

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 96-11220

Priority: May 05, 2022

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that:

DALE W VAN STONE 19 DENTON RD HOPE ID 83836 AND/OR
JO ANN VAN STONE 19 DENTON RD HOPE ID 83836

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 05, 2022, and has submitted Proof of Beneficial Use on June 09, 2023. An examination confirms water is diverted from:

Source : RISER CREEK

Tributary: LAKE PEND OREILLE

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

RISER CREEK L5(SW¼ NW¼), Sec. 6, Twp 56N, Rge 02E, 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	1		X L2	X L5		X L3			X L3									

Conditions of Approval

1. The following rights are diverted through point(s) of diversion described above: 96-11220 & 96-11227.
2. Domestic use is for 1 home.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
4. This right does not grant any right-of-way or easement across the land of another.
5. Water shall not be diverted under this right when flows in the Pend Oreille River are below minimum flow amounts as defined by Right 96-8730. The right holder shall be responsible for monitoring the daily flow of the Pend Oreille River using real-time data and shall cease diverting water when flows in the Pend Oreille River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey Newport gauging station, No. 12395500, may be used for purposes of determining the daily flow amounts.

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 19th day of July, 2023.


PHILL HUMMER
Water Rights Supervisor

SCANNED
JUL 20 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
96-11220

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.



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



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JUL 20 2023

RECEIVED

Form 42-217 Rev. 6-23

JUN 09 2023

IDWR / NORTH

COPY

STATE 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. N043548Received By JADate Received 6-9-23

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. 96-11220 Name of Permit Holder(s) DALE & JOHANN VAN STONE
 Telephone No. 208-264-5225 Email dvanstone19@hotmail.com
 Mailing Address 19 DENTON RD City HOPE State ID Zip 83836

2. Source of Water Riser Creek 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) 1/2 Stockwater (No. and stock type) ____

Other ____

4. Total diversion rate or volume (storage only) for which proof is submitted 0.04 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.)

GRAVITY SYSTEM piped from Riser Creek to holding tank and from pipe household.

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 \$ 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: DALE VAN STONE Telephone No. 208-264-5225 Email dvanstone19@hotmail.com

Mailing Address 19 DENTON RD City HOPE State ID Zip 83836

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.

Dale Van Stone

SIGNATURE OF PERMIT HOLDER*

DALE VAN STONE OWNER

PRINTED NAME AND TITLE

6/9/23

DATE

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

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JUL 20 2023

The original water right that goes to earlier 1900's has the name of Carter Creek on it - The name of the Creek was changed to Riser Creek later.

My brother and I share the water from holding tank #2. The Irrigation Line brings water to holding tank #2. The rest of the Irrigation Line is used to irrigate hay fields. The excess water from holding tank #1 goes into no name creek that goes into the lake.

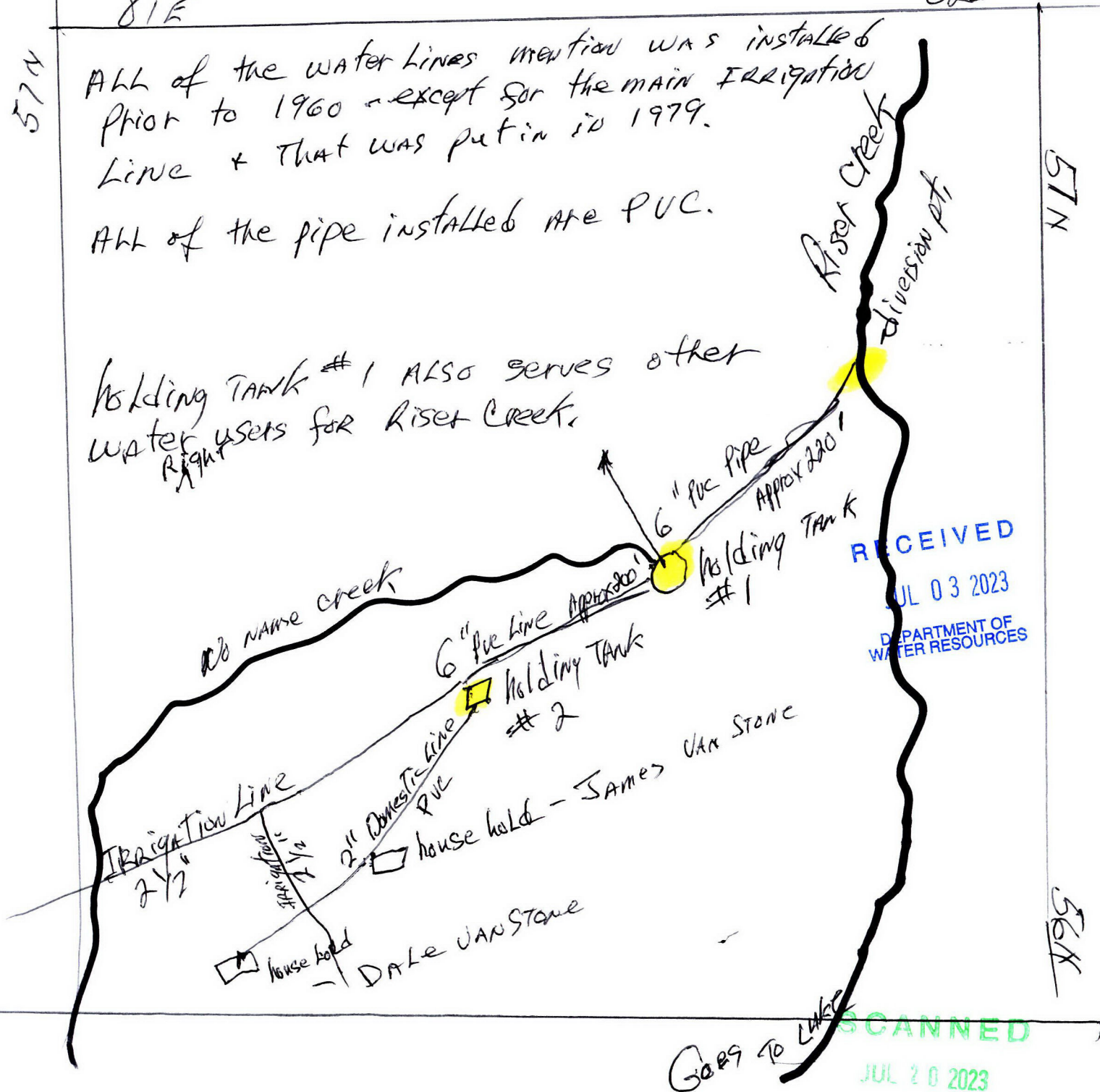
OIE

OZE

57N
ALL of the water lines mention was installed prior to 1960 - except for the main Irrigation Line & that was put in in 1979.

ALL of the pipe installed are PVC.

Holding Tank #1 ALSO serves other water users for Riser Creek.





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 20, 2023

DALE W VAN STONE
JO ANN VAN STONE
19 DENTON RD
HOPE ID 83836

RE: License No. 96-11220

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 Hershey

For
Phill Hummer
Water Rights Supervisor

Enclosure(s)

SCANNED

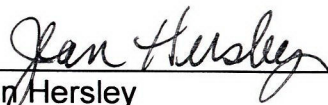
JUL 20 2023

CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2023, I served a true and correct copy of Water Right License No. 96-11220 by U.S. Mail, postage prepaid, to the following:

DALE W VAN STONE (Current Owner)
19 DENTON RD
HOPE ID 83836

JO ANN VAN STONE (Current Owner)
19 DENTON RD
HOPE ID 83836



Jean Hersley
Technical Records Specialist 2

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JUL 20 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
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Exam Date: 06/16/2023

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? X Y ___ N
- a. ___ Irrigation of 5 acres or less
b. ___ Storage of up to 14.6 AF for stockwater purposes only
c. X Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
d. ___ Other < >
2. Current Owner: Dale & JoAnn Van Stone
Owner of Record Correct? Y ___ N
Address of Record Correct? Y ___ N
If No Explain:
3. Beneficial Use Fees have been paid: X Y ___ N Receipt No: N043548
4. Source: Riser Creek Tributary: Lake Pend Oreille
Method of Determination: ___ Y X N
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
96-2144	Carter Creek	Irrigation	License
96-7892	Spring-sinks	Domestic	Adjudication claim
96-8585	Riser Creek	Domestic	Adjudication claim
96-2144B	Carter Creek	Irrigation	Adjudication Claim

Comments: The claim filed for Right 96-7892 appears to have a place of use (POU) shape which overlaps the permit POU. However, the right file identifies the actual location of the domestic use within a different parcel than the permit POU. The claim filed for Right 96-8585 appears to have a POU shape which overlaps the permit POU. However, the right backfile identifies the POU within a different parcel owned by the right holder Michael Cavanaugh. The claim filed for right 96-2144B has a POU shape which partially overlaps the permit POU shape. The claim was filed by the permit holders and explains the irrigation right associated with the claim (96-2144) diverts water from Riser Creek. The point of diversion (POD) has not changed. The partially overlapping shape of the claim POU does not appear to overlap the home or approximately 1/2 acre of domestic irrigation. The diversion as described seems likely to be the same POD as the permit. There are no concerns regarding the purposed domestic right conflicting with any apparent overlapping POU.

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

Water Right No.	Source	Purpose of Use	Basis
96-11227	Riser Creek	Domestic	Permit

Comments: The application for right 96-11227 was submitted at the same time as 96-11220. On a phone call with the permit holder on June 20th, 2023, I confirmed that both domestic rights divert water from the same storage tank. The shared system has been in use since the early 80's and the permit holder stated that he has an easement for the diversion. The permit holder also stated that the irrigation rights 96-2411A & B also use the same point of diversion, although the IDWR records state that they both divert from Carter Creek, further to the east of the POU.

C. DIVERSION AND DELIVERY SYSTEM

1. Location of Point(s) of Diversion:

Source	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.		County
Riser Creek	5		SW	NW	6	56N	02E	B.M.	BONNER

Method of Determination: GIS and Taxlot data.

Change in POD? ___ Y X N Amendment Required? ___ Y X N

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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	02E	1		D	D		D			D									
		Lot #		2	5		3			3									
																		Total Acres =	

Method of Determination:

Change in POU? ____Y ____X_N Amendment Required? ____Y ____X_N

 x 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
Riser Creek-Pipe	Gravity Fed	NA	NA	NA	NA

*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						

1. 2. Measurement Comments: No measurement is required for an in-house exam, but Administrative Memo #22 was used to determine the requested diversion rate is reasonable.

E. FLOW CALCULATIONS

 Additional Computation Sheets Attached

Comments:

The system is described as gravity fed to a storage tank and then gravity fed to the home for domestic use and watering the lawn and garden. According to Administrative memo #22 up to 0.04cfs is acceptable for domestic use in 1 home with up to ½ acre of irrigation. I am recommending a diversion rate of 0.04cfs, which is what was requested on their application for the permit.

Permit allowed = 0.04cfs

Recommendation= 0.04cfs

F. VOLUME CALCULATIONS

Comments: According to Administrative memo #22 up to 1.2 AFA, per year is acceptable for domestic use for 1 home and up to ½ acre of irrigation.

G. PURPOSE OF USE

Irrigation X Y ____N # Stock _____ Domestic # of Homes 1

Other: < >

Change in Purpose of Use? ____Y ____X_N

Method of Determination:

If Yes: From Use _____ To Use _____ Amount _____ CFS _____ AFA _____

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JUL 20 2023

H. NARRATIVE/REMARKS/COMMENTS:

This permit for domestic use and up to 0.5 acre of irrigation diverted from Riser Creek tributary to Lake Pend Oreille, qualifies for an in-house exam. I spoke with the permit holder on June 22nd, 2023, and requested that he email a system diagram and the easement or agreement allowing access to the POD. The permit holder called back on June 30th, 2023, to and explained that the parcel appurtenant is owned by his family the Van Stone Family Trust, so access is provided to all his family members. On July 3rd, 2023, The IDWR state office received the system diagram and description from the permit holder (see Figure 3). The permit holder describes the system as gravity fed via pipe from Riser Creek to a storage tank which has an overflow pipe filling a second storage tank. The domestic water for rights 96-11220 and 96-11227 are both gravity-fed and each are piped separately from the second tank to the homes. The permit holder confirmed that the areas included in claim 96-4122B are irrigated under that claim and the other areas surrounding the home (the lawn and garden) are watered using the domestic water (see figure 2). I was able to confirm the lawn and garden areas near the home via aerial imagery (see figure 1). Parcel data lists the permit holder as the current owner of the parcel appurtenant to the permit POU.

The system is gravity fed, but Administrative Memo #22 allows up to 0.04cfs and up to 1.2 AF for domestic use in 1 home and up to ½ acre of irrigation. Therefore, I am recommending the license be issued with a diversion rate of 0.04cfs and 1.2AF.

I am recommending the license be issued with conditions 004, X01, 187, and F06. Condition 029 was removed at licensing as there was no comment from the IDFG detailing any requirements for fish and wildlife.

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

I. RECOMMENDATIONS

1. Recommended Amounts:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Domestic	01/01 to 12/31	0.04 CFS	1.2 AFA

Totals:

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 Resource Agent- Bob Howe

Field Examiner's Bob Howe Date 7/19/23

Reviewer P. Howe Date 7/17/23

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JUL 20 2023



Figure 1- Google Earth 2022- image of the POU. Areas of irrigation visible surrounding home.

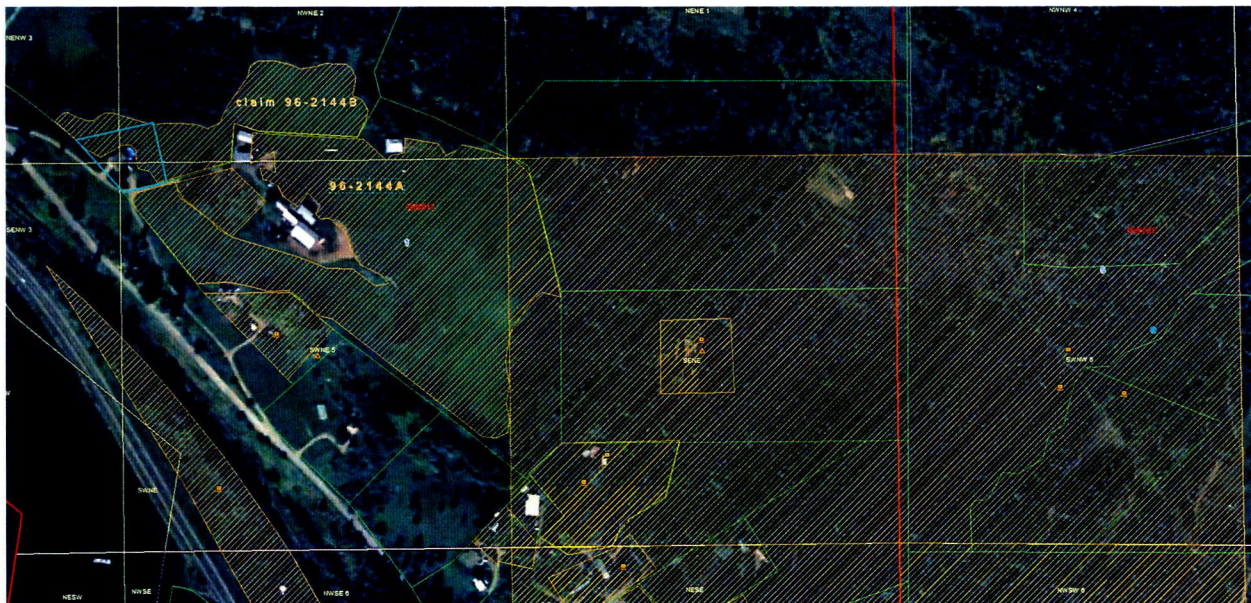


Figure 2- GIS image of the appurtenant parcel (outlined in blue) and the POD (light blue point in the east). The POU is partially overlapped by the permit holder's claim 96-2144B for irrigation.

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JUL 20 2023

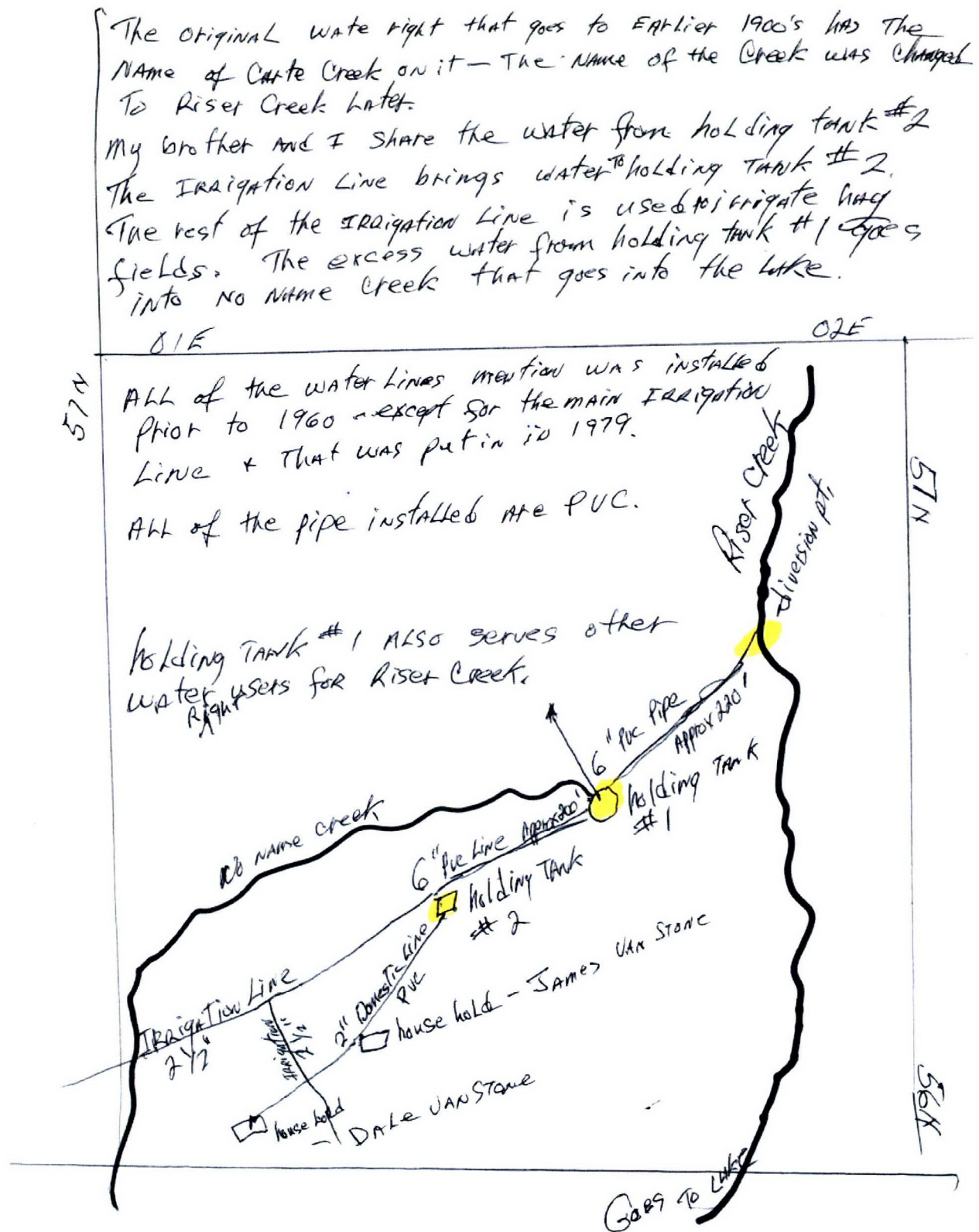


Figure 3- System diagram submitted by the permit holder.

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JUL 20 2023

Beneficial Use Proof Evaluation

Permit Number: 96-11220 Reviewer: AVeibell Review Date: 6/12/2023

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: 6/9/2023
- 4) Proof Due Date: 7/1/2023
- 5) Days added for weekend due date? 2
- 6) Days added for holiday due date?
- 7) Number of days late: -24
- 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

N039453

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

April 28, 2023

DALE W VAN STONE
JO ANN VAN STONE
19 DENTON RD
HOPE ID 83836

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 96-11220

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 **July 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)



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MAY 01 2023