

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 96-9849

Priority: March 25, 2021

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 1.2 AF

It is hereby certified that:

DENNIS E HARWOOD 455 RAVEN VIEW DR SAGLE ID 83860

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 08, 2021, and has submitted Proof of Beneficial Use on December 22, 2022. 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
0.04 CFS

Annual Volume
1.2 AF

Location of Point(s) of Diversion

LAKE PEND OREILLE L4 (SW¼ SW¼), Sec. 17, 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	17											X L4						

Conditions of Approval

1. This right does not grant any right-of-way or easement across the land of another.
2. Domestic use is for 1 home.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
4. Place of use is located within Lot 3, Walstons Lake Lots 2nd Addition subdivision.

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 3rd day of January, 2023.



PHILL HUMMER
Water Rights Supervisor

SCANNED

JAN - 6 - 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
96-9849

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



RECEIVED

DEC 22 2022

IDWR / NORTH

RECEIVED

DEC 27 2022

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 \$ 50.00

Receipt No. N042115

Received By JA

Date Received 12-22-22

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.

- Permit No. 96-9849 Name of Permit Holder(s) Dennis E. Harwood
Telephone No. 208-265-5698 Email golforski@hotmail.com
Mailing Address 455 Raven View Dr. City Sagle State ID Zip 83860
- Source of Water Lake Pend Oreille If Ground Water (well), Date Drilled mo. ____ / yr. ____
Drilling Permit/Tag No. ____ Drilling Company's Name ____
- Extent of use(s) completed as authorized by the water right permit:
Domestic (No. households) 1 Irrigation (No. acres) ____ Stockwater (No. and stock type) ____
Other ____
- Total diversion rate or volume (storage only) for which proof is submitted ____ 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.
- Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

- 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

- 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.

- Person to contact to accompany a Department representative during the field examination of the water system:

Name: Dennis Harwood Telephone No. 208-265-5698 Email golforski@hotmail.com
Mailing Address 455 Raven View Dr. 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.

SIGNATURE OF PERMIT HOLDER*

PRINTED NAME AND TITLE

DATE

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

SCANNED

JAN 06 2023



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: dwinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

January 06, 2023

DENNIS E HARWOOD
455 RAVEN VIEW DR
SAGLE ID 83860

RE: License No. 96-9849

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
Water Rights Supervisor

Enclosure(s)

SCANNED

JAN 06 2023

CERTIFICATE OF SERVICE

I hereby certify that on January 09, 2023, I served a true and correct copy of Water Right License No. 96-9849 by U.S. Mail, postage prepaid, to the following:

DENNIS E HARWOOD (Current Owner)
455 RAVEN VIEW DR
SAGLE ID 83860

KEITH FURTNEY (Representative)
PO BOX 223
LACLEDE ID 83841-0223



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 INFORMATIONPermit No: 96-9849

Exam Date: 12/29/2022

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

2. Current Owner: Name: Dennis E Harwood
- Owner of Record Correct? X Y N
- Address of Record Correct? X Y N
- If No: Address

3. Beneficial Use Fees have been paid: X Y N Receipt No: N042115

4. **SOURCE** TRIBUTARY
- Lake Pend Oreille Pend Oreille River

Method of Determination: GIS and Parcel DataChange in Source: Y X N**B. OVERLAP REVIEW**

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

Water Right No.	Source	Purpose of Use	Basis
NONE			

Comments: There are no water rights overlapping the place of use for this permit.

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

Water Right No.	Source	Purpose of Use	Basis
NONE			

Comments: There are no water rights overlapping the point of diversion for this permit.**C. DIVERSION AND DELIVERY SYSTEM****1. LOCATION OF POINT(S) OF DIVERSION:**

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Lake Pump	4		SW	SW	17	56N	01E	B.M.	BONNER
								B.M.	
								B.M.	

Method of Determination: GIS data, owners drawings of system and Encroachment permit information.Change in POD? X N Amendment Required? X N**SCANNED**

JAN 06 2023

2. **PLACE OF USE:** Use: Domestic

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	01E	17											D						
		Lot #											4						
Total Acres =																			

Method of Determination: GIS parcel data and Bonner County Property tax statement 2021Change in POU? X N Amendment Required? X N Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable.

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

4. Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Lake Pump	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						

2. Measurements: No measurement is required for an in-house exam, but a theoretical calculation was used to determine if the diversion rate is reasonable.**E. FLOW CALCULATIONS** Additional Computation Sheets Attached

Measured Method:

The permit holder stated on the application for permit, section #7 that the proposed system will have a ½ Hp submersible pump. A theoretical analysis shows that a diversion rate of 0.04cfs is possible with a ½ Hp pump. I am approving a diversion rate of 0.04cfs, which is what was requested on their application for permit and acceptable for domestic use, as per administrative memo #22.

$$Q = (0.5\text{Hp}) (8.8) (0.70)/15 \text{ ft lift} + (30\text{psi} \times 2.31) = 0.04\text{cfs}$$

Permit allowed = 0.04cfs

F. VOLUME CALCULATIONS

The permit authorizes domestic use. According to processing memo #22, domestic use for in-house and yard irrigation up to 1/2acre can have up to 1.2acre feet of annual water use.

SCANNED
JAN 06 2023

G. PURPOSE OF USEIrrigation ☒ Y ☐ N # Stock _____ Domestic # of Homes 1Change in Purpose of Use? ☐ Y ☒ NMethod of Determination: GIS aerial imagery, tax documentation for 2021, and parcel information.**H. NARRATIVE/REMARKS/COMMENTS**

This permit for domestic use qualifies for an in-house exam. I was able to confirm that the owner is using water for this system via aerial imagery and the proof of beneficial use submitted by the permit holder which included sketches of the system (see figures 1.1, 1.2, 1.3, & 1.4). Therefore, I am recommending a diversion rate of 0.04cfs and 1.2af, which is the standard for domestic uses. IDWR parcel data shows the home was built in 2009, a claim based on the permit was filed, however there are no overlapping water rights. I emailed IDWR adjudication staff asking if the claim could be disallowed. I received a response from Adjudication at IDWR that the claim was withdrawn on December 22nd, 2022, but was just not updated in the system yet.

I recommend approving the water right license with conditions 004, X01, 187, and 227. Condition 029 can be removed since the owner confirmed that this condition has been complied with in section 6 of the proof of beneficial use.

Have conditions of permit approval been met? ☒ Yes ☐ No**I. RECOMMENDATIONS****1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Irrigation	04/01 to 10/31	0.04 CFS	1.2 AF
<u>Totals:</u>		0.04 CFS	1.2 AF

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

Other: < >

J. AUTHENTICATION-Water Resources Agent - Bob HoweWater Resource Agent's Name Bob Howe Date 12/29/2022Reviewer HP Date 1/3/23

SCANNED
JAN 06 2023

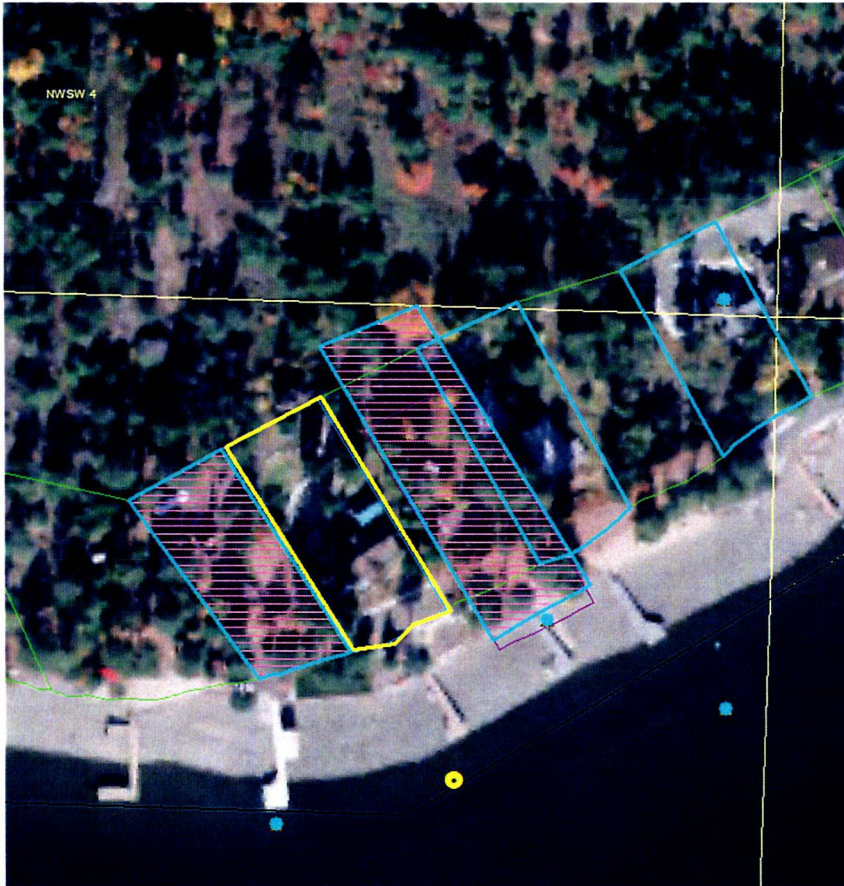


Figure 1.1- GIS Imagery of the proposed POU and POD for WR 96-9849 (POU is yellow outlined area and POD is yellow point). The surrounding water rights with licenses (shaded in pink), claims and permits are outlined in bright blue. No overlapping water rights were found.

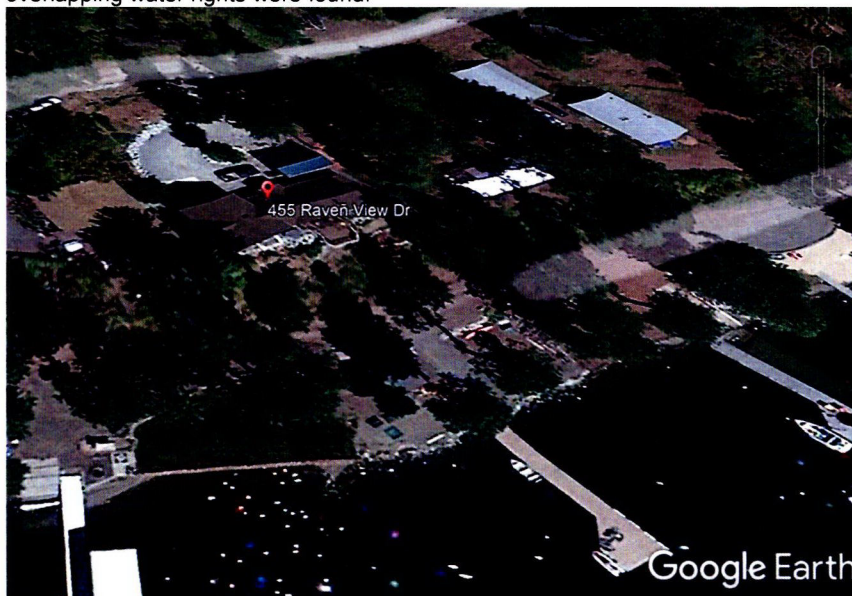


Figure 1.2 Google Earth- aerial image of the proposed POU (home indicated by red point and street address), circa 2022.

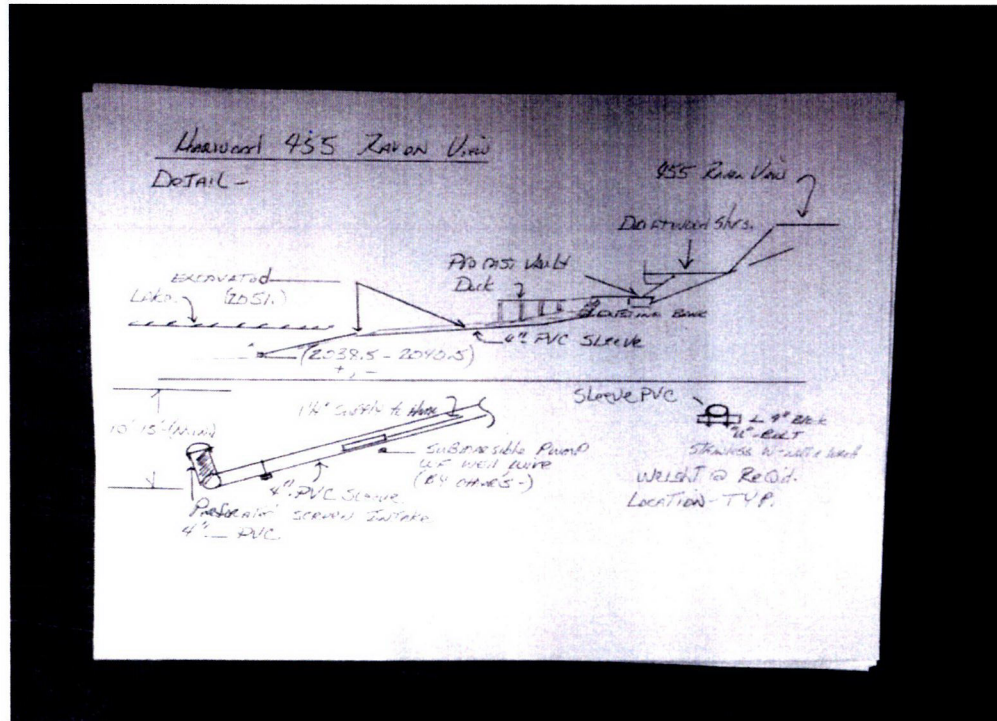


Figure 1.3- Sketch of system-sideview, submitted by owner.

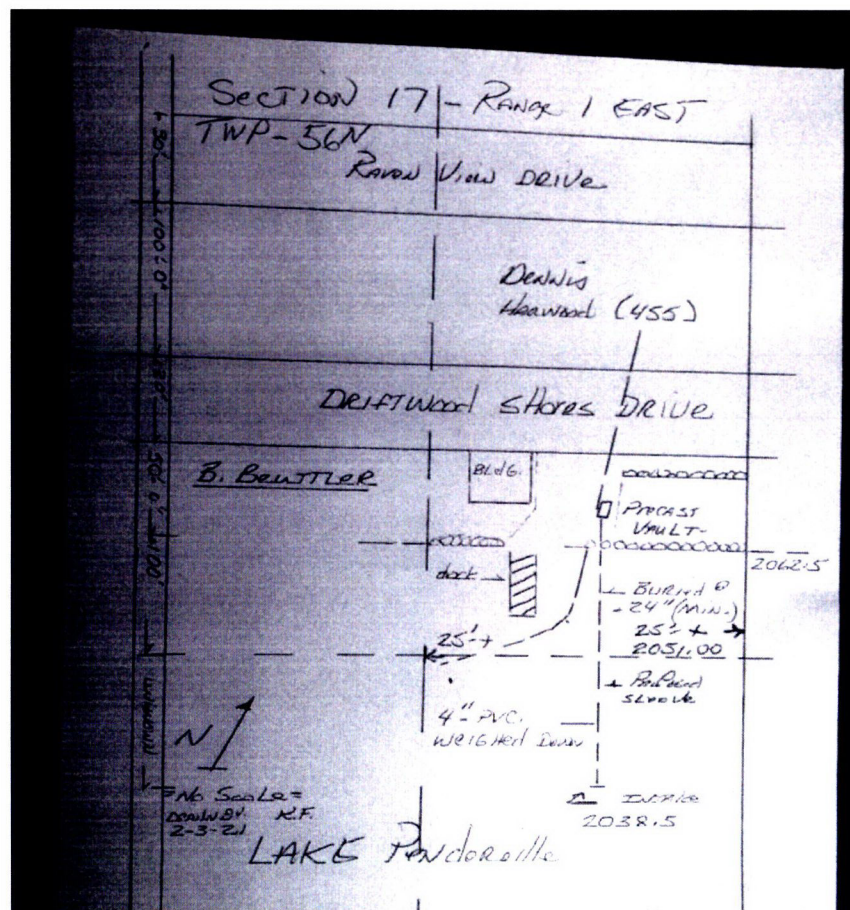


Figure 1.4- sketch of system- top view, submitted by owner.

SCANNED

JAN 06 2023

Howe, Bob

From: Saxton, Craig
Sent: Tuesday, January 3, 2023 8:44 AM
To: Howe, Bob
Subject: RE: Claim for WR 96-9849 Harwood

Hey Bob,

Thanks for the heads up. According to the backfile for 96-9849 the claim was withdraw on 12/22/2022, we just hadn't updated the claim record.

Long and short of it is on the AJ side of things, I think we are good. The claim has been withdrawn, the fees have been refunded, all we need to do is update our database (which I did) and we are good to go. Thanks for the heads up. We should have updated the database when we received the request to withdraw.

This one presented an interesting situation, however. There is no reason they couldn't file a claim on their permit. They don't need to, but on occasion, someone will feel that their water right will carry more weight if it is Decreed by the court. So, they will file an application for permit and a claim.... go through the permit process, get a license, and then AJ, on a separate track, will recommend the claim to the court EXACTLY how you just licensed it, and the water right holder will then have a Decreed water right even though they didn't need to file a claim.

So...there you go.

c

From: Howe, Bob <Bob.Howe@idwr.idaho.gov>
Sent: Thursday, December 29, 2022 11:14 AM
To: Saxton, Craig <Craig.Saxton@idwr.idaho.gov>
Subject: Claim for WR 96-9849 Harwood

Hi Craig,

I have completed an in-office licensing review for WR 96-9849. It appears that the permit was issued then the owner filed a claim for the same water right. I could find no reason not to complete licensing for the permit issued. After communicating with Phill, he suggested that I reach out to you to see how you would like to proceed. Could the claim be disallowed, because the permit was licensed, or maybe you can request that they withdraw the claim?

Thank you for your time and assistance in this matter.

Sincerely,

Bob Howe

Water Resource Agent

Phone: 208-287-4847

Bob.howe@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

SCANNED

JAN 06 2023

Beneficial Use Proof Evaluation

Permit Number: 96-9849 Reviewer: djudd Review Date: 12/27/2022

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: 12/22/2022
- 4) Proof Due Date: 4/1/2026
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: -1196
- 8) Proof received timely? Yes

Analysis

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

Fees

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

Receipt IDs

N036744

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.

SCANNED
JAN 06 2023