

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 95-18269

Priority: February 11, 2022

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 0.6 AF

It is hereby certified that:

CATER LIVING TRUST 628 W 22ND AVE SPOKANE WA 99203-1960

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 11, 2022, and has submitted Proof of Beneficial Use on April 21, 2023. An examination confirms water is diverted from:

Source : TWIN LAKES

Tributary: RATHDRUM CREEK

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.04 CFS

Annual Volume

0.6 AF

Location of Point(s) of Diversion

TWIN LAKES NE¼ NE¼, Sec. 1, Twp 52N, Rge 05W, B.M. KOOTENAI County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
52N	05W	1	X																
			L1																

Conditions of Approval

1. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
2. This right does not grant any right-of-way or easement across the land of another.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 95C
4. Place of use is located within Lot 7, and Lot 8; Blk. 1; Pioneer Park Addition subdivision.

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

Signed this 27th day of April, 20 23.



PHILL HUMMER
Water Rights Supervisor

SCANNED
MAY 11 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
95-18269

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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



0 400 800 Feet

SCANNED
MAY 11 2023

RECEIVED

APR 10 2023

DEPARTMENT OF
WATER RESOURCESRECEIVED
APR 21 2023
DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 50.00
Receipt No. C11592
Received By K4
Date Received 4.21.23

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

- Permit No. 95-18269 Name of Permit Holder(s) CATER LIVING TRUST
Telephone No. 509-747-9345 Email VCATER@PEOPLEPC.COM
Mailing Address 628 W. 22ND AVE City SPokane State WA Zip 99203
- Source of Water TWIN LAKES If Ground Water (well), Date Drilled mo. ____ / yr. ____
Drilling Permit/Tag No. ____ Drilling Company's Name ____
- Extent of use(s) completed as authorized by the water right permit:
Domestic (No. households) 1 Irrigation (No. acres) ____ Stockwater (No. and stock type) ____
Other ____
- Total diversion rate or volume (storage only) for which proof is submitted ____ 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.
- Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)
PUMP
- 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
- Fee Enclosed \$ 50 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.
- Person to contact to accompany a Department representative during the field examination of the water system:

Name: _____ Telephone No. _____ Email _____
Mailing Address _____ City _____ State _____ Zip _____

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

[Signature] RONALD E CATER, TRUSTEE 4-6-23
SIGNATURE OF PERMIT HOLDER* PRINTED NAME AND TITLE DATE

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

RECEIVED

APR 10 2023

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

FOR OFFICE USE ONLY

Amt. of Fee \$ _____

Receipt No. _____

Received By _____

Date Received _____

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. 95-18269 Name of Permit Holder(s) CATER LIVING TRUST
 Telephone No. 509-747-9345 Email YCATER@PEOPLEPC.COM
 Mailing Address 628 W. 22ND AVE City SPokane State WA Zip 99203
2. Source of Water TWIN LAKES If Ground Water (well), Date Drilled mo. _____ / yr. _____
 Drilling Permit/Tag No. _____ Drilling Company's Name _____

3. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. households) 1 Irrigation (No. acres) _____ Stockwater (No. and stock type) _____
 Other _____

4. Total diversion rate or volume (storage only) for which proof is submitted _____ cfs OR _____ af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

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

Pump

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

Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| ☐ | ☐ | ☐ | Ground water level data, pumping information, or other diversion data |
| ☐ | ☐ | ☐ | Mitigation plan |
| ☐ | ☐ | ☐ | Lockable controlling works |
| ☐ | ☐ | ☐ | Measuring device |
| ☐ | ☐ | ☐ | Fish screen |
| ☐ | ☐ | ☐ | Other requirements of the water right permit _____ |
| ☐ | ☐ | ☐ | Reasonably Anticipated Future Needs ("RAFN") Municipal use |

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

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

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

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

Name: _____ Telephone No. _____ Email _____

Mailing Address _____ City _____ State _____ Zip _____

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

SIGNATURE OF PERMIT HOLDER*

PRINTED NAME AND TITLE

DATE

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

RONALD E CATER, TRUSTEE4-6-23



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098

Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 28, 2023

CATER LIVING TRUST
628 W 22ND AVE
SPOKANE WA 99203-1960

RE: License No. 95-18269

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4925.

Sincerely,

Phill Hummer
Water Rights Supervisor

Enclosure(s)

SCANNED
MAY 11 2023

CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2023, I served a true and correct copy of Water Right License No. 95-18269 by U.S. Mail, postage prepaid, to the following:

CATER LIVING TRUST (Current Owner)
628 W 22ND AVE
SPOKANE WA 99203-1960

RONALD E CATER (Trustee)
628 W 22ND AVE
SPOKANE WA 99203-1960

LINDA A CATER (Trustee)
628 W 22ND AVE
SPOKANE WA 99203-1960

WATER DISTRICT #95C
STEVE NEFF (Watermaster)
17358 N RESERVOIR RD
RATHDRUM ID 83858-7425



Sidney Palmer
Technical Records Specialist 1

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

A. GENERAL INFORMATIONPermit No: 95-18269Exam Date: 4/26/2023

1. Does this qualify for an in-office field exam (IDAPA 035.02.r)? X Y N
- Irrigation of 5 acres or less
 - Storage of up to 14.6 AF for stockwater purposes only
 - Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
 - Other < >

2. Current Owner: Name: Cater Living Trust
- Owner of Record Correct? X Y N
- Address of Record Correct? X Y N
- If No: Address

According to Tax Parcel Data the property is owned by Chester Ness Jr.

3. Beneficial Use Fees have been paid: X Y N Receipt No: C115992
4. **SOURCE** **TRIBUTARY**
- Twin Lakes Rathdrum Creek

Method of Determination: GIS and Tax Parcel DataChange in Source: Y X N**B. OVERLAP REVIEW**

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

Water Right	Source	Purpose of Use	Basis
95-729	Miller Creek	Domestic	Decreed
95-828	Unk Strm to Twin Lakes	Domestic	Decreed
95-833	Miller Creek	Domestic	Decreed
95-834	Miller Creek	Domestic	Decreed
95-17801	Miller Creek	Domestic- POU is Lot 8(same as 95-18269)	Permit
95-2055	Unk Strm to Twin Lakes	Domestic	Decreed
95-4269	Twin Lakes	Domestic	Decreed
95-973	Twin Lakes	Recreation Storage/Rathdrum Creek Flood Control Dist	Decreed
95-974	Twin Lakes	Recreation Storage/Twin Lakes Improvement Assn.	Decreed

Comments:

The permit place of use (POU) is overlapped by the POU of several domestic rights, which are described as the entire NENE and NWNE of government lot 1. IDWR records searches found better descriptions of the POU's in backfiles or ownership changes for current parcel owners. Based on the Kootenai County tax assessor online records the parcel for lots 7 and 8 are owned by the permit holder. The applicant submitted a quit claim deed signed by Upper Twin Lakes, LLC and notarized, which includes all appurtenances. After reviewing IDWR documentation on permit 95-17801, there has been no Statement of Completion issued. There are no concerns regarding any overlapping domestic rights. In a phone conversation with the applicant on April 26th, 2023, the applicant stated that they are not using water for any irrigation at the POU. The permitted domestic use without any irrigation would not likely cause any injury to any overlapping rights.

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

Water Right No.	Source	Purpose of Use	Basis
None	NA	NA	NA

Comments:

There are no rights that share the point of diversion (POD) with the permit POD.

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

Source	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.		County
Lake Pump	1		NE	NE	1	52N	05W	B.M.	Kootenai

Method of Determination: GIS and Tax Parcel Data.

Change in POD? ____Y ____X ____N Amendment Required? ____Y ____X ____N

2. PLACE OF USE: Use: Domestic

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
52N	05W	1	D															N/A	
		Lot #	1															N/A	
																	Total Acres =	N/A	

Method of Determination: GIS and Tax Parcel Data.

Change in POU? ____Y ____X ____N Amendment Required? ____Y ____X ____N

___ Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable.

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

___ Photo of Diversion and System Attached

4. Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Unknown	Unknown		Unknown	Unknown	Unknown

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

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

2. Measurements:No measurement is required for an in-house exam, but administrative memo 22 was used to support that the rate requested is acceptable.**E. FLOW CALCULATIONS**

____Additional Computation Sheets Attached

The permit holder did not provide pump details in the Proof of beneficial use. Administrative Memo 22 allows a rate of up to 0.04cfs for domestic use in 1 home, I am recommending a maximum diversion rate of 0.04cfs at licensing.**Permit allowed = 0.04cfs, Recommendation=0.04cfs**

F. VOLUME CALCULATIONS**2. Volume Calculations for Other Uses: Domestic**

Administrative Memo 22 allows a volume of up to 0.6 AF for domestic use in 1 home without irrigation, I am recommending a maximum yearly volume of 0.6AF at licensing.

G. PURPOSE OF USE

Irrigation ☐ Y ☒ X ☐ N # Stock N/A Domestic # of Homes 1

Change in Purpose of Use? ☐ Y ☒ X ☐ N

Method of Determination: GIS, Tax Parcel Data, and Google Earth Imagery.

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

H. NARRATIVE/REMARKS/COMMENTS

This permit for domestic use for 1 home, diverted from Twin Lakes, in Water District (WD) 95 qualifies for an in-office exam. I was able to confirm the home has been developed using Google Earth and GIS imagery, however, I was unable to find any evidence of irrigation within the permit POU (see Figures 1, 1.1 and 1.2). I spoke with the permit holder (Ronald Cater) on phone call April 26th, 2023, the permit holder stated that he is not irrigating within the POU.

A POU and POD overlap analysis found no overlapping PODs, but there were several overlapping domestic rights and one domestic permit. IDWR backfiles, Kootenai County tax records, and parcel data were used to confirm the rights were not appurtenant to the permit POU. The domestic permit 95-17801 overlaps the POU in lot #8, however the permit holder provided documentation including a deed conveying appurtenances. The holder of 95-17801 was the previous owner of the POU.

The permit holder could not provide any pump details; however, the standard Administrative Memos #22 was used to determine the appropriate rate of flow and annual volume for domestic use on the license. I am recommending a rate of 0.04cfs and an annual volume of 0.6 AF on the license. I am recommending the license be issued with conditions WB5, R05, X60, and 004. Condition X01 was replaced with WB5 and condition 187 was removed before licensing, as the permit holder did not develop any exterior irrigation use.

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

I. RECOMMENDATIONS**1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Domestic	1/1 to 12/31	0.04 CFS	0.6 AF
<u>Totals:</u>		0.04 CFS	0.6 AF

2. Recommended Amendments

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

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ X None

Other: < >

J. AUTHENTICATION- Bob Howe, Water Resource Agent

Water Resource Agent Name Bob Howe Date 4/27/23

Reviewer PH Date 4/27/23



Figure 1- 2021 GIS image of the POU, outlined in light blue, and the POD, represented by a light blue point.



Figure 1.1- Google Earth image of the domestic POU- circa 2022. No visibly irrigated areas.



Figure 1.2- Google Earth image of the domestic POU- circa 2020. No visibly irrigated areas.

Beneficial Use Proof Evaluation

Permit Number: 95-18269 Reviewer: djudd Review Date: 4/21/2023

Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 4/21/2023
- 4) Proof Due Date: 6/1/2023
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: -41
- 8) Proof received timely? Yes

Analysis

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

Fees

- 1) Is a licensing exam fee required? Yes
- 2) Was proof submitted with an exam report from a CWE? No
- 3) Filing fee due: \$50.00
- 4) Filing fee submitted: \$50.00
- 5) Remaining fee or (refund): \$0.00

Receipt IDs

N038368

Comments

Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little
April 13, 2023

Director Gary Spackman

CATER LIVING TRUST
628 W 22ND AVE
SPOKANE WA 99203-1960

PROOF DEFICIENCY LETTER

RE: Permit No. 95-18269

Dear Permit Holder:

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

This permit authorizes a diversion rate of 0.04 cfs (cubic feet per second) of surface water and was stated the same on the form requiring a license examination fee of \$50.00.

Please submit the required fees at your earliest convenience before the proof due date of **June 01, 2023** to avoid the possibility of your permit lapsing. If you have any questions concerning this matter, please contact me at (208) 287-4920 or debby.judd@idwr.idaho.gov.

Sincerely,

Debby Judd
Technical Records Specialist

Enclosure

SCANNED
APR 14 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little
March 31, 2023

Director Gary Spackman

CATER LIVING TRUST
628 W 22ND AVE
SPOKANE WA 99203-1960

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 95-18269

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before **June 01, 2023**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Idaho Code § 42-204. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a \$50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this Department on or before the above proof due date. If neither is received, the Department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures



SCANNED
MAR 30 2023