

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 96-11084

Priority: May 04, 2022

Maximum Diversion Rate: 0.03 CFS

It is hereby certified that:

MICHAEL ROGERS 194 SEVEN SISTERS DR SANDPOINT ID 83864-5185 AND/OR
PAMELA ROGERS 194 SEVEN SISTERS DR SANDPOINT ID 83864-5185

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 04, 2022, and has submitted Proof of Beneficial Use on June 08, 2023. An examination confirms water is diverted from:

Source : PEND OREILLE RIVER

Tributary: COLUMBIA RIVER

Beneficial Use
IRRIGATION

Period of Use
04/01 to 10/31

Rate of Diversion
0.03 CFS

Location of Point(s) of Diversion

PEND OREILLE RIVER L4(SW¼ SW¼), Sec. 35, Twp 57N, Rge 02W, 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	
57N	02W	35											0.2 L4						0.2

Total Acres: 0.2

Conditions of Approval

1. Place of use is located within Lots 11 & 12, Blk. 6, Lakeside Place Subdivision.
2. This right when combined with all other rights shall provide no more than 0.03 cfs nor more than 0.6 afa at the field headgate for irrigation of the place of use.
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 15th day of June, 2023.



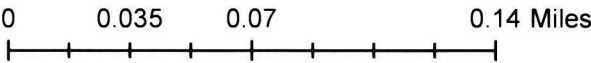
PHILL HUMMER
Water Rights Supervisor

SCANNED

JUN 15 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
96-11084

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

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JUN 15 2023

RECEIVED

JUN 08 2023

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 50.00Receipt No. C116435Received By KMDate Received 6.8.23

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. 96-11084 Name of Permit Holder(s) Michael J Pamela K Rogers
Telephone No. 208-290-7727 Email _____
Mailing Address 194 Seven Sisters City Sandpoint State Id Zip 83864
2. Source of Water Pond Opelle River Columbin 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) X 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.)

1 hp power water pump / Portable
100 ft Hose for the lawn and flower beds

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 <u>WW</u> |
| ☐ | ☐ | ☒ 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: Mike Rogers Telephone No. 208-290-7727 Email _____

Mailing Address _____ City _____ State _____ Zip _____

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.

Mike Rogers
SIGNATURE OF PERMIT HOLDER*

Mike Rogers
PRINTED NAME AND TITLE

June 5-2023
DATE

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

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JUN 15 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: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 15, 2023

MICHAEL ROGERS
PAMELA ROGERS
194 SEVEN SISTERS DR
SANDPOINT ID 83864-5185

RE: License No. 96-11084

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)

SCANNED

JUN 15 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2023, I served a true and correct copy of Water Right License No. 96-11084 by U.S. Mail, postage prepaid, to the following:

MICHAEL ROGERS (Current Owner)
194 SEVEN SISTERS DR
SANDPOINT ID 83864-5185

PAMELA ROGERS (Current Owner)
194 SEVEN SISTERS DR
SANDPOINT ID 83864-5185



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-HOUSE BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 96-11084
Exam Date: 6/14/2023

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
2. Current Owner:
- MICHAEL ROGERS 194 SEVEN SISTERS DR SANDPOINT ID 83864-5185 AND/OR
- PAMELA ROGERS 194 SEVEN SISTERS DR SANDPOINT ID 83864-5185

3. **SOURCE:**
PEND OREILLE RIVER

Tributary
COLUMBIA RIVER

Method of Determination: GIS

B. OVERLAP REVIEW

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

Water Right No.	Source	Purpose of Use	Basis
96-7113	Murphy Creek	Domestic	License
96-8812	Ground Water	Municipal	License

Comments: Permit holder receives potable water from Southside Water & Sewer District

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

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

Comments: N/A

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

PEND OREILLE RIVER L4 (SW¼ SW¼), Sec. 35, Twp 57N, Rge 02W, B.M. BONNER County

Method of Determination: GIS and confirmation via Statement of Completion

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	
57N	02W	35											0.2 L4						0.2

Total Acres: 0.2

Method of Determination: GIS and Taxlot data

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3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components.
 _____ Indicate weir size/pipe as applicable.

x

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
993184	N/A	1.0	N/A	N/A	N/A

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurements: N/A (In-house license procedure)

E. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

$$Q = \frac{\text{Pump HP} * 8.82 * \text{Efficiency}}{\text{Dynamic Head}}$$

Where: Dynamic head = static head + pressure head + friction head

$$\text{Assumptions: pressure head} = 45 \text{ psi} * 2.31 \frac{\text{feet}}{\text{psi}} = 103.95$$

efficiency = 60% & friction head = 2 psi for standard hose diameter and 100 ft hose

$$Q = \frac{1 \text{ HP} * 8.82 * 0.6}{40 \text{ ft static head} + 103.95 \text{ ft pressure head} + 2 \text{ psi friction head}} = 0.036 \text{ cfs}$$

System is capable producing flow rate permitted and flow can be limited with a regulator flow valve.

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F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: **N/A (Surface water diversion from stream)**

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 0.2 \text{ acres} \times 3 \text{ acre-feet/acre} = 0.6 \text{ AF}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 12.7 \text{ AF}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 0.6 \text{ AF}$$

(Included to justify X31 condition adjustment)

2. Volume Calculations for Other Uses: N/A

G. NARRATIVE/REMARKS/COMMENTS

This beneficial use exam was performed in-house due to the irrigation beneficial use being less than 5 acres. IDWR received the permit holder's statement of completion on June 8, 2023 along with the necessary fee. Pictures and diagrams were missing from the proof form, but aerial imagery was able to confirm irrigation and the permit holder submitted pump size and irrigation system information.

The permit allowed for irrigation of up to 0.4 acres, but it is recommended that the acreage be reduced to 0.2 acres, which was calculated by clipping out the domestic structure from the place of use shapefile (see attached). The flow calculation section demonstrates that the permit holders irrigation system is capable of delivering 0.03 cfs, which is the standard rate for small systems under 5 acres, so it is recommended that the rate remains 0.03 cfs.

A phone call placed on June 14, 2023, confirmed that the reduction to the permitted acreage was acceptable to the permit holder, Michael Rogers. He also indicated that the house on the POU receives water from Southside Water & Sewer District, so it is recommended that the combined use condition is carried to the license. The statement of completion states that a fish screen was installed, so that condition can be removed. The remaining conditions regarding POU subdivision descriptions and easements should also remain on the license to help describe the place of use, but I recommend removing the condition regarding the POD's lot; block; subdivision description, as they are not typically used in surface water diversions. The X31 condition defining combined right volume limits is recommended to be altered to fit the recommended place of use acreage.

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

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	0.03 CFS	

Totals: 0.03 CFS

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

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JUN 15 2023

____ Change P.U. as reflected above ____ Add P.U. as reflected above X None

I. **AUTHENTICATION** Blake Burkard -

Field Examiner's Name Blake Burkard Date 6/14/23

Reviewer P. D. [Signature] Date 6/15/23

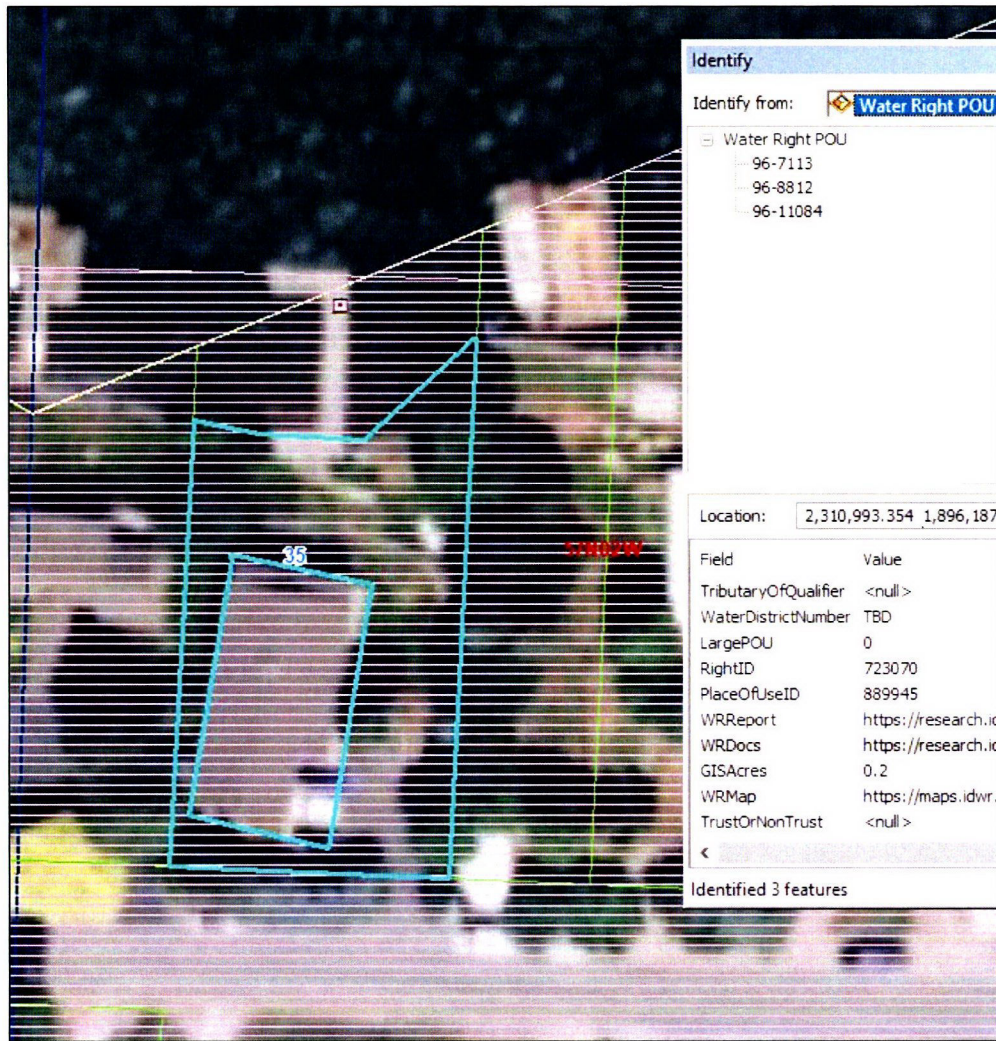


Figure 1: Aerial Image of Water Right Shapefile with 0.2 Acre Area shown. Overlapping POUs also shown

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JUN 15 2023

Beneficial Use Proof Evaluation

Permit Number: 96-11084 Reviewer: AVEibell Review Date: 6/8/2023

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: 6/8/2023
- 4) Proof Due Date: 8/1/2023
- 5) Days added for weekend due date?
- 6) Days added for holiday due date?
- 7) Number of days late: -54
- 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? 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

N039253

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.

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JUN 15 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

May 31, 2023

MICHAEL ROGERS
PAMELA ROGERS
194 SEVEN SISTERS DR
SANDPOINT ID 83864-5185

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 96-11084

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 **August 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 Rights Section

Enclosure(s)

CERTIFIED MAIL

7020 2450 0000 1566 5636

NO

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JUN 05 2023