

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 96-9881

Priority: July 19, 2021

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 0.6 AF

It is hereby certified that:

RICHARD ROBERTS 920 SIRRON AVE RICHLAND WA 99352-9641 AND/OR
LOIS ROBERTS 920 SIRRON AVE RICHLAND WA 99352-9641

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 19, 2021, and has submitted Proof of Beneficial Use on June 20, 2023. An examination confirms water is diverted from:

Source : PEND OREILLE RIVER

Tributary: COLUMBIA RIVER

Beneficial Use
DOMESTIC

Period of Use
04/01 to 10/31

Rate of Diversion
0.04 CFS

Annual Volume
0.6 AF

Location of Point(s) of Diversion

PEND OREILLE RIVER L3 (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 3, Twp 56N, Rge 02W, B.M. BONNER County

Place of Use: DOMESTIC

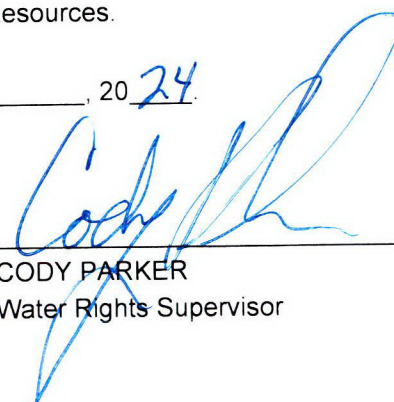
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	02W	3								X L3									

Conditions of Approval

1. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
2. Domestic use is for external use for 1 home.
3. This right does not grant any right-of-way or easement across the land of another.

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

Signed this 23rd day of JANUARY, 2024.



CODY PARKER
Water Rights Supervisor

State of Idaho
Department of Water Resources
Attachment to Water Right
96-9881

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.

02W



0 0.035 0.07 0.14 Miles

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



RECEIVED

JUN 20 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. C116548
Received By LM
Date Received 6.20.23

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

1. Permit No. 96-9881 Name of Permit Holder(s) Richard and Lois Roberts
Telephone No. 509 627 6724 Email ljcoug@gmail.com
Mailing Address 920 Sirron Avenue City Richland State WA Zip 99352
2. Source of Water Pend Oreille River 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 0.04 cfs OR ____ af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.
5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)
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: Jack Howard Telephone No. 208 304 6706 Email jw.howard182@gmail.com
Mailing Address 1081 Lakeshore Dr City Sagle State ID Zip 83860

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.

Richard RobertsRichard Roberts06-15-23

SIGNATURE OF PERMIT HOLDER*

PRINTED NAME AND TITLE

DATE

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



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

January 24, 2024

RICHARD ROBERTS
LOIS ROBERTS
920 SIRRON AVE
RICHLAND WA 99352-9641

RE: License No. 96-9881

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) 287-4910.

Sincerely,

Cody Parker

Cody Parker
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2024, I served a true and correct copy of Water Right License No. 96-9881 by U.S. Mail, postage prepaid, to the following:

RICHARD ROBERTS (Current Owner)
920 SIRRON AVE
RICHLAND WA 99352-9641

LOIS ROBERTS (Current Owner)
920 SIRRON AVE
RICHLAND WA 99352-9641



Debra Mansfield
Technical Records Specialist 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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

A. GENERAL INFORMATIONExam Date: 7/25/2023

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? X Y ___ N
- a. ___ Irrigation of 5 acres or less
- b. ___ Storage of up to 14.6 AF for stockwater purposes only
- c. X Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
- d. ___ Other < >
2. Current Owner: RICHARD ROBERTS and/or LOIS ROBERTS
- Owner of Record Correct? X Y ___ N
- Address of Record Correct? X Y ___ N
- If No Explain:
3. Beneficial Use Fees have been paid: X Y ___ N Receipt No: N037184
4. Source: PEND OREILLE RIVER Tributary: COLUMBIA RIVER

Method of Determination: DRG in ArcMap

Change in Source: ___ Y X N

B. OVERLAP REVIEW

1. Other water rights with the same place of use: ___ No Overlap

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

Comments: Both rights belong to SOUTHSIDE WATER & SEWER DISTRICT and have active claims in the Clark Fork Pend Oreille Adjudication. The overlap is only in the place of use and no overlap in sources.

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

Water Right No.	Source	Purpose of Use	Basis
NA	NA	NA	NA

Comments: NA

C. DIVERSION AND DELIVERY SYSTEM

1. Location of Point(s) of Diversion:

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
PEND OREILLE RIVER	3	SE	NW		3	56N	02W	B.M.	Bonner
								B.M.	
								B.M.	

Method of Determination: GIS and Taxlot data.

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

2. Place of Use:

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	02W	3								X									
		Lot #								3									

Method of Determination: GIS and Taxlot data.Change in POU? ____Y XN Amendment Required? ____Y XNX Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable:

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

____ Photo of Diversion and System Attached

3. Diversion Id No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		1 HP			

*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
NA	NA	NA	NA	NA	NA	NA

2. Measurement Comments:

Physical measurement was not taken as this beneficial use examination qualified for an in-office examination.**E. FLOW CALCULATIONS**NA Additional Computation Sheets Attached

Measured Method: This beneficial use examination qualified as an in-office examination so no physical measurements were taken. Application Processing Memo No. 22 has a rate recommendation of 0.04 CFS total for domestic use for a single home.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: (NA – no irrigation)

2. Volume Calculations for Other Uses: Application Processing Memo No. 22 has a volume recommendation of 1.2 AF total for a single domestic use that includes both irrigation (0.6 AF) and in-home use (0.6 AF). Since this was permitted as external use only, 0.6 AF is recommended.

G. PURPOSE OF USEIrrigation ____Y XN # Stock NA Domestic # of Homes 1

Other: < >

Change in Purpose of Use? ____Y XN

Method of Determination:

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

H. NARRATIVE/REMARKS/COMMENTS

Permit 96-9881 qualifies for an in-office examination because the permitted rate is less than 0.24 cfs.

The information for the current permit holder matches the information on the Statement of Completion provided to the Department. The form showed that the Fish Screen was not required according to the permit although the permit requires the permit holder to comply with all fish screening/passage requirements of Idaho Dept. Fish and Game. An email requesting additional information was sent and the representative to accompany a field examiner responded. A fish screen was installed by the contractor. Since condition 029 was complied with during the beneficial use period, the condition is recommended to be dropped on the license.

The representative described delivery system as drawing water from the river with a 1 HP pump through a pipe that runs under the dock. The water then goes into an underground sprinkler system to water the lower half of the lawn on the property. Additional irrigation of the property is completed using water from Southside Water and Sewer District which is from a separate source as this permit. This permit allows for external use only for domestic purposes which includes irrigation of up to 0.5 acres. The area behind the house to the lake is approximately 0.3 acres. If irrigation were occurring in the front of the property, the total irrigated acres would be about 0.5 acres of irrigation. This permit appears to have established the permitted beneficial use during the beneficial use period noted on the permit.

Application Processing Memo No. 22 has a rate recommendation of 0.04 CFS total for domestic use for a single home. The same memo has a volume recommendation of 1.2 AF total for a single domestic use that includes both irrigation (0.6 AF) and in-home use (0.6 AF). Since this was permitted as external use only, 0.6 AF is recommended.

Condition 239 describes the external use component for domestic use of a single home. Since condition 239 includes language that covers conditions 240 and X01, both conditions were replaced for condition 239. Conditions 004 and 187 were carried through to the license.

Have conditions of permit approval been met? ☒ 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	04/01 TO 10/31	0.04 CFS	0.6 AF

Totals:

2. Recommended Amendments:

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

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

Other: NA

J. AUTHENTICATION

Field Examiner's [Signature] Date 7-25-2023

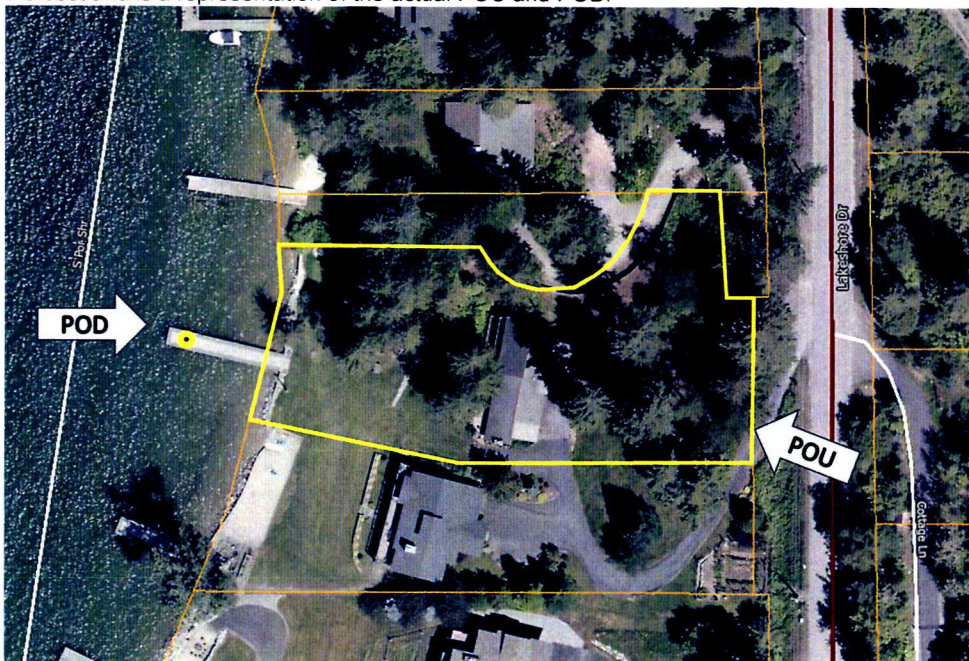
Reviewer [Signature] Date _____

Supporting Imagery – 4 images

1. The orange area between the lake and house is approximately 0.3 acres where irrigation under this permit has occurred on the property. This area is less than the 0.5 acres allowed under the permit. – Aerial and acre calculation was determined using the Bonner County Assessor's website as the aerial imagery was the best.



2. The yellow area is the recommended POU. This license is for Domestic purposes instead of specifically irrigation so the POU is recommended to stay as the whole parcel. The POD (yellow dot) was moved to the dock as it better reflects the actual location. This map was made in the Bonner County Assessor's website as the aerial imagery was the best and is a representation of the actual POU and POD.



3. Below is the recommended POU and POD for this license as it appears in the Department's ArcMap.



4. System Diagram. The water is pumped from the river in a system under the dock and is pumped into an underground sprinkler system which irrigates the property behind the home.



Novak, Shilynn

From: Jack Howard <jw.howard182@gmail.com>
Sent: Friday, July 21, 2023 4:45 PM
To: Novak, Shilynn
Cc: ljcoug@gmail.com
Subject: Re: Additional Info Request - Permit 96-9881

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.

One horsepower electric pump

The contractor installed a fish screen.

The pump is sited on land and draws from the lake through a pipe that runs under the dock pilings. The water is used for an underground sprinkler system to water the lower half of the lawn on the property. The lawn to the South of the home is serviced by the Southside Water and Sewer District. The lower lawn is less than 3700 sq ft of area.

Sent from my iPhone

On Jul 21, 2023, at 3:31 PM, Novak, Shilynn <Shilynn.Novak@idwr.idaho.gov> wrote:

Hello,

Water Permit 96-9881 qualifies for an in-office license examination and I am working on a license recommendation. To complete my recommendation, I would appreciate any additional information you can provide about the following:

1. What type of pump is there?
 1. What's the horsepower?
2. Is there a fish screen?
 1. The permit includes a condition to comply with all fish screening and/or fish passage requirements by Idaho Dept. of Fish and Game (IDFG). Because of this condition, I need a statement that there is a fish screen in place or evidence from you that shows IDFG does not require a fish screen for your use.
3. Starting at the pump, how is the water used on the property?
 1. *For example: The pump is set up under the dock and uses the river water for an in-ground sprinkler system. The in-ground sprinkler system is set up throughout the property.*
 2. I have included a map (generated through the Bonner County Assessor's webpage) that you can draw on if that helps you explain the system you have in place.

If you have any pictures of the pump location and water delivery system, those pictures would also be greatly appreciated and can be attached in response to this email.

Once the information is received, I will continue my in-house examination and can make a recommendation to have 96-9881 licensed. If you have any questions, you may reply to this email or call my direct number at 208-287-4915.

Thank you for your help.

Sincerely,
Shilynn

Shilynn Novak

<image001.jpg>

Water Resource Agent, Sr. | Water Rights Section
322 E Front St Ste 648 | Boise ID 83702-7371
Direct: 208.287.4915 | Front Desk: 208.287.4800

<Property Map.pdf>
<Permit 96-9881.pdf>

Once the information is received, I will continue my in-house examination and can make a recommendation to have 96-9881 licensed. If you have any questions, you may reply to this email or call my direct number at 208-287-4915.

Thank you for your help.

Sincerely,
Shilynn

Shilynn Novak

<image001.jpg>

Water Resource Agent, Sr. | Water Rights Section
322 E Front St Ste 648 | Boise ID 83702-7371
Direct: 208.287.4915 | Front Desk: 208.287.4800

<Property Map.pdf>

<Permit 96-9881.pdf>

Beneficial Use Proof Evaluation

Permit Number: 96-9881 Reviewer: AVeibell Review Date: 6/27/2023

Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 6/20/2023
- 4) Proof Due Date: 9/1/2023
- 5) Days added for weekend due date?
- 6) Days added for holiday due date?
- 7) Number of days late: -73
- 8) Proof received timely? Yes

Analysis

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

Fees

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

Unscanned Docs Begin Here

Receipt IDs

N037184

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 Receipt
Receipt ID: C116548

Payment Amount	\$50.00	Date Received	6/20/2023	Region	STATE
Payment Type	Check	Check Number	563		
Payer	ROBERTS, LOIS J				
Comments	STATEMENT OF COMPLETION FOR SUBMITTING PROOF OF BENEFICIAL USE PERMIT # 96-9881 FOR: RICHARD & LOIS ROBERTS				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	BENEFICIAL USE	56104	0229	21		1155



Signature Line (Department Representative)