State of Idaho
Department of Water Resources

Water Right License

Water Right No. 96-12082

Priority: August 01, 2022 **Maximum Diversion Rate:** 0.01 CFS

It is hereby certified that:

KEVIN SCHULTE 921 GARFIELD BAY RD SAGLE ID 83860 AND/OR
MARGARET SCHULTE 921 GARFIELD BAY RD SAGLE ID 83860

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 01, 2022, and has submitted Proof of Beneficial Use on August 31, 2023. An examination confirms water is diverted from:

Source : GARFIELD CREEK **Tributary:** LAKE PEND OREILLE

Beneficial Use	Period of Use	Rate of Diversion
IRRIGATION	04/01 to 10/31	0.01 CFS

Location of Point(s) of Diversion
GARFIELD CREEK SW¼ NE¼, Sec. 21, Twp 56N, Rge 01W, B.M. BONNER County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	01W	21			0.2														0.2

Total Acres: 0.2

Conditions of Approval

1. This right does not grant any right-of-way or easement across the land of another.
2. This right when combined with all other rights shall provide no more than 0.01 cfs nor more than 0.6 afa at the field headgate for irrigation of the place of use.

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 25th day of September, 2023.

PHILL HUMMER
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Water Right

96-12082

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



0 400 800 Feet

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

N

Form 42-217 Rev. 6/22

RECEIVED
AUG 31 2023
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY	
Amt. of Fee $	50.00
Receipt No.	C116984
Receipted By	KM
Date Receipted	8.31.23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

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. 96-12082 Name of Permit Holder(s) KEVIN & MARGARET SCHULTE

Telephone No. 619-609-8942 Email KEVIN.L.SCHULTE@GMAIL.COM

Mailing Address 921 GARFIELD BAY RD City SAGLE State ID Zip 83860

2. Source of Water GARFIELD CREEK 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) _____ Irrigation (No. acres) 1 Stockwater (No. and stock type) _____

Other _____

4. Total diversion rate or volume (storage only) for which proof is submitted 0.03 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.)

1¼" draw line with fish screen, connected to 1½ HP FLOTEC PUMP, delivering water to spicket for watering yard.

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: (see attached photos)

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 $ 50.00 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: KEVIN SCHULTE Telephone No. 619-609-8942 Email KEVIN.L.SCHULTE@GMAIL.COM

Mailing Address 921 GARFIELD BAY RD City SAGLE State ID Zip 83860

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.

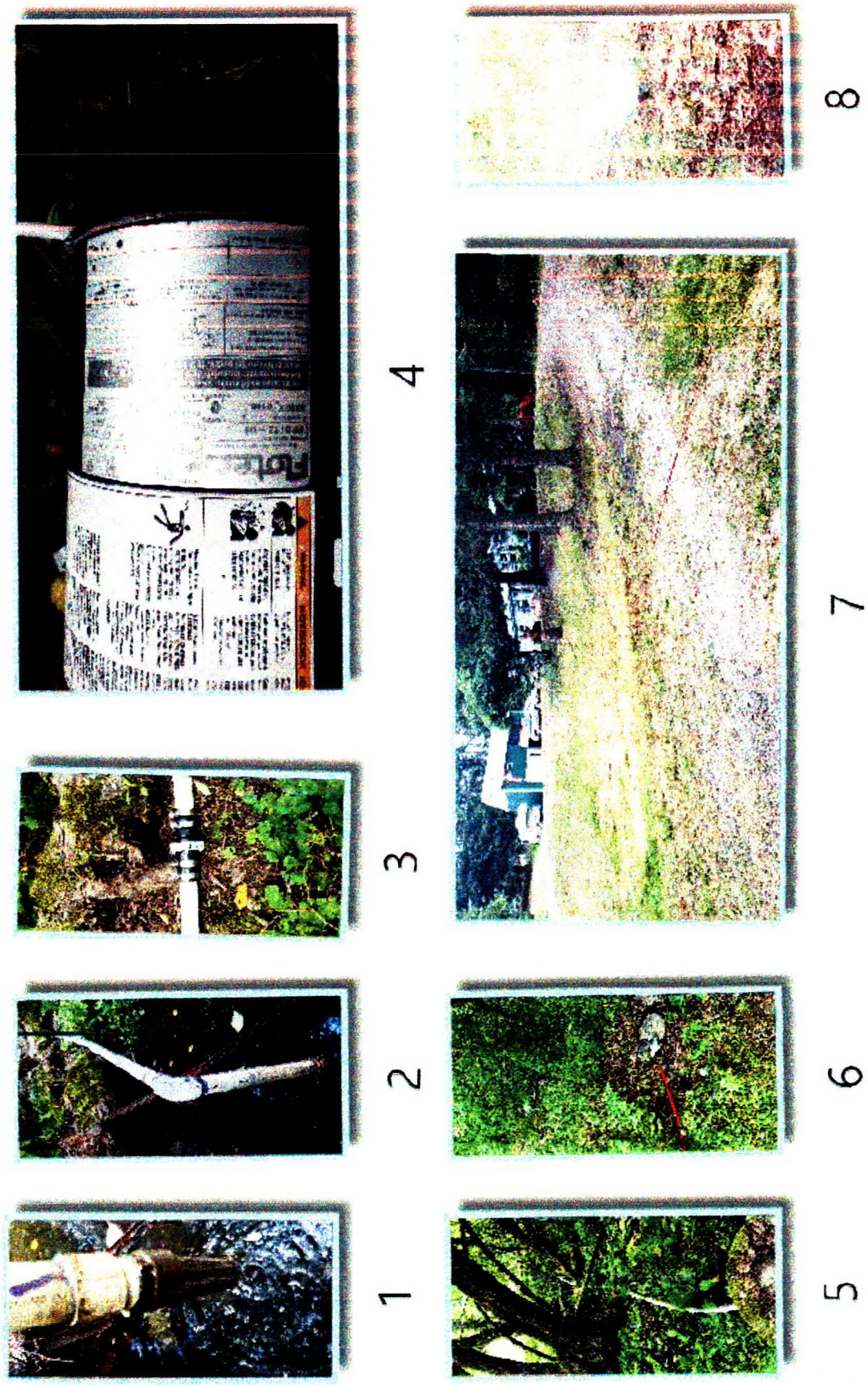
Kevin Schulte	KEVIN L. SCHULTE	8/19/23
SIGNATURE OF PERMIT HOLDER*	PRINTED NAME AND TITLE	DATE

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

Permit # 96-12082, Kevin & Margaret Schulte, 921 Garfield Bay Road, Sagle Idaho 83860, 619-609-8942

1. 1 ¼" draw line at Garfield Creek with fish screen attached. Draw line is placed onto a flat rock in a pool under old cotton wood tree.
2. 1 ¼" draw line goes approximately 25 feet from creek to pump placement.
3. Check valve installed in 1 ¼" draw line, approximately 10 feet from creek, prior to the pump.
4. 1½ HP, Flotec Pump, Model # FP5172-08, connected to draw line too draw and push water uphill to spicket.
5. 1 ¼" output line from pump up hill to hose spicket, approximately 50ft.
6. Standard hose spicket connection to 1 ¼" output line from pump.
7. Residential garden hose attached to spicket, going across driveway from spicket out to front lawn being watered.
8. Small residential sprinkler used to water, front lawn, covers approximately 25' diameter circle.

Permit # 96-12082, Kevin & Margaret Schulte, 921 Garfield Bay Road, Sagle Idaho 83860, 619-609-8942



RECEIVED
AUG 31 2023
DEPARTMENT OF
WATER RESOURCES

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 96-12082

Priority: August 01, 2022 **Maximum Diversion Rate:** 0.03 CFS

This is to certify that

KEVIN SCHULTE 921 GARFIELD BAY RD SAGLE ID 83860 AND/OR
MARGARET SCHULTE 921 GARFIELD BAY RD SAGLE ID 83860

has applied for a permit to appropriate water from:

Source : GARFIELD CREEK **Tributary:** LAKE PEND OREILLE

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

Beneficial Use	**Period of Use**	**Rate of Diversion**
IRRIGATION	04/01 to 10/31	0.03 CFS

Location of Point(s) of Diversion
GARFIELD CREEK SW¼ NE¼, Sec. 21, Twp 56N, Rge 01W, B.M. BONNER County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	01W	21		0.3	0.7														1.0

Total Acres: 1.0

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **October 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. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
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 14th day of October, 2022.

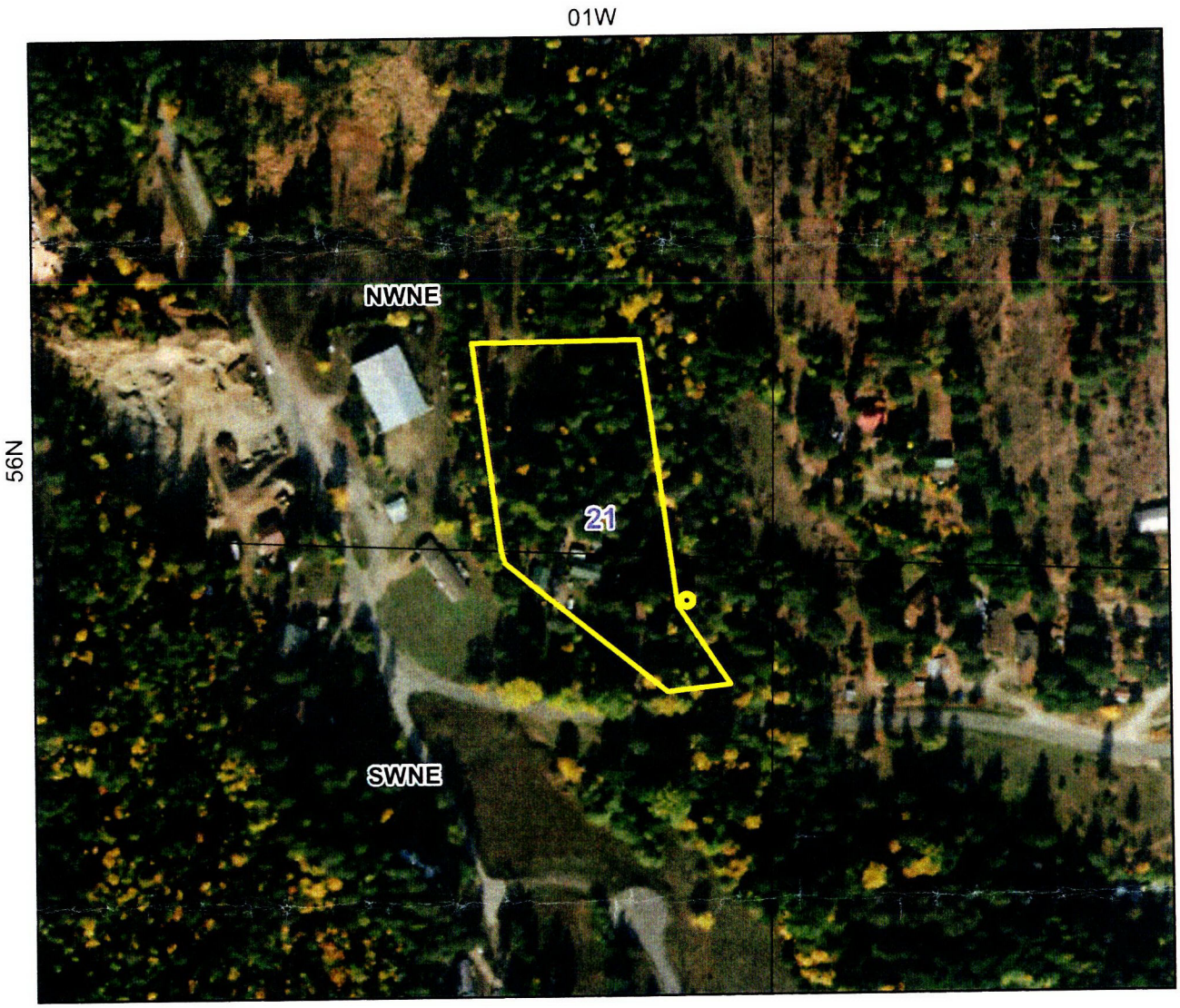
ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-12082

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



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

0 0.035 0.07 0.14 Miles

N

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 96-12082

Priority: August 01, 2022 **Maximum Diversion Rate:** 0.03 CFS

This is to certify that

KEVIN SCHULTE 921 GARFIELD BAY RD SAGLE ID 83860 AND/OR
MARGARET SCHULTE 921 GARFIELD BAY RD SAGLE ID 83860

has applied for a permit to appropriate water from:

Source : GARFIELD CREEK **Tributary:** LAKE PEND OREILLE

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Location of Point(s) of Diversion
GARFIELD CREEK SW¼ NE¼, Sec. 21, Twp 56N, Rge 01W, B.M. BONNER County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	01W	21		0.3	0.7														1.0

Total Acres: 1.0

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **October 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.
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Signed this 14th day of October, 2022.

ADAM FREDERICK
Water Rights Supervisor

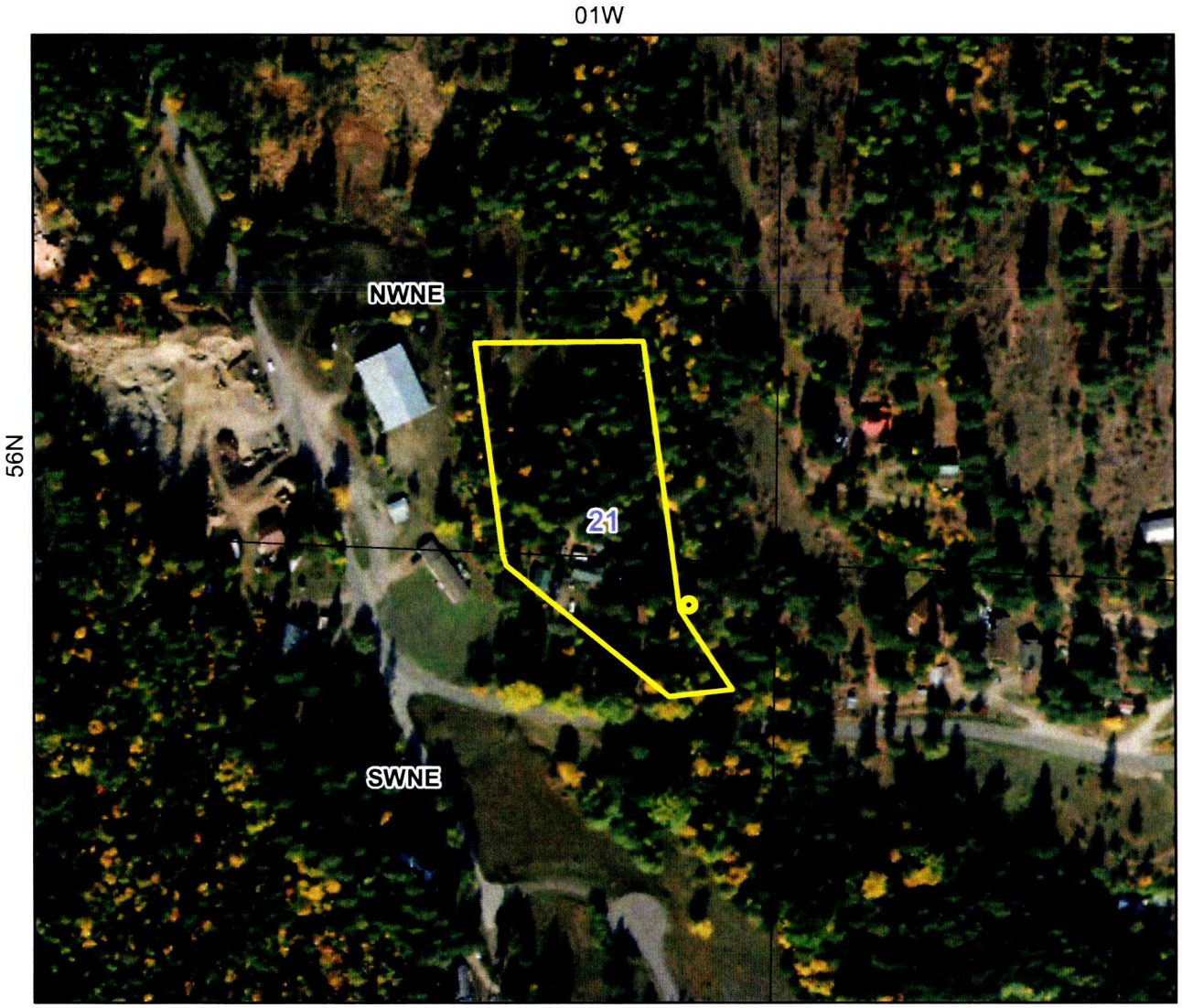
SCANNED
NOV 03 2022

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-12082

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



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

0 0.035 0.07 0.14 Miles

N

SCANNED
NOV 03 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

September 26, 2023

KEVIN SCHULTE
MARGARET SCHULTE
921 GARFIELD BAY RD
SAGLE ID 83860

RE: License No. 96-12082

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

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

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

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

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

Sincerely,

Jean Hersley

For
Phill Hummer
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2023, I served a true and correct copy of Water Right License No. 96-12082 by U.S. Mail, postage prepaid, to the following:

KEVIN SCHULTE (Current Owner)
921 GARFIELD BAY RD
SAGLE ID 83860

MARGARET SCHULTE (Current Owner)
921 GARFIELD BAY RD
SAGLE ID 83860

Jean Hersley
Technical Records Specialist 2

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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

A. GENERAL INFORMATION

Exam Date: 09/22/2023

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: **Kevin & Margaret Schulte**
   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: C116984

4. Source: **Garfield Creek** Tributary: **Lake Pend Oreille**
   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
96-2286	Spring	Domestic	Decreed
96-12446	Groundwater	Domestic	Claim

Comments: 96-2286 was licensed with a rate of 0.078cfs diverting spring water for domestic use. The only other right appearing to overlap the permit place of use (POU) is claim 96-12446 filed by the permit holder, diverting groundwater for domestic use. As the permit is for a different beneficial use from a different source there are no actual overlaps or concerns.

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 Creek to Trash Pump			SW	NE	21	56N	01W	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: IRRIGATION

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	01W	21			0.2														0.2
		Lot #																	
																Total Acres =			0.2

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

Change in POU? ____Y __X_N Amendment Required? ____Y __X_N

_X_Delivery System Diagram Attached. Included with proof of beneficial use.

Indicate weir size/pipe as applicable:

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

_X_ Photo of Diversion and System Attached(see proof of beneficial use docs)

3. Diversion Id No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Screened inlet in Cr	Unknown	1.5	Unknown	Flotec	Model FP5172-08

**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 details of the 1.5 Hp pump. A maximum head of about 30 ft was estimated using the DRG map.

E. FLOW CALCULATIONS ___Additional Computation Sheets Attached

Measured Method:

A theoretical calculation and Administrative Memo #17 were used to determine a reasonable rate of diversion.

Q = (1.5Hp)(8.8)(0.80 efficiency)/(30 ft lift) + (2.31)*(45 psi) = 0.08cfs

Theoretical Calculation= 0.08cfs
Permit allowed = 0.03cfs
Recommendation= 0.01cfs

Comments:

The permit holder submitted a system description and photos to diagram the system. The described irrigated area is a circular area surrounded by the driveway in the yard south of the home, approximately 0.2 acre in total area. The system was described as the 1 ½ Hp pump conveying water from the 1 ¼" intake at the creek to a hose bib about 75 feet west of the creek, where a hose and sprinkler are attached to water the yard.

A theoretical calculation found approximately 0.08cfs is possible with the 1.5 Hp pump. According to Administrative memo #17 up to 0.03cfs per acre is standard for the irrigation of up to 5 acres. I am recommending a diversion rate of 0.01cfs for the license.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = 0.2 acre x 3.0 AF= 0.6 AF

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation season) x 1.9835 = 0.02cfs x 213 days x 1.9835= 8.5 AF

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 0.6 AF

Comments:

This permit was issued for irrigation use from a natural steam/river source. According to the IDAPA Beneficial Use Examination Rules 37.03.02.35. 01j.viii a diversion volume is not required for irrigation if water is diverted from a natural flowing stream/river or spring.

G. PURPOSE OF USE

Irrigation _X_Y ____N # Stock__NA_____ Domestic # of Homes _NA__

Change in Purpose of Use? ____Y _X_N

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

H. NARRATIVE/REMARKS/COMMENTS

This permit for the irrigation of 1 acre qualifies for an in-office examination for license. The permit holder submitted the Proof of Beneficial Use, received by IDWR on August 31st, 2023, stating in the attached description with photos that the irrigation occurring is in the "circle" in the front yard. I was unable to confirm approximately 0.2 acres of irrigation was developed using aerial imagery in the front yard (see figures 1 & 2), but also noted that there appears to be a garden in the northern extent of the permit POU (see figure 3). I called the permit holder on September 22nd, 2023, asking if there were additional areas of irrigation needing to be considered for the water right. Kevin Schulte (The permit holder) explained that he initially intended to water both the garden and the front yard with surface water, but delivery to the garden proved too problematic, so the garden is being watered using the well on the property. The only surface water irrigation is in the front yard.

The use developed, described, and illustrated with photos in the proof of beneficial use, is a 1 ¼ inch intake with a fish screen in Garfield Creek, delivered to a spigot about 75 feet from the creek using a 1 ½ Hp Flotec Pump. A garden hose is attached to the spigot to convey the diverted water to a portable sprinkler. A theoretical calculation was used to confirm that the pump can provide the 0.03cfs rate on the permit. However, the area and use developed was approximately 0.2acres, so the minimal reportable rate of 0.01cfs was recommended for the license (as per Administrative Memos #17 and #6). As the diversion is from streamflow the volume it is not necessary to report the volume on the license (IDAPA Rules 37.03.02.35. 01j.viii).

I am recommending the license be issued with a rate of 0.01cfs and conditions 004 and X31. Condition R66 was replaced with condition X31 at licensing, as the irrigated area is less than 1 acre. Condition 029 was removed at licensing as the permit holder confirmed that a fish screen was installed at the intake on the proof of beneficial use, and no comment was received from IDFG requesting any additional condition be added to the license.

Have conditions of permit approval been met? _X_Yes ____No

I. RECOMMENDATIONS

1. Recommended Amounts:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/01 TO 10/31	0.01CFS	NA
	Totals:	0.01CFS	

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 _____ Date 9/25/23

Reviewer _____ Date 9/25/23



Figure 1- Bonner County image- Irrigated area developed described by the permit holder in the proof of beneficial use is limited to approximately 0.2-acre area in the driveway loop.

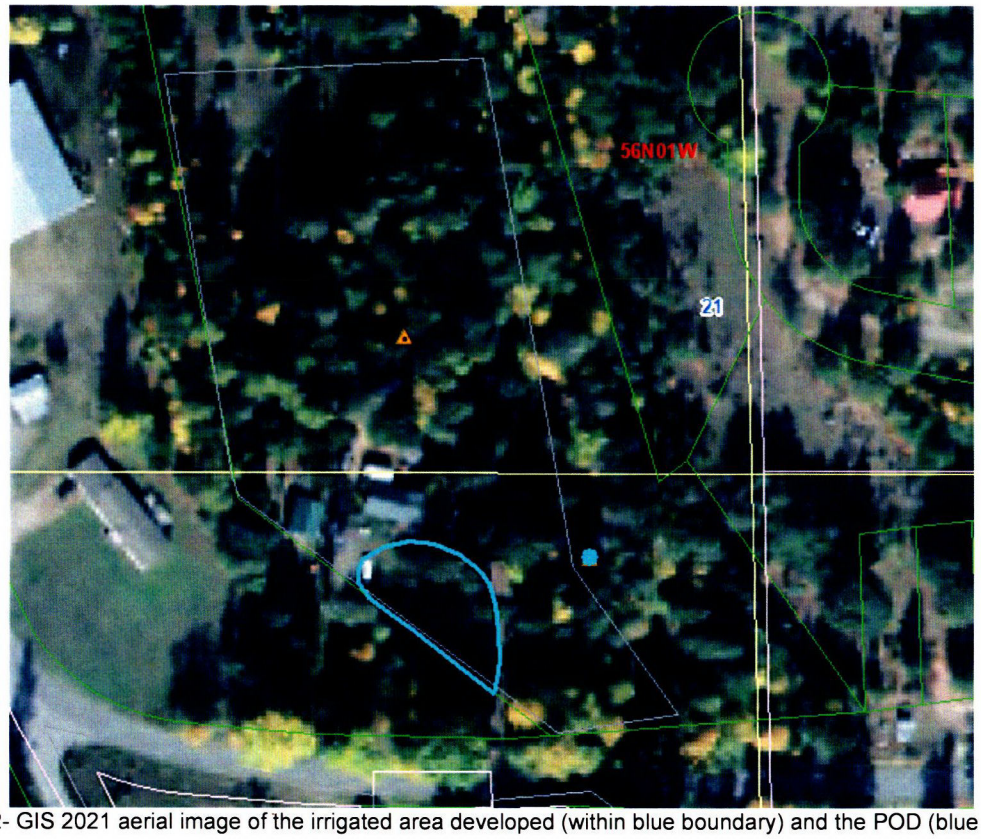


Figure 2- GIS 2021 aerial image of the irrigated area developed (within blue boundary) and the POD (blue point).

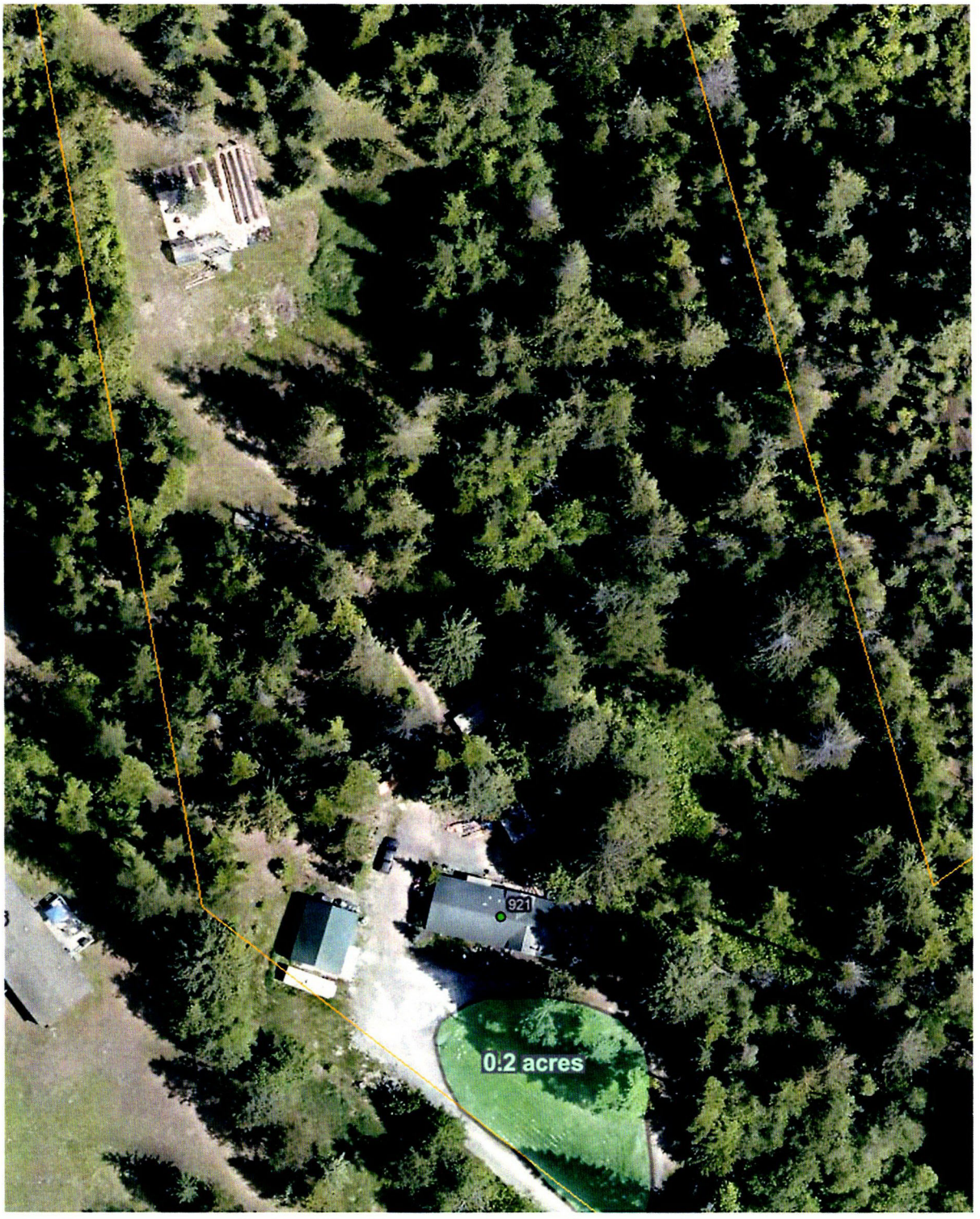


Figure 3- Bonner County image- Irrigated area measured in the lower frame and garden visible in upper frame. The permit holder stated in phone conversation, September 22, 2023, that it proved too difficult and costly to deliver surface water to the garden in the north, so they water the garden using the well pump.

Beneficial Use Proof Evaluation

Permit Number: 96-12082 Reviewer: AVeibell Review Date: 9/5/2023

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: 8/31/2023
4) Proof Due Date: 10/1/2023
5) Days added for weekend due date? 2
6) Days added for holiday due date? 0
7) Number of days late: -33
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 -- Yes
4) Is there a request to waive the required items? No
5) Drilling Permit Number:
6) Is a drilling permit upgrade needed? No
7) Was a well drillers report filed? No
8) Is proof accepted? Yes

Fees

1) Is a licensing exam fee required? Yes
2) Was proof submitted with an exam report from a CWE? No
3) Filing fee due: $50.00
4) Filing fee submitted: $50.00
5) Remaining fee or (refund): $0.00

Receipt IDs

N040554

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.

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

July 31, 2023

KEVIN SCHULTE
MARGARET SCHULTE
921 GARFIELD BAY RD
SAGLE ID 83860

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 96-12082

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 **October 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 Right Section

Enclosure(s)



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AUG 0 2 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

October 21, 2022

KEVIN SCHULTE
MARGARET SCHULTE
921 GARFIELD BAY RD
SAGLE ID 83860

RE: Permit No. 96-12082

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 October 21, 2022, I served a true and correct copy of Permit to Appropriate Water No. 96-12082 by U.S. Mail, postage prepaid, to the following:

KEVIN SCHULTE (Current Owner)
921 GARFIELD BAY RD
SAGLE ID 83860

MARGARET SCHULTE (Current Owner)
921 GARFIELD BAY RD
SAGLE ID 83860

Tammy Alleman
Administrative Assistant 1

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NOV 03 2022

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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NOV 0 3 2022

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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NOV 03 2022

AFFIDAVIT OF PUBLICATION

RECEIVED
AUG 29 2022
IDWR / NORTH

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 Notice.
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 18th day of August, 2022, and ending on the 25th day of August, 2022

Italia Jimenez

State of Idaho, county of Bonner ss.
On this _____ day of _____, 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. 69374 STATE OF IDAHO

SCANNED
NOV 03 2022

NOTICE

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

96-10820
BETTY SUE CARTER
88 KIRPALS WAY
SAGLE, ID 83860-5010
Point of Diversion NENW
S8 T55N R03W
BONNER County
Source GROUND WATER
Use: IRRIGATION
04/1 to 10/31 0.12 CFS
Use: STOCKWATER
1 /1 to 12/31 0.02 CFS
Total Diversion: 0.12 CFS
Date Filed: 04-12-2022
Place Of Use: IRRIGATION,STOCKWATER
T55N R03W S8 NENW
Place Of Use: STOCKWATER
T55N R03W S8
SENW,L1(NWNW),L2(SWNW)
Total Acres: 3.6

96-10822
JEREMY BROWN
DANIELLE DANIELS
ISSAC BROWN
EVAN BROWN
309 GOOBY RD
SANDPOINT, ID 83864-7236
Point of Diversion SWSE
S9 T57N R02W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 04-12-2022
Place Of Use: DOMESTIC
T57N R02W S16 NWNE
Place Of Use: DOMESTIC
T57N R02W S9 SWSE

96-10856
STEVEN RUCKER
204 BROWN ST
HARRISON, AR 72601-6109
Point of Diversion L1(NENE)
S5 T57N R01W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.02 CFS
Date Filed: 04-14-2022
Place Of Use: DOMESTIC
T57N R01W S5
L1(NENE),L2(NWNE)

96-10862
MORIARTY TRUST
2210 PACIFIC AVE UNIT J1
COSTA MESA, CA 92627-4846
Point of Diversion NWNE
S3 T56N R01E
BONNER County
Source LAKE PEND ORIELLE
Tributary PEND OREILLE RIVER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 04-16-2022
Place Of Use: DOMESTIC
T56N R01E S3 NWNE

96-1101[redacted]
ANDRE[redacted]OLT
PO BOX 21
HOPE, ID 83836-0021
Point of Diversion L2(NWNE)
S11 T56N R01E
BONNER County
Source GROUND WATER
Use: DOMESTIC
1 /1 to 12/31
Total Diversion: 0.02 CFS
Date Filed: 05-03-2022
Place Of Use: DOMESTIC
T56N R01E S11 L2(NWNE)

96-11705
CHARLES W SHOBE
MARSELLA I SHOBE
13874 W PINE ST
SANDPOINT, ID 83864-7326
Point of Diversion NWSW
S30 T57N R02W
BONNER County
Source HORNBY CREEK
Tributary PEND OREILLE RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.12 CFS
Date Filed: 06-17-2022
Place Of Use: IRRIGATION
T57N R02W S30
L4(SWSW),SESW
Total Acres: 5.8

96-12023
GIGI TAYLOR
JEFF TAYLOR
1267 BOWEN ARROW RD
SANDPOINT, ID 83864-7800
Point of Diversion SESW
S22 T59N R01W
BONNER County
Source SAND CREEK
Tributary PACK RIVER
Use: IRRIGATION
4 /1 to 10/31
Total Diversion: 0.15 CFS
Date Filed: 07-25-2022
Place Of Use: IRRIGATION
T59N R01W S22
SESW,SWSW
Total Acres: 5.3

96-12065
BRENT LEEDLE
1709 WESTWOOD DR
SANDPOINT, ID 83864-6326
Point of Diversion L2(NWSE)
S28 T57N R02W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
04/1 to 10/31
Total Diversion: 0.04 CFS
Date Filed: 08-04-2022
Place Of Use: IRRIGATION
T57N R02W S28
L2(NWSE),L2(SWNE),NWSE
Total Acres: 1.2

96-12074
SDG PROPERTIES LLC
PO BOX 1021
SAGLE, ID 83860-1021
Point of Diversion SWSE
S21 T56N R01W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.14 CFS
Date Filed: 08-01-2022
Place Of Use: DOMESTIC
T56N R01W S21
L2(NESE),SWSE,L3(SESE)

96-12082
KEVIN SCHULTE
MARGARET SCHULTE
921 GARFIELD BAY RD
SAGLE, ID 83860-8566
Point of Diversion SWNE
S21 T56N R01W
BONNER County
Source GARFIELD CREEK
Tributary LAKE PEND OREILLE
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 08-01-2022
Place Of Use: IRRIGATION
T56N R01W S21
NWNE,SWNE
Total Acres: 1

96-12098
TIMOTHY BROWNE
MOLLY BROWNE
1722 TRESTLE CREEK RD
HOPE, ID 83836-9600
Point of Diversion SWNE
S15 T57N R01E
BONNER County
Source UNNAMED STREAM
Tributary TRESTLE CREEK
Use: IRRIGATION STORAGE
01/01 to 12/31 13.5 AF
Use: IRRIGATION FROM STORAGE
04/01 to 10/31 13.5 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 0.4 AF
Use: STOCKWATER FROM STORAGE
01/01 to 12/31 0.4 AF
Use: RECREATION STORAGE
01/01 to 12/31 21.4 AF
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 21.4 AF
Use: RECREATION
01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 07-29-2022
Place Of Use: FIRE PROTECTION STORAGE,IRRIGATION FROM STORAGE,IRRIGATION STORAGE,RECREATION,RECREATION STORAGE,STOCKWATER FROM STORAGE,STOCKWATER STORAGE
T57N R01E S15 SWNE
Total Acres: 4.5

96-12099
TIMOTHY BROWNE
MOLLY BROWNE
1722 TRESTLE CREEK RD
HOPE, ID 83836-9600
Point of Diversion L1(NWNE)
S15 T57N R01E
BONNER County
Source UNNAMED STREAM
Tributary TRESTLE CREEK
Use: IRRIGATION
04/01 to 10/31 0.03 CFS
Use: FIRE PROTECTION
01/01 to 12/31 0.11 CFS
Total Diversion: 0.14 CFS
Date Filed: 07-29-2022
Place Of Use: FIRE PROTECTION,IRRIGATION
T57N R01E S15 L1(NWNE)
Total Acres: 0.5

96-12100
TIMOTHY BROWNE
MOLLY BROWNE
1722 TRESTLE CREEK RD
HOPE, ID 83836-9600
Point of Diversion NESWNE
S15 T57N R01E
BONNER County
Source SPRING
Tributary COCHRAN CREEK
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.1 CFS
Date Filed: 07-29-2022
Place Of Use: DOMESTIC
T57N R01E S15
L1(NWNE),SWNE

96-12102
TIMOTHY BROWNE
MOLLY BROWNE
1722 TRESTLE CREEK RD
HOPE, ID 83836-9600
Point of Diversion SWNE
S15 T57N R01E
BONNER County
Source UNNAMED STREAM
Tributary COCHRAN CREEK
Point of Diversion SWNE
S15 T57N R01E
BONNER County
Source UNNAMED STREAM
Tributary COCHRAN CREEK
Point of Diversion SWNE
S15 T57N R01E
BONNER County
Source UNNAMED STREAM
Tributary COCHRAN CREEK
Use: IRRIGATION STORAGE
01/01 to 12/31 16.8 AF
Use: IRRIGATION FROM STORAGE
04/01 to 10/31 16.8 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 0.4 AF
Use: STOCKWATER FROM STORAGE
01/01 to 12/31 0.4 AF
Use: DOMESTIC STORAGE
01/01 to 12/31 1.2 AF
Use: DOMESTIC FROM STORAGE
01/01 to 12/31 1.2 AF
Use: RECREATION STORAGE
01/01 to 12/31 67 AF
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 67 AF
Use: RECREATION
01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 07-29-2022
Place Of Use: DOMESTIC FROM STORAGE
T57N R01E S15
L1(NWNE),SWNE
Place Of Use: DOMESTIC STORAGE, FIRE PROTECTION STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE, RECREATION, RECREATION STORAGE, STOCKWATER FROM STORAGE, STOCKWATER STORAGE
T57N R01E S15 SWNE
Total Acres: 5.6

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NOV 03 2022

96-12109
TIMOTHY BROWNE
MOLLY BROWNE
1722 TRESTLE CREEK RD
HOPE, ID 83836-9600
Point of Diversion SWNE
S15 T57N R01E
BONNER County
Source COCHRAN CREEK
Tributary TRESTLE CREEK
Use: POWER
01/01 to 12/31
Total Diversion: 4.7 CFS
Date Filed: 07-29-2022
Place Of Use: POWER
T57N R01E S15 L1(NWNE)

96-12164
PAULA MARTINI
JAMES F CROSS
304 LARCH ST
SANDPOINT, ID 83864-1539
Point of Diversion SWSE
S15 T57N R02W
BONNER County
Source SAND CREEK
Tributary LAKE PEND OREILLE
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 08-08-2022
Place Of Use: IRRIGATION
T57N R02W S15
SWSE,SESE
Total Acres: 0.3

96-12176
CHARLOTTE E SMITH
6907 UPPER GOLD CREEK RD
SANDPOINT, ID 83864-4903
Point of Diversion SWSESW
S2 T58N R01E
BONNER County
Source SPRING
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 08-08-2022
Place Of Use: DOMESTIC
T58N R01E S2 SESW

96-12180
MARK D PARKER
PATRICIA M PARKER
PO BOX 189
CLARK FORK, ID 83811-0189
Point of Diversion NWNENE
S25 T56N R02E
BONNER County
Source SPRING
Tributary CASCADE CREEK
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 7.1 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 0.3 AF
Use: STOCKWATER FROM STORAGE
01/01 to 12/31 0.3 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 3 AF
Use: IRRIGATION FROM STORAGE
04/01 to 10/31 3 AF
Total Diversion: 10.5 AF
Date Filed: 08-09-2022
Place Of Use: FIRE PROTECTION STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE, STOCKWATER FROM STORAGE, STOCKWATER STORAGE
T56N R02E S25 NENE
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 9/6/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Legal#4477
AD#554893
August 18, 25, 2022

SCANNED
NOV 03 2022