Form 42-217 Rev. 6/22

RECEIVED
JUN 10 2024
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 $	50.00
Receipt No.	CII 8450
Receipted By	KM
Date Receipted	6.10.24

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. 95-18365 Name of Permit Holder(s) FACELESS CEDAR LLC

Telephone No. (208) 449-6177 Email JESSIAN@SBCGLOBAL.NET

Mailing Address 11065 S CARLIN BAY RD City HARRISON State ID Zip 83833

2. Source of Water UNNAMED STREAM 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) 9 Stockwater (No. and stock type) _____

Other AESTHETIC AND FIRE PROTECTION

4. Total diversion rate or volume (storage only) for which proof is submitted 0.20 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.)

POND IS FILLED BY GRAVITY FLOW IN A 2 INCH LINE. THE IRRIGATION IS A RPS 3HP SURFACE 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 $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: BOB/CHARLOTTE HAGEN Telephone No. (208) 449-6177 Email JESSIAN@SBCGLOBAL.NET

Mailing Address 11065 S CARLIN BAY RD City HARRISON State ID Zip 83833

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.

Charlotte M. Hagen — Charlotte Hagen/Owner-manager — 6/4/2024

SIGNATURE OF PERMIT HOLDER* PRINTED NAME AND TITLE DATE

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

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 95-18365

Priority: September 14, 2022

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 31.1 AF

This is to certify that

FACELESS CEDAR LLC 11065 S CARLIN BAY RD HARRISON ID 83833-7800

has applied for a permit to appropriate water from:

Source : UNNAMED STREAM **Tributary:** TURNER CREEK
Source : GROUND WATER **Tributary:** TURNER CREEK

and a permit is APPROVED for development of water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
IRRIGATION STORAGE	01/01 to 12/31		27.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		27.0 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		4.1 AF
AESTHETIC STORAGE	01/01 to 12/31		4.1 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM SW¼ SW¼, Sec. 20, Twp 49N, Rge 03W, B.M. KOOTENAI County
GROUND WATER SW¼ SW¼, Sec. 20, Twp 49N, Rge 03W, B.M. KOOTENAI County

Place of Use: IRRIGATION 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	
49N	03W	20											X						

Place of Use: IRRIGATION FROM 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	
49N	03W	20										2.5	6.5						9.0

Total Acres: 9.0

Place of Use: FIRE PROTECTION 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	
49N	03W	20											X						

Place of Use: AESTHETIC 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	
49N	03W	20											X						

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APR 18 2023

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 95-18365

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2028.**
2. Subject to all prior water rights.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
4. The following rights are diverted through the Unnamed Stream source point of diversion described above: 95-17841 & 95-18365.
5. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
6. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
7. Right 95-18365 authorizes the storage of an annual total of 31.1 acre-feet, comprised of 3.0 acre-feet to be used for the initial filling or carryover storage of the pond, 1.1 acre-feet for the replacement of losses due to seepage and evaporation, and up to 27.0 acre-feet for additional refills for irrigation from storage use.
8. The pond established by the storage of water under this right shall not exceed a total capacity of 3.0 acre-feet or a total surface area of 0.5 acres.
9. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
10. Rights 95-17841 & 95-18365 when combined shall not exceed a total annual maximum diversion volume of 27.0 af at the field headgate for the irrigation of 9.0 acres.
11. The diversion and use of water described in this right 95-18365 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
12. Pond dam shall be engineered to avoid failure and silt release.
13. The pond shall not have a flow through component, and will be topped off with tributary water only when necessary.
14. The applicant shall install diverting works components capable of turning off system if downstream senior water rights are not being met.
15. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 17th day of April, 2023.

Michelle Richman

MICHELLE RICHMAN
Northern Regional Manager

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APR 18 2023

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-18365

This map depicts the IRRIGATION STORAGE, AESTHETIC STORAGE, & FIRE PROTECTION 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.



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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APR 18 2023

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-18365

This map depicts the IRRIGATION FROM 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.



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APR 18 2023

RECEIVED
SEP 14 2022
IDWR / NORTH

86793

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho
No. 95-18365

1. Applicant(s)

FACELESS CEDAR LLC
11065 S CARLIN BAY RD
HARRISON ID 83833-7800
208-449-6177, jessian@sbcglobal.net

2. Representative(s) N/A

3. Source of Water Supply:

Source : UNNAMED STREAM **Tributary:** TURNER CREEK
Source : GROUND WATER **Tributary:** TURNER CREEK

4. Location of Point(s) of Diversion:

Heading	Point of Diversion # 1	Point of Diversion # 2
Source	UNNAMED STREAM	GROUND WATER
Tributary of	TURNER CREEK	TURNER CREEK
Township	49N	49N
Range	03W	03W
Section	20	20
Govt. Lot		
QQQ/QQ/Quarter	SW¼SW¼	SW¼SW¼
County	KOOTENAI	KOOTENAI
Diversion Type		
Local name or Tag#		
Type and size of devices		
Height of storage dam		
Active/ Total Reservoir capacity		
Dam Application required?	No	No
Proposed well diameter/ depth		
Water Temp > 85°F?		
Drilled Date		
Drilling firm		
Property Owner	Applicant	Applicant
Access Arrangement Description	N/A	N/A

5. Water will be used for the following purposes:

Purposes	Season	Rate	Volume	Description
IRRIGATION FROM STORAGE	03/15 to 11/15		27.0 AF	
AESTHETIC STORAGE	01/01 to 12/31		4.1 AF	
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS		
AESTHETIC	01/01 to 12/31	0.20 CFS		
FIRE PROTECTION STORAGE	01/01 to 12/31		4.1 AF	
IRRIGATION STORAGE	01/01 to 12/31		27.0 AF	

6. Total quantity to be appropriated is (a) 0.20 **cubic feet per second (cfs) and/or (b)** Not Stated **acre-feet / year (af).**

7. Proposed diverting works:

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OCT 03 2022

For Department Use

Received by JA Date 9-14-22 Time _____ Preliminary check by _____
Fee $ 250.00 Receipted by JA Receipt No. N041135 Date 9-14-22

No. 95-18365

a. If an existing well, who was the well drilled for? Drilling Permit No.

8. Describe other proposed water uses : N/A

9. Description of place of use:

Place of Use: IRRIGATION FROM 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	No QQ	
49N	03W	20										2.5	6.5							9.0

Total Acres: 9.0

Place of Use: FIRE PROTECTION STORAGE, IRRIGATION STORAGE, AESTHETIC STORAGE, & AESTHETIC

Twp	Rng	Sec	NE				NW				SW				SE					Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	No QQ	
49N	03W	20											X							

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

11.

a. Who owns the land to be irrigated or place of use? Applicant.

b. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

Applicant plans to divert water from unnamed stream and natural groundwater in the area of a planned pond for fire protection and irrigation purposes. Applicant will use a combination of water permit 95-17841 and this application for permit for irrigation on property.

13. Time required for completion of works and application of water to proposed beneficial use is 5 **years (minimum 1 year).**

14. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Charlotte M. Hayes / Manager

FACELESS CEDAR LLC

Signature of Applicant

Charlotte M. Hayes

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OCT 0 3 2022

State of Idaho
Department of Water Resources

Application For Permit

95-18365



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

0 0.05 0.1 0.2 Miles

N

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OCT 0 3 2022

Prepared By: Web User

State of Idaho
Department of Water Resources

Application For Permit

95-18365



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

0 0.035 0.07 0.14 Miles

N

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OCT 0 3 2022

Prepared By: Web User

Total Storage Calculations

FILE NUMBER	FACELESS CEDAR LLC
REVIEWER	AFREDERICK
DATE	9/13/2022

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	0.5	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	6	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	3.0	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	27	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a *from storage* component if the *from storage* component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	0.5	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	0.6	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	31.1	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

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OCT 0 3 2022

0004521867

STATE OF IDAHO
Office of the secretary of state, Lawerence Denney
ANNUAL REPORT
Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: $0.00

For Office Use Only

-FILED-

File #: 0004521867

Date Filed: 12/8/2021 9:49:10 AM

Entity Name and Mailing Address:

Entity Name:	FACELESS CEDAR, LLC
The file number of this entity on the records of the Idaho Secretary of State is:	0000489319
Address	11065 S CARLIN BAY RD HARRISON, ID 83833-7800

Entity Details:

Entity Status	Active-Existing
This entity is organized under the laws of:	IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	W161207

The registered agent on record is:

Registered Agent	CHARLOTTE M HAGEN Registered Agent Physical Address 17859 S HWY 97 HARRISON, ID 83833 Mailing Address

The new physical (street) address of the existing agent in Idaho is:

Physical Address	11065 S. CARLIN BAY ROAD HARRISON, ID 83833

The new mailing address of the existing agent in Idaho is:

Mailing Address	11065 S CARLIN BAY RD HARRISON, ID 83833-7800

Limited Liability Company Managers and Members

Name	Title	Business Address
■ Charlotte M Hagen	Manager	11065 S CARLIN BAY ROAD HARRISON, ID 83833

The annual report must be signed by an authorized signer of the entity.

Job Title: Manager

Charlotte Hagen — *12/08/2021*

Sign Here Charlotte M Hagen — Date

B0667-2826 12/08/2021 9:49 AM Received by ID Secretary of State Lawerence Denney

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OCT 0 3 2022

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 Mathew Weaver

June 17, 2024

FACELESS CEDAR LLC
11065 S CARLIN BAY RD
HARRISON ID 83833-7800

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 95-18365

Dear Permit Holder(s):

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 Section 42-248, Idaho Code, 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,

Amanda Veibell
Technical Records Specialist

Enclosure(s)

RECEIVED
MAY 16 2023
IDWR/NORTH

For Office Use Only
Updated by YA
Date 5-16-23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in address of the owners of record for the listed water rights.
(Please print or type)

Water Right Number(s): 95-17455, 95-17456, ~~95-17457~~, 95-17841, 95-17901, 95-18365

Name(s): FACELESS CEDAR LLC & HAGEN LIVING TRUST

Old Mailing Address: 17859 HWY 97
HARRISON, ID 83833

New Mailing Address: 11065 S CARLIN BAY RD
HARRISON, ID 83833

Telephone Number: (208) 449-6177

Email: JESSIAN@SBCGLOBAL.NET

Signature(s) of Owner(s) Robert W Hagen TR

(Include your title if on behalf of company or organization.)

Date: 5/16/23

Send a signed original to your closest regional office:

IDWR Northern Region
7600 N. Mineral Dr., Suite 100
Coeur d'Alene, ID 83815-7763
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
650 Addison Ave W, Suite 500
Twin Falls, ID 83301-5858
(208) 736-3033

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MAY 16 2023

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

April 18, 2023

FACELESS CEDAR LLC
11065 S CARLIN BAY RD
HARRISON ID 83833-7800

RE: Permit No. 95-18365

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued 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.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

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APR 18 2023

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit 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 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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APR 18 2023

CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2023, I served a true and correct copy of Permit to Appropriate Water No. 95-18365 by U.S. Mail, postage prepaid, to the following:

FACELESS CEDAR LLC (Current Owner)
11065 S CARLIN BAY RD
HARRISON ID 83833-7800

THOMAS K FLINT (Protestant)
28454 S HWY 97
HARRISON ID 83833

IDAHO DEPARTMENT OF FISH AND GAME (Protestant)
2855 W KATHLEEN AVE
COEUR D ALENE ID 83815

Tammy Alleman
Administrative Assistant 1

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APR 18 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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APR 18 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.

MEMORANDUM

April 12, 2023

Water Permit: 95-18365

Author: LBates LB 4/12/23

Subject: Permit evaluation for approval

Applicant initial WR filing included multiple storage beneficial uses (B.U.), an Aesthetic direct flow B.U. with diversion rate of 0.20 cfs, diversion to storage with 0.20 cfs rate, and irrigation from storage use. Due to the inclusion of the aesthetic direct flow B.U., no maximum diversion volume was applied to the application for step No.6, rather maximum diversion rate associated with aesthetic was applied.

During the advertisement period two parties protested the WR filing; Mr. & Mrs. Flint withdrew their protest conditionally asserting "as per the conditions of the Idaho Department of Fish and Game". Idaho Department of Fish and Game (IDFG) also conditionally withdrew their protest. One of three conditions of protest withdrawal required the pond "not be flow through and will be "topped off" with tributary water only when necessary", which indicates the aesthetic direct flow B.U. is not authorized for development.

During the permit approval process, department staff removed the aesthetic direct flow B.U. in ADHOC; removal of the direct flow results in only diversion to storage remaining on the filing as direct flow.

While no maximum volume was filed for due to the direct flow aesthetic component, now that it has been removed the filing was recommended for permit approval to include maximum diversion volume equal to the sum of 4.1 af (aesthetic storage & fire protection storage) + 27.0 af (irrigation storage & irrigation from storage) = **31.1 af**. The face of the permit shall also maintain the 0.20 cfs based on the diversion to storage component.

SCANNED
APR 18 2023

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

April 11, 2023

THOMAS K FLINT
28454 S HWY 97
HARRISON, ID 83833

IDAHO DEPARTMENT OF FISH AND GAME
ATTN: MERRITT HORSMON
2855 W KATHLEEN AVE
COEUR D ALENE, ID 83815

RE: Withdrawal of Protest against Application for Permit No. 95-18365

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application.

The application does not have any remaining protests; therefore, the department will take the steps necessary to bring the application to a final resolution.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

Michelle Richman

Michelle Richman
Northern Regional Manager

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APR 18 2023

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

April 11, 2023

FACELESS CEDAR LLC
11065 S CARLIN BAY RD
HARRISON, ID 83833-7800

RE: Withdrawal of Protest against Application for Permit No. 95-18365

Dear Applicant(s):

The Department of Water Resources has received withdrawals of protest against the above referenced application. Withdrawals have been received from the following protestants:

1) THOMAS K FLINT
2) IDAHO DEPARTMENT OF FISH AND GAME

The application does not have any remaining protests; therefore, the department will take the steps necessary to bring the application to a final resolution.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

Michelle Richman

Michelle Richman
Northern Regional Manager

SCANNED
APR 18 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WITHDRAWAL OF PROTEST

Application for ☐ **Transfer** ☑ **Permit** ☐ **Amendment of Permit** **No.** 95-1836S

In the Name of Faceless Cedar LLC
Applicant

Name of Protestant: Thomas & Katherine Flint

Represented by: Katherine A. Flint

I hereby withdraw my protest to the above referenced matter. All of my issues of protest have been addressed and/or resolved.

☐ My withdrawal is not conditional.

Or

☑ My withdrawal is conditioned on the following:

as per the conditions of the Idaho Department of Fish and game

Katherine A. Flint — Signature of Protestant or Representative

owner — Title

4/10/23 — Date

SCANNED
APR 11 2023

INFORMAL SETTLEMENT CONFERENCE ATTENDANCE
Applications for Permit: 95-18365
Date: April 10, 2023
Presiding Officer: Luke Bates
Assisted by: Michelle Richman

NAME	**PHONE NUMBER** ADDRESS, CITY, ZIP	EMAIL ADDRESS	REPRESENTING
MERRITT HORSMON	208-251-4509	merritt.horsmon@idfg.idaho.gov	IDFG
Charlotte Hagen	(208) 449-6177	jessian@sbcglobal.net	owner
Bob Hagen	(208) 449-6177	jessian@sbcglobal.net	owner
Kathy Flint	208 667-5034	kaffl.nt@gmail.com	owner
TOM FLINT	208-667-5034	tmkflint@gmail.com	self
Luke Bates	208 - 762 - 2817		IDWR

SCANNED APR 11 2023

If you are the applicant or the protestant, you can sign in and add your phone number. If you are not the protestant or the applicant, please fill in all the address information. PLEASE MAKE SURE TO ALWAYS PUT YOUR PHONE NUMBER AND EMAIL, IF POSSIBLE. Thank you, IDWR.

7016 0750 0000 0645 8438

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com*®.

OFFICIAL USE

Certified Mail Fee $	4.15
Extra Services & Fees *(check box, add fee as appropriate)* ☐ Return Receipt (hardcopy)	$ 3.35
☐ Return Receipt (electronic)	$
☐ Certified Mail Restricted Delivery	$
☐ Adult Signature Required	$
☐ Adult Signature Restricted Delivery	$
Postage $	0.60
Total Postage and Fees $	8.10

HAYDEN, ID. 83835
MAR -6 2023
Postmark Here
USPS

Sent To
KATHY K FLINT

Street and Apt. No., or PO B
28454 S HWY 97

City, State, ZIP+4®
HARRISON, ID 83833

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A uniqu[redacted]tifier for your mailpiece.
- Electro[redacted]ication of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece; for an electronic return receipt, see a retail associate for assistance. To receive a [redacted]icate return receipt for no additional fee, [redacted]this USPS®-postmarked Certified Mail re[redacted]to the retail associate.
  - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
  - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
  - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

PS Form **3800,** April 2015 *(Reverse)* PSN 7530-02-000-9047

7016 0750 0000 0645 8278

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

OFFICIAL USE

Certified Mail Fee
$ 4.15

Extra Services & Fees *(check box, add fee as appropriate)*
- ☐ Return Receipt (hardcopy) $ 3.35
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$ 0.60

Total Postage and Fees
$ 8.10

HAYDEN, ID. 83835
MAR -6 2023
USPS

Postmark Here

Sent To
FACELESS CEDAR LLC

Street and
11065 S CARLIN BAY RD

City, State,
HARRISON, ID 83833-7800

PS Form 3[illegible] [illegible]structions

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece; for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.
  - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
  - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
  - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

USPS TRACKING #



9590 9402 2233 6193 9858 32

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

DEPT OF WATER RESOURCES
7600 N MINERAL DR – STE 100
COEUR D ALENE ID 83815-7763

Attn: Tammy Alleman

RECEIVED
MAR 16 2023
DWR / NORTH



SENDER: COMPLETE [redacted] SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FACELESS CEDAR LLC
11065 S CARLIN BAY RD
HARRISON, ID 83833-7800

9590 9402 2233 6193 9858 32

2. Article Number *(Transfer from service label)*

7016 0750 0000 0645 8278

COMPLETE THIS SECTION [redacted] DELIVERY

A. Signature

X [signature]

☒ Agent
☐ Addressee

B. Received by *(Printed Name)*: Hagen

C. Date of Delivery: 3-10-23

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States Postal Service

RECEIVED
MAR 13 2023
IDWR/NORTH

• Sender: Please print your name, address, and ZIP+4® in this box•

DEPT OF WATER RESOURCES
7600 N MINERAL DR – STE 100
COEUR D ALENE ID 83815-7763

ATTN: Tammy Alleman

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KATHY K FLINT
28454 S HWY 97
HARRISON, ID 83833

9590 9402 2233 6193 9858 25

2. Article Number *(Transfer from service label)*

7016 0750 0000 0645 8438

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Dale Pitre ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* D. Pitre

C. Date of Delivery 3-9-23

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☑ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PROTEST CHECKLIST

APPLICATION # **95-18365**

APPLICANT: **FACELESS CEDAR LLC**

INITIAL PROCESSING

- ☑ Green file folder label on file
- ☑ Protest info sheet (yellow)
- ☑ Data enter protest if Workflow processing (permit, amendment of permit, transfer)
- ☑ Scan/profile protest in Power-Docs (green stamp)
- ☑ Update Tracking Sheet
- ☑ Update barcode - app. for permit only
- ☐ Approved Interveners (process same as protests)
- ☑ Acknowledgement letters sent to all parties (*w/ copies of all protests to applicants*)

PREHEARING CONFERENCE

- ☐ Confirm possible dates with staff assigned to conference
- ☐ Reserve room, must meet ADA standards (handicap)
- ☐ Mail conference notices to all parties
- ☐ Mail room confirmation letter (if applicable)
- ☐ Attendance sheet in file
- ☐ Outlook meeting invitation to staff and appropriate conference room
- ☐ Database update if Workflow processing

PROTEST / APPLICATION WITHDRAWN OR TO HEARING

- ☑ Database update if Workflow processing
- ☑ Update E-books
- ☑ Rest of file scanned to Power-Docs (green stamp)

- ☐ File to SO -- Debbi Judd - Vault (no hearing) -- Appropriate Hearing Officer (hearing)
  (Unless the hearing is conducted at the region)
  - ☐ Update barcode - appl. for permit only
  - ☐ Update E-books

PROTEST INFORMATION SHEET

Application for Permit No. 95-18365

Date Filed: SEPTEMBER 14, 2022 **Protest Date**: OCTOBER 16 & 24, 2022

Applicant:

FACELESS CEDAR LLC
11065 S CARLIN BAY RD
HARRISON, ID 83833-7800
JESSIAN@SBCGLOBAL.NET
(208) 449-6177

Applicant's Attorney Name & Address:

Applicant's Consultant Name & Address: N/A

Protestant(s) Name & Address:

THOMAS K FLINT
28454 S HWY 97
HARRISON, ID 83833
(208) 667-5034
KAFFLINT@GMAIL.COM

IDAHO DEPARTMENT OF FISH AND GAME
ATTN: CARSON WATKINS
2855 W KATHLEEN AVE
COEUR D ALENE, ID 83815
(208) 769-1414
merritt.horsmon@idfg.idaho.gov

Protestant's Attorney Name & Address: **N/A**

Protestant's Consultant Name & Address: N/A

Informal Settlement Conference Date(s): _____ **Time**: _____ a.m.

Location: _____

Pre-hearing Conference Date(s): _____ **Time**: _____ a.m.

Location: _____

Hearing Date(s): _____

Location: _____

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 95-18365 IN THE NAME OF FACELESS CEDAR LLC	)))))	**NOTICE OF INFORMAL SETTLEMENT CONFERENCE**

On 9/14/2022, FACELESS CEDAR LLC, filed Application for Water Right Permit No. 95-18365 with the Idaho Department of Water Resources ("Department"). Protest(s) were filed by THOMAS K FLINT, & IDAHO DEPARTMENT OF FISH AND GAME. IDAHO DEPARTMENT OF FISH AND GAME has sent a Conditional Withdrawal of Protest on February 14, 2023.

The Department has scheduled this case for informal settlement conference on Monday, April 10, 2023 beginning at 9:30 AM at IDAHO DEPT OF WATER RESOURCES, NORTHERN REGION CONFERENCE ROOM, Idwr Northern Region Conf, 7600 N MINERAL DRIVE, SUITE 100 COEUR D'ALENE, ID 83815. The applicant and protestant(s) must attend.

Agenda items for the informal settlement conference will include:

1. Review of the application and protest(s),

2. Additional informational needs,

3. Settlement options,

4. Need for additional informal proceedings or alternative dispute resolution options, and

5. Commencement of formal proceedings.

The Department encourages the applicant and protestant(s) to discuss and resolve the protest(s) before the informal settlement conference. If private discussions are not possible or do not resolve the protest(s), the informal settlement conference provides another opportunity for the applicant and protestant(s) to meet before commencing a formal hearing. Parties often settle their differences at the informal settlement conference.

If informal proceedings are unlikely to resolve this protested case, the Department will initiate formal proceedings by issuing a notice of prehearing conference and identifying a presiding officer. It is important for all parties to make the most of the opportunity to resolve the dispute informally.

The informal settlement conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special

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CERTIFICATE OF SERVICE

I certify that on the 6th day of March 2023, I served or caused to be served the Notice of Informal Settlement Conference to the parties by the following method(s):

FACELESS CEDAR LLC
11065 S CARLIN BAY RD
HARRISON, ID 83833-7800
2084496177
jessian@sbcglobal.net
Applicant

- ☒ U.S. Mail, Certified, postage prepaid
- ☐ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Email

KATHY K FLINT
28454 S HWY 97
HARRISON, ID 83833
2086675034
TNKFLINT@GMAIL.COM
Protestant

- ☒ U.S. Mail, Certified, postage prepaid
- ☐ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Email

Tammy Alleman
Administrative Assistant 1

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MAR 07 2023

accommodations in order to attend, participate in, or understand the prehearing conference, please notify the Department at least ten (10) days prior to the conference. Inquiries about scheduling, hearing facilities, etc., should be directed to Tammy Alleman at 208-762-2807.

.

Dated this 6th day of March, 2023.

Michelle Richman

Michelle Richman
Northern Region Manager

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MAR 07 2023

INFORMAL SETTLEMENT CONFERENCE PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Applications to appropriate the water of the state of Idaho are referred to as applications for permit and are for the development of new water rights. Section 42-203A, Idaho Code, requires the Idaho Department of Water Resources (Department) to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation reduce the quantity of water under existing water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, 6, and 7 above and must provide evidence for the Department to evaluate these criteria.

The initial burden of proof on issue 5 lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for all of these issues.

PROCEDURE

The Department generally conducts an informal settlement conference with the parties to determine the issues and to try to settle a protested matter before the formal hearing process starts. The formal hearing process commences with a prehearing conference, which may require parties to be represented by an attorney.

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INFORMAL SETTLEMENT CONFERENCE

The purpose of an informal settlement conference is to provide the opportunity for the parties and the Department to familiarize themselves with a protested matter and to attempt to resolve the matter. At the conference, the Department and the parties will discuss the application and protests, explore settlement options, discuss additional informational needs, evaluate the need for additional informal proceedings or alternative dispute resolution options such as mediation, and discuss the commencement of formal proceedings. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the informal settlement conference for the purpose of scheduling follow-up conferences, if needed.

HEARING

If the parties do not resolve the matter at the informal settlement conference, a formal hearing process may be commenced according to Sections 42-1701A(1) and (2), Idaho Code and the Department's Rules of Procedure. Copies of Idaho Code and the Department's rules are available upon request or by accessing the Department's website at: www.idwr.idaho.gov. The Department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

If necessary, the hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. The hearing officer will be designated in a notice of prehearing conference that commences the formal hearing process.

AMERICANS WITH DISABILITIES ACT

Any scheduled conferences or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please notify the Department no later than ten (10) days prior to the conference or hearing.

Alleman, Tammy

From: CHARLOTTE HAGEN <jessian@sbcglobal.net>
Sent: Monday, March 6, 2023 1:50 PM
To: Alleman, Tammy
Subject: Re: Protested Application #95-18365

CAUTION: **This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

Tammy
Thank you
Bob

Sent from my iPhone

> On Mar 6, 2023, at 8:48 AM, Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov> wrote:
>
> Good morning Bob,
>
> Yes, that day seems to work for everyone. I will send the notices out this week.
>
> Thank you,
> Tammy
>
> **From:** CHARLOTTE HAGEN <jessian@sbcglobal.net>
> **Sent:** Monday, March 6, 2023 8:34 AM
> **To:** Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
> **Subject:** Re: Protested Application #95-18365
>
> CAUTION: **This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**
>
> ---
>
> Tammy,
> Also can we please have the meeting in the early morning?
> Bob
>
> Sent from my iPhone

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MAR 07 2023

On Mar 6, 2023, at 8:32 AM, CHARLOTTE HAGEN <jessian@sbcglobal.net> wrote:

Tammy
Can we please have a meeting on Monday, April 10 with Merritt?
Thank you
Bob and Charlotte

Sent from my iPhone

> On Mar 1, 2023, at 2:42 PM, Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov> wrote:
>
> Due to the fact that we have to mail Notices at least 2 weeks prior to the meeting and we have other obligations already scheduled, March is not an option.
>
> Sorry,
> Tammy
>
> **From:** CHARLOTTE HAGEN <jessian@sbcglobal.net>
> **Sent:** Wednesday, March 1, 2023 10:57 AM
> **To:** Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
> **Subject:** Re: Protested Application #95-18365
>
> **CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**
>
> ---
>
> Hi Tammy,
> Are there no openings in March?
> Bob and Charlotte
>
> Sent from my iPhone
>
> > On Mar 1, 2023, at 10:48 AM, Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov> wrote:
> >
> > Hi Mr. & Mrs. Hagen,
> >
> > Unfortunately, the week you chose we have a Worksop in Sandpoint and a lot of people are out of our

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MAR 07 2023

office. The next week April 10th to the 14th is open. Do any of these dates work for you?

Also, do you have any concerns if Fish & Game wants to attend?

Thank you,
Tammy

From: CHARLOTTE HAGEN <jessian@sbcglobal.net>
Sent: Wednesday, March 1, 2023 10:03 AM
To: Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
Subject: Re: Protested Application #95-18365

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Dear Tammy,
I was not able to mark on the calendar from my device. So here are the dates we are available. We would love to meet sooner than later as we would like to get out project started. We are available all of March if there's any available dates. If not April 1-8.
Thank you,
Bob and Charlotte Hagen

Sent from my iPhone

> On Feb 28, 2023, at 2:43 PM, Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov> wrote:
>
> Dear Parties,
>
> Idaho Dept of Fish & Game has withdrawn their protest and we need to schedule the Informal Settlement Conference for the Applicant and Protestant. I have added calendars to this email and I need you to **mark the dates that you are NOT AVAILABLE and**

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MAR 07 2023

return them to me by no later than March 15th, 2023.

Merritt Horsmon from Idaho Dept of Fish & Game has offered to come to the Informal Settlement Conference if both parties agree to it. Please let me know if you have any concerns about him attending the conference.

Thank you,
Tammy

<image001.png>

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MAR 07 2023

Name: ___KATHY FLINT_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR FACELEESSS CEDAR LLC APPLICATION FOR PERMIT 95-18365

April 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7 X	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23 / 30	24	25	26	27 X	28	29

SCANNED
MAR 0 7 2023

Name: ___KATHY FLINT_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR FACELEESSS CEDAR LLC APPLICATION FOR PERMIT 95-18365

May 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3 X	4 X	5 X	6 X
7 X	8 X	9 X	10 X	11 X	12 X	13 X
14 X	15 X	16 X	17 X	18	19	20
21	22	23	24	25	26	27
28	29 IDWR OFFICES CLOSED	30	31			

SCANNED
MAY 07 2023

Name: ___KATHY FLINT_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR FACELEESSS CEDAR LLC APPLICATION FOR PERMIT 95-18365

June 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
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MAR 07 2023

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IDWR/NORTH

February 22, 2023

Idaho Department of Water Resources, Tammy Alleman
Faceless Cedar LLC

Re: Status of Protest of Water Rights Application 95-18365

Because the conditions for the Withdrawal of the Protest by Idaho Department of Fish and Game leave me with some lingering questions and concerns, I cannot yet withdraw my protest. These questions and concerns are stated below.

1. Is this stream considered a Class II stream?
   a. If so, what is the distance to Turner Creek?
   b. Will this water and property use follow the regulations of the Idaho Forest Practices Act including but not limited to those mentioned on an addendum?
2. Answer remaining questions or resolve issues from our stated protest
   a. Lack of specific information and relation to previous Water Permit 95-17841
   b. Water flow in Turner Creek
   c. The fishery impact (IDFG resolution)
   d. The load of sediment and nutrients in the creek (IDFG resolution)
   e. Our personal water right and usage
3. Questions related to conditions by Fish and Game
   a. Dam engineered to avoid failure and silt release. This should include the requirement to install and maintain an impermeable lining to eliminate seepage loses. Who will review the plans for the engineered dam, and the proposal for the system to confirm that the pond is not flow-through, and can be turned off?
   b. Pond not flow-through. Topped off with tributary water, only when necessary. Define "necessary". *Alarmingly, this "topping off" will most often take place during the driest periods of the summer when the creek and its environment needs as much water as possible and is having the most water withdrawn.*
      i. Conditions set for the approval of a recent previous application, 95-18161/95-18163, should pertain to the Faceless Cedar draw including:
         1. Surface water diversion should not occur when the discharge in Turner Creek is at or below 1.0 cfs. This is particularly important during the summer months.
         2. Diversions to fill the pond should only occur during seasonal high flows or major precipitation events that result in high flows and should be shut off when the pond is full.
   c. Ability to turn system off if downstream senior water rights are not being met. Who will monitor whether there is sufficient water to meet the needs of senior water rights and how will the order to turn off the system take place?
   d. Who will monitor the ongoing working of the system and its requirements?

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Also, how much water needs to remain after all "established" water rights are being used at maximum level? DEQ is taking regular readings on the stream flow and health. Making use of these records will help understand the effects of this proposal and discover whether the amount of natural water meets the new request and existing use of water, especially during the critical months of late summer/early fall?

How can these questions be answered and the health of Turner Creek and the fish, game and humans who rely on it be assured?

Along with the conditions set forth by Idaho Fish and Game for the Faceless Cedar application, and a monitoring of this new water right (if granted), and the already existing water rights, there must be a Minimum Stream Flow established for Turner Creek and a formal system of water accounting for all aspects of the creek.

Sincerely,

Tom and Kathy Flint

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MAR 0 7 2023

Addendum to Status of Protest of Water Rights Application 95-18365

Idaho Forest Practices Act Requirements

Stream definitions according to definitions and zones as stated in 010.59.a-d including: b. Class II streams are usually headwater streams or minor drainages that are used by only a few, if any, fish for spawning or rearing. Where fish use is unknown, consider streams as Class II where the total upstream watershed is less than two hundred and forty (240) acres in the north forest region and four hundred and sixty (460) acres in the south forest region. Their principle value lies in their influence on water quality or quantity downstream in Class I streams.

010.59.d. Class II Stream Protection Zone means the area encompassed by a minimum slope distance of thirty (30) feet on each side of the ordinary high water marks. (Figure 2.) For Class II streams that do not contribute surface flow into Class I streams, provide soil stabilization and water filtering effects by leaving undisturbed soils in widths sufficient to prevent washing of sediment. In no case shall this width be less than five (5) feet slope distance on each side of the ordinary high water marks.

020.01.iii Water diversion intakes used for diversions under Subsection 020.01 shall be screened with a maximum screen mesh size as follows: 1) fish-bearing Class I streams: 3/32 inch, and 2) all other streams: 1/4 inch. (5-8-09)

030.03.a. Ground based skidding shall not be conducted if it will cause rutting, deep soil disturbance, or accelerated erosion. On slopes exceeding forty-five percent (45%) gradient and which are immediately adjacent to a Class I or II stream, ground based skidding shall not be conducted except with an approved variance. Where slopes in the area to be logged exceed forty-five percent (45%) gradient the operator, landowner or timber owner shall notify the department of these steep slopes upon filing the notification as provided for in Subsection 020.05. (7-1-96)

030.07.e.vi. Standing trees, including conifers, hardwoods and snags will be left within fifty (50) feet of the ordinary high water mark on each side of all Class I streams, and within thirty (30) feet on each side of those Class II streams that require thirty (30) feet stream protection zones, in the following minimum numbers per one thousand (1000) feet of stream:
060.07.a With exception of pesticides approved for aquatic use and applied according to labeled directions, when applying pesticide, leave at least twenty-five (25) feet untreated on each side of all Class I streams, flowing Class II streams and areas of open water.

060.08.b Keep chemicals out of all water sources or streams.

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MAR 07 2023

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

February 15, 2023

IDAHO DEPARTMENT OF FISH AND GAME
2855 W KATHLEEN AVE
COEUR D ALENE, ID 83815

RE: Withdrawal of Protest against Application for Permit No(s). 95-18365

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application.

Protests from THOMAS K FLINT still remain and will need to be resolved before the application can be considered for approval.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

Michelle Richman

Michelle Richman
Northern Regional Manager

Cc:

THOMAS K FLINT
28454 S HWY 97
HARRISON, ID 83833

SCANNED
FEB 15 2023

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

February 15, 2023

FACELESS CEDAR LLC
11065 S CARLIN BAY RD
HARRISON, ID 83833-7800

RE: Withdrawal of Protest against Application for Permit No(s). 95-18365

Dear Applicant(s):

The Department of Water Resources has received withdrawal(s) of protest against the above referenced application. Withdrawals have been received from the following protestants:

1) IDAHO DEPARTMENT OF FISH AND GAME

Protests from THOMAS K FLINT still remain and will need to be resolved before the application can be considered for approval.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

Michelle Richman

Michelle Richman
Northern Regional Manager

SCANNED
FEB 15 2023

CEIVED
FEB 14 2023
DWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WITHDRAWAL OF PROTEST

Application for ☐ **Transfer** ☑ **Permit** ☐ **Amendment of Permit** **No.** _____

In the Name of Faceless Cedar LLC - Permit No. 95-18365
Applicant

Name of Protestant: Idaho Department of Fish and Game

Represented by: Carson Watkins

I hereby withdraw my protest to the above referenced matter. All of my issues of protest have been addressed and/or resolved.

☐ My withdrawal is not conditional.

Or

☑ My withdrawal is conditioned on the following:

1. Dam engineered to avoid failure and silt release
2. Pond will not be flow through, and will be "topped off" with tributary water only when necessary
3. Ability to turn off system if downstream senior water rights are not being met

Carson Watkins Digitally signed by Carson Watkins Date: 2023.02.14 15:58:23 -08'00'

Signature of Protestant or Representative

Panhandle Regional Supervisor
Title

02/14/2023
Date

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FEB 15 2023

Alleman, Tammy

From: Horsmon,Merritt
Sent: Tuesday, November 29, 2022 10:26 AM
To: Alleman, Tammy; JESSIAN@SBCGLOBAL.NET
Subject: RE: Availability Calendars for Protested WR#95-18365

Hi Tammy,
We already had a meeting on November 11th. I'm working on some conditions to add to their water right application and will then withdraw our protest.

Thank you,

Merritt Horsmon
Regional Technical Assistance Manager
Panhandle Region
2885 W. Kathleen Ave.
Coeur d'Alene, ID 83815
208.769.1414 office
208.251.4509 mobile
merritt.horsmon@idfg.idaho.gov

From: Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
Sent: Wednesday, November 23, 2022 10:49 AM
To: Horsmon,Merritt <merritt.horsmon@idfg.idaho.gov>; JESSIAN@SBCGLOBAL.NET
Subject: Availability Calendars for Protested WR#95-18365

Good morning,

The availability calendars for the protested application #95-18365 have not been received and are due. Please let me know right away what dates you are NOT AVALABLE in the next 2 months (December – January). I need to receive your availability by no later than December 2nd or a date for the Informal Settlement will be chosen. Your presence is required. I have attached the calendars for your convenience.

Thank you,

Tammy

SCANNED
FEB 15 2023

Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

Alleman, Tammy

From: Kathy Flint <kafflint@gmail.com>
Sent: Tuesday, November 8, 2022 9:30 AM
To: Alleman, Tammy
Subject: unavailable dates re application Faceless Cedar Permit No. 95-18365

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

We are unavailable
November 17-24, 2022
January 26, 2023

Please confirm that you have received this email and that we have complied with the request

Thomas and Katherine Flint
208-667-5034

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FEB 15 2023

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Kootenai)

Shaila Maciosek, being first duly sworn upon oath, deposes and states:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press", a newspaper printed and published daily in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 6 day of October, 2022, and ending on the 13 day of October, 2022, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Shaila Maciosek.

On this 13 day of October in the year of 2022 before me, a Notary Public, personally appeared Shaila Maciosek, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

KATRINA GEORGE NOTARY PUBLIC COMM. NO. 58574 STATE OF IDAHO

Katrina George
Notary Public for the State of Idaho
Residing in Coeur d'Alene, Idaho

My Commission Expires 8/29/23

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

95-18361
BEAR WATERFRONT LLC
ATTN: NEISON ERICKSON
2936 W DAKOTA AVE.
HAYDEN, ID 83835
Point of Diversion SWNE
S10 T50N R04W
KOOTENAI County
Source SPOKANE RIVER
Tributary COLUMBIA RIVER
Use: DOMESTIC
01/01 to 12/31 0.06 CFS
Use: IRRIGATION
03/15 to 11/15 0.03 CFS
Total Diversion: 0.09 CFS
Date Filed: 09-01-2022
Place Of Use: DOMESTIC,IRRIGATION
T50N R04W S10 L3(SWNE)
Total Acres: 0.5

95-18362
STEPHEN G KUTCHER
LAUREL M KUTCHER
6581 E FRENCH GULCH RD
COEUR D ALENE, ID 83814-7756
Point of Diversion NWSE
S9 T50N R03W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.06 CFS
Date Filed: 09-12-2022
Place Of Use: DOMESTIC,STOCKWATER
T50N R03W S9 NWSE

95-18363
BAKER TRUST
21739 S CORDILLERA DR
WORLEY, ID 83876-2100
Point of Diversion L3(NESW)
S19 T48N R04W
KOOTENAI County
Source LAKE COEUR D ALANE
Tributary SPOKANE RIVER
Use: IRRIGATION
03/15 to 11/15 0.11 CFS
Use: FIRE PROTECTION
01/01 to 12/31 0.11 CFS
Total Diversion: 0.11 CFS
Date Filed: 08-25-2022
Place Of Use: FIRE PROTECTION,IRRIGATION
T48N R04W S19 L3(NESW)
Total Acres: 2

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OCT 28 2022
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MAR 07 2023

95-18365
FACELESS CEDAR LLC
11065 S CARLIN BAY RD
HARRISON, ID 83833-7800
Point of Diversion SWSW
S20 T49N R03W
KOOTENAI County
Source UNNAMED STREAM
Tributary TURNER CREEK
Point of Diversion SWSW
S20 T49N R03W
KOOTENAI County
Source GROUND WATER

Tributary TURNER CREEK
Use: AESTHETIC
01/01 to 12/31 0.2 CFS
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 4.1 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 27 AF
Use: IRRIGATION FROM STORAGE
03/15 to 11/15 27 AF
Use: AESTHETIC STORAGE
01/01 to 12/31 4.1 AF
Use: DIVERSION TO STORAGE
01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 09-14-2022
Place Of Use: AESTHETIC,AESTHETIC STORAGE,FIRE PROTECTION STORAGE,IRRIGATION FROM STORAGE,IRRIGATION STORAGE
T49N R03W S20 SWSW
Place Of Use: IRRIGATION FROM STORAGE
T49N R03W S20 NWSW
Total Acres: 9

95-18366
JANE CARBAUGH
DON CARBAUGH
24393 N ESTATES DR
ATHOL, ID 83801-5006
Point of Diversion L6(NWSW)
S6 T52N R03W
KOOTENAI County
Source GROUND WATER

Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.06 CFS
Date Filed: 09-14-2022
Place Of Use: DOMESTIC,STOCKWATER
T52N R03W S6 L6(NWSW)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of $25.00 for each application on or before 10/24/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Legal#9587
AD#565118
October 6, 13, 2022

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MAR 07 2023

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**

October 26, 2022

FACELESS CEDAR LLC
11065 S CARLIN BAY RD
HARRISON, ID 83833-7800

THOMAS K FLINT
28454 S HWY 97
HARRISON, ID 83833

IDAHO DEPARTMENT OF FISH AND GAME
ATTN: CARSON WATKINS
2855 W KATHLEEN AVE
COEUR D ALENE, ID 83815

RE: Application for Permit No. 95-18365

Dear Parties:

This letter acknowledges receipt of protests filed against Application for Permit No. 95-18365. The following options are available for the resolution of protested applications:

- Direct contact between the parties to determine the nature of the protest(s) and to attempt to resolve the protestS. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).
- Discussions at an informal settlement conference between Department staff, the applicant(s), and the protestant(s). The enclosed document summarizes the informal settlement conference purpose and procedure.
- Formal proceedings administered by the Department after the informal settlement conference. If formal proceedings are necessary, the Department will schedule a prehearing conference to begin the process.

Please consider the best option(s) for resolution of the protested application.

Meanwhile, the Department will schedule an informal settlement conference pursuant to the Department's Rules of Procedure (IDAPA 37.01.01). **Please notify the Department within 14 days of any dates you are UNAVAILABLE to participate in an informal settlement conference in the next three months, see attached calendars.** You may provide unavailable dates via mail or via email to the email address below. If you do not notify the Department of unavailable dates, the Department will assume you are available for the informal settlement conference on any date selected. The Department may

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OCT 26 2022

schedule the informal settlement conference as a conference phone call or in-person. The Department will send notice of the informal settlement conference once it is scheduled.

You may contact this office if you have any questions regarding the procedure discussed in this letter or additional information regarding the application, protest(s), water rights, and other matters administered by the Department is available on the Internet at www.idwr.idaho.gov.

Sincerely,

Tammy Alleman

Tammy Alleman
Administrative Assistant 1
(208) 762-2807
Tammy.Alleman@idwr.idaho.gov

Enclosure(s): Informal Settlement Conference Procedure

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OCT 26 2022

Name: _____FACELESS CEDAR LLC_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR FACELESS CEDAR LLC APPLICATION FOR PERMIT NO. 95-18365

November 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
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SCANNED
OCT 2 6 2022

Name: _____FACELESS CEDAR LLC_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR FACELESS CEDAR LLC APPLICATION FOR PERMIT NO. 95-18365

December 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
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SCANNED
OCT 26 2022

Name: _____FACELESS CEDAR LLC_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR FACELESS CEDAR LLC APPLICATION FOR PERMIT NO. 95-18365

January 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
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SCANNED
OCT 26 2022

Name: _____THOMAS FLINT_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR FACELESS CEDAR LLC APPLICATION FOR PERMIT NO. 95-18365

November 2022

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20	21	22	23	24 IDWR OFFICES CLOSED	25	26
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OCT 26 2022

Name: _____THOMAS FLINT_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR FACELESS CEDAR LLC APPLICATION FOR PERMIT NO. 95-18365

December 2022

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SCANNED
OCT 2 6 2022

Name: _____THOMAS FLINT_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR FACELESS CEDAR LLC APPLICATION FOR PERMIT NO. 95-18365

January 2023

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SCANNED
OCT 2 6 2022

Name: _____IDAHO DEPT OF FISH & GAME_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR FACELESS CEDAR LLC APPLICATION FOR PERMIT NO. 95-18365

November 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
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20	21	22	23	24 IDWR OFFICES CLOSED	25	26
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SCANNED
OCT 2 6 2022

Name: _____IDAHO DEPT OF FISH & GAME_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR FACELESS CEDAR LLC APPLICATION FOR PERMIT NO. 95-18365

December 2022

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SCANNED
OCT 2 6 2022

Name: _____IDAHO DEPT OF FISH & GAME_____ "X" = UnAvailable

PRE-HEARING CONFERENCE FOR FACELESS CEDAR LLC APPLICATION FOR PERMIT NO. 95-18365

January 2023

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SCANNED
OCT 2 6 2022

INFORMAL SETTLEMENT CONFERENCE PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Applications to appropriate the water of the state of Idaho are referred to as applications for permit and are for the development of new water rights. Section 42-203A, Idaho Code, requires the Idaho Department of Water Resources (Department) to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation reduce the quantity of water under existing water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, 6, and 7 above and must provide evidence for the Department to evaluate these criteria.

The initial burden of proof on issue 5 lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for all of these issues.

PROCEDURE

The Department generally conducts an informal settlement conference with the parties to determine the issues and to try to settle a protested matter before the formal hearing process starts. The formal hearing process commences with a prehearing conference, which may require parties to be represented by an attorney.

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OCT 2 6 2022

INFORMAL SETTLEMENT CONFERENCE

The purpose of an informal settlement conference is to provide the opportunity for the parties and the Department to familiarize themselves with a protested matter and to attempt to resolve the matter. At the conference, the Department and the parties will discuss the application and protests, explore settlement options, discuss additional informational needs, evaluate the need for additional informal proceedings or alternative dispute resolution options such as mediation, and discuss the commencement of formal proceedings. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the informal settlement conference for the purpose of scheduling follow-up conferences, if needed.

HEARING

If the parties do not resolve the matter at the informal settlement conference, a formal hearing process may be commenced according to Sections 42-1701A(1) and (2), Idaho Code and the Department's Rules of Procedure. Copies of Idaho Code and the Department's rules are available upon request or by accessing the Department's website at: www.idwr.idaho.gov. The Department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

If necessary, the hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. The hearing officer will be designated in a notice of prehearing conference that commences the formal hearing process.

AMERICANS WITH DISABILITIES ACT

Any scheduled conferences or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please notify the Department no later than ten (10) days prior to the conference or hearing.

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OCT 2 6 2022

IDAHO DEPARTMENT OF FISH AND GAME
PANHANDLE REGION
2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

Brad Little / Governor
Ed Schriever / Director

RECEIVED
OCT 2 4 2022
IDWR/NORTH

October 24, 2022

IDWR Northern Region,
Ms. Michelle Richman, Regional Manager
Ms. Tammy Alleman, Administrative Assistant
7600 North Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Faceless Cedar LLC
11065 S Carlin Bay Road
Harrison, ID 83833-7800

REFERENCE: Application No. 95-18365 – Faceless Cedar LLC

Dear Michelle and Tammy:

We have reviewed the application by Faceless Cedar LLC to appropriate 27.0 AF of water at a diversion rate of 0.20 cfs for irrigation of 9.0 acres from an unnamed tributary to Turner Creek, a tributary to Coeur d'Alene Lake and additionally ground water. The purpose of these comments is to assist the decision-making authority by providing technical information addressing potential effects on wildlife and wildlife habitat and how any adverse effects might be mitigated. It is not the purpose of Idaho Department of Fish and Game to support or oppose this proposal.

This tributary is a perennial stream included in the Coeur d'Alene Lake and River Sub-basin Idaho Department of Environmental Quality (IDEQ) TMDL for sediment/siltation. It is listed as fully supporting coldwater aquatic life beneficial use. BURP data from 9/4/1996 showed a water temperature of 11° C and flows of 0.30 cfs on Turner Creek. In addition, IDEQ sampled 88 Westslope Cutthroat Trout. Unfortunately, IDEQ has been unable to repeat this monitoring effort since as they were denied access in 2006.

In 2017, an IDFG Lake Coeur d'Alene tributary inventory sampled 60 Westslope Cutthroat Trout and used this data to calculate a density of 17.3 fish/100m^2. This was the second highest density of all the major tributaries to Lake Coeur d'Alene that were sampled. The study suggested that "Westslope Cutthroat Trout were likely derived from a combination of fluvial and adfluvial production." Additional discussion in the study noted that "development is of particular concern because the associated human activity causes disruptions to habitat because of both land and water use."

In 2019, Faceless Cedar LLC applied for a water right (95-17841) for 0.12 cfs from the same tributary and what appears to be the same point of diversion and place of use. Our comments on that water right stated our concerns with 0.12 cfs of water and how it would affect the biota in the small tributary. In this application, the applicant is asking for 0.20 cfs of additional water split between groundwater and surface water but do not elaborate of how this additional water will be split. Finally, the applicant plans to divert water to a pond but does not elaborate on how or if the pond will be instream or off stream. These are important details to consider when considering fish and fish habitat. In general, Idaho Department of Fish

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OCT 2 6 2022

and Game has significant concerns with ponds being constructed in-channel due to their negative effects on habitat to include the potential for washing out and/or increasing downstream water temperatures.

This application seeks to channel the water to a pond for fire protection. The small amount of water that will be able to be diverted from the small pond during fire season, even with a strong pump, would do little in the case of a large wildfire.

Using USGS estimations for streamflow at ungauged sites data, Turner Creek drains 6.27 square miles of land, and has an average mean flow of approximately 3.5 cfs. As the 1996 BURP data showed, it is often much less than this. The unnamed tributary to Turner Creek where the applicant proposes to divert an additional 0.20 cfs drains approximately 0.58 square miles with average mean flow of just 0.326 cfs. With this ask of approximately 60% of the modeled flow available, the applicant will risk totally dewatering a portion of the tributary during low water months and possibly disconnecting it from the Turner Creek system over time.

2021 was an exceptionally dry year, and climate models indicate years like this will occur with increasing frequency into the future. Additionally, there is no water master for Turner Creek system to ensure that downstream senior water rights are not being negatively impacted by junior rights such as the one proposed. Given these circumstances, we do not believe it prudent to grant additional water rights on Turner Creek; arguably it is already over-appropriated.

IDFG is **protesting** the above listed water right per Idaho Code §42-203A(4) to offer the Idaho Department of Water Resources (IDWR) technical assistance with decision making and recommendations to avoid, minimize, or mitigate adverse effects on public interest resources (Idaho Code §42-203A(5)(e); IDAPA 37.03.08.45.01.e.ii).

Thank you for the opportunity to review and comment. Please initiate Interagency Billing for the $25.00 fee (PCA 11806; B799) for each water right to the attention of Tom Bassista (IDFG Headquarters, P.O. Box 25, Boise ID 83707). If information becomes available to alleviate concerns about potential adverse fishery and flow effects, IDFG may amend or remove this protest. For questions and to arrange informal follow-up discussions, please contact Merritt Horsmon (Panhandle Region Environmental Staff Biologist) or Tom Bassista (Technical Assistance Program Coordinator) at 208-610-4032.

Sincerely,

Carson Watkins
Regional Supervisor

CJW:MH:svf
CC (electronic): Tom Bassista, IDFG-Headquarters
Ann Yribar, Deputy Attorney General
Chantilly Higbee, Idaho DEQ

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OCT 26 2022

STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

2110 Ironwood Parkway Coeur d'Alene, ID 83814
(208) 769-1422

Brad Little, Governor
Jess Byrne, Director

October 24, 2022

By email: *Tammy.Alleman@idwr.idaho.gov*

Tammy Alleman, Administrative Assistant
Idaho Department of Water Resources
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Subject: Re: Request for Comments for 95-18365.

Dear Ms. Alleman:

The Idaho Department of Environmental Quality (DEQ) has reviewed your request for comments on water right application 95-18365. We offer the following:

DEQ understands the applicant proposes to withdraw water from an unnamed tributary to Turner Creek, located on Kootenai County parcel 49N03W-20-5000, at a rate of 0.20 cubic feet per second (cfs) from 01/01 to 12/31 annually. The applicant also proposes 0.20 cfs withdrawal from a groundwater well in the Turner Creek watershed for the same dates. This right will be used in conjunction with existing water right 95-17841 on the unnamed tributary to Turner Creek (0.12 cfs from 03/15 through 11/15). While the groundwater well is technically a different water source than the surface tributary, groundwater levels can influence the tributary flows to Turner Creek. Combined with existing rights, these new withdrawals could have a significant impact on flow in Turner Creek.

DEQ has monitored stream flow in Turner Creek below parcel 49N03W-20-5000 for three years. Turner Creek's weekly average peak flows at the monitoring station are approximately 30 cfs (30 – 100 cfs daily average). The average summer base flow is approximately 1.0 cfs, and average winter base flow is approximately 5.0 cfs. Minimum daily flow can drop to as low as 0.4 cfs in August and September. These values are based on data collected by DEQ from April 2019 through September 2021.

Based on this information, DEQ is concerned that the withdrawal amounts, as proposed in water right application 95-18365, whether considered separately or together, threaten the support of existing Salmonid Spawning and Cold Water Aquatic Life Beneficial Uses as protected in Idaho Water Quality Standards IDAPA 58.01.02. The magnitude of withdrawals could reduce the amount of available water during the summer base flow period to levels incompatible with the stream's existing Beneficial Uses.

DEQ is also concerned that the long-term trend towards warmer temperatures and reduced summer flows in the Coeur d'Alene region could reduce the amount of available water in Turner Creek during summer base flow to preclude support for Cold Water Aquatic Life, even if no new water rights are issued. It is important to implement effective water conservation strategies to maintain sufficient in-

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OCT 26 2022

stream flows to sustain the Beneficial Use for Cold Water Aquatic Life during the summer base flow period, so that sufficient water is retained to support both Cold Water Aquatic Life and adequate summer water supplies for current holders of water rights.

DEQ commends the recent agreement with Edwin T. Zapel and Holly A. Zapel (water rights 95-18163 and 95-18161), who agreed to manage their water rights in a manner that supports minimum stream flows in Turner Creek and the stream conditions needed to support Cold Water Aquatic Life. The Zapels are taking special actions to store water collected during peak winter flows and minimize water use in summer to withdraw water only when flows in Turner Creek are in excess of the long-term base summer flow of 1.0 cfs (this minimum summer flow is likely sufficient to support Cold Water Aquatic Life in Turner Creek). This agreement is a good model for modifying water rights applications to protect Beneficial Use in Turner Creek and continued summer water availability in this watershed.

DEQ recommends that similar water management techniques be applied to the proposed water right, 95-18365, such that water is only withdrawn from the tributary during peak flows in winter and spring months, water is stored in impoundments for summer use, and groundwater withdrawals in summer be maintained at minimal levels needed for domestic use.

Thank you for the opportunity to review the application and provide comments. If there are any questions, I can be reached via email at *Chantilly.Higbee@deq.idaho.gov* or via phone at 208-666-4605.

Sincerely,

Chantilly Higbee
Water Quality Compliance Officer
Idaho Department of Environmental Quality

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07/2008

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, and 42-222, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested: Water Rights application 95-18365, Faceless Cedar
2. Name of protestant Thomas & Katherine Flint
3. Protestant's Representative for service (If different than protestant) NA
4. Service mailing address 28454 S. Hwy 97, Harrison, ID 83833
5. Service telephone no. 208-667-5034 Email Address: kafflint@gmail.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

   See Attached

7. What would resolve your protest? See Attached

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 16th day of October, 2022.

Kathleen G. Flint
_____ Protestant

_____ Protestant's Representative

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NOTE:

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by LA Date 10-17-22 Time _____
$25.00 fee Receipted by LA # N041498 Date 10-17-22

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OCT 26 2022

Thomas & Katherine Flint
Attachments for Protest of Water Rights Application 95-18365, Faceless Cedar

6. Basis of Protest: We understand this application request is to collect water from "Unnamed Stream" and Ground Water which are tributaries to Turner Creek, drawing up to .2 CFS year around. Along with the listing of "aesthetic" purposes and "aesthetic storage", their application remarks state:

> *Applicant plans to divert water from unnamed stream and natural groundwater in the area of a planned pond for fire protection and irrigation purposes. Applicant will use a combination of water permit 95-17841 and this application for permit for irrigation on property.*

The topics of our concern are:

a) Lack of specific information and relation to previous Water Permit 95-17841
b) Water flow in Turner Creek
c) The fishery impact
d) The load of sediment and nutrients in the creek
e) Our personal water right and usage

a) Specific Information:
   a. The applicant states they will use a combination of water from this permit and the previous permit 95-17841 for irrigation on property. It is not clear to me whether this new permit includes the 6 acres from the previous permit or all 9 acres listed are newly considered acres, but it is stipulated in the approval of that permit that *"This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use."* How does that stipulation relate to this new permit application?
   b. How will the water be stored?
   c. What is meant by "Aesthetic and Aesthetic Storage"?
   d. The Applicant had had the intention of establishing a wedding venue on this site . These plans have not yet been approved by the county. If a background intention of this water rights application is irrigation for creating and maintaining a gorgeous green setting for weddings, the request is not critical to living on the site and it will more likely take maximum water diversion.

b) I'm not knowledgeable enough to know what effect the significant water use from this permit, along with the earlier one, will have on seasonal flow of Turner Creek, so I must count on the involvement of the relevant agencies to discover and report this important data. I do know that August and September are usually the driest months of the year during which the water flow in Turner Creek can be extremely low and certainly, at least during these months, more diversion could be hazardous. One would certainly want this question answered before approving such an application.

c) The decreased waterflow in Turner Creek will have fishery impact. The trout need adequate waterflow for survival, but a decrease in water will also increase the temperature of the water, likely making it uninhabitable. Kokanee use Turner Creek for spawning. Without adequate waterflow these landlocked salmon will not be able to migrate up the creek.

d) There could be additional chemicals draining into the creek and its tributaries from fertilizers and possibly herbicides.

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OCT 26 2022

e) In addition to these larger environmental concerns, we have a longstanding water right and we are concerned about our own welfare. We depend on Turner Creek for our domestic water, and irrigation for a garden and two small orchards.

7. What would resolve this protest: Drilling a well to access water from the water table that does not affect the creek waterflow; other means of water collection for storage. An earlier neighboring water rights permit application effecting Turner Creek was mitigated in several ways including stipulations that the owner collect Turner Creek flow data and monitor diversion flow in order to adjust their diversion rate to maintain an adequate flow for a healthy creek environment. If related agencies consider that this application, after it is explained and revised with mitigations, will not harm all aspects of a healthy creek environment, I would consider my protest resolved.

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IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 95 - 18365 APPLICATION ID # 86793 ENT. AF BCA Jh OK to Publish AF

INITIAL REVIEW

APPLICANT: Faceless Cedar LLC BY: AF DATE: 9 / 15 / 2022

ITEM	REQUIRED INFORMATION
1.	(X) Name and Address
2.	(X) Source
3.	(X) Point of Diversion & County
4.	(X) Quantity
	(X) Nature of Proposed Use
	(X) Period of Use
5.	(X) Total Quantity
6.	(X) Description of diverting works
7.	(X) Time required for b/u
8.	(X) Proposed use
9.	(X) Place of use or acres irrigated
10.	(X) Other water Rights
11.	(X) Ownership
12.	(X) Map
	(X) Signature
	(X) Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y( ) N( )

ADDITIONAL INFORMATION

(Yes)(No)

X ___ **Shape File Created** Date 9/14/22 By: AF
___ ___ Field check: by _____
___ ___ Field report attached
___ ___ Analysis Supp. attached(>5cfs/500af)
___ ___ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) **PRIORITY DATE:** 9 / 14 / 2022

___ X (Include Moratorium Remark)
___ X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: Kootenai County
Newspaper: Coeur d Alene Press
Dates scheduled for publication 10-6-22 ; 10-13-22
Affidavit of Publication received: _____
Dates actually published: _____
Application published correctly. Yes_____ No_____
If not, action taken: _____

Final Date for Protest: October 24, 2022
Protests Received: Yes _____ No _____

LETTERS SENT REQUESTING:

( ) Dam Information ( ) Fish Information
( ) Power Information ( ) Other: _____

INFORMATION RECEIVED:

( ) Dam Information ( ) Fish Information
( ) Power Information ( ) Other: _____

DEQ, F+G

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom.___ Non-Dom.___	Paid $_____	_____	Y( ) N( )
_____	_____	Dom.___ Non-Dom.___	Paid $_____	_____	Y( ) N( )
_____	_____	Dom.___ Non-Dom.___	Paid $_____	_____	Y( ) N( )

___ ___ Groundwater management area
___ ___ Critical ground water area
___ ___ Well Drilling Permit required
___ ___ Well Drilling Application and Fees received
___ ___ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

___ ___ Notice of pending void order issued. Final order response date: ____/____/____
___ ___ Further information required from applicant _____

___ ___ Measuring device required
___ ___ Measuring port required
___ ___ Special conditions: F&G with 95-17841 X35 95-17841 + 95-18365 shall not exceed 9 acres Irrigation at Ave.
___ ___ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: _____ Date: ____/____/____ Sr. Agent initial _____

Alleman, Tammy

From: Alleman, Tammy
Sent: Monday, October 3, 2022 6:19 AM
To: Chantilly Higbee; Horsmon,Merritt; Anna Moody
Subject: Request for Comments for 95-18365
Attachments: 95-18365 Application for Permit.pdf

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right Permit application. You can find copies of the application at: http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application(s), you may do so after the notice is published by filing a written protest along with a $25.00 filing fee within 10 days after final publication. The deadline for comments on the applications is October 24, 2022.

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the Permit application.

Thank you,

IDAHO DEPARTMENT OF WATER RESOURCES

Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

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OCT 0 3 2022

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

September 28, 2022

FACELESS CEDAR LLC
11065 S CARLIN BAY RD
HARRISON, ID 83833-7800

RE: Application for Permit No. 95-18365

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the COEUR D ALENE PRESS on 10/6/2022 and 10/13/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Tammy Alleman
Administrative Assistant

SCANNED
OCT 0 3 2022

Alleman, Tammy

From: Alleman, Tammy
Sent: Wednesday, September 28, 2022 11:40 AM
To: bcdblegals@cdapress.com
Subject: Legal Notice for 97-8755 & 97-8825
Attachments: Legal Notice for 97-8755 & 97-8825.docx

Please publish the enclosed legal notice in the **Bonner County Daily Bee, Priest River Version** on the dates indicated **October 5th & October 12th, 2022** (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof once you have the article ready for print for our review.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **October 24, 2022.** Your cooperation is appreciated.

Thank you,

IDAHO DEPARTMENT OF WATER RESOURCES

Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

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OCT 0 3 2022

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

95-18361
BEAR WATERFRONT LLC
ATTN: NEISON ERICKSON
2936 W DAKOTA AVE.
HAYDEN, ID 83835
Point of Diversion SWNE
S10 T50N R04W
KOOTENAI County
Source SPOKANE RIVER
Tributary COLUMBIA RIVER
Use: DOMESTIC
01/01 to 12/31 0.06 CFS
Use: IRRIGATION
03/15 to 11/15 0.03 CFS
Total Diversion: 0.09 CFS
Date Filed: 09-01-2022
Place Of Use: DOMESTIC,IRRIGATION
T50N R04W S10 L3(SWNE)
Total Acres: 0.5

95-18362
STEPHEN G KUTCHER
LAUREL M KUTCHER
6581 E FRENCH GULCH RD
COEUR D ALENE, ID 83814-7756
Point of Diversion NWSE
S9 T50N R03W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.06 CFS
Date Filed: 09-12-2022
Place Of Use: DOMESTIC,STOCKWATER
T50N R03W S9 NWSE

95-18363
BAKER TRUST
21739 S CORDILLERA DR
WORLEY, ID 83876-2100
Point of Diversion L3(NESW)
S19 T48N R04W
KOOTENAI County
Source LAKE COEUR D ALANE
Tributary SPOKANE RIVER
Use: IRRIGATION
03/15 to 11/15 0.11 CFS
Use: FIRE PROTECTION
01/01 to 12/31 0.11 CFS
Total Diversion: 0.11 CFS
Date Filed: 08-25-2022
Place Of Use: FIRE PROTECTION,IRRIGATION
T48N R04W S19 L3(NESW)
Total Acres: 2

95-18365
FACELESS CEDAR LLC
11065 S CARLIN BAY RD
HARRISON, ID 83833-7800
Point of Diversion SWSW
S20 T49N R03W
KOOTENAI County
Source UNNAMED STREAM
Tributary TURNER CREEK
Point of Diversion SWSW
S20 T49N R03W
KOOTENAI County

SCANNED
OCT 03 2022

Source GROUND WATER
Tributary TURNER CREEK
Use: AESTHETIC
01/01 to 12/31 0.2 CFS
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 4.1 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 27 AF
Use: IRRIGATION FROM STORAGE
03/15 to 11/15 27 AF
Use: AESTHETIC STORAGE
01/01 to 12/31 4.1 AF
Use: DIVERSION TO STORAGE
01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 09-14-2022
Place Of Use: AESTHETIC,AESTHETIC STORAGE,FIRE PROTECTION STORAGE,IRRIGATION FROM STORAGE,IRRIGATION STORAGE
T49N R03W S20 SWSW
Place Of Use: IRRIGATION FROM STORAGE
T49N R03W S20 NWSW
Total Acres: 9

95-18366
JANE CARBAUGH
DON CARBAUGH
24393 N ESTATES DR
ATHOL, ID 83801-5006
Point of Diversion L6(NWSW)
S6 T52N R03W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.06 CFS
Date Filed: 09-14-2022
Place Of Use: DOMESTIC,STOCKWATER
T52N R03W S6 L6(NWSW)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of $25.00 for each application on or before 10/24/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director Published on 10/6/2022 and 10/13/2022

SCANNED
OCT 0 3 2022