State of Idaho
Department of Water Resources

Water Right License

Water Right No. 96-11967

Priority: July 07, 2022

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 0.6 AF

It is hereby certified that:

RICHARD G GOWER 2651 S GARFIELD RD SPOKANE WA 99203-3240 AND/OR
JAN S GOWER 2651 S GARFIELD RD SPOKANE WA 99203-3240

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 07, 2022, and has submitted Proof of Beneficial Use on August 07, 2023. An examination confirms water is diverted from:

Source : LAKE PEND OREILLE **Tributary:** PEND OREILLE RIVER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

Location of Point(s) of Diversion
LAKE PEND OREILLE NE¼ NE¼, Sec. 4, Twp 56N, Rge 01E, 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	
56N	01E	3						X	X										

Conditions of Approval

1. Domestic use is for external use only.
2. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
3. 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 4th day of October, 2023.

PHILL HUMMER
Water Rights Supervisor

SCANNED
OCT 05 2023

State of Idaho
Department of Water Resources

Attachment to Water Right

96-11967

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.



0 400 800 Feet

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

N

SCANNED
OCT 05 2023

Proof of beneficial Use

Permit 96-11967

Richard & Jan Gower

452 Warren Island Shore

Lake Pend Oreille



Proof of beneficial Use

Permit 96-11967

Richard + Jan Gower

452 Warren Island Shore

Lake Pend Oreille



Proof of beneficial Use

Permit 96-11967

Richard + Jan Gower

452 Warren Island Shore

Lake Pend Oreille



Proof of beneficial Use

Permit 96-11967

Richard + Jan Gower

452 Warren Island Shore

Lake Pend Oreille

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
[redacted]e, Idaho 83720-0098

Return Service Requested

Form 42-217 Rev. 6/22

RECEIVED
AUG 07 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.	C116901
Receipted By	km
Date Receipted	8/18/23

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.

1. Permit No. 96-11967 Name of Permit Holder(s) Richard G. Gower and Jan S. Gower

Telephone No. 509 879 4523 Email richardgower@comcast.net

Mailing Address 2651 South Garfield Road City Spokane State WA Zip 99203

2. Source of Water Lake Pend Oreille If Ground Water (well), Date Drilled mo. _____ / yr. _____

Drilling Permit/Tag No. _____ Drilling Company's Name _____

3. Extent of use(s) completed **as authorized by the water right permit**:

Domestic (No. households) One Irrigation (No. acres) _____ Stockwater (No. and stock type) _____

Other _____

4. Total diversion rate or volume (storage only) for which proof is submitted 0.04 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.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

Installation of a water intake line and pump into Lake Pend Oreille for irrigation and seasonal use

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 _____
	☐	☒	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 $_____ 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: Richard Gower Telephone No. 509 879 4523 Email richardgower@comcast.net

Mailing Address 2651 S. Garfield Road City Spokane State WA Zip 99203

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.

Richard G Gower — Richard G. Gower — Aug 2 2023

SIGNATURE OF PERMIT HOLDER* PRINTED NAME AND TITLE DATE

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

SCANNED
OCT 05 2023



SCANNED
OCT 05 2023




OCT 05 2023



SCANNED
OCT 05 2023

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 96-11967

Priority: July 07, 2022 **Maximum Diversion Rate:** 0.04 CFS

This is to certify that

RICHARD G GOWER 2651 S GARFIELD RD SPOKANE WA 99203-3240 AND/OR
JAN S GOWER 2651 S GARFIELD RD SPOKANE WA 99203-3240

has applied for a permit to appropriate water from:

Source : LAKE PEND OREILLE **Tributary:** PEND OREILLE RIVER

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

Beneficial Use	Period of Use	Rate of Diversion
DOMESTIC	01/01 to 12/31	0.04 CFS

Location of Point(s) of Diversion
LAKE PEND OREILLE NE¼ NE¼, Sec. 4, Twp 56N, Rge 01E, 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	
56N	01E	3						X	X										

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2023.**
2. Subject to all prior water rights.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
4. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. 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 31st day of August, 2022.

Adam Frederick

ADAM FREDERICK
Water Rights Supervisor

SCANNED
SEP 0 2 2022

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-11967

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 0.035 0.07 0.14 Miles

N

SCANNED
SEP 0 2 2022

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 Mathew Weaver

October 05, 2023

RICHARD G GOWER
JAN S GOWER
2651 S GARFIELD RD
SPOKANE WA 99203-3240

RE: License No. 96-11967

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,

Phill Hummer

Phill Hummer
Water Rights Supervisor

Enclosure(s)

SCANNED
OCT 05 2023

CERTIFICATE OF SERVICE

I hereby certify that on October 05, 2023, I served a true and correct copy of Water Right License No. 96-11967 by U.S. Mail, postage prepaid, to the following:

RICHARD G GOWER (Current Owner)
2651 S GARFIELD RD
SPOKANE WA 99203-3240

JAN S GOWER (Current Owner)
2651 S GARFIELD RD
SPOKANE WA 99203-3240

Jean Hersley
Technical Records Specialist 2

SCANNED
OCT 05 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

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OCT 05 2023

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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

A. GENERAL INFORMATION

Exam Date: 10/03/2023

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

2. Current Owner: **RICHARD & JAN GOWER**
   Owner of Record Correct? _____N
   Address of Record Correct? _____N
   If No Explain:

3. Beneficial Use Fees have been paid: _X_Y ____N Receipt No: C116901

4. Source: **LAKE PEND OREILLE** Tributary: **PEND OREILLE RIVER**

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
NONE	NA	NA	NA

Comments: There are no rights overlapping the permit place of use (POU).

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

Water Right No.	Source	Purpose of Use	Basis
NONE	NA	NA	NA

Comments: There are no rights sharing the permit point of diversion (POD).

C. DIVERSION AND DELIVERY SYSTEM

1. Location of Point(s) of Diversion:

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Inlet in Lake Pend Oreille			NE	NE	4	56N	01E	B.M.	BONNER

Method of Determination: GIS and Tax lot data.

Change in POD? ___Y _X_N Amendment Required? ____Y _X_N

2. 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	
56N	01E	3						X	X										
		Lot #																	
																Total Acres =			

Method of Determination: Bonner County Maps, GIS, and TAXLOT DATA

Change in POU? ____Y _X_N Amendment Required? ____Y _X_N
__Delivery System Diagram Attached (required). Indicate all major components and distances between components.

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Indicate weir size/pipe as applicable:

_X_ Aerial Photo Attached (required for irrigation of 10+ acres).

_X_ Photo of Diversion and System Attached(included in the Proof of Beneficial Use).

3. Diversion Id No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Intake in Lake Pend Oreille	Unknown		Unknown	Unknown	Unknown

**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
NONE	NA	NA	NA	NA	NA	NA

2. Measurement Comments: The permit holder provided photos of the lawn, garden box, and point of diversion. A maximum head of about 50 ft was estimated using the DRG map. The permit holder stated on a phone conversation that the pump is a ½ Hp submersible pump.

E. FLOW CALCULATIONS ___Additional Computation Sheets Attached

Measured Method:

A theoretical calculation and Administrative Memo #22 were used to determine a reasonable rate of diversion.

Q = (1/2 Hp)(8.8)(0.80 efficiency)/(50 ft lift) + (2.31)*(30 psi) = 0.03cfs

Theoretical Calculation= 0.03cfs
Permit allowed = 0.04cfs
Recommendation= 0.04cfs

Comments:

The permit holder submitted photos of an irrigated lawn area and a garden box. Based on the DRG the total head is approximately 50 ft. A theoretical calculation was made to determine a 1/2 Hp pump can provide slightly greater than a rate of 0.03cfs. As the calculation is theoretical and an estimation, I will be deferring to current administrative guidance to make a rate recommendation.

According to Administrative memo #22 a rate of 0.04cfs and an annual volume of 0.6 AF is standard for external domestic use for the irrigation of up to ½ acre. I am recommending a diversion rate of 0.04cfs for the license.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

N/A

Comments:

This permit was issued for domestic use from Lake Pend Oreille. The permit holder stated in a phone conversation that lake water is being used for external domestic use in a garden box and lawn areas. According to Administrative memo #22, an annual volume of 0.6 AF is standard for external domestic use. I am recommending an annual volume of 0.6 AF for the license.

G. PURPOSE OF USE

Irrigation ____Y ____N # Stock__NA_____ Domestic # of Homes _1__

Change in Purpose of Use? ____Y __X_N

Method of Determination: Bonner County Maps, GIS, and Tax lot Data

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OCT 05 2023

H. NARRATIVE/REMARKS/COMMENTS

This permit for domestic use qualifies for an in-office examination for license. The permit holder submitted the Proof of Beneficial Use, received by IDWR on August 7th, 2023, stating in section #5 that the beneficial use was developed for irrigation and seasonal use. The home was visible in aerial imagery (see figures 1 & 2). Several photos of sprinklers, lawn areas, submersible pump, and an elevated garden bed were submitted with the proof of beneficial use. I called the permit holder on October 2, 2023, and again on October 3, 2023, and left voicemails requesting a call back to determine if the domestic use is external only and for additional system details.

The original application stated that the existing well drilled in 1999, is only capable of about 3-4 GPM. They added the pump at the dock for irrigation of the lawn areas and garden. However, this application was superseded by another, which did not discuss the use being external and the permit was issued for domestic use in 1 home and up to ½ acre of irrigation.

The permit holder called back October 3, 2023, and explained that the lake water is used for external domestic use only. Mr. Gower explained that was stated on the original application a well was drilled, but the output is incapable of providing water for both internal and external uses, so a ½ Hp submersible pump was installed at the dock with a steel casing to protect it from debris in the lake and a water line was ran to a hose bib at the front of the home for watering the grounds. The permit holder was not aware of any fish screen on the pump, but he submitted a picture of the pump when it was pulled out of the lake this year for work to be done on it. In the picture a screen is visible on the intake.

The photos support irrigation use for a lawn and garden box. A theoretical calculation confirmed that a ½ Hp pump can provide a rate estimated to be nominally less than the standard 0.04cfs rate on the permit. Given that the calculation is theoretical and an estimation, I am basing the rate recommendation on the standard, as per Administrative Memo #22.As the documentation indicates that the domestic use is for external use only, an annual volume of 0.6 AF is recommended for the license (as per Administrative Memo #22).

I am recommending the license be issued with a rate of 0.04cfs, an annual volume of 0.6 AF, and conditions 004, 240 and 187.Condition X01 was replaced with condition 240 at licensing, as the domestic use was confirmed to be external only. Condition 029 was dropped at licensing, as it appears the pump intake is screened and IDFG did not respond with comment regarding the application, or request any specific conditions be added.

Have conditions of permit approval been met? _X_Yes ____No

I. RECOMMENDATIONS

1. Recommended Amounts:

BENEFICIAL USE	PERIOD OF USE		DIVERSION RATE	ANNUAL VOLUME
DOMESTIC	01/01 TO 12/31		0.04CFS	0.6 AF
		Totals:	0.04CFS	0.6 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- Bob Howe- Water Resource Agent

Field Examiner's Bob Howe Date 10/4/23

Reviewer fbm Date 10/4/23

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OCT 05 2023

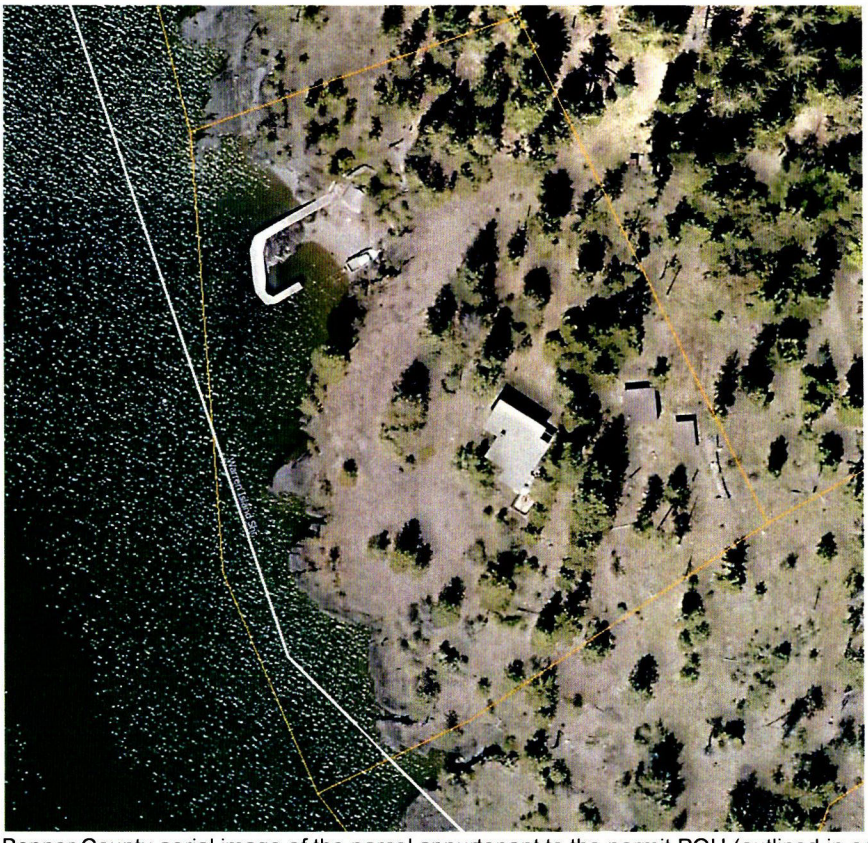


Figure 1- Bonner County aerial image of the parcel appurtenant to the permit POU (outlined in orange).

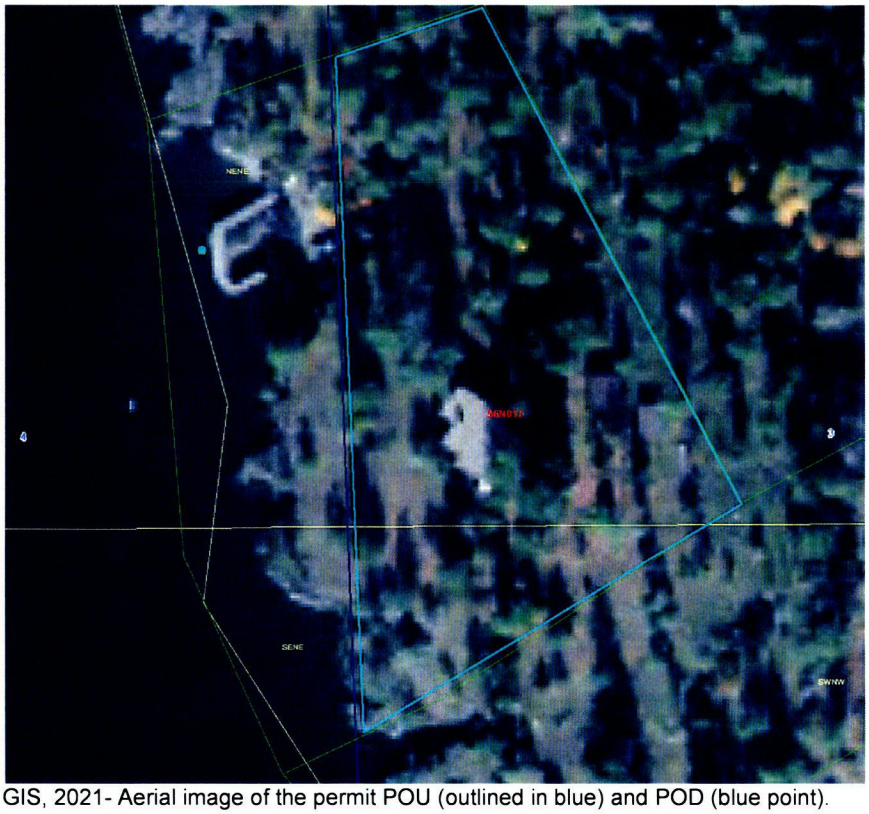


Figure 2- GIS, 2021- Aerial image of the permit POU (outlined in blue) and POD (blue point).

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OCT 05 2023

A Note from

Rich and Jan Gower

Amanda, enclosed is a check for $50.00 for water rights permit # 96-11967. I misunderstood the instructions.

Sincerely, Jan Gower

RECEIVED
AUG 18 2023
DEPARTMENT OF
WATER RESOURCES



NORBERT ROSING/GETTY IMAGES

A proud supporter of World Wildlife Fund WFE3006

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OCT 05 2023

Beneficial Use Proof Evaluation

Permit Number: 96-11967 Reviewer: AVeibell Review Date: 8/9/2023

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: 8/7/2023
4) Proof Due Date: 9/1/2023
5) Days added for weekend due date? 0
6) Days added for holiday due date? 0
7) Number of days late: -25
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? No

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: $0.00
5) Remaining fee or (refund): $50.00

Receipt IDs

N039817, N040073

Comments

Fee not received at time of review. Proof Deficiency letter mailed. If fee is received timley, 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

August 10, 2023

RICHARD G GOWER
JAN S GOWER
2651 S GARFIELD RD
SPOKANE WA 99203-3240

PROOF DEFICIENCY LETTER

RE: Permit No. 96-11967

Dear Permit Holder(s):

The Department received the proof of beneficial use (proof) form submitted for the above referenced permit. The proof is not acceptable without the correct fee. A copy of the form is enclosed for your reference.

This permit authorizes a diversion rate of 0.04 cfs (cubic feet per second) of surface water from Lake Pend Oreille and was stated the same on the form requiring a license examination fee of $50.00. Please submit the required fee of $50.00.

Please submit the required fees at your earliest convenience before the proof due date of **September 01, 2023** to avoid the possibility of your permit lapsing. If you have any questions concerning this matter, please contact me at (208) 287-4945 or amanda.veibell@idwr.idaho.gov.

Sincerely,

Amanda Veibell

Amadna Veibell
Technical Records Specialist

Enclosure(s)

SCANNED
AUG 09 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

June 30, 2023

RICHARD G GOWER
JAN S GOWER
2651 S GARFIELD RD
SPOKANE WA 99203-3240

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 96-11967

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 **September 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

CERTIFIED MAIL
7021 1970 0000 0024 4823
NO

Enclosure(s)

SCANNED
JUL 03 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 01, 2022

RICHARD G GOWER
JAN S GOWER
2651 S GARFIELD RD
SPOKANE WA 99203-3240

RE: Permit No. 96-11967

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.

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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,

Adam Frederick

Adam Frederick
Water Rights Supervisor

Enclosure(s)

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CERTIFICATE OF SERVICE

I hereby certify that on September 01, 2022, I served a true and correct copy of Permit to Appropriate Water No. 96-11967 by U.S. Mail, postage prepaid, to the following:

RICHARD G GOWER (Current Owner)
2651 S GARFIELD RD
SPOKANE WA 99203-3240

JAN S GOWER (Current Owner)
2651 S GARFIELD RD
SPOKANE WA 99203-3240

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.

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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.

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RECEIVED
AUG 15 2022
IDWR / NORTH

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Bonner)

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

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

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

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

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 4th day of August, 2022, and ending on the 11th day of August, 2022.

Italia Jimenez

State of Idaho, county of Bonner ss.
On this 11th day of August, in the year of 2022, before me, Katrina George, Notary Public, personally appeared Italia Jimenez known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Katrina George
Notary Public
Residing at: Kootenai County

My Commission Expires 8/29/23

KATRINA GEORGE NOTARY PUBLIC COMM. NO. 53524 STATE OF IDAHO

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

96-11838
ALLEN FAMILY TRUST
PO BOX 214
HOPE, ID 83836
Point of Diversion NESE
S11 T56N R01E
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.02 CFS
Use: IRRIGATION
04/01 to 10/31 0.03 CFS
Total Diversion: 0.05 CFS
Date Filed: 06-30-2022
Place Of Use:
DOMESTIC,IRRIGATION
T56N R01E S11
NESE,SESE
Place Of Use:
DOMESTIC,IRRIGATION
T56N R01E S12
NWSW,SWSW
Total Acres: 1

96-11919
RONALD HAGER
PO BOX 254
CLARK FORK, ID 83811-0254
Point of Diversion NENWNE
S18 T55N R03E
BONNER County
Source SPRING
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31 0.12 CFS
Use: STOCKWATER

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SEP 02 2022

01/01 to 12/31 0.02 CFS
Use: COMMERCIAL
01/01 to 12/31 0.2 CFS
Use: IRRIGATION
04/01 to 10/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 07-11-2022
Place Of Use:
COMMERCIAL,DOMESTIC,IRRIGATION,STOCKWATER
T55N R03E S18
NENE,NWNE,SWNE,SENE
Total Acres: 10

96-11967
RICHARD G GOWER
JAN S GOWER
2651 S GARFIELD RD
SPOKANE, WA 99203-3240
Point of Diversion NENE
S4 T56N R01E
BONNER County
Source LAKE PEND OREILLE
Tributary PEND OREILLE RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 07-07-2022
Place Of Use: DOMESTIC
T56N R01E S3
NWNW,SWNW

96-12010
MARY A HERLIHY LIVING TRUST
2456 SUNNYSIDE RD
SANDPOINT, ID 83864-6482
Point of Diversion NESE
S10 T57N R01W
BONNER County
Source LAKE PEND OREILLE
Tributary PEND OREILLE RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 07-20-2022
Place Of Use: IRRIGATION
T57N R01W S10 NESE
Total Acres: 0.5

96-12029
PAUL SHELEY
JOYCE SHELEY
952 JEWEL LAKE RD
SAGLE, ID 83860-8921
Point of Diversion SESW
S27 T56N R03W
BONNER County
Source UNNAMED STREAM
Tributary COCOLALLA CREEK
Point of Diversion SESW
S27 T56N R03W
BONNER County
Source COCOLALLA CREEK
Tributary PEND OREILLE RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 07-22-2022
Place Of Use: IRRIGATION
T56N R03W S27 SESW
Total Acres: 1

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of $25.00 for each application on or before 8/22/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
BCB LEGAL #4434
AD # 552446
AUGUST 4, 11, 2022

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SEP 0 2 2022