



Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
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Governor Brad Little

Director Gary Spackman

April 14, 2023

DONAIS LIVING TRUST
C/O JERRY J & PAT L DONAIS TRS
12102 E 37TH CT
SPOKANE WA 99206

RE: License No. 95-17581

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,

Michelle Richman
Northern Regional Manager

Enclosure(s)

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APR 14 2023

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2023, I served a true and correct copy of Water Right License No. 95-17581 by U.S. Mail, postage prepaid, to the following:

DONAIIS LIVING TRUST (Current Owner)
C/O JERRY J & PAT L DONAIIS TRS
12102 E 37TH CT
SPOKANE WA 99206

JERRY J DONAIIS (Trustee)
12102 E 37TH CT
SPOKANE WA 99206

PAT L DONAIIS (Trustee)
12102 E 37TH CT
SPOKANE WA 99206

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



Tammy Alleman
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 95-17581
Exam Date: 07/07/2022

1. Current Owner:
DONAIS LIVING TRUST C/O JERRY J & PAT L DONAIS TRS
12102 E 37TH CT SPOKANE WA 99206

2. Accompanied by: In office exam

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

Comments: numerous decreed WRs owned by North Kootenai Water District have POUs which overlap this permit's irrigation POU, but do not constitute an overlap concern for licensing purposes. Condition X35 is not recommended for inclusion when licensing this Permit.

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 L5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 5, Twp 52N, Rge 04W, B.M. KOOTENAI County

Method of Determination: GPS; POD is a screened intake line with centrifugal pump shoreside of the applicant's dock, located at -116°52.164, 47°52.966.

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	
52N	04W	5							0.1 L5										0.1

Total Acres: 0.1

Method of Determination: Drive-by to obtain photographs of water system and Arcmap aerial imagery.

- 3.
- X Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- X Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- X Aerial Photo Attached (required for irrigation of 10+ acres).
- X 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
CENTRIFUGAL PUMP	A.O.SMITH CORP	1.5	C48L23C15	CRAFTSMAN	390.262553

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 0.01 CFS or 4.5 GPM.

G. VOLUME CALCULATIONS

The annual volume for this irrigation right is limited to = 0.3 AF.

H. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-house field examination. A drive-by exam was conducted on 7/7/2022 to obtain photographs of the POU toward validating irrigation areas & to GPS the POD. Kootenai County tax parcel data validate ownership of lot 11, Blk 1 Jeor Lake Home Sites Sub. in the applicant's name. 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 obtained while inspecting the water system result in adequate information to license this permit.

The permit was authorized for **0.01 CFS** or 4.5 GPM diversion for the irrigation of 0.1 acres, which is recommended for licensing purposes. During the drive-by exam, the applicant's pump was observed & attached shoreside of the applicant's lake front dock. The pump specification identifies a 1.5 HP Craftsman centrifugal pump.

Average sprinkler GPM rates operate at approximately 9 gpm, resulting in the applicant not being eligible to operate multiple sprinklers at the same time. It is reasonable to assume once the diverted water is restricted to a 5/8" garden hose routed throughout the POU the diversion rate will reduce slightly. This mitigates concerns for enlargement of the permit due to over diverting. The applicant's water right falls within State Water District No. 95C, and the designated watermaster will be responsible for the distribution of water among appropriators.

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The irrigation POU was traced out using Arcmap aerial imagery equaling 0.1 acres in size and excludes the footprint of a small cabin. The annual volume associated with irrigating 0.1 acres = **0.3 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. All other conditions shall be carried forward to the license. There are no overlap concerns for this water right.

Have conditions of permit approval been met? ☒ Yes ☐ No

I. 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	0.01 CFS	0.3 AF

Totals: 0.01 CFS 0.3 AF

2. Recommended Amendments

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

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

I. AUTHENTICATION

Luke Bates -

Field Examiner's Name *Luke Bates* Date 11/18/2022

Reviewer _____ Date _____

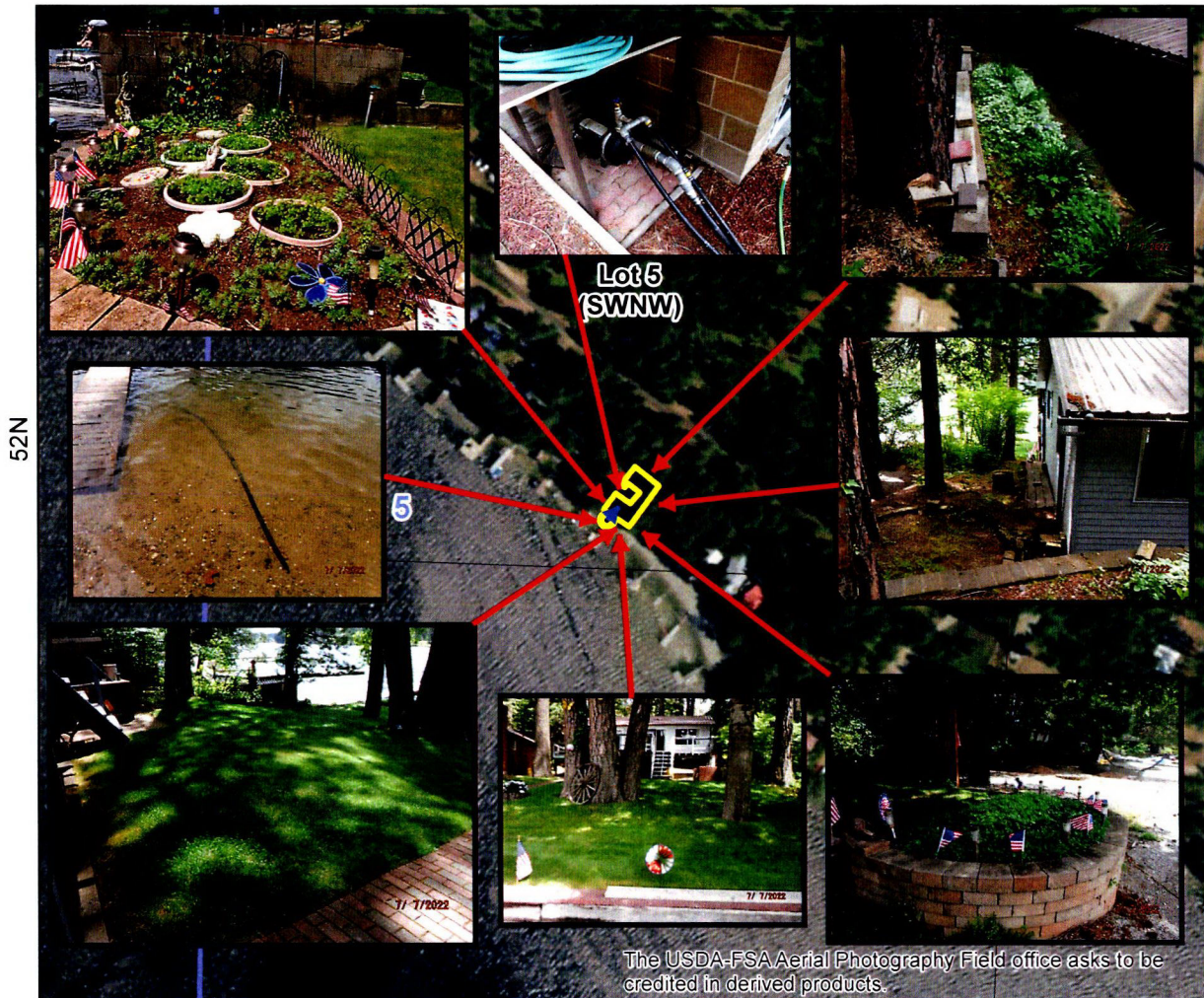
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State of Idaho
Department of Water Resources
Attachment to Field Exam
95-17581

IRRIGATION system diagram.

04W

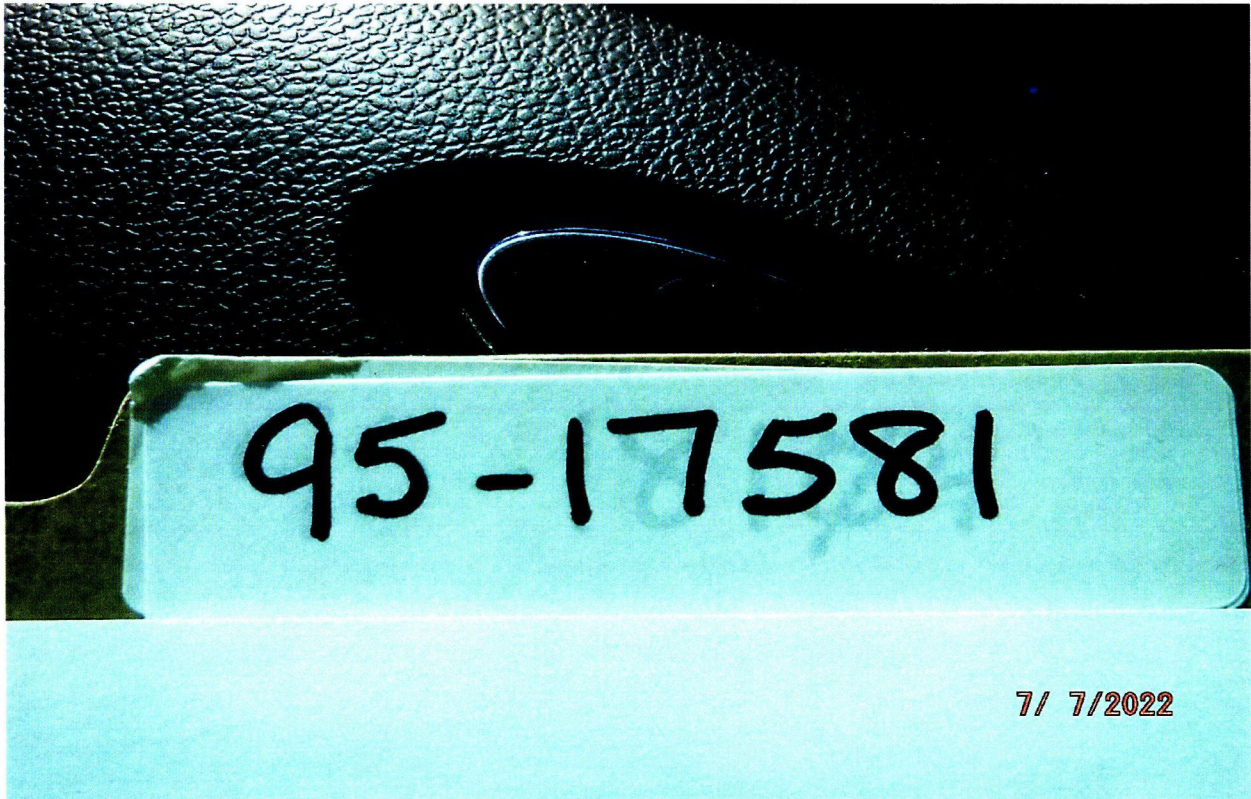


- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion

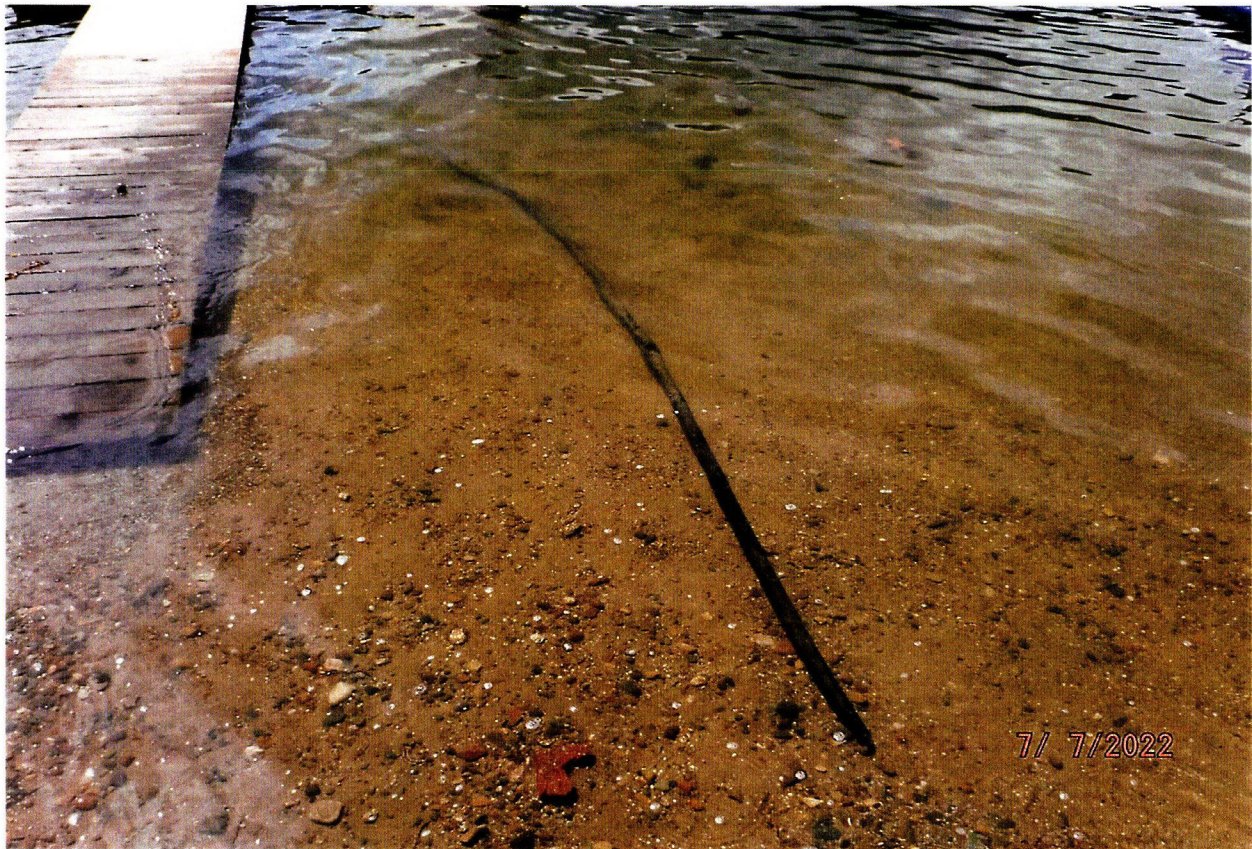
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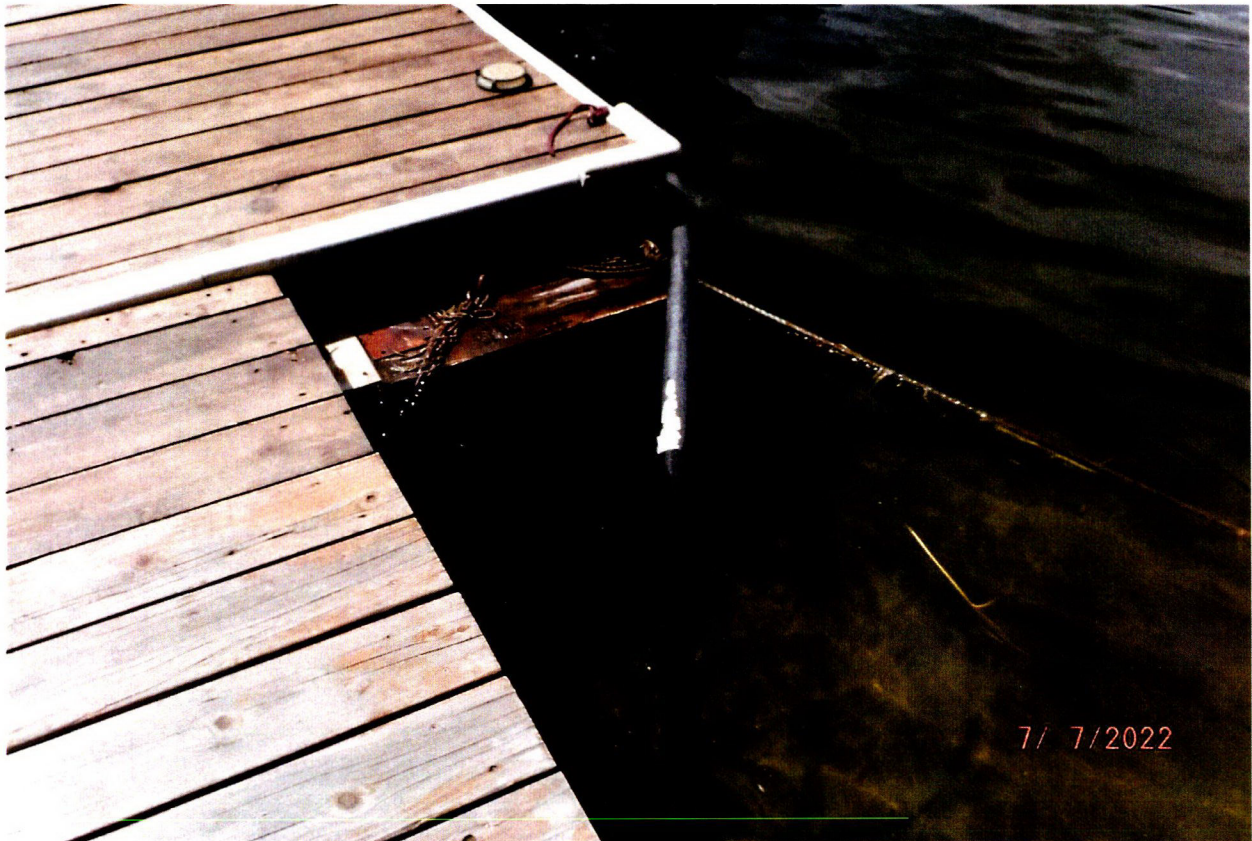


BENEFICIAL USE FIELD EXAMINATION DATE 7/7/2022



POD – SCREENED INTAKE PIPE IN LAKE ROUTED TO PUMP AT HOUSE

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1 ½ INCH POLYPIPE INTAKE LINE SECURED TO LENGTH OF DOCK



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DIVERTING WORKS – CRAFTSMAN PUMP AND 2EA IRRIGATION ZONE SERVICE PIPES



CRAFTSMAN 1.5 HP PUMP MODEL C48L2EC15



IRRIGATION POU – SMALL LANDSCAPING ON ROADSIDE OF CABIN



IRRIGATION POU – LAKESIDE OF CABIN



IRRIGATION POU



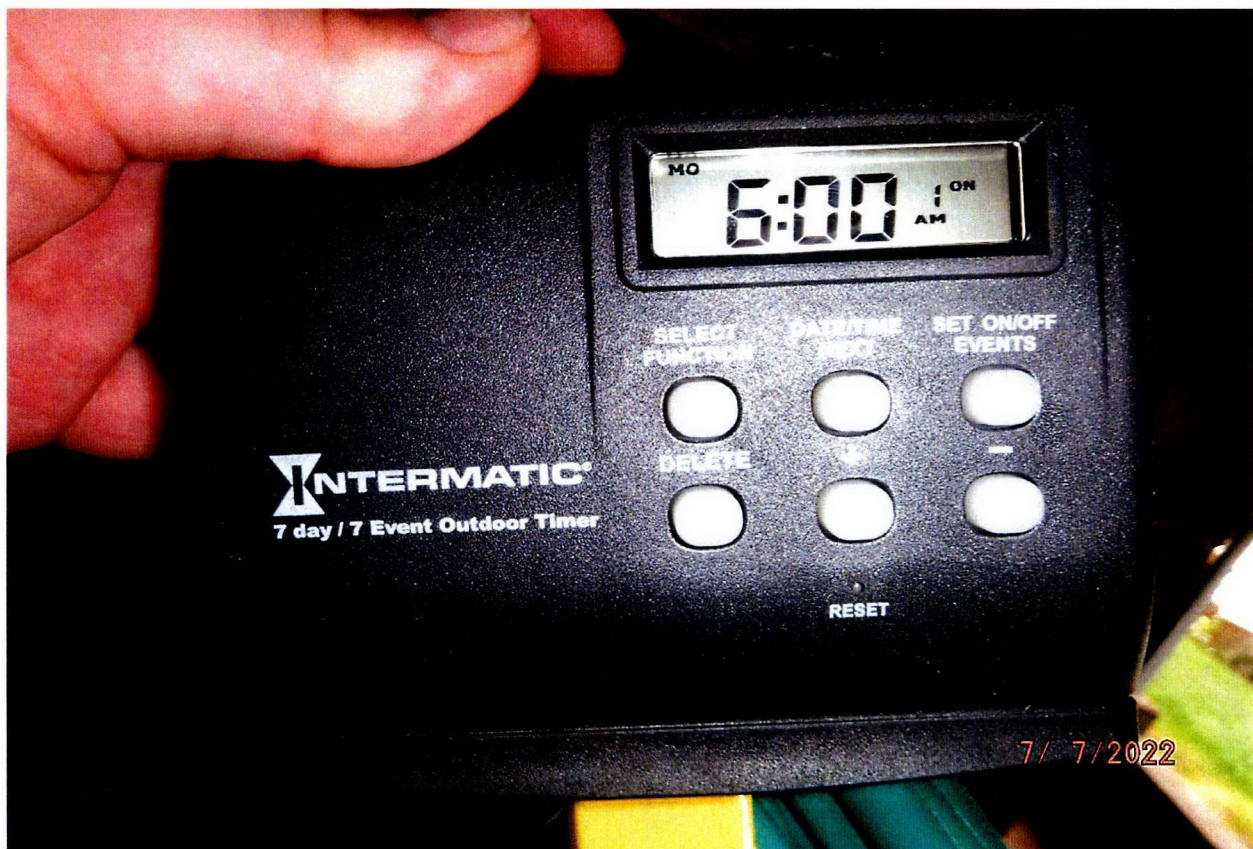


IRRIGATION POU





IRRIGATION POU



IRRIGATION SYSTEM CONTROLLER – LOCATED WITH PUMP ALONGSIDE CABIN

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