State of Idaho
Department of Water Resources

Water Right License

Water Right No. 96-11313

Priority: May 05, 2022

Maximum Diversion Rate: 0.03 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that:

KATHLEEN A BURRIS 143 PERCH BAY LN SANDPOINT ID 83864-8837 AND/OR
ROBERT B BURRIS 143 PERCH BAY LN SANDPOINT ID 83864-8837

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 August 15, 2022. An examination confirms water is diverted from:

Source : LAKE PEND OREILLE **Tributary:** PEND OREILLE RIVER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
IRRIGATION	04/01 to 10/31	0.03 CFS	1.2 AF

Location of Point(s) of Diversion
LAKE PEND OREILLE NE¼ SE¼, Sec. 10, Twp 57N, Rge 01W, 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	01W	10													0.4				0.4

Total Acres: 0.4

Conditions of Approval

1. This right when combined with all other rights shall provide no more than 0.03 cfs nor more than 1.2 afa at the field headgate for irrigation of the place of use.
2. 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 21st day of June, 2023.

Michelle Richman

MICHELLE RICHMAN
Northern Regional Manager

SCANNED
JUL 26 2023

State of Idaho
Department of Water Resources

Attachment to Water Right

96-11313

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.



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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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 21, 2023

KATHLEEN A BURRIS
ROBERT B BURRIS
143 PERCH BAY LN
SANDPOINT ID 83864-8837

RE: License No. 96-11313

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

Michelle Richman
Northern Regional Manager

Enclosure(s)

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CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2023, I served a true and correct copy of Water Right License No. 96-11313 by U.S. Mail, postage prepaid, to the following:

KATHLEEN A BURRIS (Current Owner)
143 PERCH BAY LN
SANDPOINT ID 83864-8837

ROBERT B BURRIS (Current Owner)
143 PERCH BAY LN
SANDPOINT ID 83864-8837

Tammy Alleman
Administrative Assistant 1

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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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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.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 96-11313
Exam Date: 09/13/2022

1. Current Owner:
   KATHLEEN A BURRIS 143 PERCH BAY LN SANDPOINT ID 83864-8837 AND/OR
   ROBERT B BURRIS 143 PERCH BAY LN SANDPOINT ID 83864-8837

2. Accompanied by: Kathleen & Robert Burris
   Phone No: 208-255-1289
   Address: Same as above.
   Relationship to permit Holder: Permit holders.

3. **SOURCE:** LAKE PEND OREILLE

Tributary PEND OREILLE RIVER

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
96-8953 & 96-7011	Lake Pend Oreille	Municipal	License w/Claim filed in the CFPRBA

Comments: Oden Water Assn owns 96-8953 & 96-7011 with a municipal service area that covers the applicant's property but is not service connected to the applicant's home nor irrigation use. No concern for overlap between rights.

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

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
LAKE PEND OREILLE NE¼ SE¼, Sec. 10, Twp 57N, Rge 01W, B.M. BONNER County

Method of Determination: GPS. POD is located at -116°25.2154, 48°18.0513

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	01W	10													0.4				0.4

Total Acres: 0.4

Method of Determination: Beneficial use field examination & Arcmap aerial imagery.

3.

X 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.

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

X Photo of Diversion and System Attached

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4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WATER TRANSFER PUMP	FRANKLIN	1.5			

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5-GAL BUCKET TEST						

2. Measurements: Three 5-gallon bucket tests were completed from garden hose(s), direct from transfer pump, with average of three resulting in a diversion rate of 5 gal / 18.43 sec x 60 sec/min = 16.28 gpm = 0.04cfs, considering department rounding standards.

E. FLOW CALCULATIONS

Measured Method: 5-GAL Bucket Test = (5 gal / 18.28 sec) x 60 sec/min = 16.41 gpm
= (5 gal / 18.63 sec) x 60 sec/min = 16.10 gpm
= (5 gal / 18.38 sec) x 60 sec/min = 16.32 gpm
Average of 3ea 5-GAL Bucket Tests = (16.41 gpm + 16.10 gpm + 16.32 gpm) / 3 = 16.28 gpm = 0.04 cfs considering department rounding standards.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

V_{IR} = (Acres Irrigated) x (Irrigation Requirement) = 0.4 acres x 3.0 afa = 1.2 af

V_{DR} = [Diversion Rate (cfs)] x (Days in Irrigation season) x 1.9835 = 0.03 cfs x 214 days x 1.9835 = 8.5 af

V = Smaller of V_{IR} and V_{DR} = **1.2 af**

2. Volume Calculations for Other Uses: N/A

G. NARRATIVE/REMARKS/COMMENTS

Field exam performed on 9/13/222 with the applicants, Kathleen & Robert Burris, showed water being diverted Lake Pend Oreille for irrigation use. At the POD, the applicant uses a Franklin 1.5 HP pump with 1.5-inch screened intake PVC pipe in the lake providing water to the irrigation system. Three 5-gallon bucket flow measurements were taken direct from transfer pump, with the average of three resulting in a diversion rate of 0.04 cfs, considering department rounding standards. The 16.28 gpm is rounded up to achieve 0.04 cfs, and less than 1 gpm off from being rounded down to 0.03 cfs. Based on the applicant's irrigation acreage, **0.03 cfs** is authorized by the Department & recommended for licensing this right. It is reasonable that once the pump distributes water to the 3ea pressurized irrigation zones and/or hose bib with 50 ft hose the diversion rate will be reduced slightly which mitigates any concerns for enlargement by over diversion.

During the field exam, photographs of the irrigation system and irrigation POU were taken, and acreage watered was sketched out on field maps. During licensing review, Arcmap aerial imagery was used to accurately define the irrigation POU, which equals 0.4 acres. The annual volume associated with the irrigation beneficial use equals 0.4 acres x 3.0 afa = **1.2 af** which is recommended for licensing the annual & maximum diversion volumes. A portion of

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the irrigation POU consists of a band of irrigated lawn which interfaces with IDL – United States Government land that falls between the aerial imagery parcel boundary line and the lake front. Due to minor shifts in Arcmap aerial imagery comparative to survey parcel boundaries, I recommend keeping condition 004 cfs to mitigate any concerns of trespass on land of another.

Condition 029 was removed from the permit during licensing review as the intake pipe has a screened foot valve in the lake. All other conditions on the permit shall be carried forward to licensing. Overlap concerns: Oden Water Assn is a municipal service provider with POU for Rights 96-8953 & 96-7011 overlapping this permit's irrigation POU. The applicants assert their property is not service connected to the municipal system, and they plan to file a claim for their domestic well usage of the home. The applicants assert they use their private well for in-home use and minor external water use to wash cars and other similar activities but irrigate from the lake. There are no concerns for overlap between water right for this permit.

Have conditions of permit approval been met? __Y__ Yes ____ No

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
IRRIGATION	04/01 to 10/31	0.03 CFS	1.2 AF
	Totals:	0.03 CFS	1.2 AF

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

I. AUTHENTICATION

Luke Bates -

Field Examiner's Name _____ Date 6/14/23

Reviewer Michelle Richman Date 6/21/23

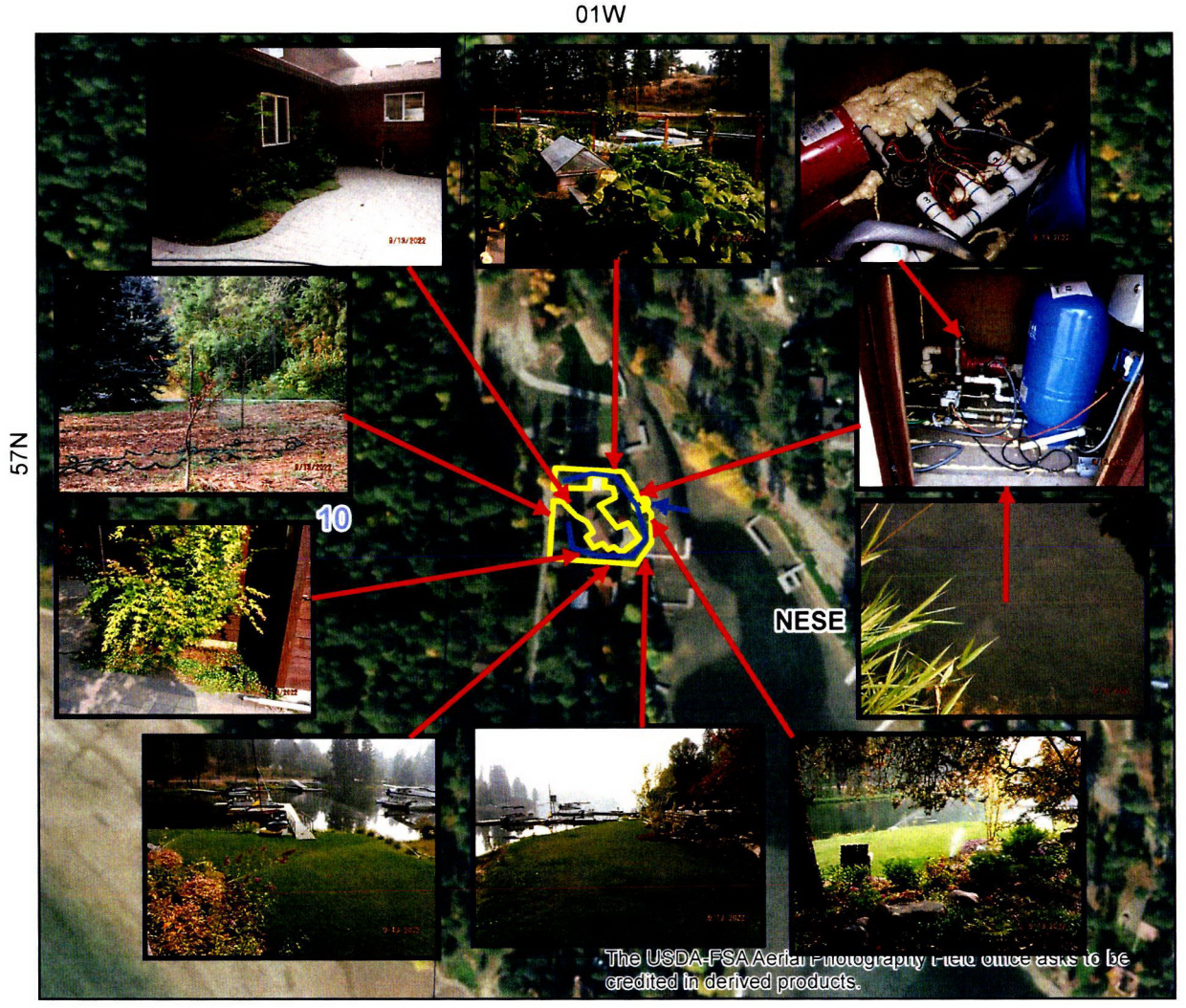
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Department of Water Resources

Attachment to Field Exam

96-11313

IRRIGATION system diagram.

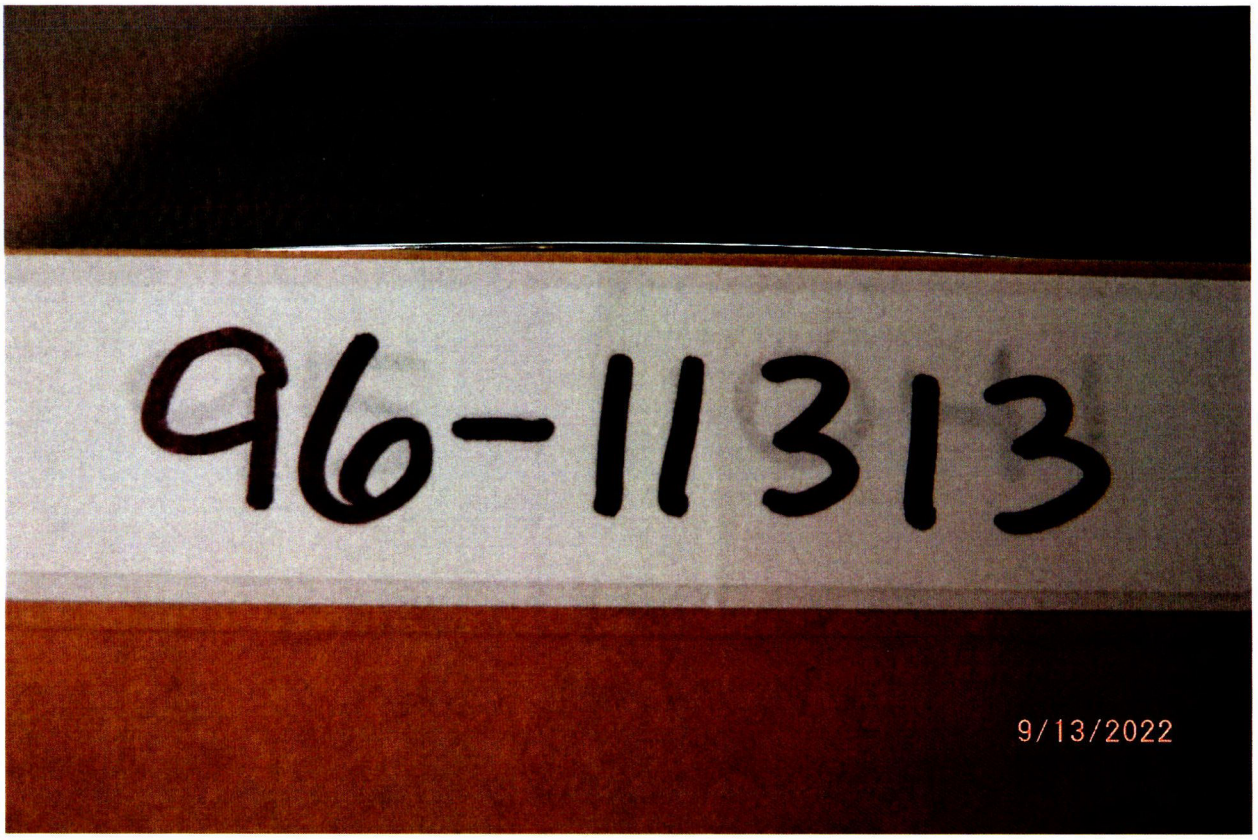


0 0.035 0.07 0.14 Miles

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

N

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BENEFICIAL USE FIELD EXAMINATION DATE 9/13/2022



POD – SCREENED INTAKE PIPE WITH FOOT VALVE IN LAKE

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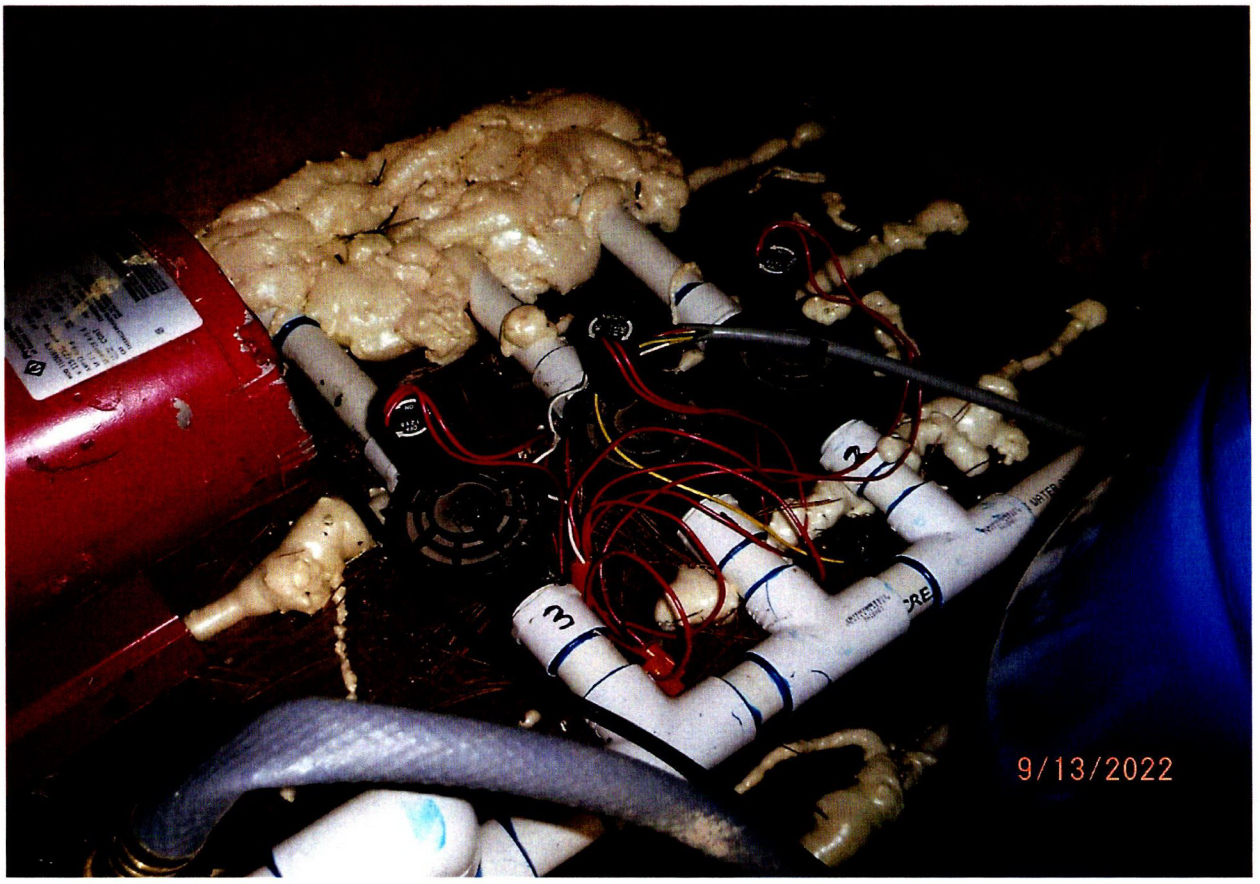


INTAKE PIPE ALONG SHORELINE, BURIED TO PUMP HOUSE



SMALL PUMP HOUSE WITH DIVERTING WORKS

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3 PRESSURIZED SPRINKLER ZONES IN ADDITION TO TWO HOSE BIB RISER PIPES

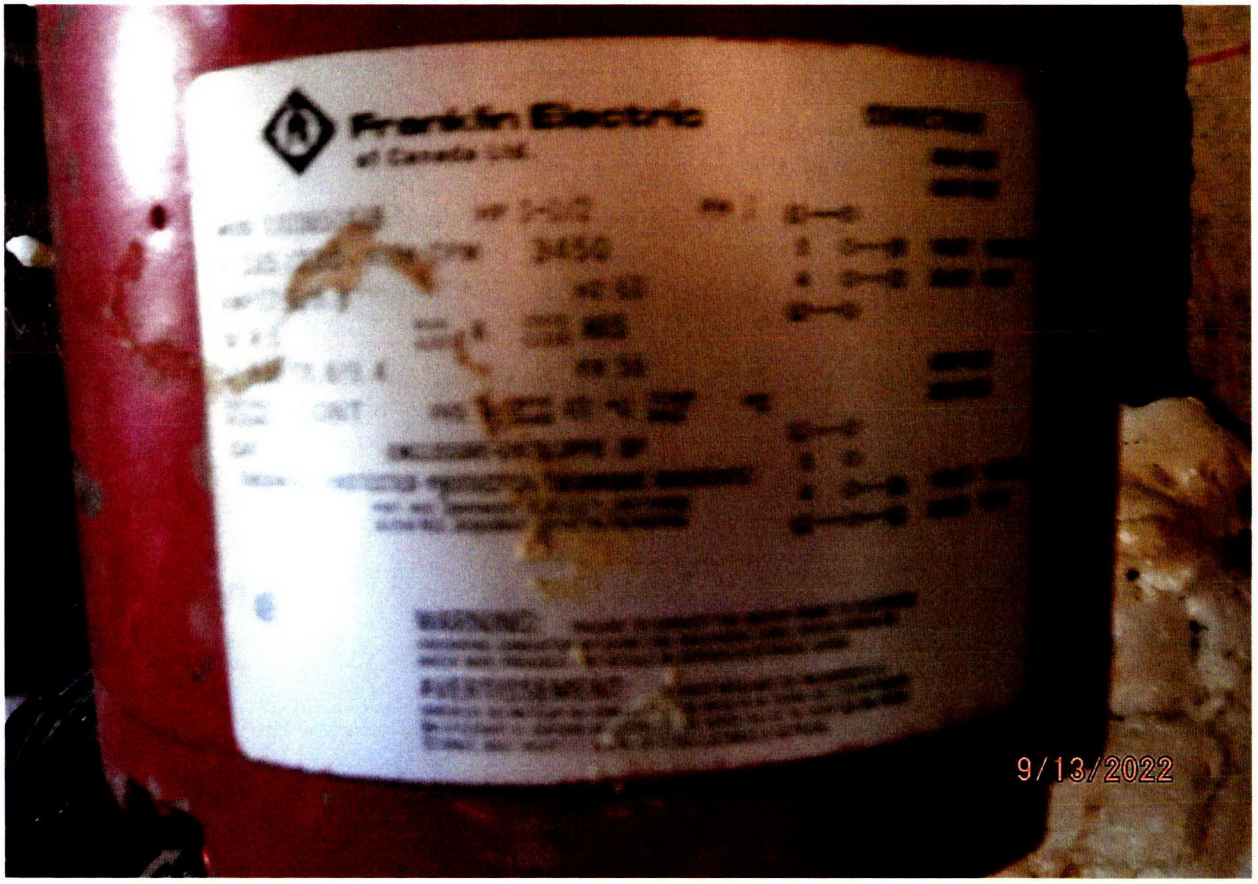


PRESSURIZED SPRINKLER ZONE CONTROL PANEL

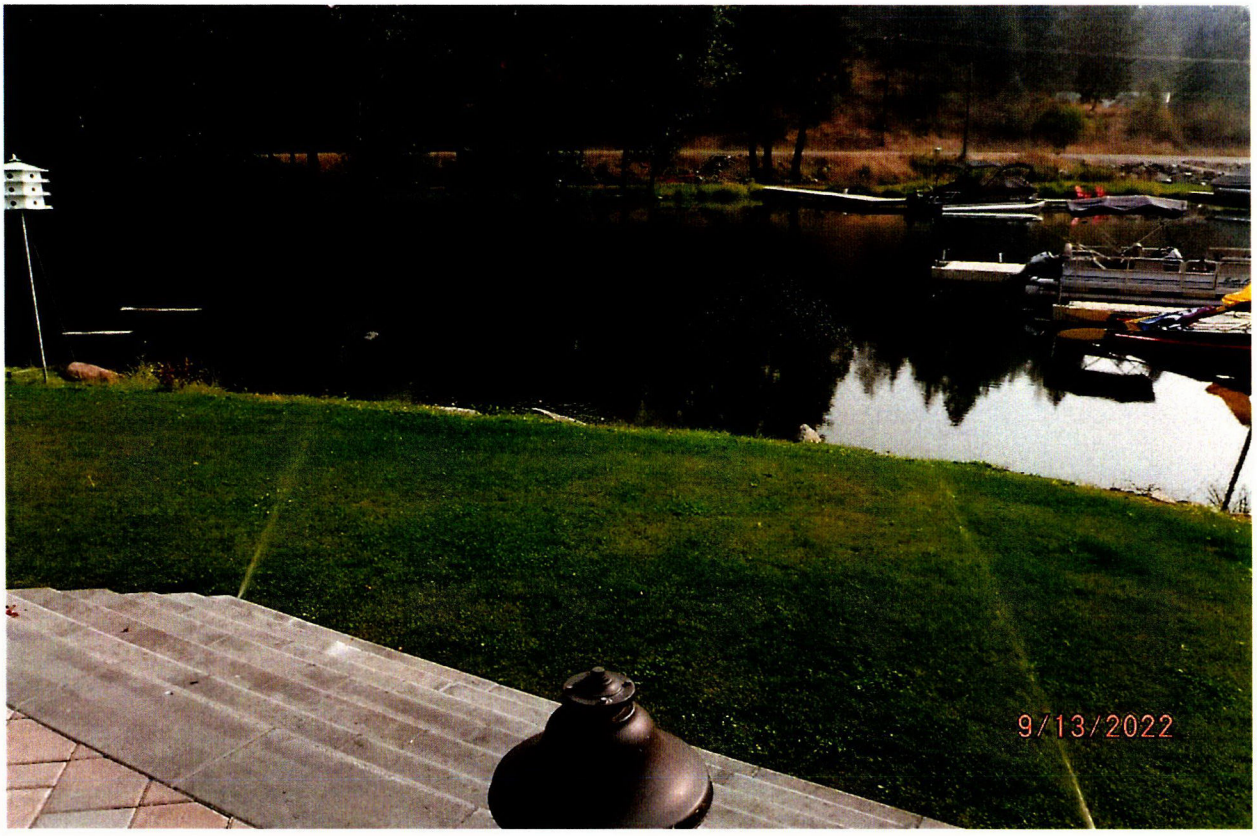
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FRANKLINE 1 ½ HP PUMP



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IRRIGATION POU



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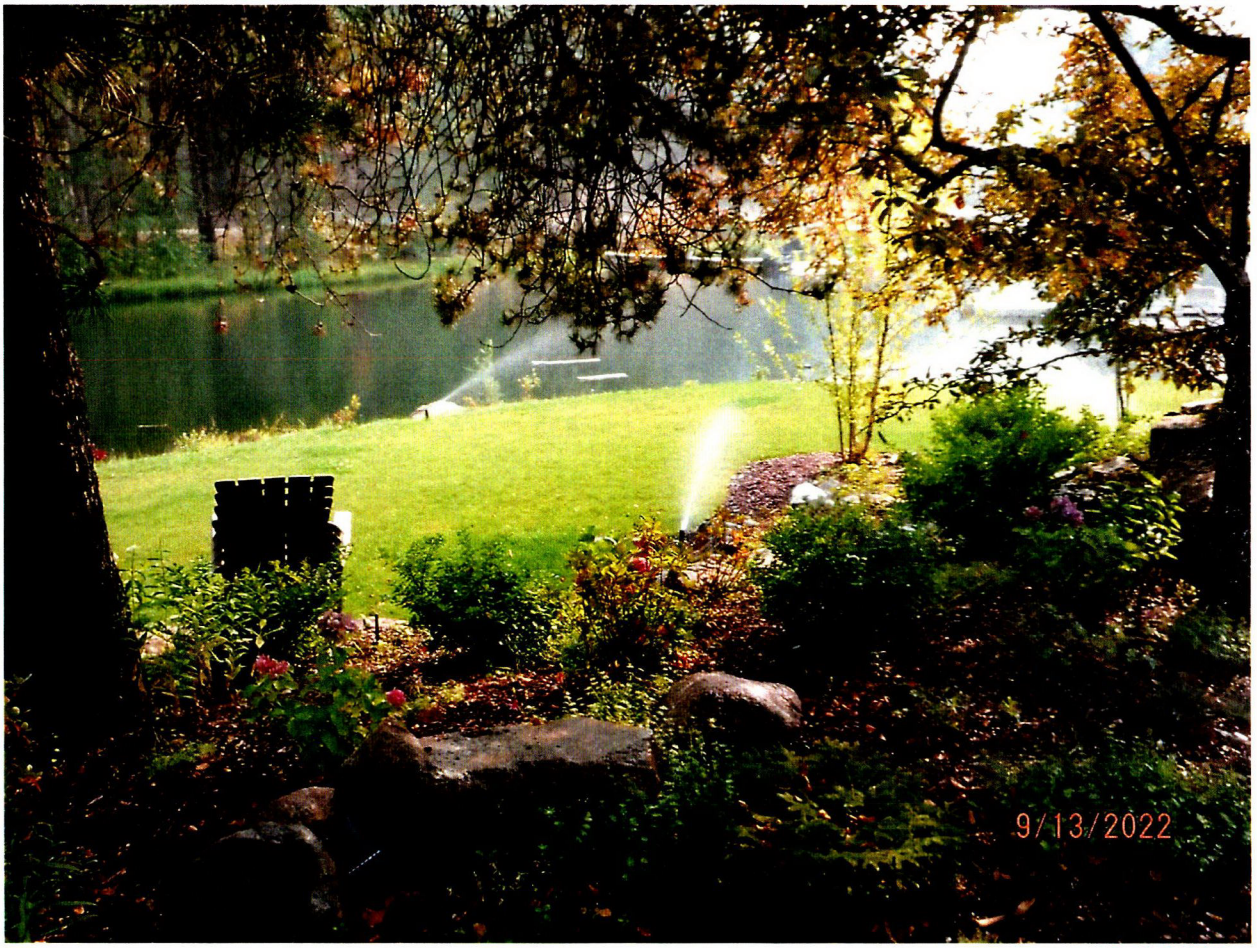
IRRIGATION POU – GARDEN AREA



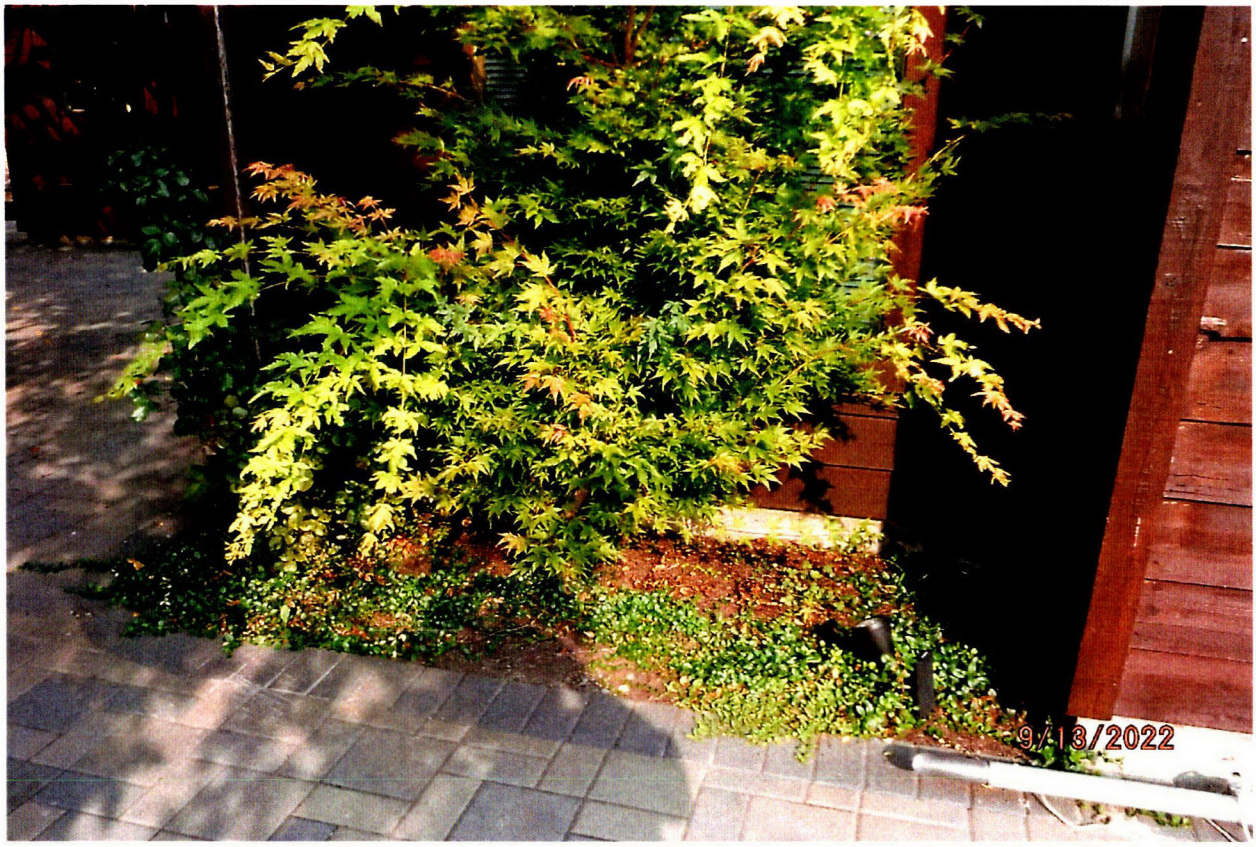
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IRRIGATION POU – LANDSCAPING AROUND HOME



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IRRIGATION POU



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IRRIGATION POU – LANDSCAPING TREES & SHRUBS



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