

AUG 29 2024

DEPT. 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
Receipt No. 012000
Received By ASJ
Date Received 8/29/24

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. 96-15920 Name of Permit Holder(s) Williams Way LLC, Jim + Madelle Nichols
Telephone No. 509-435-6021 Email Grizzilde@comcast.net
Mailing Address 5315 N Allen Pl City Spokane State WA Zip 99205

Wayne Foden, Michael + Michelle Albrecht

2. Source of Water Pend Orielle 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.)
pipe in water run by small pump to bathrooms

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 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: Amber Williams Telephone No. 509-435-6021 Email Grizzilde@comcast.net
Mailing Address 5315 N Allen Pl City Spokane State WA Zip 99205

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]
SIGNATURE OF PERMIT HOLDER*
*Attach power of attorney if completing on behalf of permit holder.
Amber Williams member
PRINTED NAME AND TITLE
Williams
Way LLC
8/26/24
DATE

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

22 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

Prax
Prax



IF YOU MUST RELAX IT...
PLEASE WASH IT





Attachment to Permit to Appropriate Water






96-15920

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.

05W



0 400 800 Feet

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



SCANNED
OCT 03 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho
No. 96-15920

RECEIVED
Apr 24, 2023
DEPARTMENT OF
WATER RESOURCES

1. Applicants

Williams Way LLC
5315 N Allen Pl
Spokane, WA 99205
509-435-6021
grizzilda@comcast.net

Jim & Machelle Nichols
1319 N Locust Rd
Spokane Valley, WA 99206
509-216-2423

Michael & Michelle Albrecht
25525 E Eddy Ln
Newman Lake, WA 99025
509-939-9431

Wayne Folden
7806 N Merton St #626
Spokane, WA 99208
509-217-6891

2. Representatives

Brent and Amber Williams
5315 N Allen Pl
Spokane, WA 99205
509-435-6021
GRIZZILDA@COMCAST.NET

Scot & Christina Williams
8007 N Ash St
Spokane, WA 99208
509-994-2263

Submitter is one of the applicants

3. Source of Water Supply

Source : PEND OREILLE RIVER tributary to COLUMBIA RIVER

4. Location of Point(s) of Diversion

POD #	Source	Tributary Of	Diversion Type	Township	Range	Section	Govt Lot	QQQ/QQ/Q	County
1	PEND OREILLE RIVER	COLUMBIA RIVER		56N	05W	28	4	/NE/SE	BONNER

5. Water will be used for the following purposes:

Purposes	Season	Rate	Volume	Description
DOMESTIC	05/20 to 10/20	0.04 cfs	0.00 afa	Recreational property with bathhouse-2 fully functional bathrooms with standup showers and 1 utility sink 6-8 water spigots around perimeter

6. Total quantity to be appropriated is (a) 0.04 cfs and/or 0 afa

7. Proposed Diverting Works:

POD No :1
Description: 1 1/2 inch pipe in river pumped through pump house

8. Description of Place Of Use:

DOMESTIC							
Township	Range	Section	QQ	Q	County	Govt Lot	Acres
56N	05W	28	NE	SE	BONNER	4	

9. 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.
None

10. Land Ownership

- Who owns the land to be irrigated or place of use? Applicant does not own
- Who owns the land at the point of diversion? Applicant

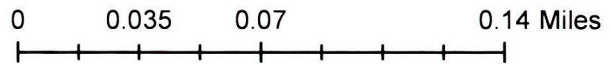
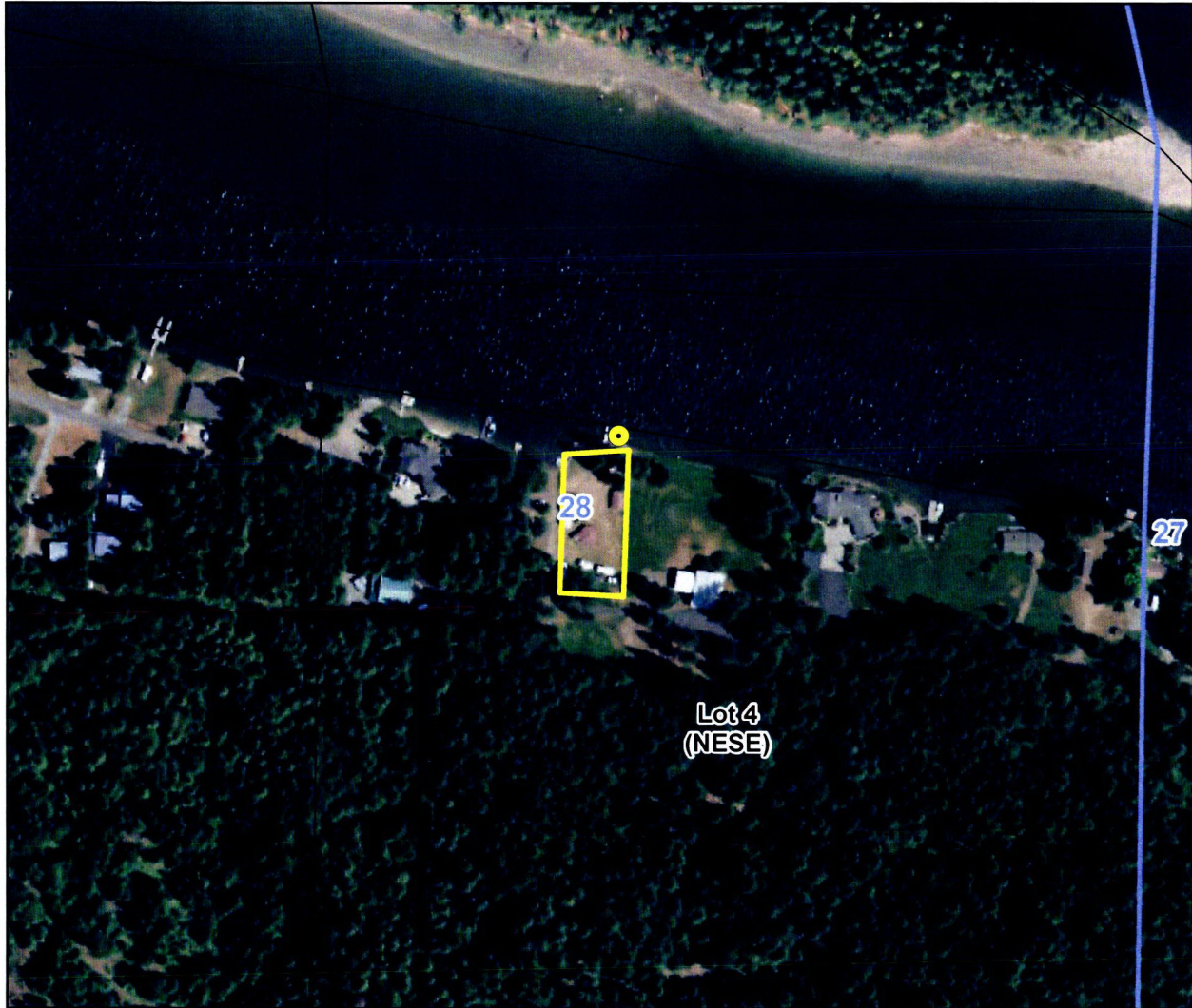
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

Water system is already in place since early mid 70s

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

SCANNED
JUN 15 2023

State of Idaho
Department of Water Resources
Application For Permit
96-15920



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

SCANNED
JUN 15 2023

Beneficial Use Proof Evaluation

Permit Number: 96-15920 Reviewer: AVEibell Review Date: 9/10/2024

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: 8/29/2024
- 4) Proof Due Date: 9/1/2024
- 5) Days added for weekend due date? 1
- 6) Days added for holiday due date? 1
- 7) Number of days late: -5
- 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 --
 - 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

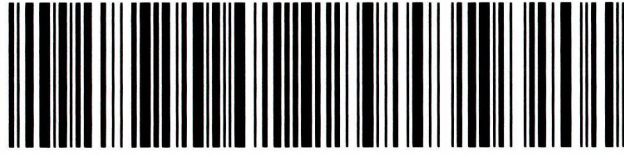
T116042

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.

322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

USPS CERTIFIED MAIL

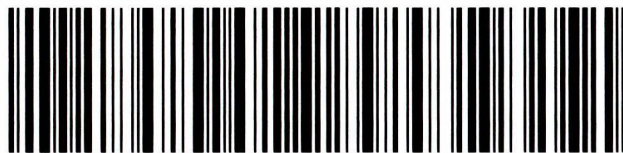


9214 8901 9403 8367 6061 21

MICHAEL ALBRECHT
MICHELLE ALBRECHT
25525 E EDDY LN
NEWMAN LAKE WA 99025

322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

USPS CERTIFIED MAIL

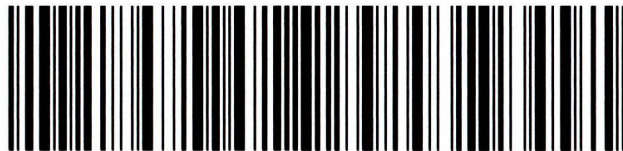


9214 8901 9403 8367 6061 52

JIM NICHOLS
MACHELLE NICHOLS
1319 N LOCUST RD
SPOKANE VLY WA 99206-4079

322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

USPS CERTIFIED MAIL

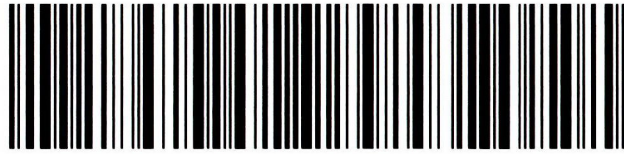


9214 8901 9403 8367 6061 83

WILLIAMS WAY LLC
5315 N ALLEN PL
SPOKANE WA 99205-5916

322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

USPS CERTIFIED MAIL



9214 8901 9403 8367 6062 20

WAYNE FOLDEN
UNIT 626
7806 N MORTON ST
SPOKANE WA 99208



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 28, 2024

MICHAEL ALBRECHT
MICHELLE ALBRECHT
25525 E EDDY LN
NEWMAN LAKE WA 99025

JIM NICHOLS
MACHELLE NICHOLS
1319 N LOCUST RD
SPOKANE VLY WA 99206

WILLIAMS WAY LLC
5315 N ALLEN PL
SPOKANE WA 99205-5916

WAYNE FOLDEN
7806 N MORTON ST # 626
SPOKANE WA 99208

STATEMENT OF COMPLETION DUE

RE: Permit No. 96-15920

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 **September 01, 2024**. 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,

A handwritten signature in blue ink that reads "Amanda Veibell".

Amanda Veibell
Technical Records Specialist

Enclosure(s) c: BRENT WILLIAMS , AMBER WILLIAMS , SCOT WILLIAMS , CHRISTINA WILLIAMS



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

October 03, 2023

JIM NICHOLS
MACHELLE NICHOLS
1319 N LOCUST RD
SPOKANE VLY WA 99206-4079

WAYNE FOLDEN
7806 N MORTON ST # 626
SPOKANE WA 99208

MICHAEL ALBRECHT
MICHELLE ALBRECHT
25525 E EDDY LN
NEWMAN LAKE WA 99025

WILLIAMS WAY LLC
5315 N ALLEN PL
SPOKANE WA 99205-5916

RE: Permit No. 96-15920

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.

SCANNED

OCT 03 2023

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.

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 me at (208) 287-4925.

Sincerely,

Jean Hershey

For
Phill Hummer
Water Rights Supervisor

Enclosure(s)

SCANNED

OCT 03 2023

CERTIFICATE OF SERVICE

I hereby certify that on October 03, 2023, I served a true and correct copy of Permit to Appropriate Water No. 96-15920 by U.S. Mail, postage prepaid, to the following:

MACHELLE NICHOLS (Current Owner)
1319 N LOCUST RD
SPOKANE VLY WA 99206-4079

MICHAEL ALBRECHT (Current Owner)
25525 E EDDY LN
NEWMAN LAKE WA 99025

MICHELLE ALBRECHT (Current Owner)
25525 E EDDY LN
NEWMAN LAKE WA 99025

WAYNE FOLDEN (Current Owner)
7806 N MORTON ST # 626
SPOKANE WA 99208

WILLIAMS WAY LLC (Current Owner)
5315 N ALLEN PL
SPOKANE WA 99205-5916

JIM NICHOLS (Current Owner)
1319 N LOCUST RD
SPOKANE VLY WA 99206-4079



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.

AFFIDAVIT OF PUBLICATION

RECEIVED

JUL 13 2023

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO)
) ss.
County of Bonner)

RikkiJade Lindstrom, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of the State of Idaho, and am not a party to the proceedings referred to in the attached Legal Notice.

My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Legal Clerk of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 21 day of June, 2023, and ending on the 28 day of June, 2023.

RJ Lubber

State of Idaho, county of Bonner ss.

On this 28 day of June, in the year of 2023 before me, Angela Minehart, Notary Public, personally appeared RikkiJade Lindstrom known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she (or they) executed the same.

Angela Minehart
Notary Public
Residing at: Kootenai County

My Commission Expires 03/20/2029



SCANNED
OCT 03 2023

APPLICATIONS FOR PERMITS

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

✓ 96-15564

DMLD TRUST
405 S MARION AVE
SANDPOINT, ID 83864-1148
Point of Diversion L4(NWNW) S1 T54N R03W BONNER County
Source UNNAMED STREAM Tributary COCOLALLA CREEK
Use: IRRIGATION
4 /1 to 10/31
0.06 CFS
Total Diversion:
0.06 CFS
Date Filed: 04-07-2023
Place Of Use: IRRIGATION
T54N R03W S1 L4(NWNW)
Total Acres: 2

✓ 96-15576

DWANE BANGEMAN
AMBER BANGEMAN
197 KOYOKUK TRAIL
SPIRIT LAKE, ID 83869
Point of Diversion NENW S9 T54N R04W BONNER County
Source GROUND WATER Tributary
Use: DOMESTIC
1 /1 to 12/31
0.09 CFS
Total Diversion:
0.09 CFS
Date Filed: 04-10-2023
Place Of Use: DOMESTIC
T54N R04W S4 SESW
T54N R04W S9 NENW

✓ 96-15633

DEVIN FLECK
PO BOX 42
LACLEDE, ID 83841
Point of Diversion L4(SWSW) S19 T56N R03W BONNER County
Source RILEY CREEK Tributary PEND OREILLE RIVER
Use: IRRIGATION
04/01 to 10/31
0.08 CFS
Total Diversion:
0.08 CFS
Date Filed: 04-12-2023
Place Of Use: IRRIGATION
T56N R03W S19 L4(SWSW)
Total Acres: 4.2

✓ 96-15920

WILLIAMS WAY LLC
5315 N ALLEN PL
SPOKANE, WA 99205-5916
JIM NICHOLS
MACHELLE NICHOLS
1319 N LOCUST RD
SPOKANE VLY, WA 99206-4079
MICHAEL ALBRECHT
MICHELLE ALBRECHT
25525 E EDDY LN
NEWMAN LAKE, WA 99025
WAYNE FOLDEN
7806 N MORTON ST # 626
SPOKANE, WA 99208
Point of Diversion L4(NESE) S28 T56N R05W BONNER County
Source PEND OREILLE RIVER Tributary COLUMBIA RIVER
Use: DOMESTIC
5 /20 to 10/20
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 04-24-2023
Place Of Use: DOMESTIC
T56N R05W S28 L4(NESE)

✓ 97-9672

SILVIA AUSTIN
RAYMOND AUSTIN
1992 CALAVERAS DR.
BAY POINT, CA 94565
Point of Diversion L5(NWNW) S6 T57N R05W BONNER County
Source SLOUGH CREEK Tributary LOWER WEST BRANCH
PRIEST RIVER
Use: DOMESTIC
1 /1 to 12/31
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 04-08-2023
Place Of Use: DOMESTIC
T57N R05W S6 L6(NENW),L5(NWNW)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. 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, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before 7/10/2023. The protestant must also send a copy of the protest to the applicant.
/s/ **GARY SPACKMAN**, Director
Legal#5204
AD#10463
June 21, 28, 2023

Q
Jan
7-14-23

RECEIVED

JUL 13 2023

DEPARTMENT OF
WATER RESOURCES

Hersley, Jean

From: Horsmon, Merritt
Sent: Wednesday, July 5, 2023 3:26 PM
To: Hersley, Jean
Subject: RE: Comments on Application for Permit of 96-15564, 96-15633, 96-15920 & 97-9672

Hi Jean,
The Idaho Department of Fish and Game does not have any comments to submit for these applications.

Thank you for the opportunity to review and comment,

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: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Thursday, June 15, 2023 10:27 AM
To: Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>
Subject: Comments on Application for Permit of 96-15564, 96-15633, 96-15920 & 97-9672

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at: <https://research.idwr.idaho.gov/apps/waterrights/wrapapplicationresults/>. Documents will be available within 24 hours.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication. Protest end date is July 10, 2023.

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

SCANNED
OCT 03 2023



Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942



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

June 15, 2023

WILLIAMS WAY LLC
5315 N ALLEN PL
SPOKANE, WA 99205-5916

JIM NICHOLS
MACHELLE NICHOLS
1319 N LOCUST RD
SPOKANE VLY, WA 99206-4079

MICHAEL ALBRECHT
MICHELLE ALBRECHT
25525 E EDDY LN
NEWMAN LAKE, WA 99025

WAYNE FOLDEN
7806 N MORTON ST # 626
SPOKANE, WA 99208

RE: Application for Permit No. 96-15920

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 PRIEST RIVER VERSION BONNER COUNTY DAILY BEE on 6/21/2023 and 6/28/2023. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

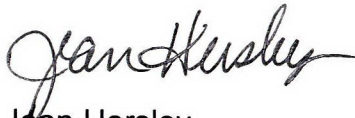
If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

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JUN 15 2023

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,

A handwritten signature in black ink that reads "Jean Hersley". The signature is written in a cursive style with a large initial "J".

Jean Hersley
Technical Records Specialist

c: Brent & Amber Williams
Scot & Christina Williams

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JUN 15 2023

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, June 15, 2023 11:27 AM
To: bcdblegals@cdapress.com
Subject: Legal Notice for the Priest River Version of Bonner County Daily Bee for Applications for Permit No. 96-15564, 96-15576, 96-15633, 96-15920, 97-9672
Attachments: Legal Notice 96-15564 15576 15633 15920 97-9672.docx

Please publish the enclosed legal notice in the Priest River Version of the Bonner County Daily Bee on the dates indicated (June 21 & 28-once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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 7/10/2023. Your cooperation is appreciated.



Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

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JUN 15 2023

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

96-15564

DMLD TRUST
405 S MARION AVE
SANDPOINT, ID 83864-1148
Point of Diversion L4(NWNW) S1 T54N R03W BONNER County
Source UNNAMED STREAM Tributary COCOLALLA CREEK
Use: IRRIGATION
4 /1 to 10/31
0.06 CFS
Total Diversion:
0.06 CFS
Date Filed: 04-07-2023
Place Of Use: IRRIGATION
T54N R03W S1 L4(NWNW)
Total Acres: 2

96-15576

DWANE BANGEMAN
AMBER BANGEMAN
197 KOYOKUK TRAIL
SPIRIT LAKE, ID 83869
Point of Diversion NENW S9 T54N R04W BONNER County
Source GROUND WATER Tributary
Use: DOMESTIC
1 /1 to 12/31
0.09 CFS
Total Diversion:
0.09 CFS
Date Filed: 04-10-2023
Place Of Use: DOMESTIC
T54N R04W S4 SESW
T54N R04W S9 NENW

96-15633

DEVIN FLECK
PO BOX 42
LACLEDE, ID 83841
Point of Diversion L4(SWSW) S19 T56N R03W BONNER County
Source RILEY CREEK Tributary PEND OREILLE RIVER
Use: IRRIGATION
04/01 to 10/31
0.08 CFS
Total Diversion:
0.08 CFS
Date Filed: 04-12-2023
Place Of Use: IRRIGATION
T56N R03W S19 L4(SWSW)
Total Acres: 4.2

96-15920

WILLIAMS WAY LLC
5315 N ALLEN PL
SPOKANE, WA 99205-5916
JIM NICHOLS
MACHELLE NICHOLS
1319 N LOCUST RD
SPOKANE VLY, WA 99206-4079
MICHAEL ALBRECHT
MICHELLE ALBRECHT
25525 E EDDY LN
NEWMAN LAKE, WA 99025
WAYNE FOLDEN
7806 N MORTON ST # 626
SPOKANE, WA 99208
Point of Diversion L4(NESE) S28 T56N R05W BONNER County
Source PEND OREILLE RIVER Tributary COLUMBIA RIVER
Use: DOMESTIC
5 /20 to 10/20
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 04-24-2023
Place Of Use: DOMESTIC
T56N R05W S28 L4(NESE)

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JUN 15 2023

97-9672

SILVIA AUSTIN

RAYMOND AUSTIN

1992 CALAVERAS DR.

BAY POINT, CA 94565

Point of Diversion L5(NWNW) S6 T57N R05W BONNER County

Source SLOUGH CREEK Tributary LOWER WEST BRANCH PRIEST RIVER

Use: DOMESTIC

1 /1 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 04-08-2023

Place Of Use: DOMESTIC

T57N R05W S6 L6(NENW),L5(NWNW)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; 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, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before **7/10/2023**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/21/2023 and 6/28/2023

SCANNED

JUN 15 2023

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, June 15, 2023 11:27 AM
To: Horsmon, Merritt
Subject: Comments on Application for Permit of 96-15564, 96-15633, 96-15920 & 97-9672

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at: <https://research.idwr.idaho.gov/apps/waterrights/wrapapplicationresults/>. Documents will be available within 24 hours.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication. Protest end date is July 10, 2023.

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



Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, June 15, 2023 11:30 AM
To: IWRB Water Use Reviews
Subject: RE: Comments for Application for Permit of 96-15564, 96-15633, 96-15920 & 97-9672

That should be 96-15920 not 67-15920. Sorry



Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

From: Hersley, Jean
Sent: Thursday, June 15, 2023 11:26 AM
To: IWRB Water Use Reviews <WaterUseApprovalReviews@idahogov.onmicrosoft.com>
Subject: Comments for Application for Permit of 96-15564, 96-15633, 67-15920 & 97-9672

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at: <https://research.idwr.idaho.gov/apps/waterrights/wrapapplicationresults/>. Documents will be available within 24 hours.

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



Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

SCANNED
JUN 15 2023

MEMORANDUM

Date: 05/23/2023
To: WR No. 96-15920
From: Bob Howe
Re: Pre-Advertisement Application Review

The complete application for permit and fee were received April 24th, 2023, submitted online by Williams Way LLC. The applicant is requesting a permit to divert Pend Oreille River water for domestic use. I called and spoke with the applicant Amber Williams on May 23rd, 2023, and reviewed the application and inquired about the earliest date of beneficial use. Amber stated that she knew that it was in the early to mid-70's. The adjudication cutoff date for domestic surface water claims is May 20th, 1971. A search of historic imagery from USGS Explorer (figures 1 & 1.1) found that the landing was evident in a 1966 image, however no imagery between 1966 and 1971 was found that could clarify the year of development at the site.

I left a voice message for the applicant the same day explaining the situation and requesting that they submit evidence of use prior to the cutoff date or let me know if they would like to just proceed with the current application for permit. The applicant called back May 25th, 2023, and stated that they do not have any documentation of the property development prior to the 1977 purchase date; they would like to proceed with the application for permit.

Applicant

The applicant, Williams Way LLC is registered with the Idaho Secretary of State (IDSOS). The IDSOS website lists Amber Williams as a signing member of Williams Way LLC. Parcel data lists Donna & Wayne Folden- Williams Way LLC, Donna Albrecht, Michael & Wendy Nichols, and James B. & Machelles Nichols all as owners of parcel RP004510000040A. Bonner County tax lot data list Donna & Wayne Folden as the parcel owners. The applicant was emailed requesting additional ownership documents on May 23, 2023. The applicant responded on May 25th, 2023, each of the named applicants are ¼ share owners of the property. Williams Way LLC emailed a copy of the title for the property naming all four owners named on the application.

Source & Diversion System

The applicant stated on sections 5 & 12 of the application that place of use is a recreational property with 2 bathrooms, 2 showers, 1 utility sink, and 6-8 spigots around the perimeter. The water is diverted from the Pend Oreille River and pumped to the house through a 1 ½" pipe. According to the applicant the system has been in use since the 70's. The season of use requested is from May through October.

Additional Comments

The application POD is within the reach of Minimum Stream Flow (MSF) right 96-8730. Copies of the application were sent to IDFG, DEQ, and IDWR Planning (to address any MSF concerns). There are no concerns regarding legal access to the place of use.

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JUN 15 2023

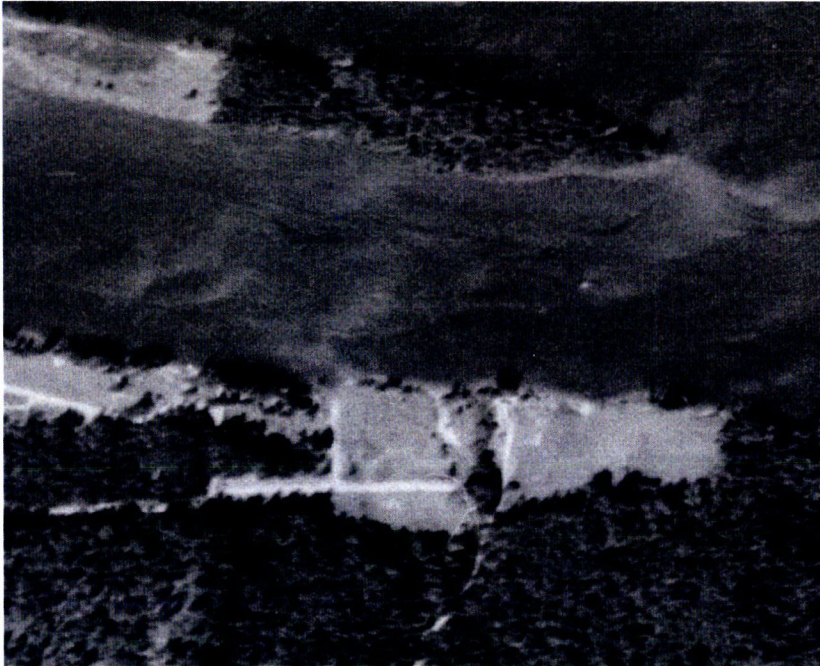


Figure 1- USGS Explorer- aerial image circa 1966.

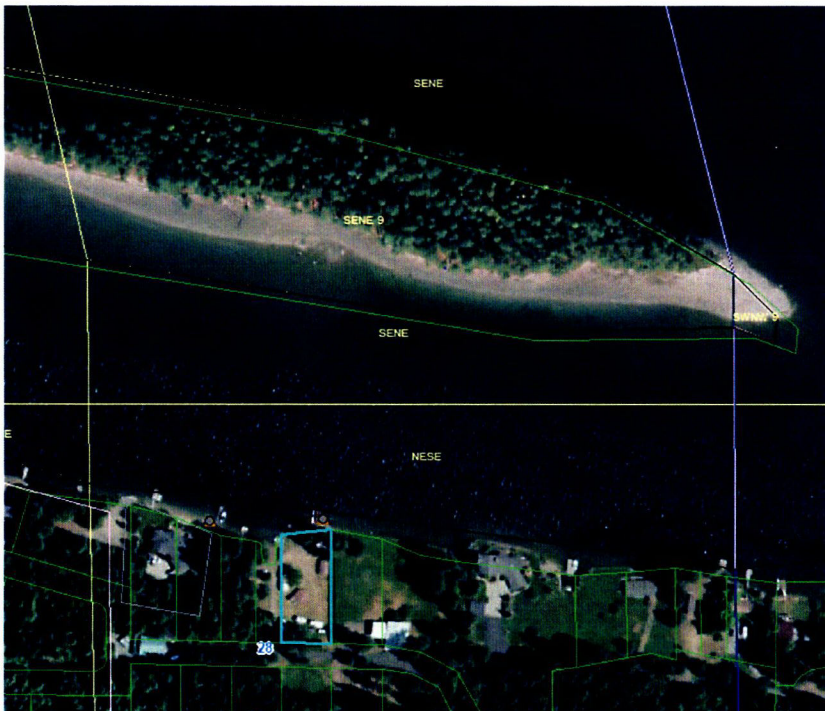


Figure 1.1- GIS image of POU circa 2021.

APPLICATION FOR PERMIT ANALYSIS PERMIT

APPLICATION NO. 96-15920 ASSIGNED AGENT Bob Howe DATE ASSIGNED 5/23/23

REQUIRED INFORMATION:

- Name (if applicant is a corp. or partnership an officers list must be provided. Attach annual report from IDSOS if not provided and applicant is registered. If not provided or registered, application is incomplete)
- Address (confirm or update contact info)
- Source (See USGS Quad for names of water sources)
- Point of Diversion (10 acre tract for springs) _____ Lot/Block and Subdivision name listed on App
- Proposed Use and Quantity (flow in cfs and/or volume in af)
- Period of Use
- Description of Diversion Works – Diversion name, if known
- Place of Use (acres to be irrigated) _____ Lot/Block and Subdivision name listed on App
- Time required to make beneficial use - A MUST, HOW MANY YEARS 1
- Map included – MUST MATCH POD & POU LOCATIONS
- Signature (If applicant is corp., company, or municipality, title of signatory is required)
- Correct fee received
- Complete (data enter, active status and draft set to no), or
 - _____ Incomplete (don't data enter) - Additional information required, date requested _____
 - _____ Response received, date received _____, (data enter and set status)
 - _____ No response - Return application, date returned _____, Refund requested _____

PRE ADVERTISEMENT PROCESSING (Yes = Required and Completed, No = Not Required):

- Yes No W&S processing - If Letter Req - Date sent _____, Update Tracking _____
- Yes No MSF processing – Follow guidance doc for subordinated rate or injury analysis 96-8730
- Yes No Wastewater - Send letter (water availability and legal access)
- Yes No BS 67 SW – Send Form letter to confirm BU can be accomplished before 6/15 cutoff
- Yes No BS 61 MHGW/CGW or I-84 corridor – Send letter (withdraw or hold app)
- Yes No Storage – Complete checklist, send comment to Dam Safety if required
- Yes No Trustwater - Send form letter, attach analysis sheet, TW conditions
- Yes No Non-standard use or Storage - Rate justification in file and/or AP Memo 76 evaluation
- Yes No Summary memo complete, initial the preliminary check line on application form
- Yes _____ App data entry complete and accurate, ACTUALLY DOUBLE CHECK DATA ENTRY

SEND COPIES TO:

- IDEQ _____ US FS _____ BLM Planning (MSF, protected reach)
- IDFG _____ ADJ _____ Water District _____ WD No
- IDL _____ Dam Safety (embankment) _____ Other (write in Name and Address below)

ADVERTISING

- Yes No Statewide advertising (>10 cfs or >1,000 af storage)
 - Yes No Other Legal Notice Remarks (TW, BS63 WBZ, Mitigation)
- Legal Notice: 6-15-23 Newspaper PRV BCD3 Protest deadline 7-10-23

AFTER ADV EVALUATION:

- Yes No POD overlap - Consider legal access, diversion system issues
- Yes No POU overlap - Consider if ok to process, possible OC, and/or overlap conditions
- Yes No Power - Affidavit required, affidavit attached, evaluation complete & included
- Yes No Large diversion (>5 cfs, >500 af storage, or >200 acres) - Rule 40 analysis
- Yes No Mitigation required – evaluation complete & included
- Yes No Municipal – Consider Memo #18 and #74, RAFN _____
- Yes No Legal access concerns - Rule 40.05.e if Public land, access agreement if private
- Yes No Drilling upgrade fee required- _____ Paid & documented or _____ Not paid & letter sent
- Yes No Additional info required - Date sent _____ Response received _____
 - _____ No response received – Send Intent to Void Letter