

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 96-9863

Priority: May 17, 2021

Maximum Diversion Volume: 0.2 AF

It is hereby certified that:

TERRY ALAN THURLOW 12963 W PINE ST SANDPOINT ID 83864-7331

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 30, 2021, and has submitted Proof of Beneficial Use on June 24, 2022. An examination confirms water is diverted from:

Source: UNNAMED STREAM

Tributary: HORNBY CREEK

Beneficial Use

STOCKWATER STORAGE

Period of Use

01/01 to 12/31

Rate of Diversion**Annual Volume**

0.2 AF

Location of Point(s) of Diversion

UNNAMED STREAM SE¼ SW¼, Sec. 19, Twp 57N, Rge 02W, B.M. BONNER County

Place of Use: STOCKWATER STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N	02W	19												X					

Conditions of Approval

1. The following rights are diverted through point of diversion described above: 96-9793 & 96-9863.
 2. Right 96-9863 authorizes a total annual storage volume of 0.2 acre-feet to be used for stockwater storage purposes.
 3. The pond established by the storage of water under this right shall not exceed a total capacity of 0.1 acre-feet or a total surface area of 0.1 acres.
 4. Rights 96-9793 and 96-9863 when combined shall not exceed a total annual maximum diversion volume of 0.5 acre-feet for aesthetic storage and stockwater storage.
 5. 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 27th day of June, 2023.


MICHELLE RICHMAN
Northern Regional Manager

SCANNED

JUL 14 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
96-9863

This map depicts the STOCKWATER STORAGE 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.

02W



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 27, 2023

TERRY ALAN THURLOW
12963 W PINE ST
SANDPOINT ID 83864-7331

RE: License No. 96-9863

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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JUL 14 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2023, I served a true and correct copy of Water Right License No. 96-9863 by U.S. Mail, postage prepaid, to the following:

TERRY ALAN THURLOW (Current Owner)
12963 W PINE ST
SANDPOINT ID 83864-7331



Tammy Alleman
Administrative Assistant 1

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JUL 14 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.

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
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 96-9863
Exam Date: 09/22/2022

1. Current Owner:
TERRY ALAN THURLOW 12963 W PINE ST SANDPOINT ID 83864-7331
2. Accompanied by: Unaccompanied with permission from Mr. Thurlow
Phone No: 208-597-3420
Address: Same as above.
Relationship to permit Holder: Permit holder.

3. **SOURCE:**
UNNAMED STREAM

Tributary
HORNBY CREEK

Method of Determination: Arcmap & DRG.

B. OVERLAP REVIEW

1. Other water rights with the same place of use: YES Overlap

Water Right No.	Source	Purpose of Use	Basis
96-9793	UNNAMED STREAM	AESTHETIC STORAGE	LICENSE

Comments: Licensed Right 96-9793 uses the same storage pond as this Right, but for aesthetic storage use. Condition X35 was included during the permit approval process to annotate combined volume limitations between the two Rights.

2. Other water rights with the same point-of-diversion: YES Overlap

Water Right No.	Source	Purpose of Use	Basis
96-9793	UNNAMED STREAM	AESTHETIC STORAGE	LICENSE

Comments: Licensed Right 96-9793 uses the same storage pond as this Right and has the same earthen pond dam; condition F06 was recommended to be added to the Permit during licensing review to describe the shared POD.

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

UNNAMED STREAM SE¼ SW¼, Sec. 19, Twp 57N, Rge 02W, B.M. BONNER County

Method of Determination: GPS; pond earthen dam is located at -116°37.616, 48°16.045

PLACE OF USE: STOCKWATER STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N	02W	19												X					

Method of Determination: Drive-by examination, Arcmap aerial imagery, & backfile data review of Right 96-9793.

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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

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
POND EARTHEN DAM					

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements: N/A

E. FLOW CALCULATIONS

Flow measurement not required as per IDAPA RULE 37.03.02.035.01.r.iii.

F. DIVERSION RATES

There is no diversion rate for this in-stream pond stockwater use.

G. VOLUME CALCULATIONS

The annual volume for stockwater storage = 15 head cattle x 12 gpd x 365 day = 65,700 gal annually / 325,850 gal per acre-foot = **0.2 af** annually considering department rounding standards. Maximum diversion volume = 0.2 af.

H. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-house field examination. A drive-by exam was conducted on 9/22/2022 to obtain photographs of the POU. Bonner County tax parcel data validate ownership of parcel RPD00000196901A in the applicant's name. Backfile information from Right 96-9793 was referenced in the development this Permit's licensing recommendation.

During previous licensing of Mr. Thurlow's Right 96-9793, the storage pond's volume and size were determined; seepage and evaporation loss values are accounted for under 96-9793 associated with aesthetic storage use for the pond. The Point of Diversion is an earthen pond dam, which allows water to continue flowing downstream through a rocked overflow channel. GPS data was collected from the B.U. report for 96-9793 as the POD is the same for both Rights.

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I assigned the same POU pond shape as 96-9793 using Arcmap aerial imagery for stockwater storage use. The stockwater storage volume covers cattle drinking directly from the pond. During the drive-by exam heavy stock use was evidenced around the pond. The annual volume equals 0.2 af for 15 head of cattle, which is recommended for licensing.

Condition 029 and X02 were removed from the Permit during licensing review. Condition F06 was added describing the shared earthen dam POD between Rights 96-9793 & 96-9863. All other conditions on the permit shall be carried forward to the license. Overlap concerns for this Permit are covered by condition X35, which describes combined storage volume use between the applicant's two Rights.

Have conditions of permit approval been met? ☒ Yes ☐ No

I. RECOMMENDATIONS

1. Recommended Amounts

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	01/01 to 12/31	0.2 AF

Totals: 0.2 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

J. AUTHENTICATION Luke Bates -

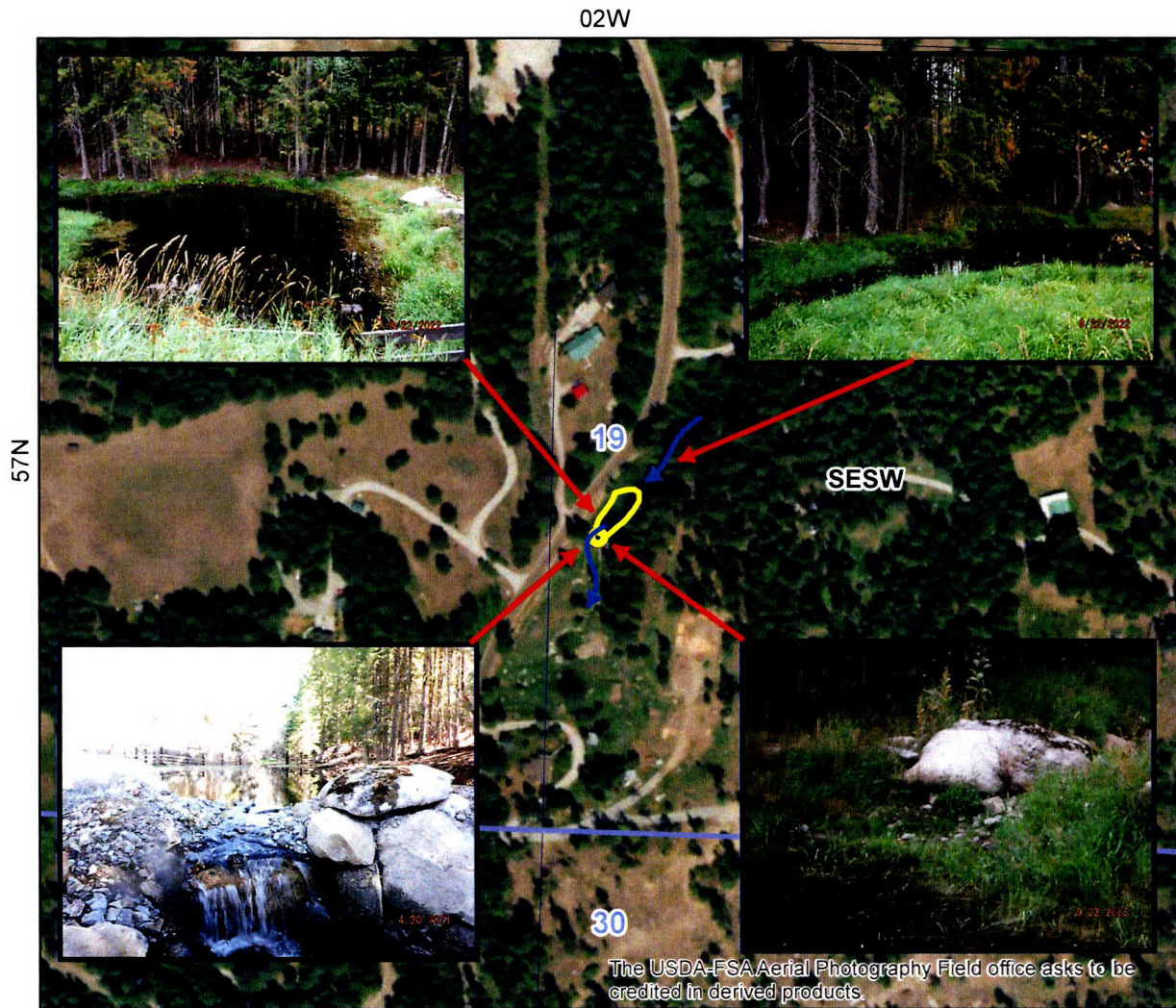
Field Examiner's Name  Date 6/15/2023

Reviewer Michelle Richman Date 6/27/2023

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JUL 14 2023

State of Idaho
Department of Water Resources
Attachment to Field Exam
96-9863

STOCKWATER STORAGE system diagram.



0 0.035 0.07 0.14 Miles

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

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TAX PARCEL VERIFICATION

BONNER COUNTY GIS TAX PARCEL SEARCH <https://cloudgisapps.bonnercountyid.gov/public/>



Zoom to

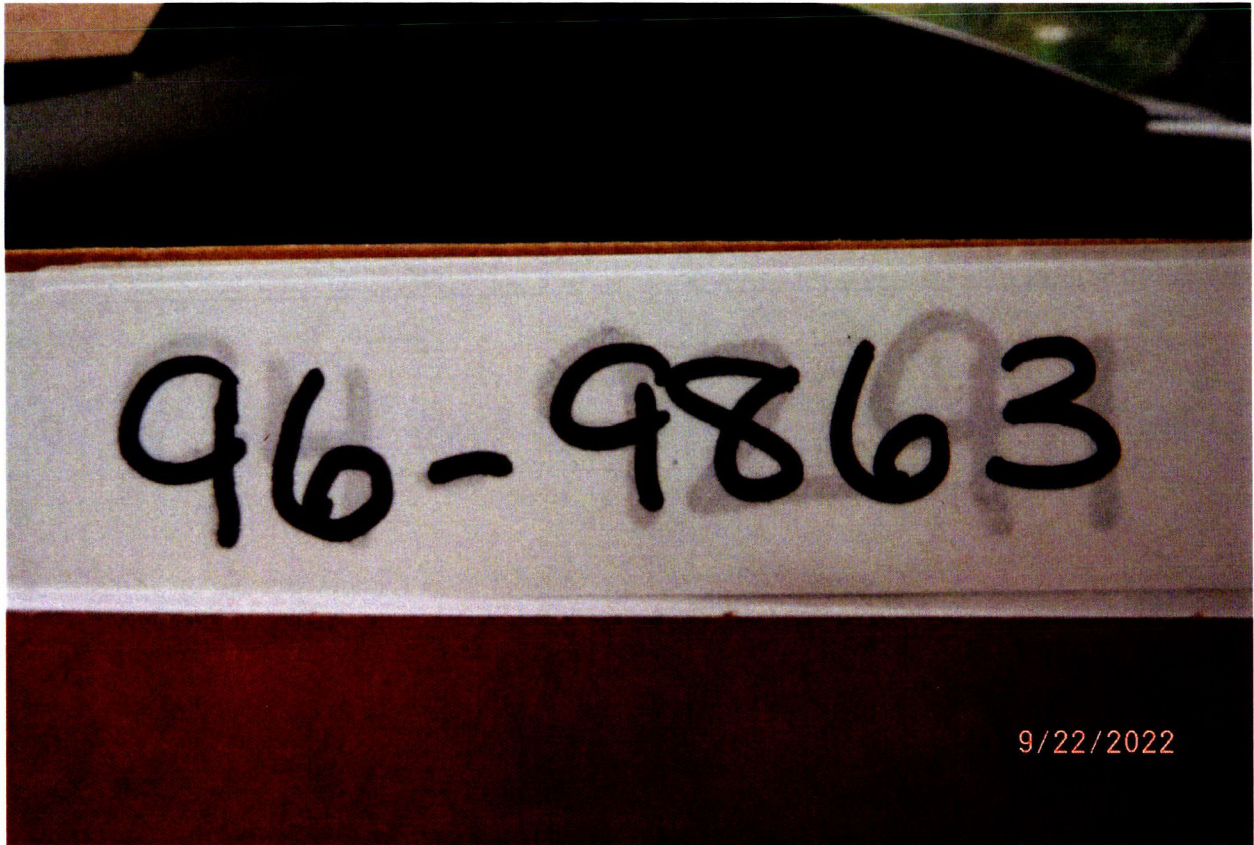
Parcel

PIN	RPD00000196901A
Owner1	Thurlow, Terry Alan
Owner2	
Property Class Description	131-Land-agriculture w/resid imp
Tax Code Area	600001
Last Assessed Value	272652
Acres	6.277
Legal Description	19-57N-2W TAX 2-6
Deed1:	485528
Deed2:	862441
Deed3:	
Deed4:	
Deed5:	

Current Owner 1: Thurlow, Terry Alan

Parcel PIN: RPD00000196901A

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BENEFICIAL USE FIELD EXAM DATE 9/23/2022



INFLOW CREEK TO POND POU

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JUL 14 2023



POD – EARTHEN POND DAM



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JUL 14 2023



POU – STOCKWATER STORAGE

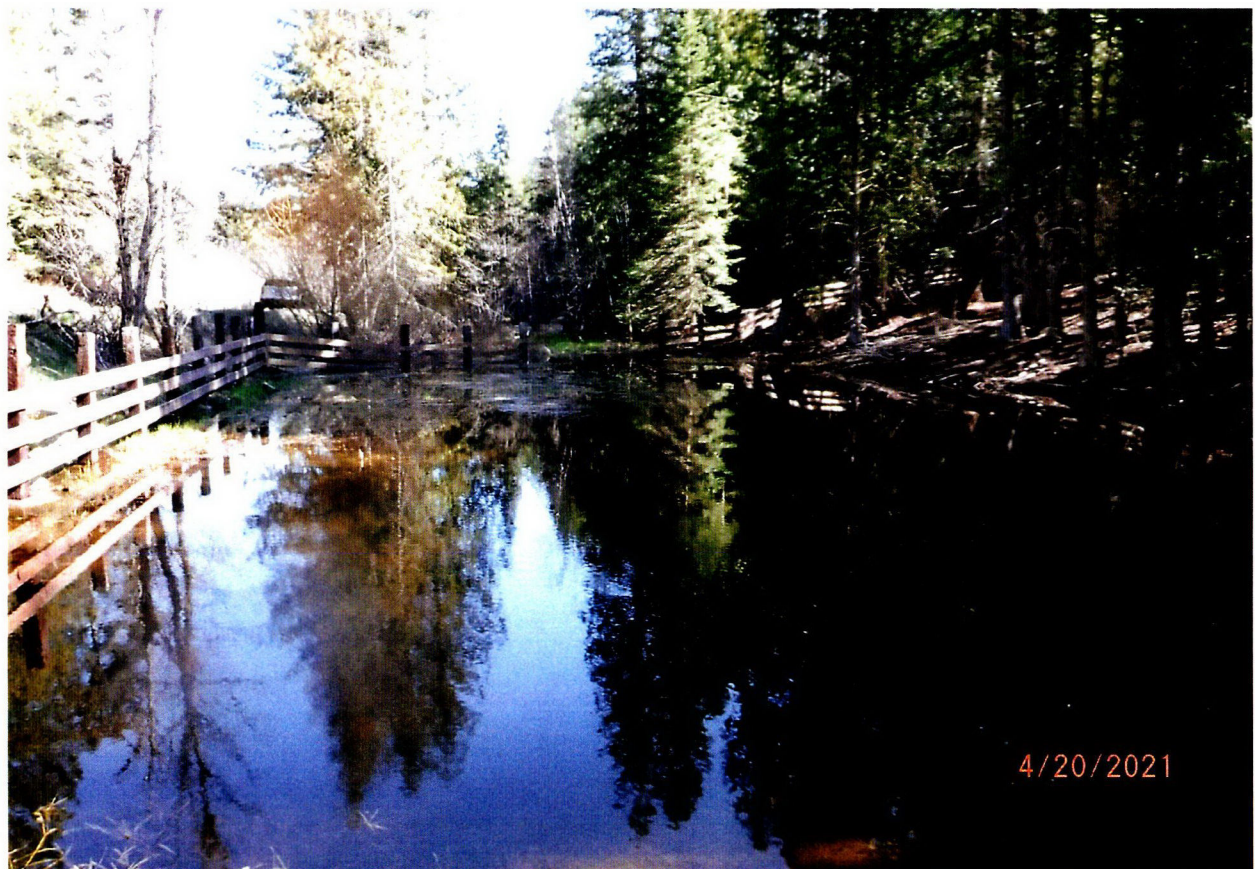


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SUMMER TIME STOCK WATER STORAGE IMAGE – PROPERTY HEAVILY USED BY LIVESTOCK



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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 1, 2022

TERRY ALAN THURLOW
12963 W PINE ST
SANDPOINT ID 83864-7331

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 96-9863

Dear Permit Holder:

The Department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the Department to conduct a field examination to determine and confirm the use being made of the water.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of a water right and/or a change in the address of the water right 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 field examination, please contact the Northern Region Office of the Department located in Coeur d'Alene at (208) 762-2800.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

SCANNED
JUL 05 2022

Beneficial Use Proof Evaluation

Permit Number: 96-9863 Reviewer: djudd Review Date: 6/24/2022

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: 6/24/2022
- 4) Proof Due Date: 7/1/2022
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: -7
- 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

N036981

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. Unable to do in house acknowledged proof.