

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 95-18328

Priority: October 19, 2022

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 1.2 AF

It is hereby certified that:

DENNIS BRITTAIN 9030 N HESS ST # 453 HAYDEN ID 83835-9827

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 19, 2022, and has submitted Proof of Beneficial Use on January 26, 2023. An examination confirms water is diverted from:

Source : SPRING

Tributary: SINKS

Beneficial Use

DOMESTIC

Period of Use

1 /1 to 12/31

Rate of Diversion

0.04 CFS

Annual Volume

1.2 AF

Location of Point(s) of Diversion

SPRING NE¼ NE¼ NE¼, Sec. 15, Twp 46N, Rge 04W, B.M. BENEWAH 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	
46N	04W	15	X	X															

Conditions of Approval

1. Domestic use is for 1 home.
2. 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 27th day of January, 20 23.

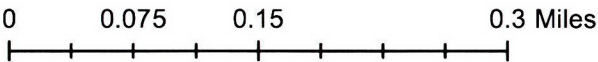
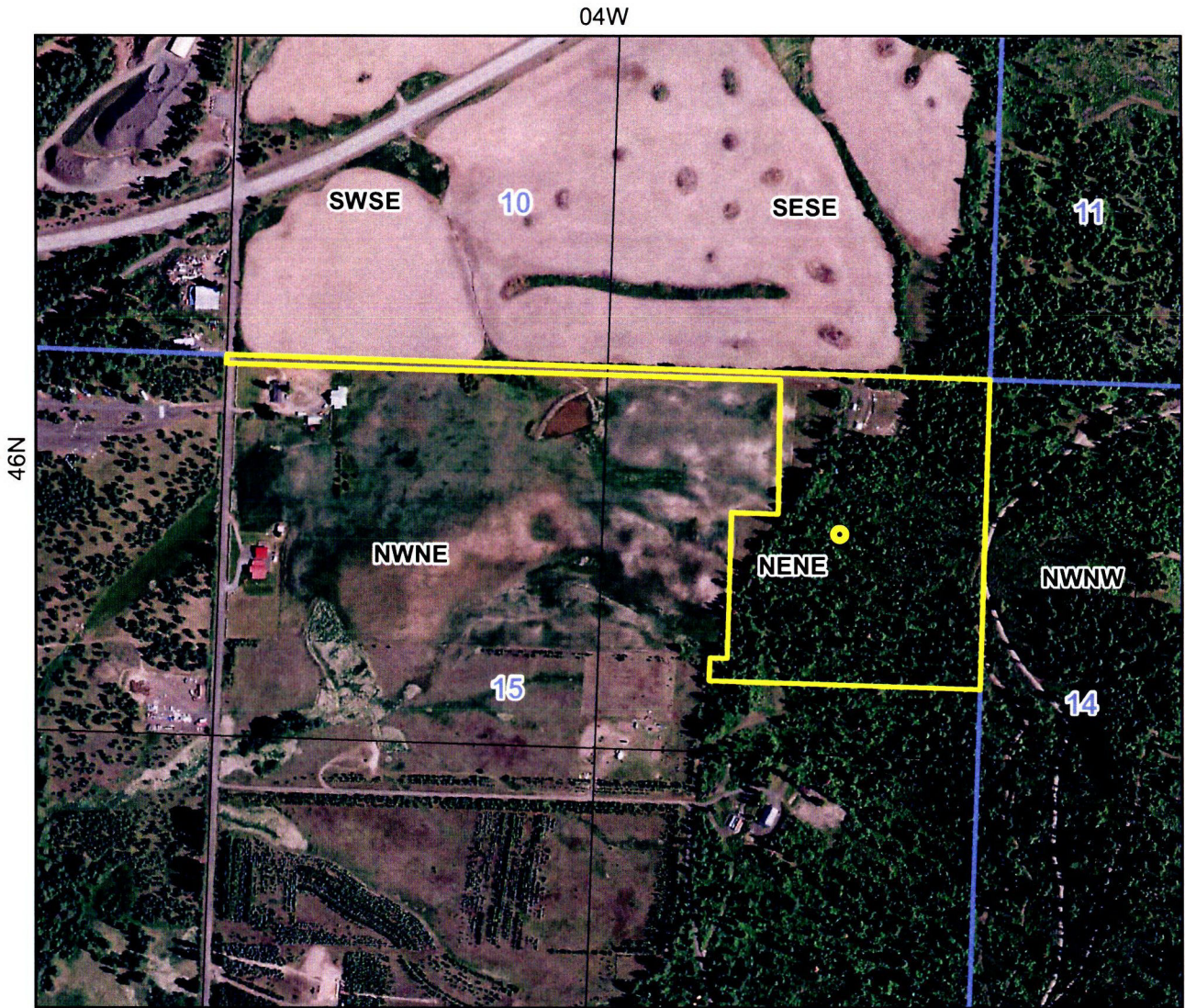


PHILL HUMMER
Water Rights Supervisor

95-18328
JAN 26 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
95-18328

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.



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



RECEIVED

JAN 26 2023

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee \$	50.00
Receipt No.	2115165
Received By	104
Date Received	1.26.23

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

- Permit No. 95-18328 Telephone No. 208-967-3885
- Name of Permit Holder(s) Dennis + Linda Brittain
- Mailing Address 9030 N. Hess St. #453 City Hayden
State ID Zip 83835 Email drb@svrapture.com
- Source of Water Spring If **GROUND WATER** (well), Date Drilled mo. ____ / yr. ____
Well Driller _____ Drilling Permit Number _____
- Extent of use(s) completed **as authorized by the water right permit:**
Domestic (No. of households) 1 Stockwater (No. and type of stock) _____
Irrigation (No. of acres) _____ Other _____
- Total rate of diversion or storage volume for which proof is submitted .04 cfs **OR** _____ acre-feet.

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

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

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

Other Conditions of Permit

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

N/A Completed? Yes ☐ No ☐

- Fee Enclosed \$ _____ or not applicable ☒ See fee schedule on page 2 of the instructions.
Proof statements filed without an appropriate fee, will be considered incomplete.
- Person to contact to accompany the Department representative during field examination of the water system.

Name Dr. Dennis Brittain Telephone Number 208-967-3885
Mailing Address 9030 N. Hess St. #453 City Hayden
State ID Zip 83835 Email drb@svrapture.com

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of Permit Holder [Signature] Date 12.14.22
(Include your title, if on behalf of company or organization)

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

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 95-18328

Priority: October 19, 2022

Maximum Diversion Rate: 0.04 CFS

This is to certify that

DENNIS BRITTAIN 9030 N. HESS ST. HAYDEN ID 83835

has applied for a permit to appropriate water from:

Source : SPRING

Tributary: SINKS

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

Beneficial Use

DOMESTIC

Period of Use

1 /1 to 12/31

Rate of Diversion

0.04 CFS

Location of Point(s) of Diversion

SPRING NE¼ NE¼ NE¼, Sec. 15, Twp 46N, Rge 04W, B.M. BENEWAH 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	
46N	04W	15	X	X															

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2023**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
5. This right does not grant any right-of-way or easement across the land of another.

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

Signed this 12 day of December, 2022.



LUKE BATES

Interim Water Rights Supervisor

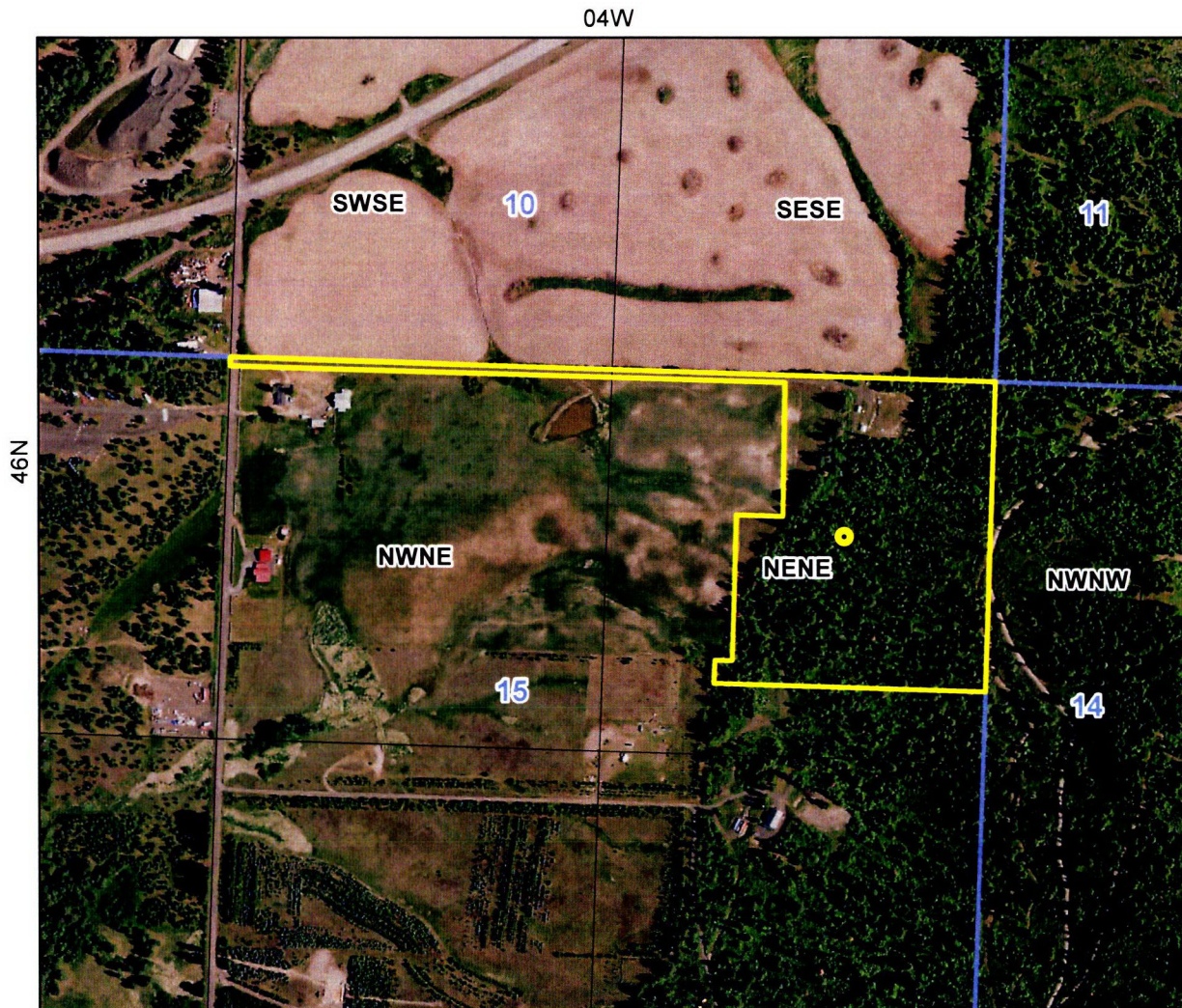
SCANNED
DEC 14 2022

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-18328

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.



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

0 0.075 0.15 0.3 Miles

SCANNED
N
DEC 14 2022

87003
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho
No. 95-18328

1. **Applicants**
Dennis Brittain
9030 N. Hess St.
Hayden, ID 83835
2089673885
drb@svrapture.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 Spring Tributary Diversion
Govt
Source Of Type Township Range Section Lot QQQ/QQ/Q County
1 GROUND WATER Sinks 46N 04W 15 NE /NE/NE BENEWAH
(NE NE NE)

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

Purposes Season Rate Volume Description
DOMESTIC 01/01 to 12/31 0.01 cfs 0.00 afa Household usage

6. **Total quantity to be appropriated is (a) 0.01 cfs and/or 0 afa**

7. **Proposed Diverting Works:**
POD No : 1
Description: Capturing spring water

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

DOMESTIC							
Township	Range	Section	QQ	Q	County	Govt Lot	Acres
46N	04W	15	NE	NE	BENEWAH		
46N	04W	15	NW	NE	BENEWAH		

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

11. **Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.**
Just wanting to verify our water rights record of ownership.

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

T113298

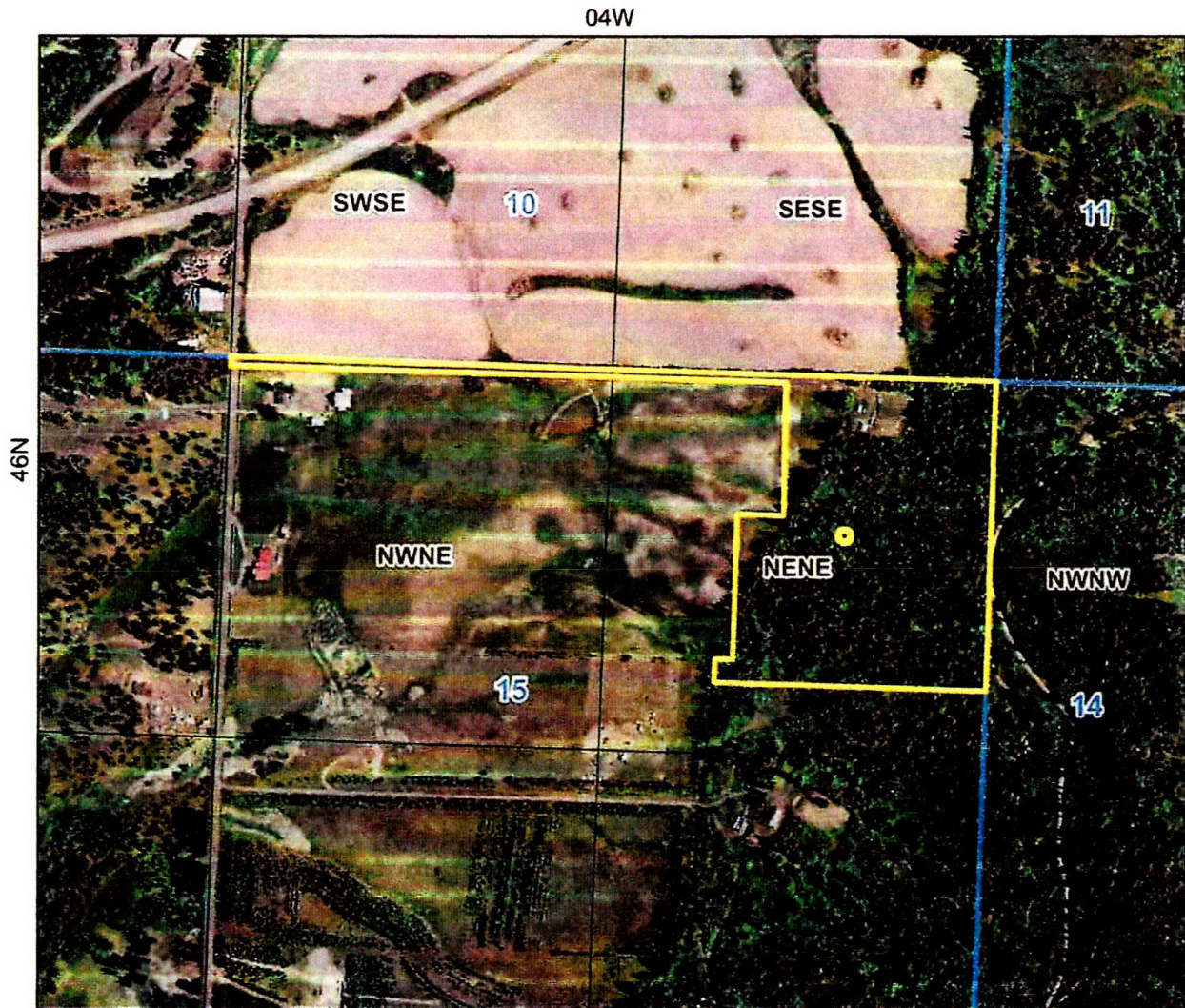
\$100.00

SCANNED

NOV 08 2022

State of Idaho
Department of Water Resources
Application For Permit
95-18328

RECEIVED
Oct 19, 2022
DEPARTMENT OF
WATER RESOURCES



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

0 0.075 0.15 0.3 Miles

SCANNED
NOV 8 2022

87003
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho
No. 95-18328

SUPERSEDED

1. **Applicants**
Dennis Brittain
9030 N. Hess St.
Hayden, ID 83835
2089673885
drb@svrapture.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	Tributary	Diversion	Govt	
#	Source	Of	Type	Township Range Section Lot QQQ/QQ/Q County
1	GROUND WATER			46N 04W 15 /NE/NE BENEWAH

5. Water will be used for the following purposes:

Purposes	Season	Rate	Volume	Description
DOMESTIC	01/01 to 12/31	0.01 cfs	0.00 afa	Household usage

6. Total quantity to be appropriated is (a) 0.01 cfs and/or 0 afa

7. **Proposed Diverting Works:**
POD No :1
Description: Capturing spring water

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

DOMESTIC						
Township	Range	Section	QQ	Q	County	Govt Lot Acres
46N	04W	15	NE	NE	BENEWAH	
46N	04W	15	NW	NE	BENEWAH	

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

11. **Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.**
Just wanting to verify our water rights record of ownership.

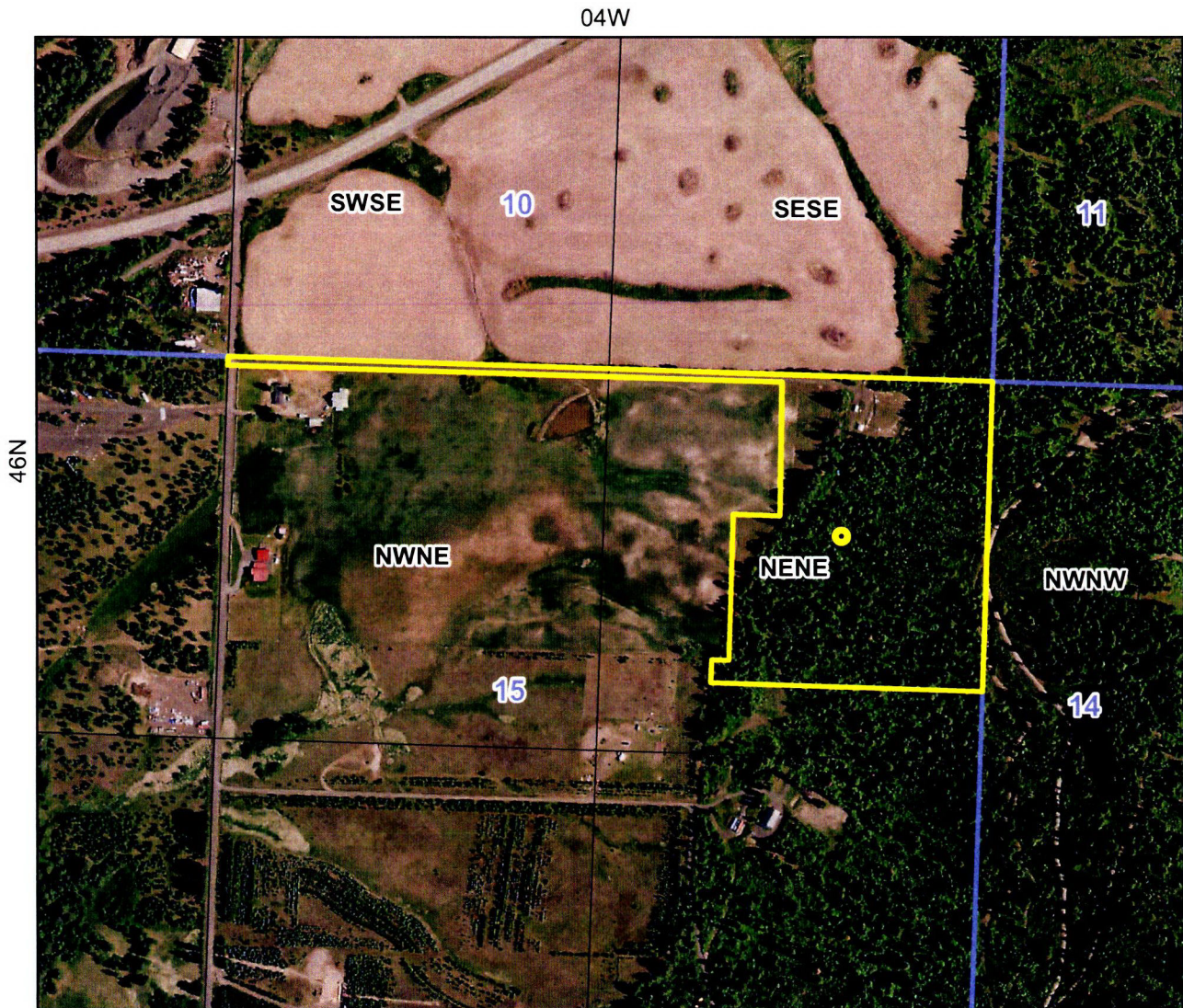
12. **Time required for completion of works and application of water to proposed beneficial use is** 1 years (minimum is 1 year).

T113298

\$100.00

SCANNED
NOV 08 2022

State of Idaho
Department of Water Resources
Application For Permit
95-18328



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

0 0.075 0.15 0.3 Miles

SUPERSEDED



SCANNED
NOV 08 2022



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
January 30, 2023

Director Gary Spackman

DENNIS BRITTAIN
9030 N HESS ST # 453
HAYDEN ID 83835-9827

RE: License No. 95-18328

ISSUANCE OF LICENSE

Dear Water Right Holder:

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,

A handwritten signature in dark ink, appearing to read "Phill Hummer", is written over a circular stamp that is partially obscured.

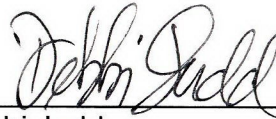
Phill Hummer
Water Rights Supervisor

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2023, I served a true and correct copy of Water Right License No. 95-18328 by U.S. Mail, postage prepaid, to the following:

DENNIS BRITTAIN (Current Owner)
9030 N HESS ST # 453
HAYDEN ID 83835-9827



Debbi Judd
Technical Records Specialist

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATIONPermit No: 95-18328

Exam Date: 1/27/2023

1. Does this qualify for an in-office field exam (IDAPA 035.02.r)? X Y N
- Irrigation of 5 acres or less
 - Storage of up to 14.6 AF for stockwater purposes only
 - Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
 - Other < >

2. Current Owner: Name: Dennis and Linda Brittan
- Owner of Record Correct? X Y N
- Address of Record Correct? X Y N
- If No: Address

According to Tax Parcel Data the property is owned by Denis and Linda Brittan.

3. Beneficial Use Fees have been paid: X Y N Receipt No: C115165
4. SOURCE TRIBUTARY
- Spring Sinks

Method of Determination: GIS and Tax Parcel Data

Change in Source: Y X N

B. OVERLAP REVIEW

1. Other water rights with the same place of use: No Overlap

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

Comments: There are multiple domestic and stockwater rights near the place of use shapefile but not overlapping.

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

Water Right No.	Source	Purpose of Use	Basis
NONE			

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
Spring		NE	NE	NE	15	46N	04W	B.M.	Benewah
								B.M.	
								B.M.	

Method of Determination: GIS and Tax Parcel Data

Change in POD? Y X N Amendment Required? Y X N

2. **PLACE OF USE:** 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	
46N	04W	15	X	X															N/A
		Lot #																	N/A
Total Acres =																			N/A

Method of Determination: GIS and Tax Parcel DataChange in POU? Y X N Amendment Required? Y X N Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable.

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

4. Well or Diversion Identification 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. Measurements: Since the permit holder did not provide a pump horsepower a diversion rate calculation is not possible.**E. FLOW CALCULATIONS** Additional Computation Sheets Attached

Measured Method: **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 authorized 0.04 cfs. I am recommending a 0.04 cfs diversion rate.**

F. VOLUME CALCULATIONS

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 home use plus 0.6 af for up to ½ acre yard irrigation or 1.2 af. I am recommending a 1.2 af diversion volume.**

G. PURPOSE OF USEIrrigation ☒ Y ☐ N # Stock N/A Domestic # of Homes 1

Other: < >

Change in Purpose of Use? ☐ Y ☒ NMethod of Determination: Tax Parcel data and Google Earth Imagery.

If Yes: From Use _____ To Use _____ Amount _____ CFS _____ AFA _____

H. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-house examination. The permit authorized a domestic use for one home and up to 1/2 acre of yard irrigation. According to Google Earth Imagery irrigation occurred to the west of the home. The permit holder did not provide a pump horsepower, so a diversion rate calculation was not possible. The recommended rate and volume were determined using the standards set in Administrative Processing Memo #22. All of the conditions have been met and it is assumed that the permit holders are using water for the beneficial use authorized on their permit. Therefore, I am recommending a diversion rate of 0.04 cfs and diversion volume of 1.2 af.

Conditions X01, and 187 should remain on the license. Condition 004 should be removed because there are no current legal access concerns to the point of diversion. 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	1/1 to 12/31	0.04 CFS	1.2 AF
<u>Totals:</u>		0.04 CFS	1.2 AF

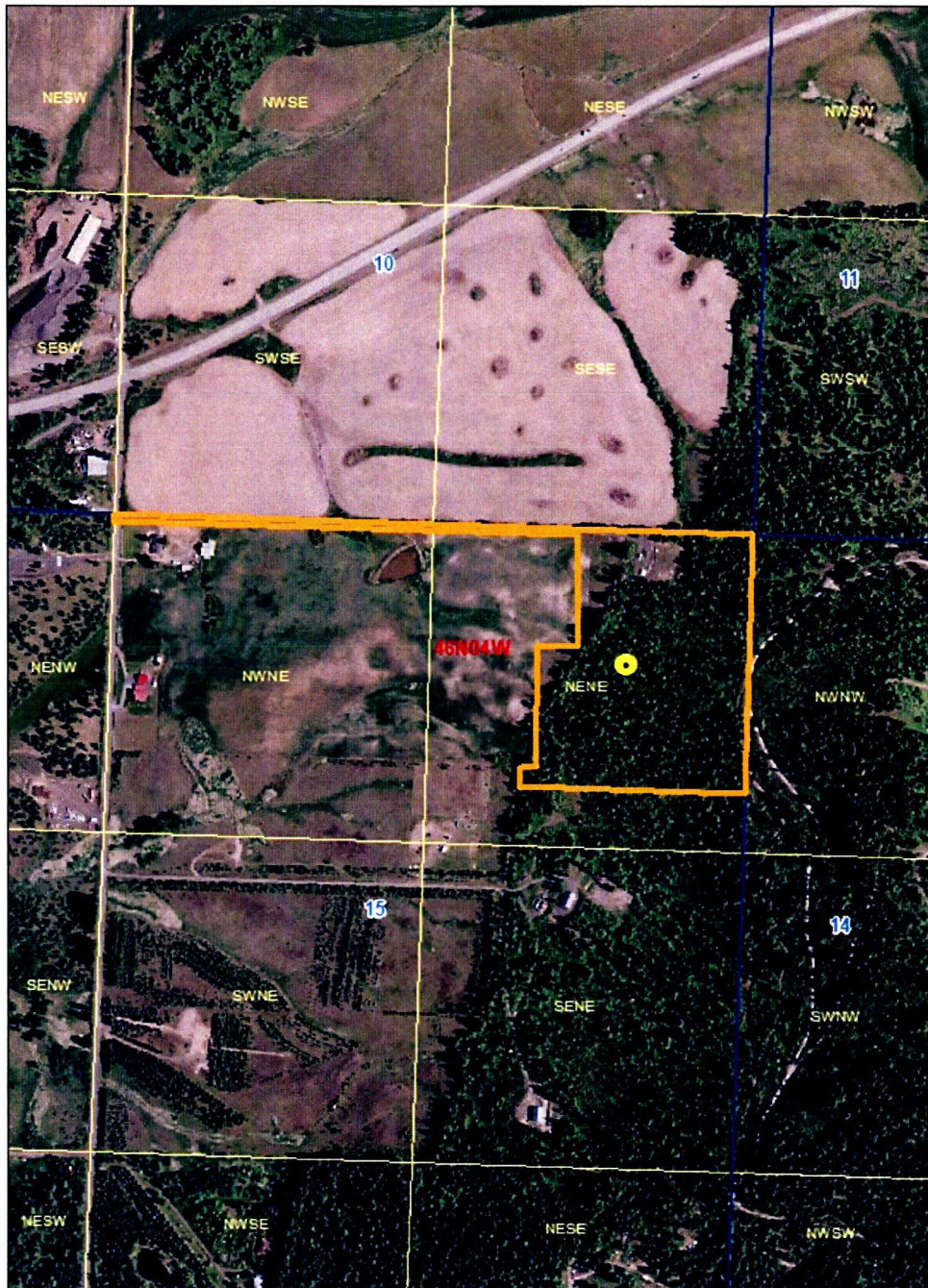
2. Recommended Amendments☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ X None☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ X None

Other: < >

J. AUTHENTICATION Skyler Cheever, Water Resource AgentField Examiner's Name Skyler Cheever Date 1/27/2023Reviewer PH Date 1/27/23

Field Exam Map:

The orange border shows the place of use, and the yellow point shows the point of diversion.



Irrigation Map

Description reads, "Map of water right 95-18328's place of use indicating irrigation occurred to the west of the home."



Beneficial Use Proof Evaluation

Permit Number: 95-18328 Reviewer: djudd Review Date: 1/26/2023

Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 1/26/2023
- 4) Proof Due Date: 12/1/2023
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: -309
- 8) Proof received timely? Yes

Analysis

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

T113298

Comments

Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.



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

December 12, 2022

DENNIS BRITTAIN
9030 N. HESS ST.
HAYDEN ID 83835

RE: Permit No. 95-18328

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.

SCANNED
DEC 14 2022

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 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,



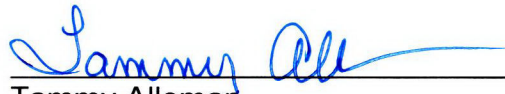
Luke Bates
Water Resource Agent

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2022, I served a true and correct copy of Permit to Appropriate Water No. 95-18328 by U.S. Mail, postage prepaid, to the following:

DENNIS BRITTAIN (Current Owner)
9030 N. HESS ST.
HAYDEN ID 83835



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.

Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

Sándor Barta, being first duly sworn on oath, deposes and says that he is publisher of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 16 day of NOVEMBER, 2022 and the last on the 23 day of NOVEMBER, 2022.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

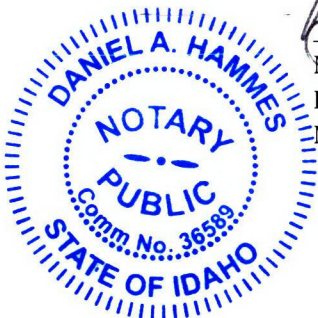
Dated this 23 day of NOVEMBER, 2022

Sándor Barta

STATE OF IDAHO)

COUNTY OF BENEWAH)

On this 23 day of NOVEMBER, in the year of 2022 before me, a Notary Public, personally appeared Sándor Barta, known or identified to me to be the person whose name subscribed to within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Daniel A. Hammes

Notary Public for Idaho
Residing at St. Maries, Idaho
My commission expires:
07.13.25

RECEIVED

NOV 28 2022

IDWR / NORTH

PUBLIC NOTICE

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

95-18328

DENNIS BRITTAIN
9030 N. HESS ST.
HAYDEN, ID 83835
Point of Diversion NENENE
S15 T46N R04W
BENEWAH County
Source SPRING
Tributary SINKS
Use: DOMESTIC
1/1 to 12/31

Total Diversion: 0.04 CFS

Date Filed: 10-19-2022

Place Of Use: DOMESTIC

T46N R04W S15

NENE, NWNE

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/WRAApplicationResults/>. 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 12/5/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on 11/16/2022 and 11/23/2022

1223 - Nov. 16-23

SCANNED
SCANNED
DEC 14 2022

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

R. # 95-18328

APPLICATION ID # 87003

ENT. JB

BCA Ja

OK to Publish MR

INITIAL REVIEW

BY JB

DATE 10/24/2022

APPLICANT Dennis Brittain

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

PROCESSING
(Yes)(No)

PRIORITY DATE 10/24/2022

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

ADVERTISE IN

Newspaper Benevolence County St. Mary's Gazette Record
Dates scheduled for publication 11-16-22 11-23-22
Affidavit of Publication received 11-28-22
Dates actually published 11-16-22 11-23-22
Application published correctly Yes ☒ No ☐
If not, action taken

Final Date for Protest: December 5, 2022
Protests Received Yes ☐ No ☒

LETTERS SENT REQUESTING

☐ Fish Information
☐ Dam Information ☐ Other
☐ Power Information ☐ Other

INFORMATION RECEIVED

☐ Fish Information
☐ Dam Information ☐ Other
☐ Power Information ☐ Other

Send info sheet Y () N ()

ADDITIONAL INFORMATION

(Yes)(No) Shape File Created Date verified on 10/24/22 By: JB
Field check by
Field report attached
Analysis Supp Attached (>5cfs/500af)

Water delivered by water master? Water District # N/A.

GROUNDWATER SECTION

WD Permit No.'s	Tag #	Type	Fees
		Dom Non-Dom	Paid \$
		Dom Non-Dom	Paid \$
		Dom Non-Dom	Paid \$

Receipt No

Upgrade Needed?

Y () N ()
Y () N ()
Y () N ()

Remarks revised application increased
Diversion Rate -> shifted priority
date.

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

FINAL REGIONAL PROCESSING/REVIEW

Final order response date

(Yes)(No)
Notice of pending void order issued
Further information required from applicant

- Measuring device required
Measuring port required
Special conditions
Special conditions of approval supplement and/or cover letter attached

Approval Recommended by

Date 12/7/2022 Sr. Agent initial JB

Interim
Supervision



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

November 8, 2022

DENNIS BRITTAIN
9030 N. HESS ST.
HAYDEN, ID 83835

RE: Application for Permit No. 95-18328

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 ST MARIES GAZETTE RECORD on 11/16/2022 and 11/23/2022. 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
NOV 8 2022

Alleman, Tammy

From: Alleman, Tammy
Sent: Tuesday, November 8, 2022 8:32 AM
To: jamie@smgazette.com
Subject: Legal Notice
Attachments: Legal Notice.docx

Please publish the enclosed legal notice in the **St Maries Gazette Record** on the dates indicated **November 16th & November 23rd, 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 **December 5, 2022**. Your cooperation is appreciated.

Sincerely,



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

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

95-18328

DENNIS BRITTAI
9030 N. HESS ST.
HAYDEN, ID 83835
Point of Diversion NENENE
S15 T46N R04W
BENEWAH County
Source SPRING
Tributary SINKS
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 10-19-2022
Place Of Use: DOMESTIC
T46N R04W S15
NENE,NWNE

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/WRAApplicationResults/>. 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 12/5/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director Published on 11/16/2022 and 11/23/2022

SCANNED
NOV 18 2022

Bates, Luke

From: Bates, Luke
Sent: Wednesday, October 5, 2022 11:37 AM
To: drb@svrapture.com
Subject: IDWR application for permit 95-18328
Attachments: 95-18328 - original application filing.pdf; mark up page for recommended revision to 95-18328.pdf; 0. Application-Permit-License process notes.pdf

Mr. Dennis Brittain,

Good morning. IDWR received to application for permit filed online. The filing was moved to my position this morning due to conflicting water source designation, and upon my initial review I potential corrections needed to Step No. 4, 5, & 6. These corrections will save you added fees later to correct legal descriptions.

For application 95-18328 please reference the ORIGINAL FILING document (PG 2), which has your initial designation as groundwater. Please reference the recommended revised app & revised map documents which contain my recommended changes to your application for permit. If you are capturing spring water in a cistern or tank IDWR would consider this a SPRING source. If you were digging and hit a water vein and installed a subsurface containment to capture water that would be considered GROUNDWATER. If spring source is more accurate to your system, please consider altering your initial application to reflect my recommended revisions. Additionally, spring sources required legal description down to the 10-acre tract as noted by me in red.

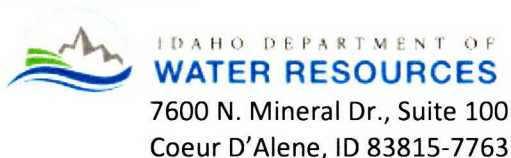
I note the diversion rate elected for domestic use is lower than the department standard. I recommend aligning this value at time of application to ensure we capture the most we can out of the permit, even if the spring is a low flow spring. IDWR can always reduce values at time of licensing but cannot make values larger once permit approved. I've attached a 2pg PDF that discusses each step in the process from applying to licensing for your awareness.

If you agree with my proposed changes please do the following to re-submit the application:

1. Print off the 2PG revised permit and make pen and ink changes to the original scan version. Please initial and date next to each change. I recommend using a BLUE ink pen as it shows up better in scan copies.
2. Email FILE@IDWR.IDAHO.GOV with the REVISED APPLICATION & MAP **C/O Luke Bates** at Northern Regional Office. Doing so will route the document to our State Office, who will distribute back to the regional office for update/processing.

Please do send me a quick email to let me know you've received this correspondence. I will be happy to answer any questions you may have, and we can work toward ensuring whatever the revised application locks in on best fits your intent.

Thank you,
Luke Bates
Sr. Water Resource Agent
Northern Region
P: 208-762-2817



SCANNED
SCANNED
NOV 18 2022