

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 95-17576

Priority: June 01, 2018

Maximum Diversion Rate: 0.03 CFS

Maximum Diversion Volume: 0.9 AF

It is hereby certified that:

BERNE M INDAHL 4203 E 17TH AVE SPOKANE WA 99223-5226

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 01, 2018, and has submitted Proof of Beneficial Use on December 13, 2021. An examination confirms water is diverted from:

Source : TWIN LAKES

Tributary: RATHDRUM CREEK

Beneficial Use

IRRIGATION

Period of Use

03/15 to 11/15

Rate of Diversion

0.03 CFS

Annual Volume

0.9 AF

Location of Point(s) of Diversion

TWIN LAKES L4 (SW¼ SW¼), Sec. 31, Twp 53N, Rge 04W, B.M. KOOTENAI 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	
53N	04W	31											0.3 L4						0.3

Total Acres: 0.3

Conditions of Approval

1. Point of diversion and place of use are within Lots 4, 5, 6, 7, 8, and 9, Blk. 6, Lakeview Addition to Lower Twin Lakes Subdivision.
2. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
3. This right when combined with all other rights shall provide no more than 0.3 cfs nor more than 0.9 afa at the field headgate for irrigation of the place of use.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 95 C.
5. 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 21st day of June, 2023.


SHELLEY W. KEEN
Regional Operations Bureau Chief

SCANNED

JUL 14 2023

State of Idaho
Department of Water Resources
Attachment to Water Right License
95-17576

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.



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

0 0.035 0.07 0.14 Miles

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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

June 22, 2023

BERNE M INDAHL
4203 E 17TH AVE
SPOKANE WA 99223-5226

RE: License No. 95-17576

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 the Northern Region Office at (208) 762-2800.

Sincerely,

Shelley Keen
Water Allocation Bureau Chief

Enclosure(s)

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JUL 14 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2023, I served a true and correct copy of Water Right License No. 95-17576 by U.S. Mail, postage prepaid, to the following:

BERNE M INDAHL (Current Owner)
4203 E 17TH AVE
SPOKANE WA 99223-5226

WATER DISTRICT #95C
STEVE NEFF (Watermaster)
17358 N RESERVOIR RD
RATHDRUM ID 83858-7425



Tammy Alleman
Administrative Assistant 1

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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: 95-17576

Exam Date: 07/21/2022

1. Current Owner:
BERNE M INDAHL 4203 E 17TH AVE SPOKANE WA 99223-5226
2. Accompanied by: Drive by with Berne M Indahl
Phone No: 509-536-8195
Address: Same as above
Relationship to permit Holder: Permit Holder

3. **SOURCE:**
TWIN LAKES

Tributary
RATHDRUM CREEK

Method of Determination: Arcmap and DRG.

B. OVERLAP REVIEW

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

Water Right No.	Source	Purpose of Use	Basis
95-7478	Twin Lakes	Domestic	Decreed
Numerous	Groundwater(s) & Twin Lakes	Municipal	Decreed

Comments: Decreed WR 95-7478 uses Twin Lakes for Domestic use with a POD which overlaps this right's irrigation POU; review of adjudication recommendation proof report designates a different parcel associated with 95-7478 than this right's POU/parcel correlation resulting in no concern for overlap. There are numerous WRs with overlapping POU associated with North Kootenai Water District municipal service area which do not constitute concern for overlap with this permit's water use & POU. Condition X35 is not recommended for inclusion during licensing review.

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

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

TWIN LAKES L4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 31, Twp 53N, Rge 04W, B.M. KOOTENAI County

Method of Determination: GPS; POD is a screened intake line with water transfer pump shoreside of the applicant's dock, located at -116°53.514, 47°53.411.

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	
53N	04W	31											0.3 L4						0.3

Total Acres: 0.3

Method of Determination: Drive by exam to validate irrigation system & Arcmap aerial imagery.

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3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components.

☒ Indicate weir size/pipe as applicable.

Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be

☒ 1:24,000 or greater.☒ Aerial Photo Attached (required for irrigation of 10+ acres).☒ Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WATER PUMP	PREDATOR	5			212 CC; 2 INCH

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements: No measurement required for an in-office exam.

E. FLOW CALCULATIONS

Flow measurement not required as per IDAPA RULE 37.03.02.035.01.r.iii.

F. DIVERSION RATES

The diversion rate for this irrigation right is limited to 0.03 CFS or 15 GPM.

G. VOLUME CALCULATIONS

The annual volume for this irrigation right is limited to = 0.9 AF.

H. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-house field examination. A drive-by exam was conducted on 7/21/2022 with the applicant, Berne M Indahl, to obtain photographs of the POU, verify irrigation areas, & GPS the POD. Kootenai County tax parcel data validate ownership of lots 4-9, Blk 6, Lakeview Addition (Twin Lakes) Subdivision in the name of Indahl Family Trust, of which Mr. Berne M Indahl is an authorized Trustee with signatory authority. Aerial imagery is insufficient to prove there is green space from irrigation occurring on the property due to tree canopy; photographs taken while ground truthing the POU enabled me to accurately trace out the active irrigation acreage, which coupled with pump information provided by the applicant with their statement of completion result in adequate information to license this permit.

The permit was authorized for **0.03 CFS** or 13.5 GPM diversion for the irrigation of 0.3 acres, which is recommended for licensing purposes. Department rounding standards result in a diversion rate up to 15 GPM equating to 0.03 cfs as stated above paragraph F. Diversion Rates. During the drive-by exam, the applicant's pump was observed in a small lockable pump house with screened intake pipe in the lake. The pump specification identifies a 5 HP Predator water pump in use, which is oversized for 0.3 acres irrigation but installed by the applicant to achieve head pressure to overcome elevation gain to the furthest extent of the applicant's irrigation POU from the lake.

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The water system incorporates a 2-inch flex fire hose to 3-way garden hose PVC splitter. The applicant connects 2 hoses which he routes throughout the POU with a sprinkler each to water small lawn space and fruit trees. The 3rd hose splitter serves as a blow-out for the system to alleviate pressure when not in use. Average sprinkler GPM rates operate at approximately 9-13 gpm, resulting in **the applicant being limited to irrigation with a single hose and sprinkler at a given time**; the 2nd hose may be staged with a manual shutoff valve and irrigation rotated. Irrigating with more than 1 sprinkler at a time will result in over diversion from the applicant's current water system 5 HP pump. This Permit and water use falls within State Water District No. 95C, and the designated watermaster will be responsible for the distribution of water among appropriators.

The irrigation POU was traced out using Arcmap aerial imagery equaling 0.3 acres in size. The annual volume associated with irrigating 0.3 acres = **0.9 AF**, which is recommended for licensing purposes. Condition R66 was replaced with X31 to better quantify diversion rate and diversion volume associated with licensing this permit. Condition 26A was removed from the permit during licensing review. Overlap concerns are discussed on PG 1 above; there are no overlap concerns which necessitate combined use conditions for licensing purposes.

Have conditions of permit approval been met? X 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>
IRRIGATION	03/15 to 11/15	0.03 CFS	0.9 AF
Totals:		0.03 CFS	0.9 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
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I. AUTHENTICATION

Luke Bates -

Field Examiner's Name SA B. P. Date 11/28/2022

Reviewer _____ Date _____

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State of Idaho
Department of Water Resources
Attachment to Field Exam
95-17576

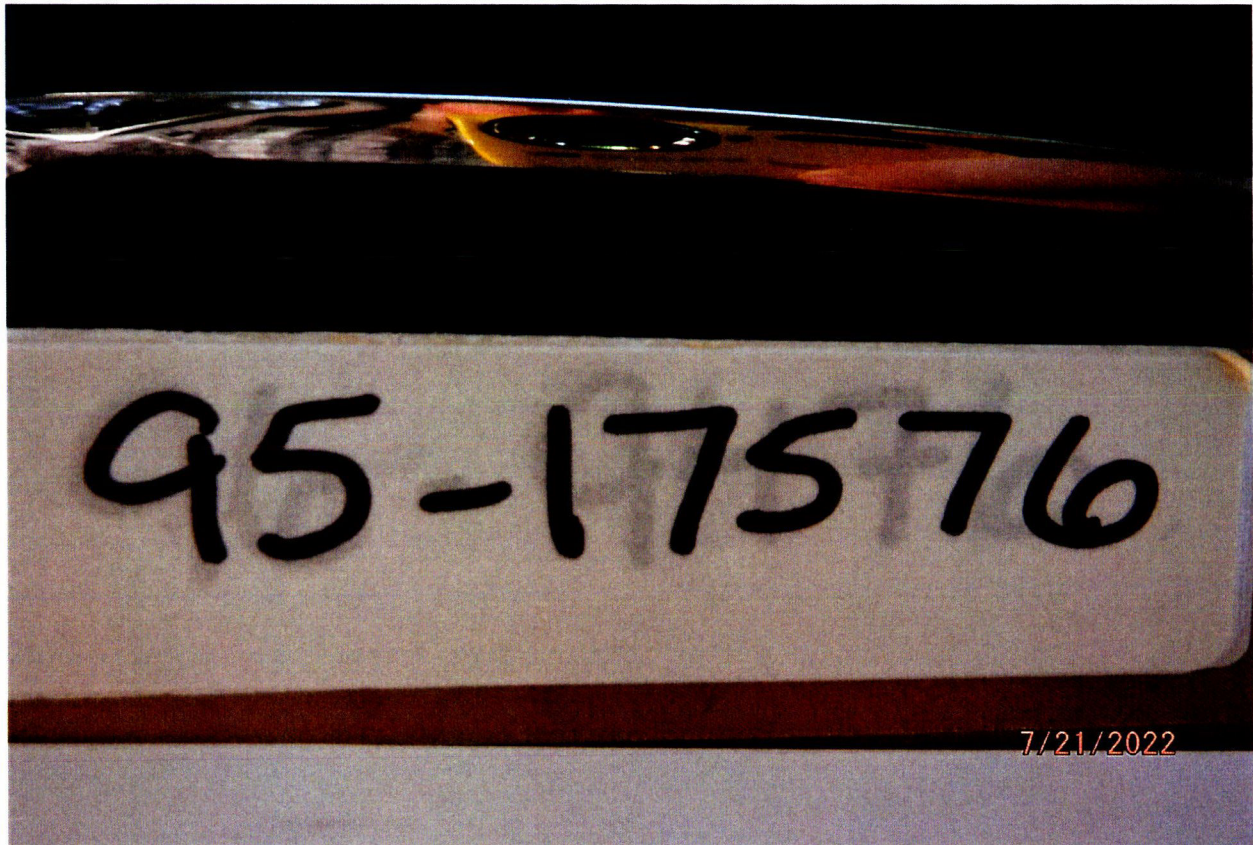
IRRIGATION system diagram.



- 05W 04W
- Place Of Use Boundary
 - Townships
 - PLS Sections
 - Quarter Quarters
 - Point of Diversion
- 53N 52N

0 0.035 0.07 0.14 Miles

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N

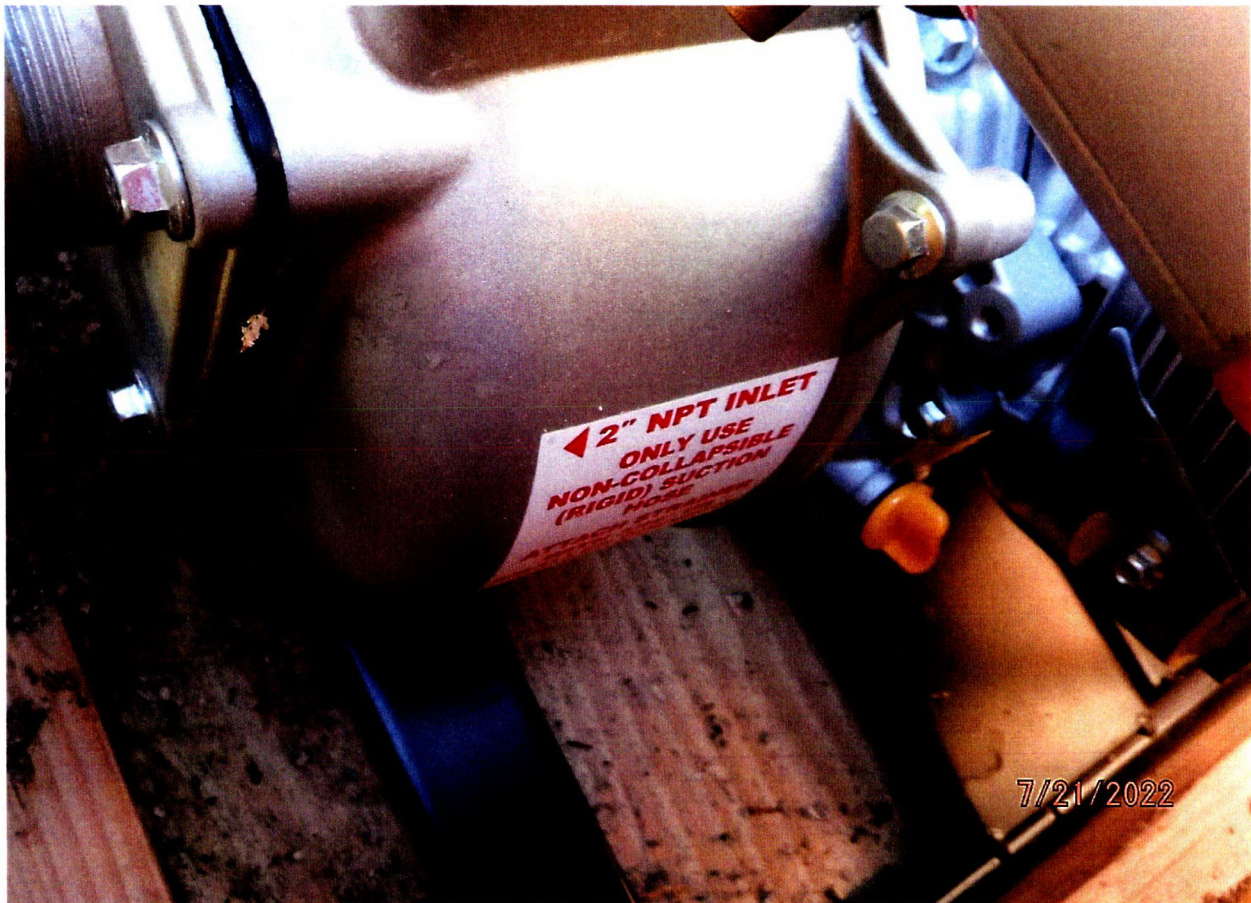


BENEFICIAL USE FIELD EXAMINATION DATE 7/21/2022



POD – SCREENED INTAKE PIPE TO WATER TRANSFER PUMP

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2 INCH INLET ON WATER TRANSFER PUMP

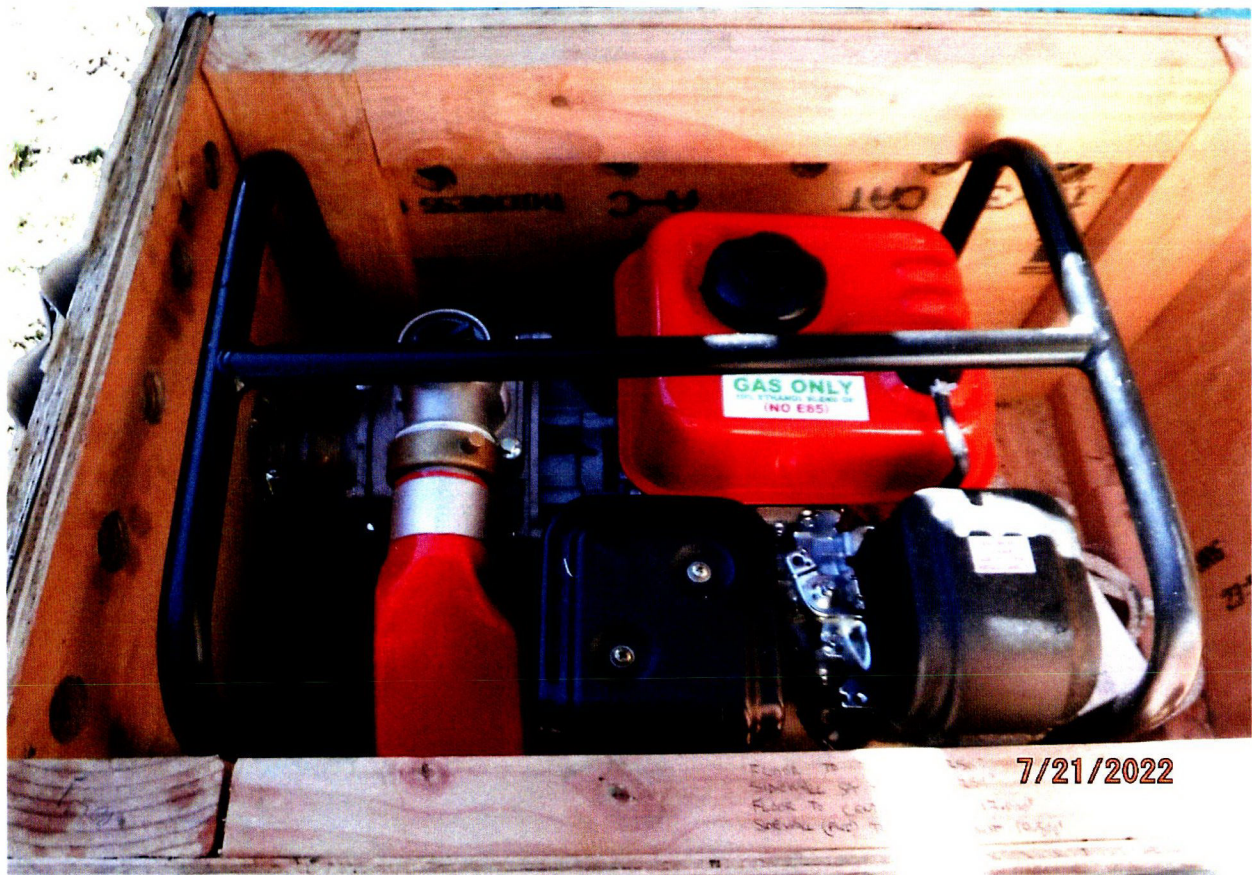


212 CC TRANSFER PUMP MOTOR

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WATER TRANSFER PUMP DOG HOUSE



PREDATOR WATER TRANSFER PUMP

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IRRIGATION SPLITTER WITH 3EA HOSE CONNECTIONS



IRRIGATION POU – SMALL GREEN SPACE ALONG SHORE AND POTTED ORCHARD TREES

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IRRIGATION POU



IRRIGATION POU

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