State of Idaho
Department of Water Resources

Water Right License

Water Right No. 96-11263

Priority: May 15, 2022

Maximum Diversion Rate: 0.13 CFS
Maximum Diversion Volume: 3.8 AF

It is hereby certified that:

WESTSHORE OWNERS ASSN PO BOX E SANDPOINT ID 83864-0845

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 06, 2022, and has submitted Proof of Beneficial Use on July 10, 2023. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
DOMESTIC	01/01 to 12/31	0.13 CFS	3.8 AF

Location of Point(s) of Diversion
GROUND WATER L1(NE¼ NE¼), Sec. 20, Twp 56N, Rge 03W, 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	03W	20	X L1			X L2													

Conditions of Approval

1. Domestic use is for 6 homes and 2 shops with bathrooms, and does not include lawn, garden, landscape, or other types of irrigation.
2. Point of diversion is located within Lot AA - Common Area Rd, West Shores Subdivision.
3. Place of use is located within Lots 1A, AA, 3, 5, 8, & 9, West Shores Subdivision.
4. 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 February, 2024.

PHILL HUMMER
Water Rights Section Manager

State of Idaho
Department of Water Resources

Attachment to Water Right

96-11263

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.



0 500 1,000 Feet

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

N

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 96-11263	)	**PRELIMINARY ORDER**
IN THE NAME OF WESTSHORE OWNERS ASSN	)	**REINSTATING PERMIT**
	)	

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 13, 2022, the Department issued Permit No. 96-11263 ("Permit") in the name of Westshore Owners Assn ("Permit Holder") authorizing the diversion of 0.15 cubic feet per second from ground water for domestic use in the Government Lot 1, NE¼NE¼ and Government Lot 2, SE¼SE¼ of Section 20 of Township 56 North, Range 03 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 7, 2023, the Department notified the Permit Holder the Permit lapsed.

5. 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.

SCANNED
AUG 01 2023

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. 96-11263 is **REINSTATED** and the Permit's priority date is advanced to May 15, 2022.

DATED this 31ST day of July, 2023.

Shelley Keen

Shelley Keen, Chief
Regional Operations Bureau

SCANNED
AUG 01 2023

Form 4-22 Rev 6/12

RECEIVED
JUL 10 2023
IDWR / NORTH

RECEIVED
JUL 13 2023
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY	
Amt. of Fee $	50.00
Receipt No.	N043804
Receipted By	JA
Date Receipted	7/10/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

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. 96-11263 Name of Permit Holder(s) Westshore Owners Assn.

Telephone No. 208 420 9274 Email westshoreowners@gmail.com

Mailing Address PO Box E City Sandpoint State ID Zip 83864

2. Source of Water well If Ground Water (well), Date Drilled mo. 4 / yr. 2006

Drilling Permit/Tag No. D0041230 Drilling Company's Name Minden Water Wells, Inc.

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

Domestic (No. households) Existing 9 New Irrigation (No. acres) Ø Stockwater (No. and stock type) Ø

Other N/A

4. Total diversion rate or volume (storage only) for which proof is submitted ~~Existing~~ .15 New 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.)

drilled well, submersible pump, piped underground to homes. less than 2450 gpday.

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: Todd Mckay Telephone No. 208 420 9274 Email westshoreowners@gmail.com

Mailing Address PO Box E 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.

SIGNATURE OF PERMIT HOLDER*	PRINTED NAME AND TITLE	DATE
	Todd Mckay - president	6-30-23

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

SCANNED
AUG 01 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Mathew Weaver

February 27, 2024

WESTSHORE OWNERS ASSN
PO BOX E
SANDPOINT ID 83864-0845

RE: License No. **96-11263**

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

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

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

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

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

Sincerely,

Phill Hummer

Phill Hummer
Water Rights Section Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2024, I served a true and correct copy of Water Right License No. 96-11263 by U.S. Mail, postage prepaid, to the following:

WESTSHORE OWNERS ASSN (Current Owner)
PO BOX E
SANDPOINT ID 83864-0845

TODD MCKAY (Representative)
PO BOX E
SANDPOINT ID 83864

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 INFORMATION

Exam Date: 12/22/2023

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. _X_ Other Domestic Use for Multiple Homes

2. Current Owner: **WESTSHORE OWNERS ASSN.**
   Owner of Record Correct? _____N
   Address of Record Correct? _____N
   If No Explain:

3. Beneficial Use Fees have been paid: _X_Y ____N Receipt No: N043804

4. Source: **GROUNDWATER** Tributary: **NA**
   Method of Determination: GIS and Tax lot data.
   Change in Source: ____Y __X_N

B. OVERLAP REVIEW

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

Water Right No.	Source	Purpose of Use	Basis
96-2200	UNNAMED SLOUGH	IRRIGATION	LICENSE
96-9817	PEND OREILLE RIVER	DOMESTIC	PERMIT
96-9892	PEND OREILLE RIVER	IRRIGATION	PERMIT
96-11264	PEND OREILLE RIVER	IRRIGATION	PERMIT
96-11130	PEND OREILLE RIVER	IRRIGATION	PERMIT

Comments: Right 96-2200 is for the diversion of surface water for the irrigation of 36 acres. The right POU overlaps the permit POU but is for a different beneficial use and from a different source than the permitted use. Permits 96-9817 (domestic use), 96-11130 (irrigation) and 96-9892 (irrigation) are all held by the owner of the appurtenant parcels. The permit holder for right 896-11263 stated in a phone call that the HOA agreement states that groundwater is for internal use only, each owner uses water right(s) that allow them to pump from the river for irrigation. There are no conflicts or enlargement concerns regarding permits or rights which divert surface water overlapping the permit place of use (POU).

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

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

Comments: There are no rights sharing the permit point of diversion (POD).

C. DIVERSION AND DELIVERY SYSTEM

1. Location of Point(s) of Diversion:

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Well Tag #D0041230	1		NE	NE	20	56N	03W	B.M.	BONNER

Method of Determination: GIS and Tax lot data.

Change in POD? ___Y _X_N Amendment Required? ____Y _X_N

2. Place of Use: DOMESTIC

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	03W	20	D			D													
		Lot #	1			2													
																Total Acres =			

Method of Determination: Bonner County Maps, GIS, and Tax lot data.

Change in POU? ____Y __X_N Amendment Required? ____Y __X_N

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

Indicate weir size/pipe as applicable:

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

_X_ Photo of Diversion and System Attached

3. Diversion Id No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Output
D0041230	Unknown	Unknown	Unknown	Unknown	75 GPM

**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
NONE	NA	NA	NA	NA	NA	NA

2. Measurement Comments: The permit holder verbally provided system details including the well maximum output of 75 GPM at the well head. A maximum elevation gain of approximately 10 ft was estimated using the DRG map.

E. FLOW CALCULATIONS ___Additional Computation Sheets Attached

Measured Method:

A stated rate of 75 GPM, or approximately 0.17cfs, and Administrative Memo #22 were used to determine a reasonable rate of diversion.

Q = 75 GPM (max output) x 1cfs/448.83 GPM = 0.17cfs

Shop with bath (1 toilet, 1, sink, 1 shower) x 2:

2 toilets (8 GPM) + 2 Showers (8 GPM) + 2 lavatories (2 GPM)= **18 GPM or approx. 0.04cfs (as per Table 1).**

Theoretical Calculation= 0.17cfs
Permit allowed = 0.15cfs
Recommendation= 0.13cfs

By Fixtures:

Shower	4 to 6 gpm
Bathtub	4 to 8 gpm
Toilet	4 to 5 gpm
Lavatory	1 to 4 gpm
Kitchen sink	2 to 5 gpm

Table 1- Instantaneous Rates for domestic from the Field Examiners Handbook References-"Rural and Domestic Water Uses."

Comments:

The permit holder stated in a phone call that the maximum output at the wellhead was measured at 75 GPM. The well drillers report stated that the well was tested at a flow rate of 75 GPM, or approximately 0.17cfs.

The minimal water use rate calculation for 2 shops with full bathrooms is 0.04cfs. According to Administrative memo #22 a of 0.11 cfs and an annual volume of 3.6 AF is standard for domestic use within 6 homes. It is unlikely water use in the shops would ever require all fixtures to be used simultaneously, making the rate of 0.13cfs for 8 homes, as per Administrative memo #22 a more accurate representation of the actual use. I am recommending a diversion rate of 0.13cfs for the license.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

NA

1. **Shop with bath (1 toilet, 1, sink, 1 shower) x 2**
   2 toilets (28 Gal) + 2 Showers (120Gal.) + 2 lavatories (12 Gal.) * 365 Days= 58,400 Gal or approx. 0.2AF annually.

Residence – Urban:	
Drinking fountain, continuously flowing	50 to 100 gal. per day.
Each shower bath	25 to 60 gal.
To fill a bathtub	35 gal.
To flush toilet	3 to 7 gal.
To fill lavatory	1 to 2 gal.
Dish Washing Machine – per load	10 to 20 gal.
Automatic washer – per load	30 to 50 gal.

Table 2- Volume use per fixture for urban domestic use from the Field Examiners Handbook References-"Rural and Domestic Water Uses."

Comments:

This permit was issued for internal domestic use for 10 homes, however, only 6 homes and 2 shops with full bath were built within the development time. According to Administrative Memo #22 an annual volume of 3.6 AF is standard for internal use in 6 homes. The calculated 0.2 AF per year for use seems more representative of a use that will likely be less frequent and supplemental to the home use. I am recommending a total annual volume of 3.8 AF on the license.

G. PURPOSE OF USE

Irrigation ____Y _X__N # Stock__NA_____ Domestic # of Homes _7_

Change in Purpose of Use? ____Y __X_N

Method of Determination: Bonner County Maps, GIS, and Taxlot Data

H. NARRATIVE/REMARKS/COMMENTS

This permit for domestic use in 6 homes and 2 shops with bathrooms qualifies for an in-office examination for a license. The permit holder submitted the Proof of Beneficial Use, received by IDWR on July 10, 2023, stating in section #5 that the beneficial use was developed for domestic use in 9 homes, with no irrigation. As the proof of beneficial use was received after the July 1, 2023, due date, it had to be reinstated and the priority date was advanced to May 15, 2022.

Review of aerial images (see attached figures 1-4) identified 8 buildings constructed and lawns, landscaping, and garden areas around some homes. After a phone conversation I emailed the applicant December 8, 2023, regarding the developed use, requesting a system diagram, and asking for information regarding what was done to meet DEQ requirements, as required by condition 4 of the permit. The permit holder called to discuss the email on December 20th, 2023, stating that the DEQ requirements for water quality were only necessary for 10 or more homes provided by a shared system. As they developed less than ten homes for use on the system, any DEQ review or permit was not necessary. The permit holder described in an email that **the buildings are 6 homes and 2 shops with bathrooms**, one shop in lot 1A and one in lot 9 (see figures 1 & 3) and an HOA agreement, signed by all the lot owners, allows only 1 residence in each lot. The system description in the email from the permit holder also stated that there is a shop with a bathroom in lot 5 (171 W Shore Way), but aerial images do not provide evidence that it was completed within the development period (see figures 1 & 4). The permit holder further explained that the HOA agreement only allows internal use for domestic water from the shared well, which has a tested output of 75 GPM at the well head. According to the permit holder's statements, each of the parcel owners have existing river pumps under for any irrigation use (permits 96-11264, 96-9892, & 96-11130). I am recommending licensing for domestic use in 6 homes and 2 shops with full bathrooms, for internal use only (see figure 5).

I am recommending the license be issued for domestic use, with a rate of 0.13cfs, an annual volume of 3.8 AF (as discussed in sections E & F), and conditions X59, X60, WB5, and 004. Condition 046 was removed at licensing, as per current guidance. Condition106 was removed as the permit holder stated that the use developed was not subject to any DEQ requirements for the drinking water. Conditions 070 and X04 were replaced with condition WB5 at licensing, as the permit holder stated that the system was not developed for any irrigation.

Have the conditions of permit approval been met? X__Yes ____No

I. RECOMMENDATIONS

1. Recommended Amounts:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
DOMESTIC	01/01 TO 12/31	0.13 CFS	3.8 AF
	Totals:	0.13 CFS	3.8 AF

2. Recommended Amendments:

___Change P.D. as reflected above ___Add P.D. as reflected above __X_None

___Change P.U. as reflected above ___Add P.U. as reflected above __X_None

Other: < >

J. AUTHENTICATION- Bob Howe- Water Resource Agent

Field Examiner's Bob Howe Date 2/22/2024

Reviewer PH Date 2/23/24

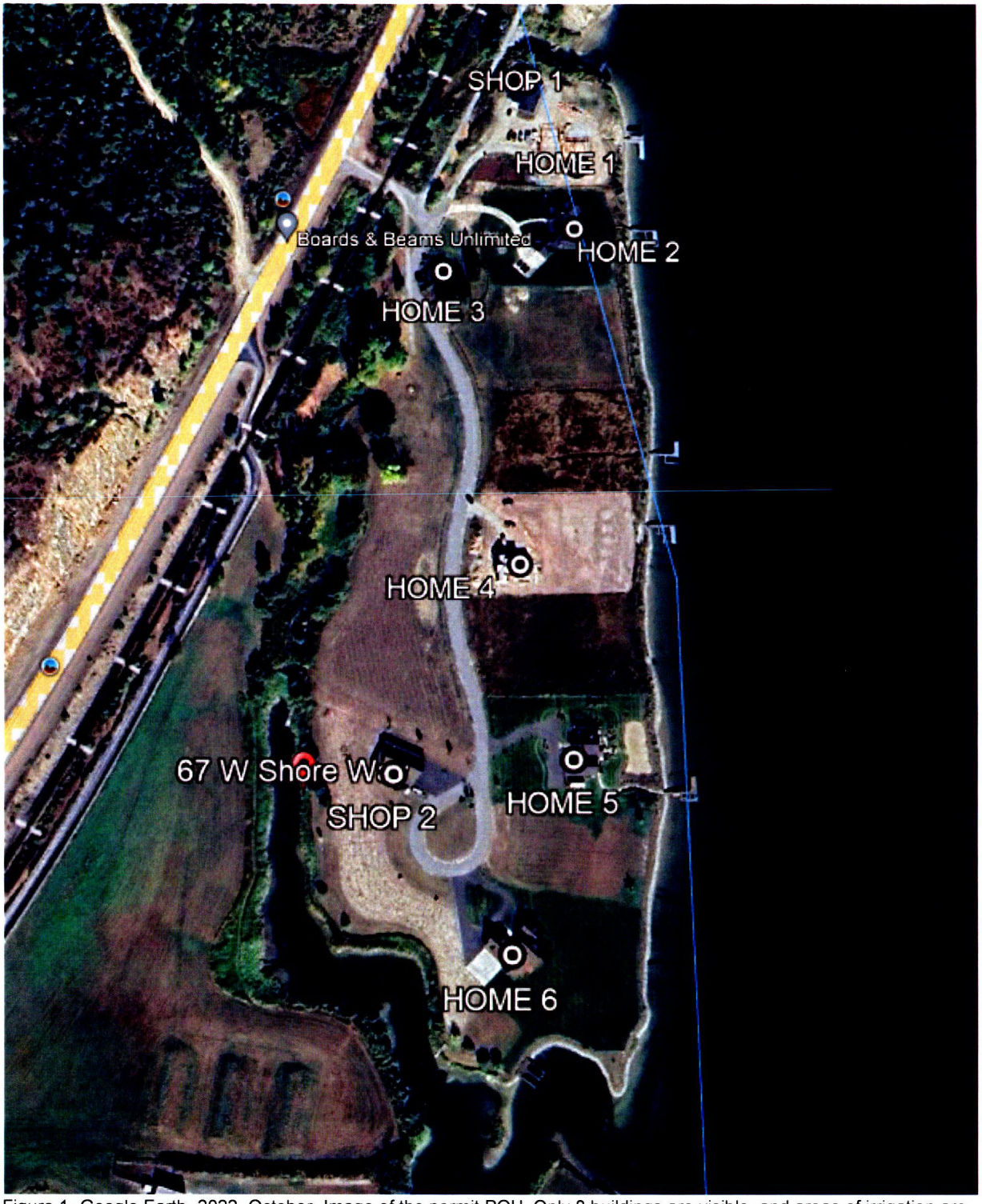


Figure 1- Google Earth- 2022, October- Image of the permit POU. Only 8 buildings are visible, and areas of irrigation are visible in most parcels. A phone call with the permit holder on December 8th, 2023, clarified that the 2 northern most buildings in lot 9 are a home and a shop with a full bathroom("shop 1" and "Home 1") and there is a home ("Home 6") and shop with full bathroom ("shop 2") in lot 1A. The permit holder further stated that the HOA agreement only allows 1 occupied home per lot.



Figure 2- System diagram submitted by permit holder. The permit holder identified two shops and six domestic homes in the diagram description email. A third shop is described in lot 5 (next to "Home 5"), however the structure was not built within the development period. The permit holder described the irrigation occurring within the parcels as provided by irrigation rights diverting surface water.



Figure 3- Bonner County-2023- Image of the north end of the permit POU. Garden area, lawn, and landscaping visible in parcels occupied. Northernmost structure was described by the permit holder as a shop with a full bathroom. The occupied residence is in the southwest corner of the parcel.



Figure 4-Bonner County GIS 2023 imagery of Lot 5 (171 W Shore Way). The address for a separate building can be seen in the upper right of the image (173 W Shore Way).



Figure 5. Image of the confirmed domestic places of use developed for permit 96-11263 (outlined in light blue) and the shared well (POD- light blue point).

Howe, Bob

From: Todd McKay <toddmckay.biglake@gmail.com>
Sent: Wednesday, January 3, 2024 11:27 PM
To: Howe, Bob
Subject: Fwd: Information Requested- Permit 96-11263

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.**

---------- Forwarded message ---------
From: **Todd McKay** <toddmckay.biglake@gmail.com>
Date: Wed, Jan 3, 2024 at 10:21 PM
Subject: Re: Information Requested- Permit 96-11263
To: West Shore HOA <westshoreowners@gmail.com>

Hi Bob, here is the information you requested,

1) There are 9 buildable, lakefront lots. There can only be 1 primary dwelling and 1 accessory building (shop) per lot. No multiple family dwellings or second livable dwellings allowed. Lot 1 has 1 primary (home 8) and 1 shop (home 7). Lot 2 is empty and will remain that way indefinitely. Lot 3 has 1 primary (home 6), nothing else planned. Lot 4 is empty, no plans have been given as of this writing. Lot 5 (home 5) has a shop w/bath, no plans have been given for a primary as of this writing, Lot 6 is empty, no plans have been given as of this writing. Lot 7 is empty, no plans have been given as of this writing. Lot 8 (home 3) has a primary, no other plans have been given as of this writing. Lot 9 has a primary in construction (home 2) and a shop (home 1) being used as a primary until completion. It will return to a shop at that time. There is 1 common area dwelling (home 4), this will be removed in the future. If or when our domestic well was ever to become overwhelmed, the owners of lots 1 and 2 (20 acres) will drill their own well. All lots are connected to a community affluent sewer system. This system is designed and will not accept more than 2450 gal/day. Lots 1, 2 and 9 can use up to 300 gals/day. Lots 3, 4, 5, 6, 7 and 8 get 250 gals/day. Water delivered from our community well can only be used for domestic use (bathing, drinking, cooking, etc.). All irrigation is done by pumping from the river, rules per H.O.A. This is monitored and enforced during the irrigation season.

2) See drawing.

3) Water testing was completed when first constructed. Because we do not have more than 10 primary dwellings, we are not subject to any type of municipality testing or requirements unless we exceed 10 or more homes.

Please feel free to give me a call if you have any other questions.
Thank you for your help on this,
Todd McKay
(208)420-9274



On Fri, Dec 8, 2023 at 10:13 AM West Shore HOA <westshoreowners@gmail.com> wrote:

---------- Forwarded message ---------
From: **Howe, Bob** <Bob.Howe@idwr.idaho.gov>
Date: Fri, Dec 8, 2023, 10:01 AM
Subject: Information Requested- Permit 96-11263
To: WESTSHOREOWNERS@GMAIL.COM <WESTSHOREOWNERS@gmail.com>

Dear Westshore Owners Association,

The Department received the Proof of Beneficial Use you submitted for permit #96-11263. I am currently reviewing the permit eligibility for an in-office examination for licensing. In-office examination expedites the licensing process by using information and documentation submitted by the permit holder(s) and GIS aerial images to process the examination without the need for a field examination to be scheduled and conducted at a later time. The permit issued provided a scope for the development of future uses. The purpose of the examination is to record the details of the use that has been developed.

After reviewing your Proof of Beneficial Use, there are a few items in need of further information or clarification:

(1) On section #3 of the Statement of Completion, you stated that the extent of use completed is 9 homes and no irrigation. In the most current aerial imagery (see attached images) only 8 homes appear to be constructed, and irrigated yards and areas are apparent around several of the homes. Are you irrigating the parcels from the well, or is there a different water right providing water for lawns, landscape, and gardens? Is there another home completed more recent than the imagery from October of 2022? If so, please provide photos and details of the home not appearing in the aerial imagery.

(2) Please provide a sketch of the system diagram from the point of diversion to the homes as developed for permit 96-11263. Making sure to identify the **boundary of the area(s) irrigated**, **sprinklers**, **water lines** (including dia. and type, for example 1' PVC pipe), the **pump(s)** (including the Hp, make and model, submersible, booster, etc.). This can be drawn on one of the images I have attached to this email, or you may use your own. Then attach the diagram to an email with any additional information regarding the system and/or that would be helpful in describing the system diagram.

(3) On your permit condition # 4 requires that prior to diversion you comply with all water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality. What has been done to ensure this condition has been met?

Feel free to reach out to me with any questions or concerns regarding the items requested. If I am unavailable any of my team members should be able to assist you, if you provide your permit # 96-11263. It is important that you **respond to this request within 14 days** by email and/or phone, in order to pursue this method to expedite your licensing process. If we are unable to process the license review within 14 days the permit will be sent back to the reqional office for a field examination to be scheduled at a later date.

Thank you for your time and attention in this matter.

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

August 02, 2023

WESTSHORE OWNERS ASSN
PO BOX E
SANDPOINT ID 83864-0845

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 96-11263

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 15, 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) 287-480

Sincerely,

Amanda Veibell
Technical Records Specialist

Enclosure(s)

c: TODD MCKAY

SCANNED
AUG 01 2023

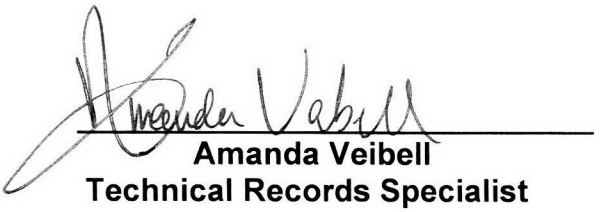
CERTIFICATE OF SERVICE

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. **96-11263**

WESTSHORE OWNERS ASSN
PO BOX E
SANDPOINT ID 83864-0845

TODD MCKAY
PO BOX E SANDPOINT
ID 83864



Amanda Veibell
Technical Records Specialist

SCANNED
AUG 01 2023

Beneficial Use Proof Evaluation

Permit Number: 96-11263 Reviewer: AVeibell Review Date: 7/28/2023

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: 7/10/2023
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: 9
8) Proof received timely? No

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: 838882
6) Is a drilling permit upgrade needed? No
7) Was a well drillers report filed? Yes
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

N039503

Comments

Proof received 9 days late. Reinstate permit and advance priority date to May 15, 2022. 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.

Reinstate Evaluation

Permit Number: 96-11263 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? Yes
4) Date lapsed notice sent: 7/7/2023
5) Number of days between proof/extension request received date and date lapsed notice was sent: 3
6) Was the proof or extension request received more than 60 days after the lapsed notice was sent? No
7) Priority date: 5/6/2022
8) New priority date: 5/15/2022
9) New status: Lapsed

Comments

IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

July 07, 2023

WESTSHORE OWNERS ASSN
PO BOX E
SANDPOINT ID 83864-0845

LAPSE NOTICE

RE: PERMIT NO. 96-11263

IMPORTANT: This permit has lapsed because no written response was received from you by the IDWR. Development and/or use must cease.

Dear Permit Holder(s):

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated April 28, 2023. No further construction or additional development is authorized under this permit.

If water was put to beneficial use prior to the date proof of beneficial use was due, you may file the Statement of Completion (proof) now, or if you or a previous owner of this permit have not received a prior extension of time, you may file the Request for Extension of Time (extension request) if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. You may also request an extension of time if you have been delayed by a government agency, or by litigation that brings title to the water in question.

Either an acceptable proof or an acceptable extension request must be received by this Department within sixty (60) days of the mailing of this lapse notice in order to reinstate this permit.

Please contact Phill Hummer at 208-287-4925, if you need additional assistance.

Sincerely,

Angela M. Hansen

Angela Hansen, Manager
Water Rights Section

CERTIFICATION OF MAILING
I hereby certify that on 7-7-23
a copy/an original of this document was deposited in the United States mail, postage prepaid addressed to the individual(s) named above.

c: TODD MCKAY

SCANNED
JUL 10 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

April 28, 2023

WESTSHORE OWNERS ASSN
PO BOX E
SANDPOINT ID 83864-0845

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 96-11263

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)

c: TODD MCKAY

CERTIFIED MAIL
7020 2450 0000 1566 5230
NO

SCANNED
MAY 0 1 2023