

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 96-11314

Priority: May 14, 2022

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that:

DANIEL C ROSE 547 SITTING BULL RD SANDPOINT ID 83864-9126 AND
KATHLEEN T ROSE 547 SITTING BULL RD SANDPOINT ID 83864-9126

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 05, 2022, and has submitted Proof of Beneficial Use on July 10, 2023. An examination confirms water is diverted from:

Source : SAND CREEK

Tributary: PACK RIVER

Beneficial Use
DOMESTIC

Period of Use
01/01 to 12/31

Rate of Diversion
0.02 CFS

Annual Volume
1.2 AF

Location of Point(s) of Diversion

SAND CREEK SE¼ SE¼, Sec. 22, Twp 59N, Rge 01W, 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	
59N	01W	22													X	X	X	X	

Conditions of Approval

1. Point of diversion is located within Lot 29, Sand Creek Estates First Addition Subdivision.
2. Place of use is located within Lot 29, Sand Creek Estates First Addition Subdivision.
3. Domestic use is for 1 home.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
5. Water shall not be diverted under this right when flows in the Pack River are below minimum flow amounts as defined by Right 96-8717. The right holder shall be responsible for monitoring the daily flow of the Pack River using real-time data and shall cease diverting water when flows in the Pack River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey gauging station at Colburn, No. 12392300, may be used for purposes of determining the daily flow amounts.
6. 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.

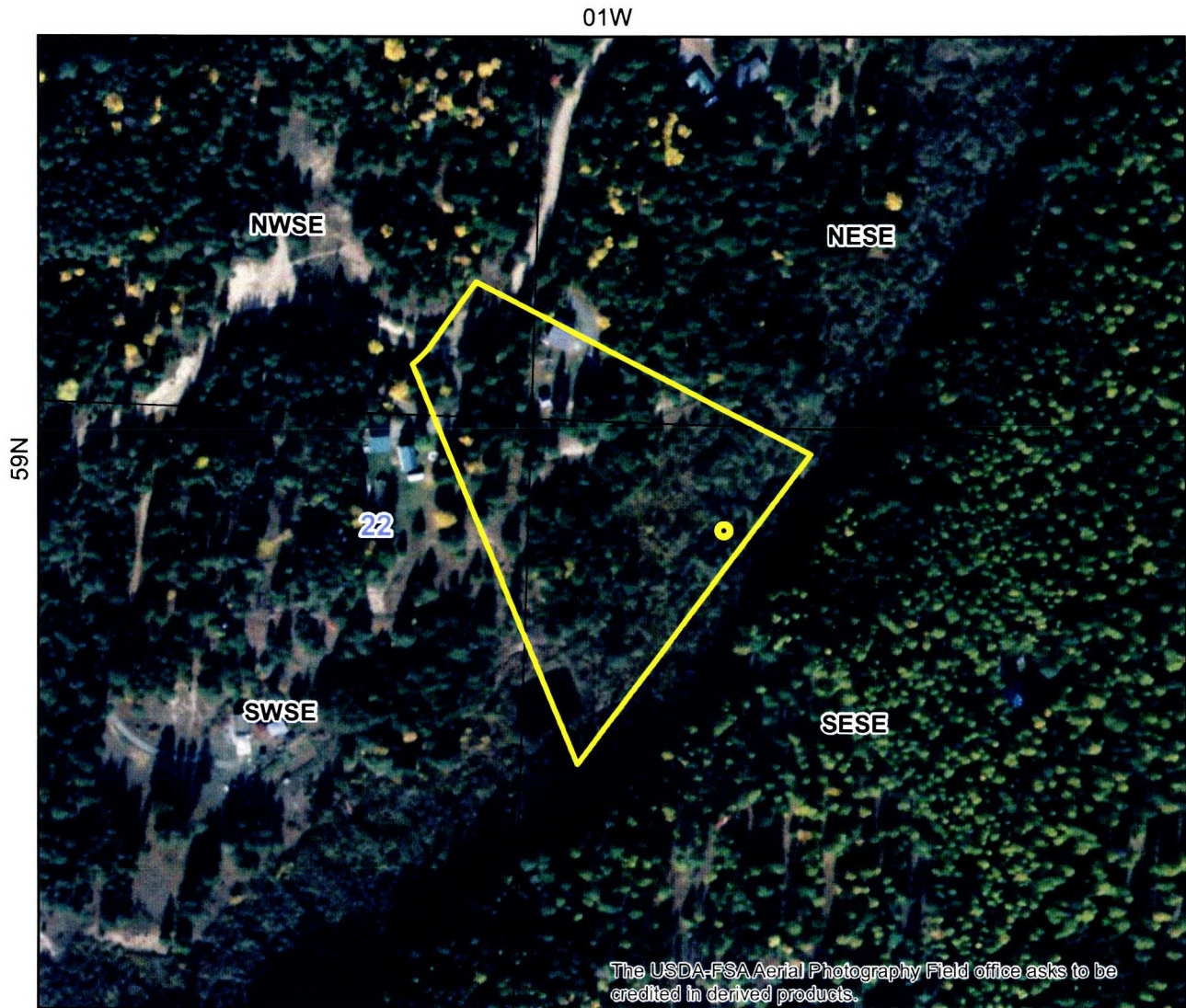
Signed this 8th day of November, 2023.



PHILL HUMMER
Water Rights Supervisor

State of Idaho
Department of Water Resources
Attachment to Water Right
96-11314

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.



0 0.035 0.07 0.14 Miles

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



**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO. 96-11314	)	PRELIMINARY ORDER
IN THE NAME OF DANIEL C ROSE AND	)	REINSTATING PERMIT
<u>KATHLEEN T ROSE</u>	)	

This matter having come before the Idaho Department of Water Resources (“Department”), the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On July 11, 2022, the Department issued Permit No. 96-11314 (“Permit”) in the name of Daniel C Rose and Kathleen T Rose (“Permit Holders”) authorizing the diversion of 0.02 cubic feet per second from Sand Creek for domestic use in the SE¼ of Section 22 of Township 59 North, Range 01 West, Bonner County. A condition of permit approval required submittal of the proof of beneficial use of water to the Department on or before July 1, 2023.
2. On April 28, 2023, the Department notified the Permit Holder by certified mail that proof of beneficial use was due and instructed the Permit Holder of the steps to be taken to submit a *Statement of Completion for Submitting Proof of Beneficial Use* (“Proof”) or a *Request for Extension of Time* (“Extension Request”).
3. On July 1, 2023, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
4. On July 10, 2023, the Permit Holder filed an acceptable Proof.

CONCLUSIONS OF LAW

Idaho Code § 42-218a(1) states, in pertinent part:

A permit upon which the proof of beneficial use... has not been submitted, or a request for extension of time has not been received on or before the date set for such proof... shall lapse and be of no further force nor effect... Notice of said lapsing shall be sent by the department to the permit holder at the address of record by regular mail.

Idaho Code § 42-218a(2) states, in pertinent part:

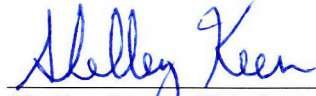
Within sixty (60) days after such notice of lapsing, the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

The Permit Holder filed an acceptable Proof providing a reasonable showing the Permit should be reinstated. The Permit should be reinstated based upon the July 10, 2023 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 96-11314 is **REINSTATED** and the Permit's priority date is advanced to May 14, 2022.

DATED this 31st day of July, 2023.



Shelley Keen, Chief
Regional Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

RECEIVED

JUN 29 2023

IDWR / NORTH

JUL 10 2023

DEPARTMENT OF
WATER RESOURCES

FOR OFFICE USE

ONLY Amt. of Fee \$

50 Receipt

No. 1043809

Received By

Date

Received 7/19/23

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. 1043809 ^{Del} Name of Permit Holder(s) Daniel C. & Kathleen T. Rose

Telephone No./Email: 413 563-1631 writeindanrose@gmail.com

Mailing Address: 547 Sitting Bull Road City: Sandpoint State: ID Zip: 83864

2. Source of Water 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) 410 Stockwater (No. and stock type) 15 chickens

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.) Hand carry five (5) gallon bucket from Sand Creek, total 20 gallons per day

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:

Dan Rose Telephone No.: 413 563-1631 Email: writeindanrose@gmail.com Mailing Address 547 Sitting Bull Rd.

City: Sandpoint State: ID Zip: 83864

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.

Daniel R. Rice June 26, 2023

KTR 6-26-2023

SIGNATURE OF PERMIT HOLDER * PRINTED NAME AND TITLE DATE * Attach power of attorney if completing on behalf of permit holder.



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: ldwrinfo@ldwr.idaho.gov • Website: ldwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

November 08, 2023

KATHLEEN T ROSE
DANIEL C ROSE
547 SITTING BULL RD
SANDPOINT ID 83864-9126

RE: License No. 96-11314

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 ldwr.idaho.gov

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

Sincerely,

Phill Hummer

Phill Hummer
Water Rights Supervisor

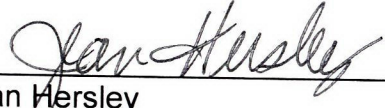
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 08, 2023, I served a true and correct copy of Water Right License No. 96-11314 by U.S. Mail, postage prepaid, to the following:

KATHLEEN T ROSE (Current Owner)
547 SITTING BULL RD
SANDPOINT ID 83864-9126

DANIEL C ROSE (Current Owner)
547 SITTING BULL RD
SANDPOINT ID 83864-9126



Jean Hersley
Technical Records Specialist 2

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
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 96-11314
Exam Date: 11/07/2023

1. Current Owner:

DANIEL C ROSE 547 SITTING BULL RD SANDPOINT ID 83864-9126 AND
KATHLEEN T ROSE 547 SITTING BULL RD SANDPOINT ID 83864-9126

2. 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 < >

3. **SOURCE:**
SAND CREEK

Tributary
PACK RIVER

Method of Determination: application and permit

B. OVERLAP REVIEW1. Other water rights with the same place of use: NO Overlap

Water Right No.	Source	Purpose of Use	Basis

Comments: NA

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

Water Right No.	Source	Purpose of Use	Basis

Comments: NA

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

SAND CREEK SE¼ SE¼, Sec. 22, Twp 59N, Rge 01W, B.M. BONNER County

Method of Determination: ArcMap, application and permit

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	
59N	01W	22													X	X	X	X	

Method of Determination: application, permit and ArcMap

3. Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- Aerial Photo Attached (required for irrigation of 10+ acres).
- Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

E. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses: Domestic 0.02 cfs, 1.2 af includes up to ½ acre of irrigation, per Application Processing Memo # 22.

G. NARRATIVE/REMARKS/COMMENTS: Qualifies for an in-house exam. ArcMap and Bonner County confirm dwelling on property and list permit holders as current owners. Statement of Completion and application states the water right owners carry water in 5-gallon bucket from Sand Creek to a 400-gallon cistern, 20 gallons per day. Since there is no delivery system, fish screen is not needed, removed condition 029.

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

H. RECOMMENDATIONS

1. Recommended Amounts

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF

Totals: 0.02 CFS 1.2 AF

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

I. AUTHENTICATION

Jean Hersley -

Field Examiner's Name

Jean Hersley

Date

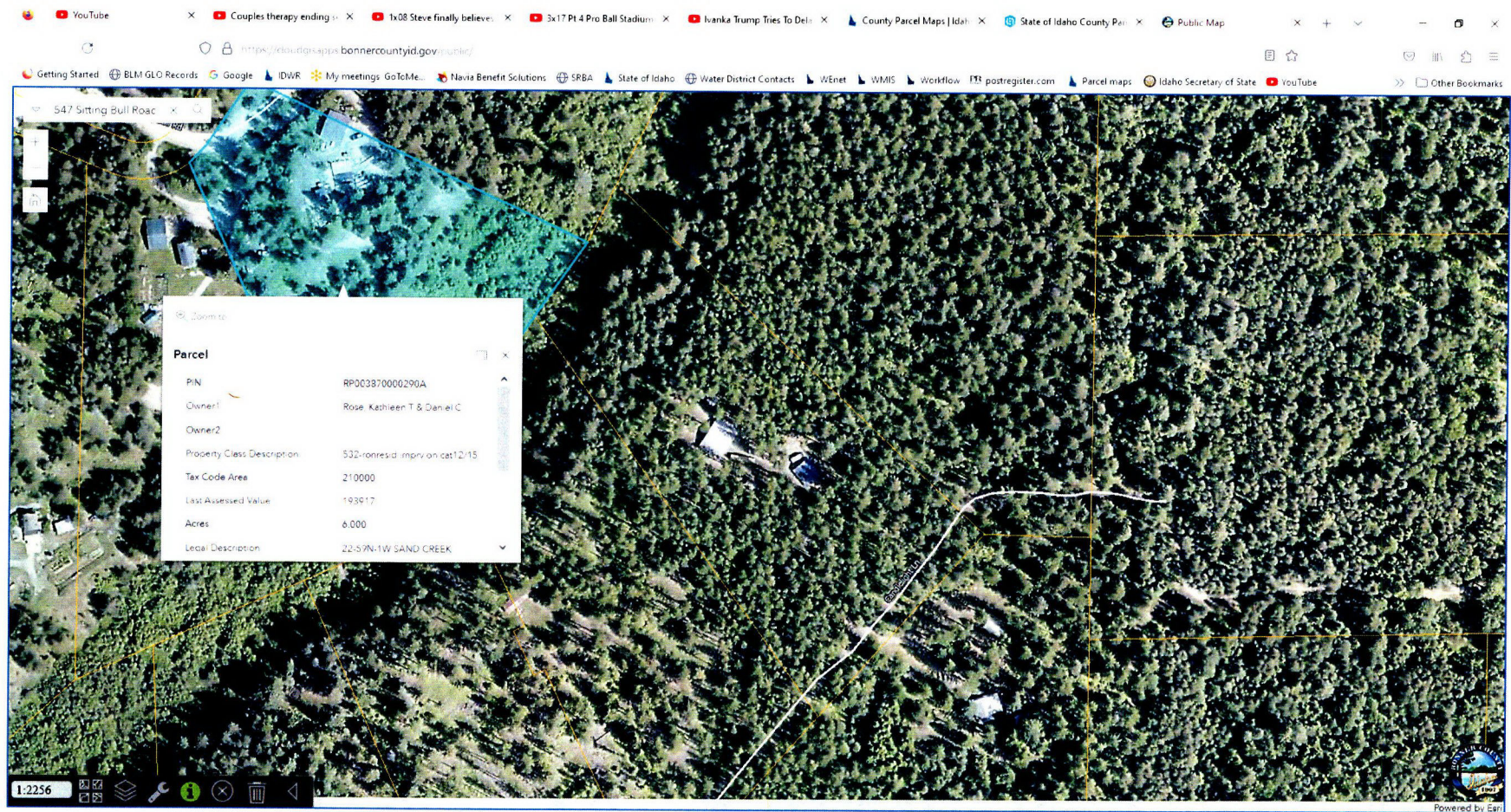
11-7-23

Reviewer

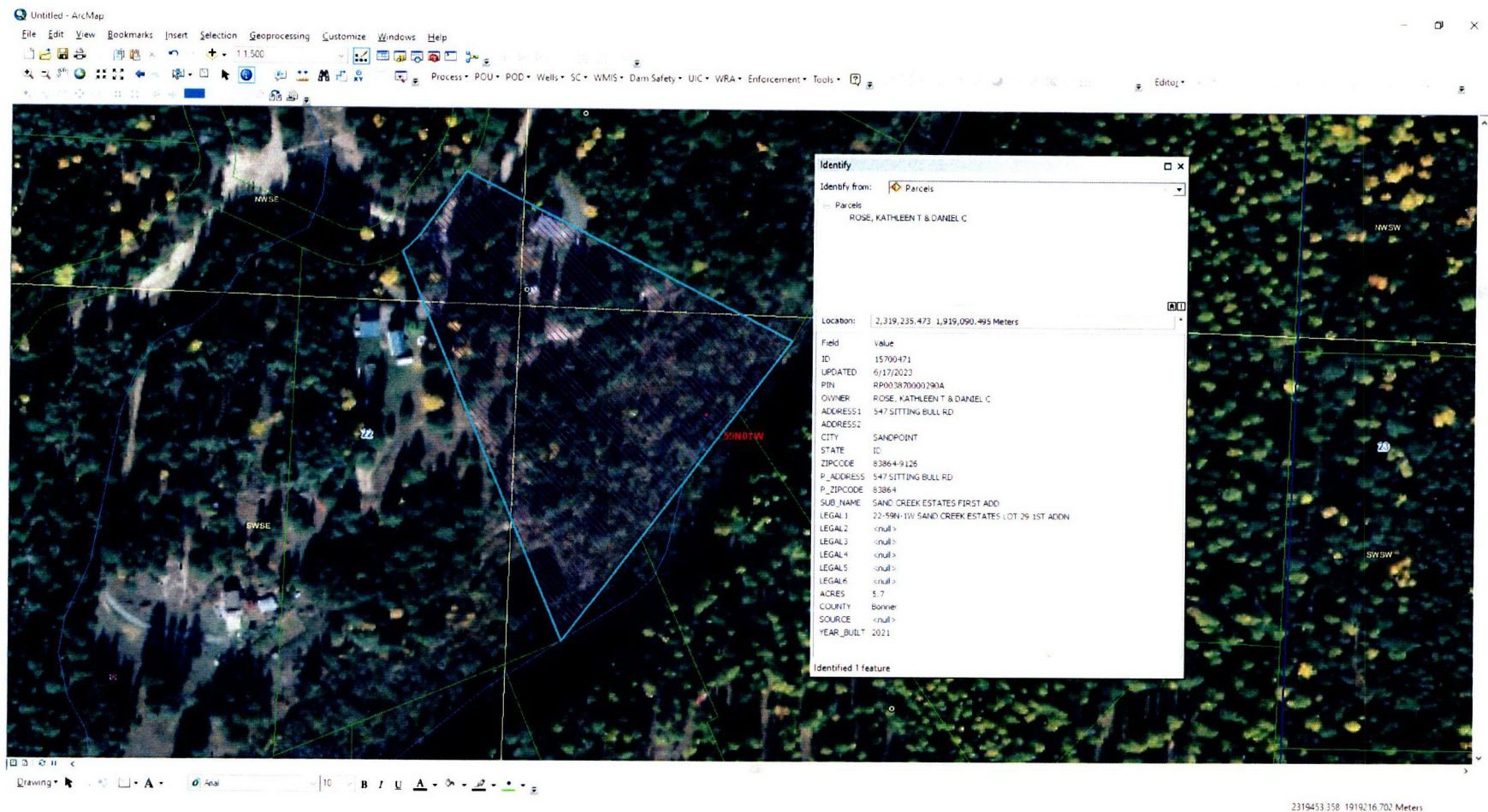
PH

Date

11/8/23



Bonner County shows dwelling on property and lists permit holder as current owner.



ArcMap shows dwelling on property and lists permit holder as current owners.



Governor Brad Little

Director Gary Spackman

August 02, 2023

DANIEL C ROSE
KATHLEEN T ROSE
547 SITTING BULL RD
SANDPOINT ID 83864-9126

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 96-11314

Dear Permit Holder(s):

The Department acknowledges receipt of the Proof of Beneficial Use form ("proof") and license examination fee for the above-referenced water right permit. Enclosed is an order that reinstates this permit since proof and the license examination fee were submitted after the proof deadline. Please note that the priority date for this permit has been advanced to **May 14, 2022**, pursuant to Idaho Code § 42-218a(2).

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 according to the conditions of the permit.

Please be advised that Idaho Code § 42-248, 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 State Office of the Department located in Boise at (208) 287-4800

Sincerely,

Amanda Veibell
Technical Records Specialist

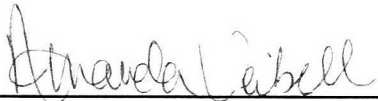
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on **August 02, 2023** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**PRELIMINARY ORDER REINSTATING PERMIT**) to the person(s) listed below:

RE: Preliminary Order in the Matter of Permit No. **96-11314**

**DANIEL C ROSE
KATHLEEN T ROSE
547 SITTING BULL RD
SANDPOINT ID 83864-9126**



Amanda Veibell
Technical Records Specialist

Reinstate Evaluation

Permit Number: 96-11314 Reviewer: AVeibell Review Date: 7/13/2023

Analysis

- 1) Proof/extension request received date: 7/10/2023
- 2) Number of days proof/extension request received late: 9
- 3) Was a lapsed notice sent? No
- 4) Date lapsed notice sent:
- 5) Number of days between proof/extension request received date and date lapsed notice was sent: 0
- 6) Was the proof or extension request received more than 60 days after the lapsed notice was sent? No
- 7) Priority date: 5/5/2022
- 8) New priority date: 5/14/2022
- 9) New status: Active

Comments

Beneficial Use Proof Evaluation

Permit Number: 96-11314 Reviewer: AVeibell Review Date: 7/11/2023

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: 6/29/2023
- 4) Proof Due Date: 7/1/2023
- 5) Days added for weekend due date?
- 6) Days added for holiday due date?
- 7) Number of days late: -2
- 8) Proof received timely? Yes

Analysis

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

Fees

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

Receipt IDs

N039460

Comments

Proof received in Northern 6/29/23. The proof was mixed into other documents and not sent to State Office until 7/5/23. The proof was not submitted with the appropriate fee. AJV communicated the fee

requirement with Permit Holder 7/5/23. Fee was received by Northern on 7/10. Permit Holder would have had the opportunity to submit the appropriate fee had the state office received the proof timely. Permit was not lapsed and considered received timely. Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

April 28, 2023

DANIEL C ROSE
KATHLEEN T ROSE
547 SITTING BULL RD
SANDPOINT ID 83864-9126

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 96-11314

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

Dear Permit Holder(s):

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

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

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

Sincerely,

Water Rights Section

Enclosure(s)

CERTIFIED MAIL

7020 2450 0000 1566 5308

NO

SCANNED

MAY 01 2023