of yard irrigation or 1.2 af. The permit does authorize up to ½ an acre of yard irrigation. However, since the total diversion rate was reduced from the standard it masks sense to determine a volume closer to actual use. According to a table titled "Non-Irrigation Water Requirements" within the Field examiners handbook, used by the Department for licensing purposes, the standard diversion volume for each hotel/condo unit with private baths is 60 gpd. I am recommending a 1.5 af diversion volume.

SCANNED

AUG 22 2023

G. PURPOSE OF USEIrrigation X Y N # Stock N/A Domestic # of Homes 14 condo units

Other: < >

Change in Purpose of Use? Y X NMethod of Determination: GIS, Tax Parcel Data and 2023 Bonner County Aerial Imagery.If Yes: From Use To Use Amount CFS AFA **H. NARRATIVE/REMARKS/COMMENTS**

This permit qualifies for an in-office examination. According to Tax Parcel Data the property was developed in 1985. The permit authorizes domestic use including, in house use for 14 condo units and up to ½ an acre of irrigation. According to 2023 Bonner County Aerial Imagery up to ½ an acre of irrigation occurred. A condition on the permit requires the permit to comply with the applicable water quality monitoring/ permitting requirements of the Idaho Department of Environmental Quality. According to the permit holders Statement of Completion for Proof of Beneficial Use the permit holder did not confirm any permit or water quality monitoring. After a phone conversation on August 10th, 2023, the permit holder confirmed they have water from the well tested every year, therefore meeting the requirements of the condition.

The permit authorizes in house use for 14 condo units, but the permitted diversion rate is 0.14 cfs. According to Administrative Processing Memo #22 the standard diversion rate for 14 homes is 0.17 cfs. After a phone conversation with the permit holder on August 7th, 2023, they explained that the diversion rate is less than the standard because the condos are only occupied seasonally and are mostly used as a weekend retreat.

The diversion volume was determined using a table titled "Non-Irrigation Water Requirements", found within the Field Examiners Handbook, used by the Department for licensing purposes. The table determined the standard for each hotel/condo unit is 60 gallons/day. According to Administrative Processing Memo #22 the standard diversion volume for external use of up to ½ an acre is 0.6 af. All of the conditions have been met and it has been confirmed a beneficial use was developed within authorization on the permit. Therefore, I am recommending a 0.14 cfs diversion rate and 1.5 af diversion volume.

Conditions X04 and 187 should remain on the license. Condition 004 should be removed because it has been confirmed there are no legal access concerns to the point of diversion or place of use. Condition 106 should be removed because the permit holder met the applicable water quality monitoring and/or permitting requirements of the Idaho Department of Environmental Quality. Condition 046 should be removed because the permit holder met the well drilling permit requirements of the Department. All other conditions should be removed as standard with licensing.

Have conditions of permit approval been met? X Yes No**I. RECOMMENDATIONS**

1. Recommended Amounts:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Domestic	01/01-12/31	0.14 CFS	1.5 AF
<u>Totals:</u>		0.14 CFS	1.5 AF

2. Recommended Amendments:

 Change P.D. as reflected above Add P.D. as reflected above X None Change P.U. as reflected above Add P.U. as reflected above X None

Other: < >

J. AUTHENTICATION Skyler Cheever – Water Resource AgentField Examiner's  Date 8/10/2023Reviewer  Date 8/15/23

SCANNED

AUG 22 2023

Field Exam Map

Map showing the authorized point of diversion (yellow point) and place of use (orange outline).



SCANNED

AUG 22 2023

Irrigation Map

2023 Bonner County Imagery confirming up to ½ an acre of irrigation occurred in the back of the property near the lake.

97-8876 Irrigation Map



8/7/2023

Road Centerlines

- Primary
- Secondary
- Local; Ramp



Parcels

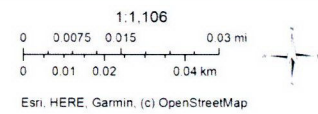
- World Boundaries and Places
- World Imagery
- Low Resolution 15m Imagery

High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

30cm Resolution Metadata



SCANNED

AUG 22 2023

Beneficial Use Proof Evaluation

Permit Number: 97-8876 Reviewer: AVEibell Review Date: 7/28/2023

Acceptability

- 1) Is the contact on the request the current permit holder? No
- 2) Does the address of record need to be updated? Yes
- 3) Proof Submitted Date: 7/28/2023
- 4) Proof Due Date: 8/1/2023
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: -4
- 8) Proof received timely? Yes

Analysis

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

N039948

Comments

Permit Holder address updated during evaluation. 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.



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

May 31, 2023

COOLIN BAY CONDOMINIUM ASSN
PO BOX 392
NEWMAN LAKE WA 99025-0392

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 97-08876

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holder(s):

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Sincerely,

Water Rights Section

Enclosure(s)

c: RON MINDERMAN , LORALI HOLT

CERTIFIED MAIL

7020 2450 0000 1566 5766

NO _____

SCANNED

JUN 05 2023