

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 96-9758

Priority: July 06, 2019

Maximum Diversion Rate: 0.02 CFS

Maximum Diversion Volume: 0.6 AF

It is hereby certified that:

DAUM CONSTRUCTION PO BOX 3381 HAYDEN ID 83835-3381

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 24, 2019, and has submitted Proof of Beneficial Use on September 14, 2020. An examination confirms water is diverted from:

Source : LAKE PEND OREILLE

Tributary: PEND OREILLE RIVER

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.02 CFS

Annual Volume

0.6 AF

Location of Point(s) of Diversion

LAKE PEND OREILLE NW¼ NE¼, Sec. 23, Twp 55N, Rge 01W, 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	
55N	01W	23		X															
55N	01W	23		X L1															

Conditions of Approval

1. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
 2. Domestic use is for 1 home.
 3. Place of use is located within Lot 1; Pine Cove Subdivision.
 4. This right does not grant any right-of-way or easement across the land of another.
- This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 21st day of June, 2023.

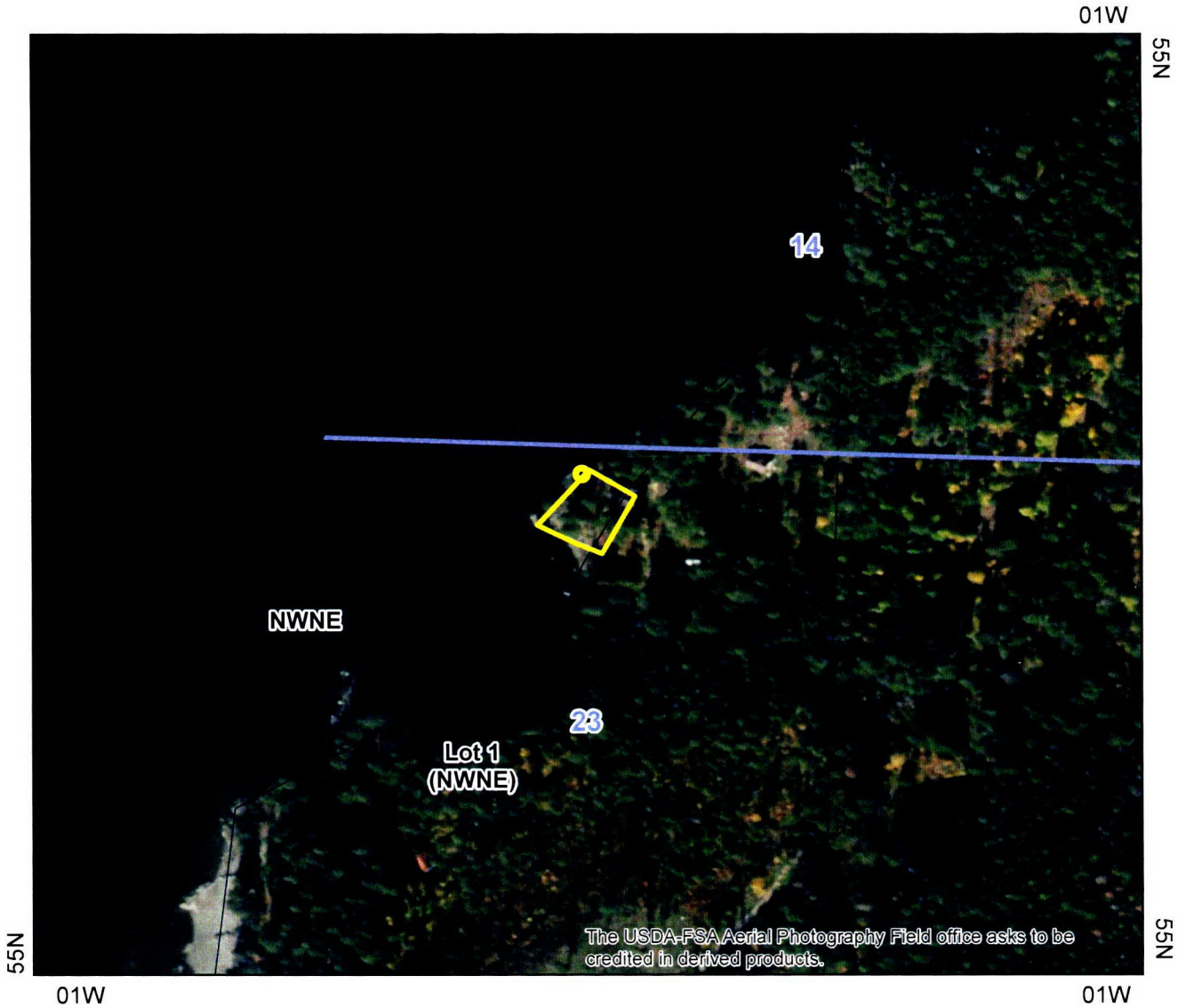

MICHELLE RICHMAN
Northern Regional Manager

SCANNED

JUL 14 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
96-9758

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 0.035 0.07 0.14 Miles

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

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IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

June 21, 2023

DAUM CONSTRUCTION
PO BOX 3381
HAYDEN ID 83835-3381

RE: License No. 96-9758

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

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

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

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

If you have any questions concerning the enclosed information, please contact the Northern Region Office at (208) 762-2800.

Sincerely,

Michelle Richman
Northern Regional Manager

Enclosure(s)

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CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2023, I served a true and correct copy of Water Right License No. 96-9758 by U.S. Mail, postage prepaid, to the following:

DAUM CONSTRUCTION
PO BOX 3381
HAYDEN ID 83835-3381



Tammy Alleman
Administrative Assistant 1

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EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Bates, Luke

From: Bates, Luke
Sent: Wednesday, June 14, 2023 7:22 AM
To: 'bill@daumconstruction.com'
Cc: Cooksey, Greg
Subject: IDWR water permit 96-9758
Attachments: 42-1409-2-Instructions-CFPRBA.pdf; 42-1409-2-CFPRBA-Domestic-Stock-Claim-Form-06-21 (1).pdf; proof report 96-9758.pdf

Mr. Daum,

Good morning. I met with you last July to conduct the beneficial use field exam for the lake house associated with Permit 96-9758.

I had been re-assigned priority work taskings that took me away from licensing this past winter, but I believe management will be finalizing & signing the licensing approval toward the end of this month.

This email is being sent to inform you of one additional form requirement associated with this water right. You submitted your statement of completion form back in September of 2020, received by IDWR on 9/14/2020. Due to this action taking place before the commencement of the Clark Fork Pend Oreille River Basin Adjudication process (CFPRBA) you are required to submit a claim form based on the permit/license to keep this water right active and move it forward to becoming a State of Idaho court decreed water right. Decreed rights are the final step in a water right, and the form is simple and not as expensive.

I have CC'd Greg Cooksey, Senior Water Resource Agent – Adjudication staff, on this email; Greg can assist you directly with the adjudication process & speak to the nuances of the adjudication program. I have attached the adjudication form and instruction guide.

Please do reach out to Greg at your earliest convenience to work through the claim process.

Thank you Sir,

Luke Bates

Sr. Water Resource Agent

Northern Region

P: 208-762-2817



IDAHO DEPARTMENT OF
WATER RESOURCES

7600 N. Mineral Dr., Suite 100
Coeur D'Alene, ID 83815-7763

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JUL 14 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 96-9758
Exam Date: 07/21/2022

1. Current Owner:
DAUM CONSTRUCTION PO BOX 3381 HAYDEN ID 83835-3381
2. Accompanied by: Bill Daum
Phone No: 208-699-4840
Address: Same as above.
Relationship to permit Holder: Current Permit holder.

3. **SOURCE:**
LAKE PEND OREILLE

Tributary
PEND OREILLE RIVER

Method of Determination: Arcmap & DRG.

B. OVERLAP REVIEW

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

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
LAKE PEND OREILLE NW¼ NE¼, Sec. 23, Twp 55N, Rge 01W, B.M. BONNER County

Method of Determination: GPS; POD located at -116°25.5150, 48°6.5036 screened intake attached to dock.

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	
55N	01W	23		X															
55N	01W	23		X L1															

Method of Determination: Beneficial use field examination & Arcmap aerial imagery.

3.
 - ☒ Delivery System Diagram Attached (required). Indicate all major components and distances between components.
 - ☒ Indicate weir size/pipe as applicable.
 - ☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
 - ☒ Aerial Photo Attached (required for irrigation of 10+ acres).
 - ☒ Photo of Diversion and System Attached

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4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
LAKE PUMP	Unknown	¾			

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5-GAL BUCKET MEASUREMENT						

2. Measurements: Three 5-gallon bucket tests were completed from a hose bib located at the house, with the average of three resulting in diversion flow rate of 5 gal / 51.15 sec x 60 sec/min = 5.9 gpm = 0.01 cfs considering department rounding standards.

E. FLOW CALCULATIONS

Measured Method: 5-GAL Bucket Test = (5 gal / 55.09 sec) x 60 sec/min = 5.44 gpm
 = (5 gal / 49.02 sec) x 60 sec/min = 6.12 gpm
 = (5 gal / 49.35 sec) x 60 sec/min = 6.08 gpm

Average of 3ea 5-GAL Bucket Tests = (5.44 gpm + 6.12 gpm + 6.08 gpm) / 3 = 5.88 gpm = 0.01 cfs considering department rounding standards.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: N/A
2. Volume Calculations for Other Uses: Domestic in-home use for 1 home = **0.6 af**.

G. NARRATIVE/REMARKS/COMMENTS

Field exam performed on 7/21/2022 with the current permit holder, Bill Daum, showed a screened intake with pump in Lake Pend Oreille supplying water to 1 home for domestic use. At the POD, the intake pipe was attached to side of a metal dock, with 1 ¼ poly-pipe routed up a steep grade to the home located on a granite bluff overlooking the lake. The service pipe was sleeved within a larger 4-inch PVC pipe for the run up the hill to protect the service line from the elements. The service line enters the home's basement where it fills a small pressure tank that registered 50 PSI at time of exam. The average of three 5-gal bucket tests resulted in a department rounded diversion rate of 0.01 cfs, but flow rates were in the 6-gpm range, and I recommend licensing for **0.02 cfs** for domestic in-home use for licensing purposes.

Photographs were taken of the domestic dwelling, which serves as the POD. The lot is small, and I've maintained the entire lot POU shape for licensing purposes as there appears to be a minor shift in aerial imagery that places the dwelling on the NE boundary of the property extending just past the property line referencing image from Bonner Co GIS tax parcel viewer below:

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Daum residence – image printed from Bonner Co. GIS public map on 6/14/2023, web link

<https://cloudgisapps.bonnercountyid.gov/public/>

Due to minor concerns for property line variances comparative to aerial imagery with potential shift, I recommend condition 004 remain on the license. There was a single hose external hose bib on the driveway side of the home, but no irrigation was apparent at time of exam for this seasonal home that receives occasional use only. This is consistent with exclusion of condition 187 from the permit approval and the ½ ac irrigation covered by domestic use is not recommended for licensing purposes. The annual volume and maximum diversion volume recommended for licensing equals **0.6 af**.

All conditions on the permit shall be carried forward to licensing. There are no overlap concerns for this water right. The statement of Completion was received the Department on 9-14-2020; a claim filed on the permit or subsequent license is required to be submitted by the permit holder during the ongoing Clark Fork Pend Oreille River Basin Adjudication process to keep the license active and gain State of Idaho Decree status.

Have conditions of permit approval been met? Y Yes No

H. RECOMMENDATIONS

1. Recommended Amounts

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF

Totals: 0.02 CFS 0.6 AF

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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

I. AUTHENTICATION Luke Bates -

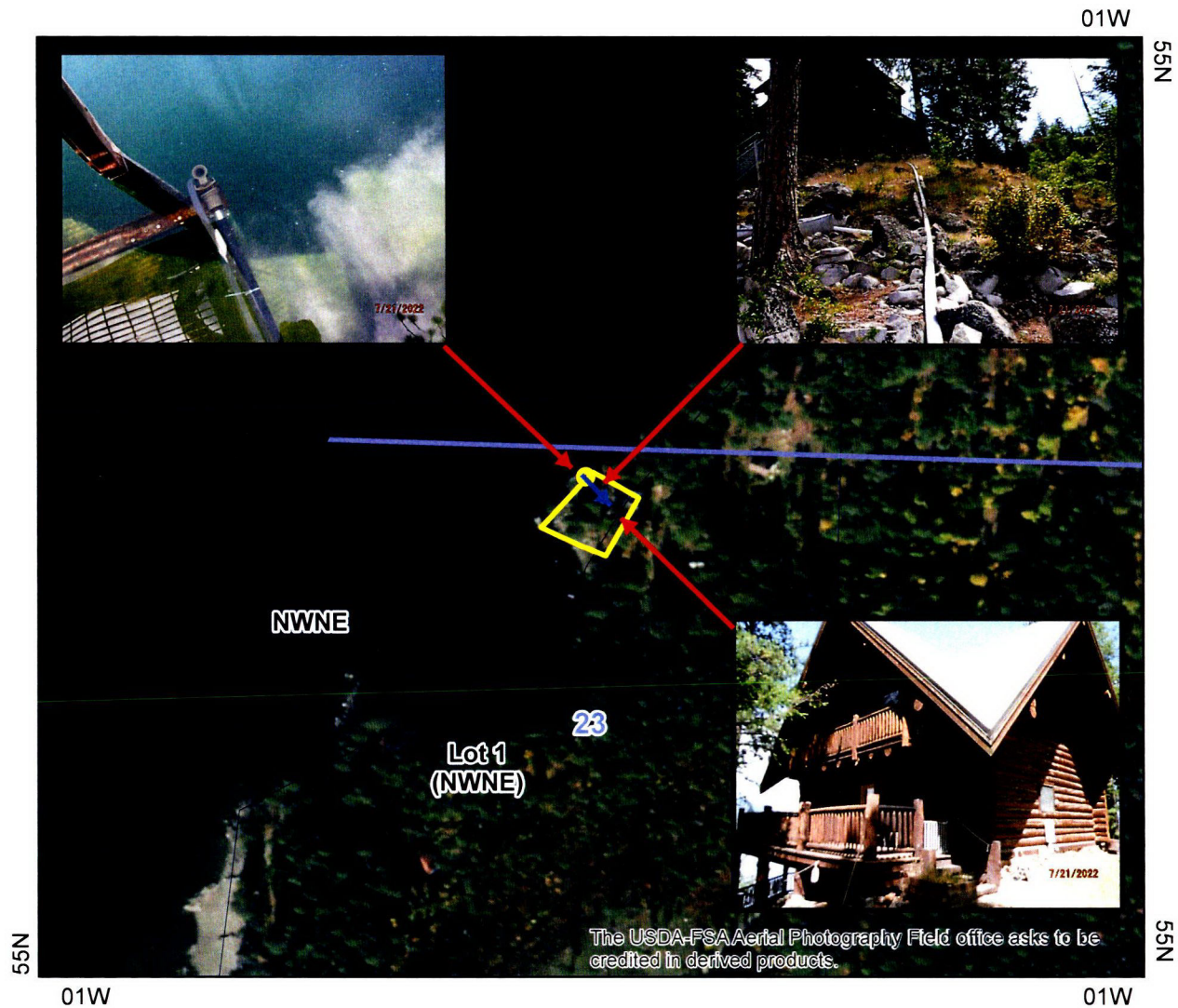
Field Examiner's Name SP215 Date 6/14/2023

Reviewer _____ Date _____

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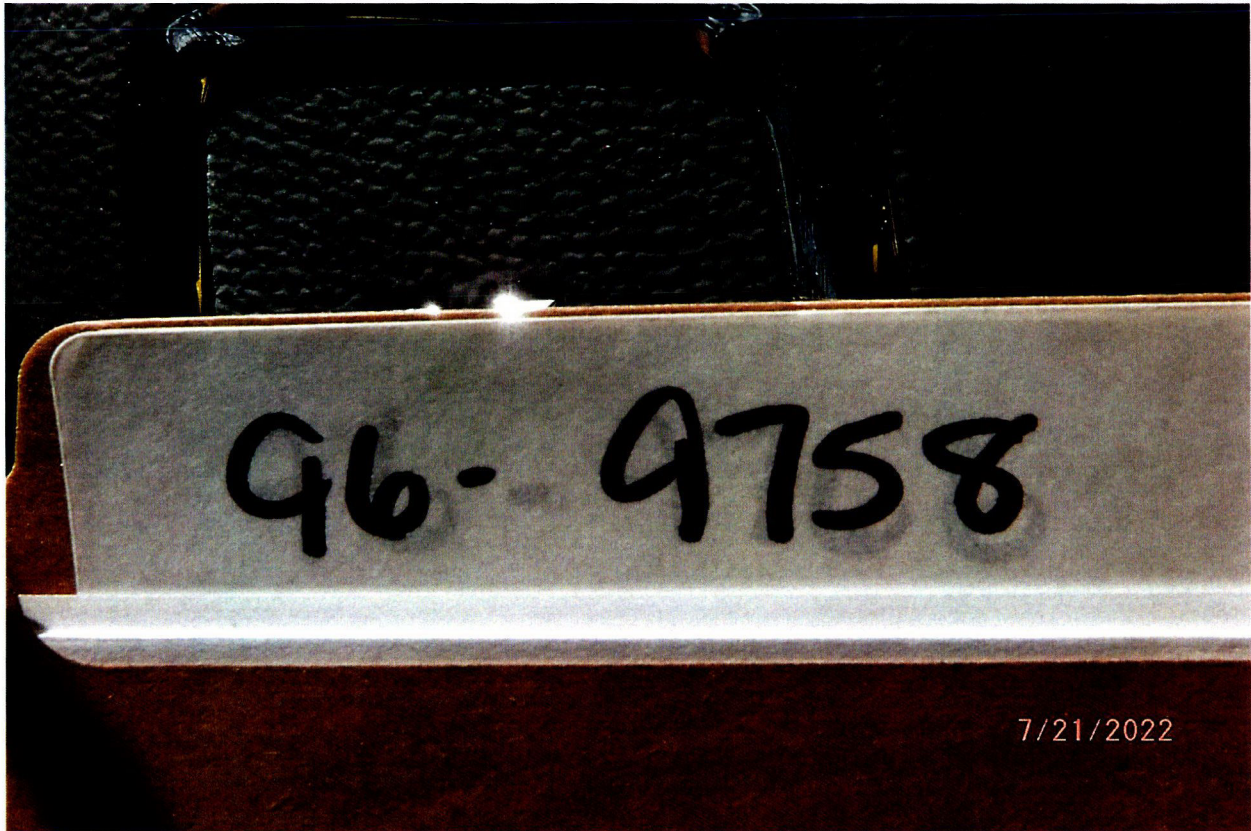
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DOMESTIC water system diagram.

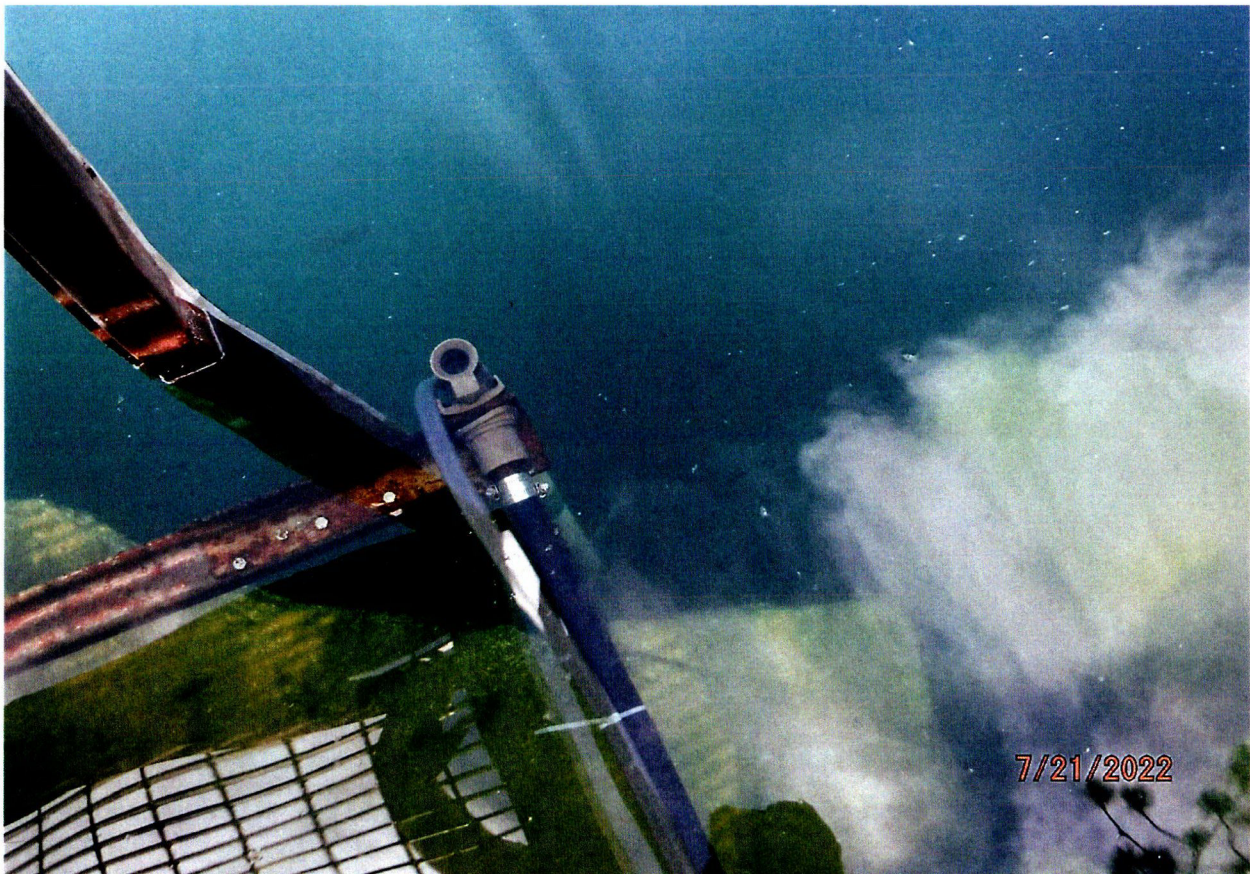


- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion

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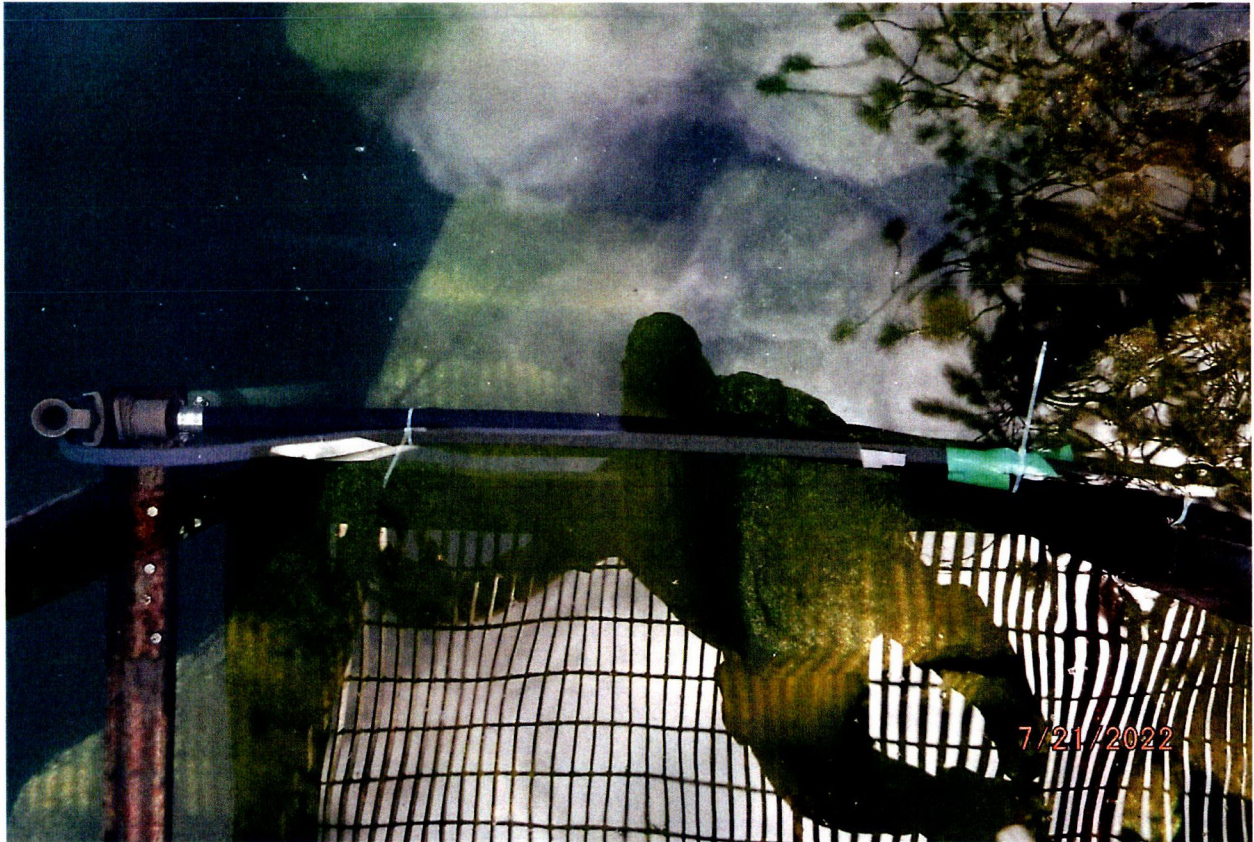


BENEFICIAL USE FIELD EXAMINATION DATE 7/21/2022



POD – SUBMERSIBLE PUMP IN LAKE

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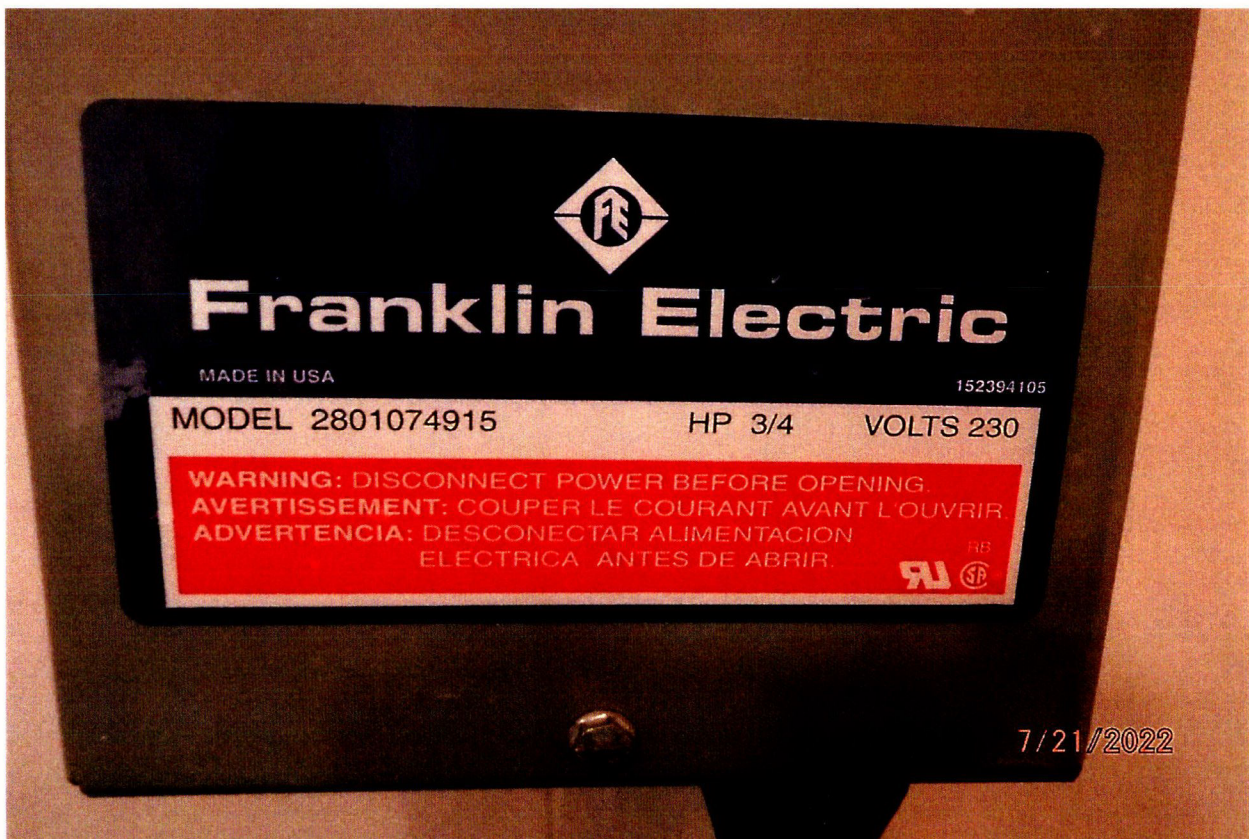
1 1/4 INCH POLY PIPE ROUTED FROM POD UP GRADE TO RESIDENCE



JUL 14 2023

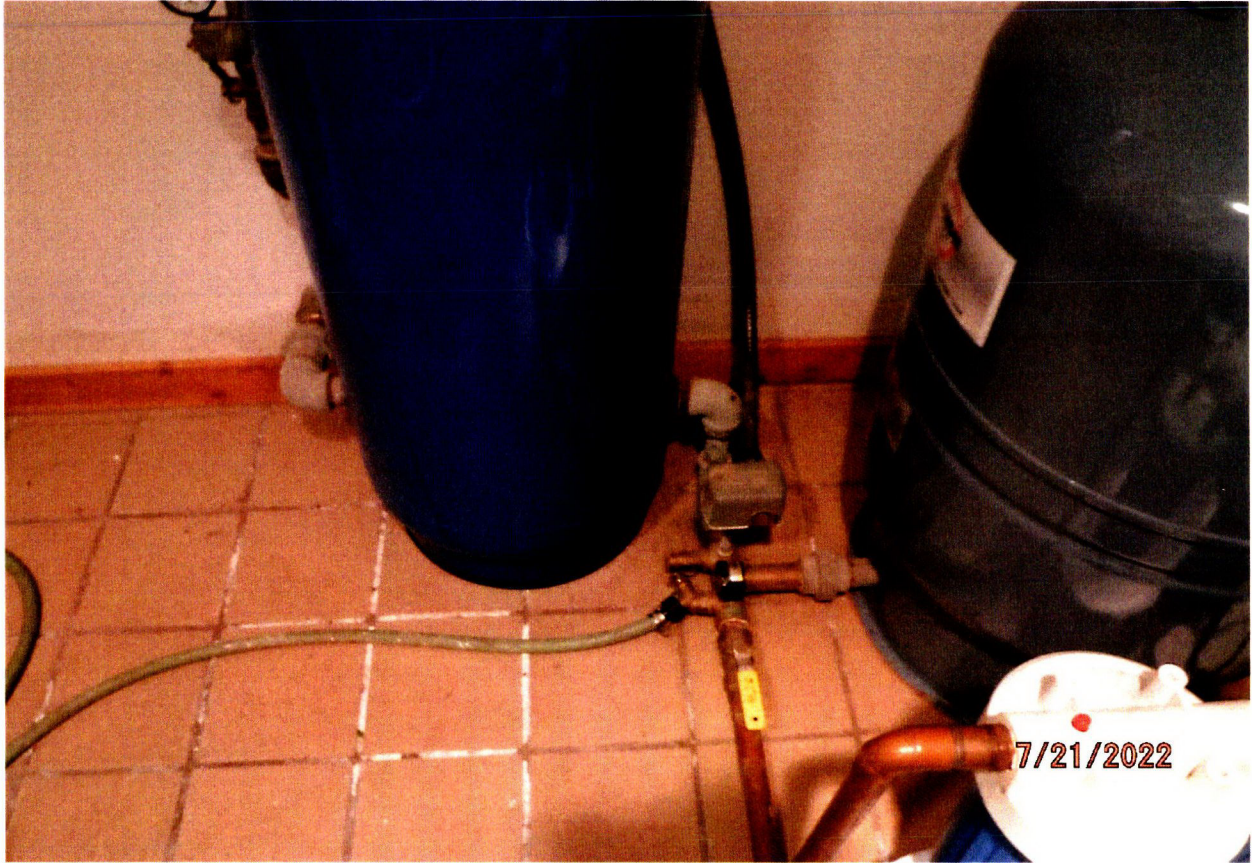


1 1/4 INCH POLY PIPE ROUTED INSIDE 4 INCH PVC PIPE FOR PROTECTION

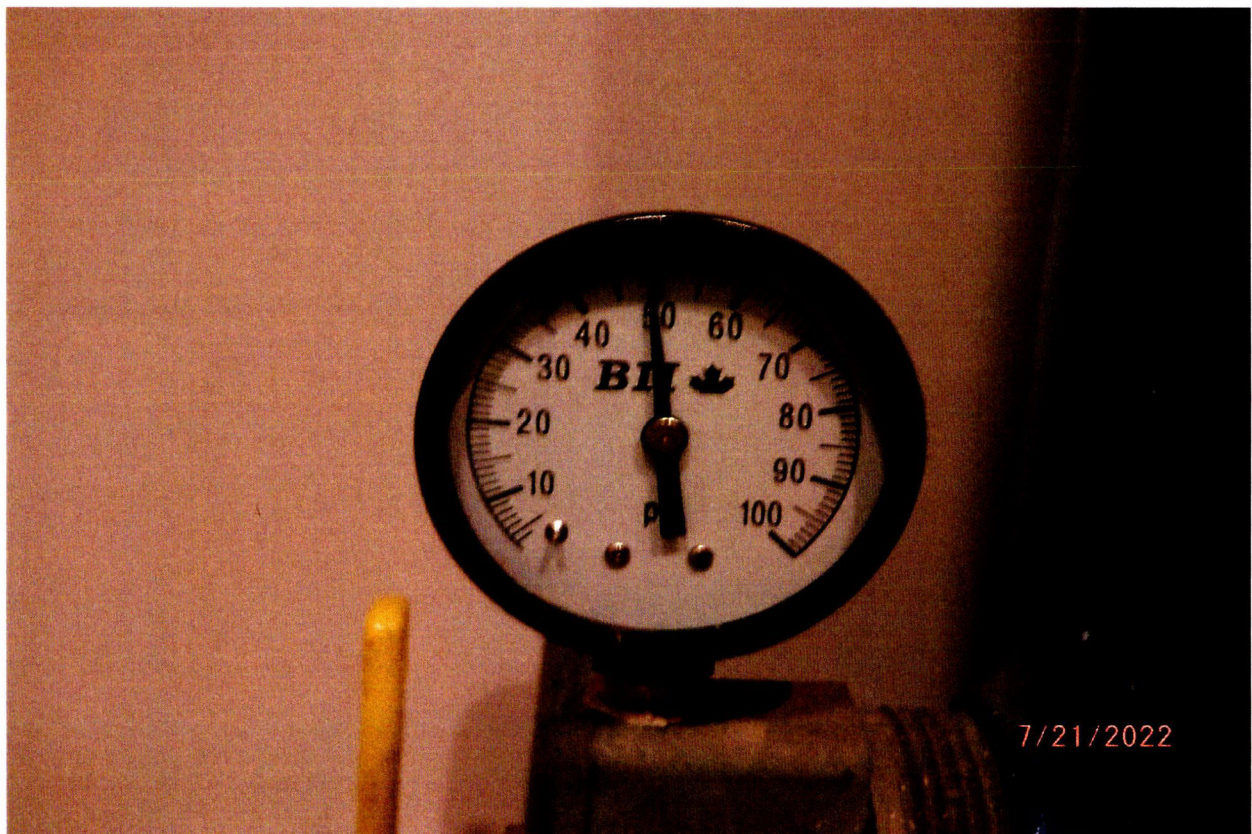


3/4 HP SUBMERSIBLE PUMP INSTALLED IN SYSTEM

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DIVERTING WORKS



50 PSI OPERATING PRESSURE

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DOMESTIC POU

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