State of Idaho
Department of Water Resources

Water Right License

Water Right No. 96-9880

Priority: July 14, 2021

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

It is hereby certified that:

JACK HOWARD 1081 LAKESHORE DR SAGLE ID 83860-9789 AND/OR
KATHLEEN HOWARD 1081 LAKESHORE DR SAGLE ID 83860-9789

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 14, 2021, and has submitted Proof of Beneficial Use on June 15, 2023. An examination confirms water is diverted from:

Source : PEND OREILLE RIVER **Tributary:** COLUMBIA RIVER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
DOMESTIC	04/01 to 10/31	0.04 CFS	0.6 AF

Location of Point(s) of Diversion
PEND OREILLE RIVER L3(SE¼ NW¼), Sec. 3, Twp 56N, Rge 02W, 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	02W	3								X L3									

Conditions of Approval

1. Domestic use is for external use for 1 home.
2. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
3. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 29th day of June, 2023.

PHILL HUMMER
Water Rights Supervisor

SCANNED
JUN 30 2023

State of Idaho
Department of Water Resources

Attachment to Water Right

96-9880

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

N

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JUN 30 2023

Form 42-217 Rev. 6/22

RECEIVED
JUN 15 2023
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee $	50
Receipt No.	W051313
Receipted By	Western
Date Receipted	6/15/23

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 96-9880 Name of Permit Holder(s) Jack & Kathleen Howard

Telephone No. 208 304 6706 Email jw.howard182@gmail.com

Mailing Address 1081 Lakeshore Dr City Sagle State ID Zip 83860

2. Source of Water Pend Oreille River 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) 1 Irrigation (No. acres) _____ Stockwater (No. and stock type) _____

Other _____

4. Total diversion rate or volume (storage only) for which proof is submitted .04 cfs OR _____ af

If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

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

pump

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required?	Yes	No	(If "Yes", attach required data, evidence of compliance, or evidence of installation)
☐	☐	☑	Ground water level data, pumping information, or other diversion data
☐	☐	☑	Mitigation plan
☐	☐	☑	Lockable controlling works
☐	☐	☑	Measuring device
☐	☐	☑	Fish screen
☐	☐	☑	Other requirements of the water right permit _____
	☐	☑	Reasonably Anticipated Future Needs ("RAFN") Municipal use

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed $_____ or ☐ CWRE field report attached or ■ No fee required

See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

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

Name: Jack Howard Telephone No. 208-304-6706 Email jw.howard182@gmail.com

Mailing Address 1081 Lakeshore 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] JACK HOWARD OWNER 12 June 23

SIGNATURE OF PERMIT HOLDER* PRINTED NAME AND TITLE DATE

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

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JUN 30 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 29, 2023

KATHLEEN HOWARD
JACK HOWARD
1081 LAKESHORE DR
SAGLE ID 83860-9789

RE: License No. 96-9880

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)

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JUN 30 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2023, I served a true and correct copy of Water Right License No. 96-9880 by U.S. Mail, postage prepaid, to the following:

KATHLEEN HOWARD (Current Owner)
1081 LAKESHORE DR
SAGLE ID 83860-9789

JACK HOWARD (Current Owner)
1081 LAKESHORE DR
SAGLE ID 83860-9789

Jean Hersley
Technical Records Specialist 2

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JUN 30 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

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JUN 30 2023

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Permit No: 96-9880

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

A. GENERAL INFORMATION

Exam Date: 6/27/2023

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: Jack and Kathleen Howard
   Owner of Record Correct? _____N
   Address of Record Correct? _____N
   If No Explain: N/A

3. Beneficial Use Fees have been paid: X Y ____N Receipt No: W051313

4. Source: Pend Oreille River
   Tributary: Columbia River

   Method of Determination:
   Change 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
96-7113	Murphy Creek	Domestic	License
96-4004	Spring	Domestic	License
96-8812	Groundwater	Municipal	License

Comments: All the water rights above overlap with the proposed place of use. However, a claim filing for 96-4004 confirms there is no overlap. Water rights, 96-7113 and 96-8812 divert from different sources and are for either domestic or municipal uses. Therefore, a combined limit is not necessary between this permit and 96-7113 and 96-8812.

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

Water Right No.	Source	Purpose of Use	Basis
N/A			

Comments: N/A

C. DIVERSION AND DELIVERY SYSTEM

1. Location of Point(s) of Diversion:

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Pend Oreille River	3		SE	NW	3	56N	02W	B.M.	Bonner
								B.M.	
								B.M.	

Method of Determination: GIS and Tax Parcel Data.

Change in POD? ___Y X N Amendment Required? ____Y X N

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JUN 30 2023

2. Place of Use: Domestic

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	02W	3								D									N/A
		Lot #								3									N/A
																Total Acres =			N/A

Method of Determination: GIS, Tax Parcel Data, and 2022 Bonner County Aerial Imagery.

Change in POU? ____Y __X__N Amendment Required? ____Y __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

3. Diversion Id No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A					

**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
N/A						

2. Measurement Comments: The permit holder did not provide pump horsepower. Therefore, a diversion rate calculation is not possible.

E. FLOW CALCULATIONS ___Additional Computation Sheets Attached

Measured Method: Since the permit holder did not provide a pump horsepower a diversion rate calculation is not possible. According to Administrative Processing Memo #22 the standard diversion rate for a single-family home is 0.04 cfs. The permit authorizes 0.04 cfs. I am recommending a 0.04 cfs diversion rate.

F. VOLUME CALCULATIONS

2. Volume Calculations for Other Uses: According to Administrative Processing Memo #22 the standard diversion volume for a single domestic use is 0.6 af for in house use and 0.6 af for up to ½ an acre of yard irrigation or 1.2 af total. However, the permit is conditioned for external use only, so only 0.6 af would be applicable. I am recommending 0.6 af.

G. PURPOSE OF USE

Irrigation __X__Y ____N # Stock____N/A_____ Domestic # of Homes ___1___

Other: < >

Change in Purpose of Use? ____Y __X__N

Method of Determination: GIS, Tax Parcel Data, and 2022 Bonner County Aerial Imagery.

If Yes: From Use _____To Use _____Amount _____CFS _____AFA_____

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JUN 30 2023

H. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-office examination. According to Tax Parcel Data the property was developed in 2010. The permit authorizes domestic use diverting from the Pend Oreille River including only up to ½ an acre of yard irrigation in association with one home. 2022 Bonner County Aerial Imagery confirms less than ½ an acre, 0.4 acres of irrigation occurred. A condition on the permit required the permit holder to install a fish screen that meets the fish screening and passage requirements of the Idaho Department of Fish and Game. However, on their Statement of Completion for Proof of Beneficial Use they marked a fish screen was not installed. After a phone conversation with the permit holder on June 27th, 2023, it was confirmed a fish screen was installed.

Since the permit holder did not provide a pump horsepower a diversion rate calculation is not possible. The standards set in Administrative Processing Memo #22 were used to make diversion rate and volume recommendations. All of the conditions have been met and it has been confirmed a beneficial use was developed in accordance with authorization on the permit. Therefore, I am recommending a 0.04 cfs diversion rate and 0.6 af diversion volume.

Conditions 004 and 18 should remain on the license. Conditions X01 and 240 should be replaced with condition 239 because external domestic use is associated with one home. Condition 029 should be removed because the permit holder installed a fish screen that meets the fish screening and passage requirements of the Idaho Department of Fish and Game. All other conditions should be removed as standard with licensing.

Have conditions of permit approval been met? __X__Yes ____No

I. RECOMMENDATIONS

1. Recommended Amounts:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Domestic	04/01-10/31	0.04 CFS	0.6 AF
		Totals:	

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 Skyler Cheever – Water Resource Agent

Field Examiner's Skyler Cheever Date 6/27/2023

Reviewer PL Date 6/29/23

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JUN 30 2023

Field Exam Map

Map showing the authorized point of diversion (yellow point) and place of use (orange outline).

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Beneficial Use Proof Evaluation

Permit Number: 96-9880 Reviewer: AVeibell Review Date: 6/21/2023

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: 6/15/2023
4) Proof Due Date: 9/1/2023
5) Days added for weekend due date?
6) Days added for holiday due date?
7) Number of days late: -78
8) Proof received timely? Yes

Analysis

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

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

N037164

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

June 16, 2023

JACK HOWARD
KATHLEEN HOWARD
1081 LAKESHORE DR
SAGLE ID 83860-9789

PROOF DEFICIENCY LETTER

RE: Permit No. 96-9880

Dear Permit Holder(s):

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

This permit authorizes a diversion rate of .04 cfs (cubic feet per second) and was stated the same on the form requiring a license examination fee of $50.00. A licensing fee is required for all water rights with a surface water source; see the enclosed Instructions for Filing a Statement of Completion, number 8. Please submit the required fee of **$50.00.**

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

Sincerely,

Amanda Veibell
Technical Records Specialist

Enclosure(s)

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JUN 16 2023