

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 96-12176

Priority: August 08, 2022

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 1.2 AF

It is hereby certified that:

CHARLOTTE E SMITH 6907 UPPER GOLD CREEK RD SANDPOINT ID 83864-4903

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 08, 2022, and has submitted Proof of Beneficial Use on September 12, 2023. An examination confirms water is diverted from:

Source : SPRING

Tributary: SINKS

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.04 CFS

Annual Volume

1.2 AF

Location of Point(s) of Diversion

SPRING SW¼ SE¼ SW¼, Sec. 2, Twp 58N, Rge 01E, 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	
58N	01E	2												X					

Conditions of Approval

- Domestic use is for 1 home.
- The irrigation occurring under this domestic use shall not exceed 1/2 acre.

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 20th day of November, 2023.

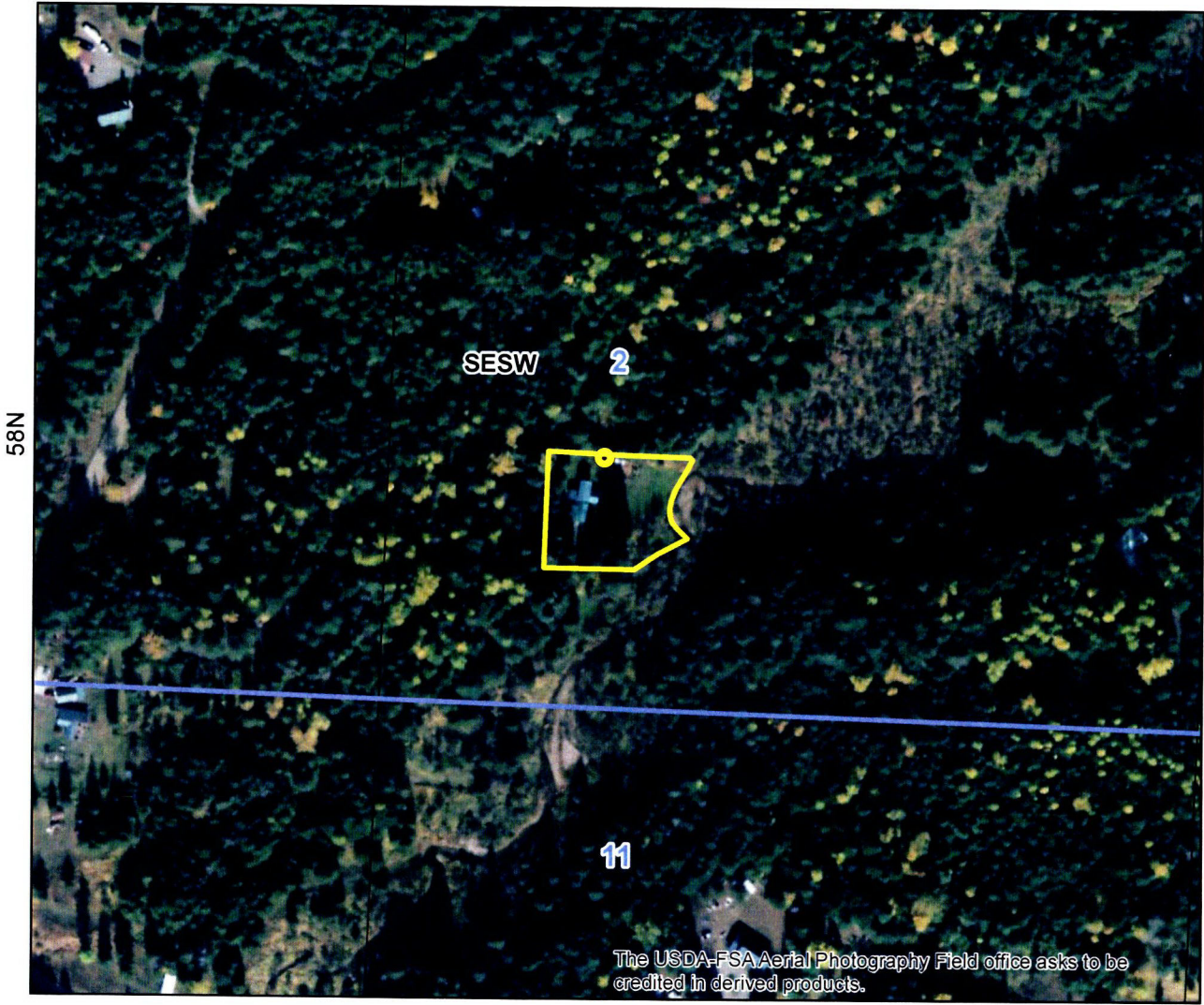

PHILL HUMMER

Water Rights Supervisor

State of Idaho
Department of Water Resources
Attachment to Water Right
96-12176

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.

01E



0 0.035 0.07 0.14 Miles

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



RECEIVED
SEP 12 2023
DEPARTMENT 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. C117040
Received By KM
Date Received 9-12-23

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

- Permit No. 96-12176 Name of Permit Holder(s) Charlotte E. Smith
Telephone No. (208) 263-8911 Email charlottesmith1953@outlook.com
Mailing Address 6907 Upper Gold Crk Rd City SANDPOINT State ID Zip 83864
- Source of Water Spring If Ground Water (well), Date Drilled mo. ____ / yr. ____
Drilling Permit/Tag No. ____ Drilling Company's Name ____
- Extent of use(s) completed **as authorized by the water right permit:**
Domestic (No. households) 1 Irrigation (No. acres) ____ Stockwater (No. and stock type) ____
Other ____
- Total diversion rate or volume (storage only) for which proof is submitted 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.
- Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)
Cistern with ^{SHALLOW} well (hole in ground with 3 cement rings pumps to house)
- Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:
Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

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

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No
- Fee Enclosed \$ 50.00 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: Charlotte Smith Telephone No. (208) 263-8911 Email charlottesmith1953@outlook.com
Mailing Address 6907 Upper Gold Crk 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.

Charlotte Smith
SIGNATURE OF PERMIT HOLDER*

Charlotte Smith
PRINTED NAME AND TITLE

9/16/23
DATE

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

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-12176

Priority: August 08, 2022

Maximum Diversion Rate: 0.04 CFS

This is to certify that

CHARLOTTE E SMITH
6907 UPPER GOLD CREEK RD
SANDPOINT, ID 83864-4903

has applied for a permit to appropriate water from:

Source : SPRING

Tributary: SINKS

and a permit is APPROVED for development of water as follows:

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

Location of Point(s) of Diversion

SPRING SW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 2, Twp 58N, Rge 01E, 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	
58N	01E	2												X					

Conditions of Approval:

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2023**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 25th day of October, 2022.



ADAM FREDERICK
Water Rights Supervisor

SCANNED
NOV 07 2022

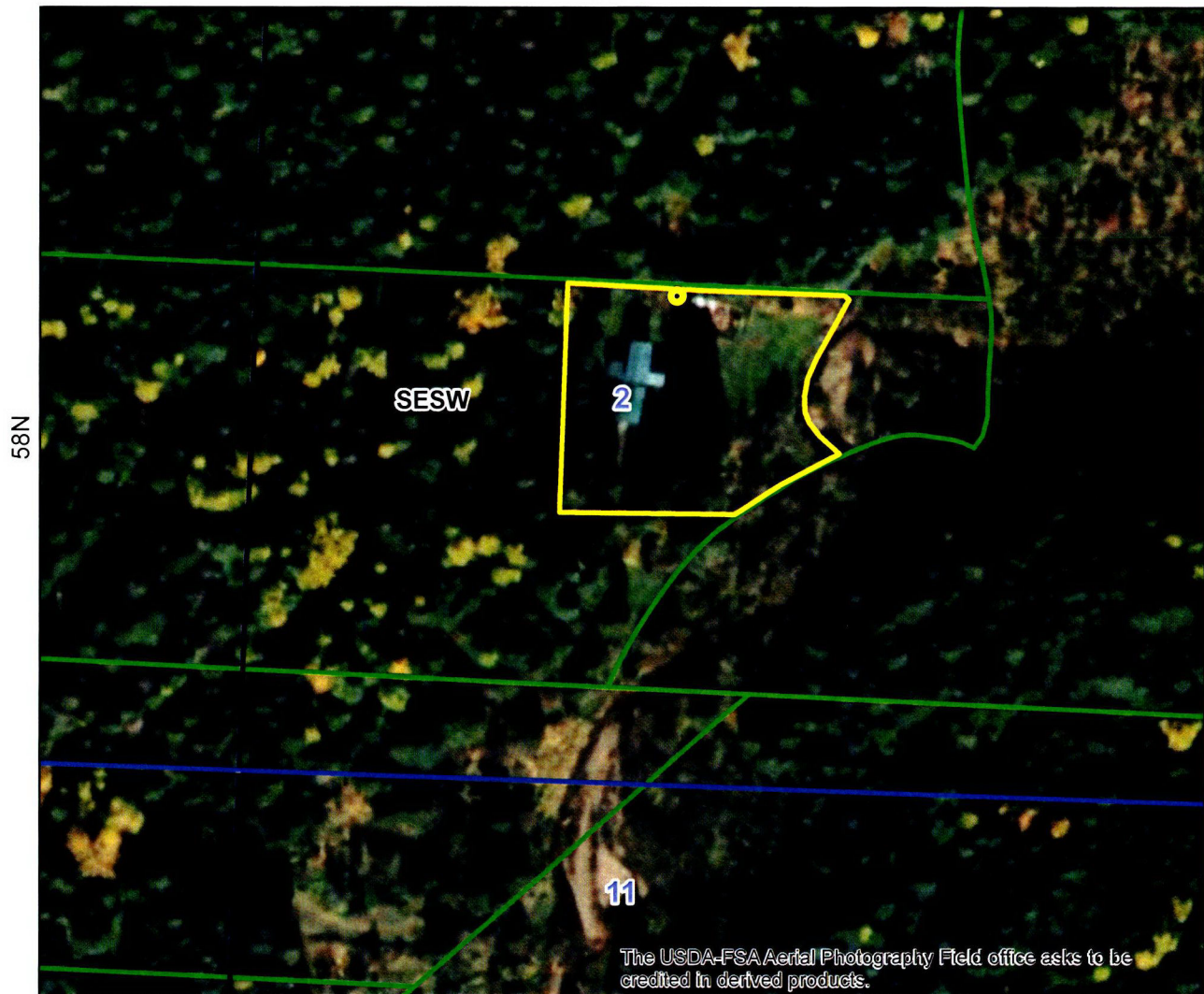
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-12176

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.

01E



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

0 0.0175 0.035 0.07 Miles



SCANNED

NOV 07 2022

Tax parcel information provided by Bonner County.



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

November 21, 2023

CHARLOTTE E SMITH
6907 UPPER GOLD CREEK RD
SANDPOINT ID 83864-4903

RE: License No. 96-12176

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 Hammer

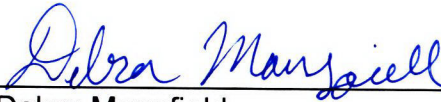
Phill Hammer
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2023, I served a true and correct copy of Water Right License No. 96-12176 by U.S. Mail, postage prepaid, to the following:

CHARLOTTE E SMITH (Current Owner)
6907 UPPER GOLD CREEK RD
SANDPOINT ID 83864-4903



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
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 96-12176
Exam Date: 11/17/2023

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? x Y N
- Irrigation of 5 acres or less
 - Storage of up to 14.6 AF for stockwater purposes only
 - X Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
 - Other < >
2. Current Owner:
CHARLOTTE E SMITH 6907 UPPER GOLD CREEK RD SANDPOINT ID 83864-4903

3. **SOURCE:**
SPRING

Tributary
SINKS

Method of Determination: GIS ArcMap Tools, Aerial Imagery, and Taxlot Data

B. OVERLAP REVIEW

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

Water Right No.	Source	Purpose of Use	Basis

Comments: None

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

Water Right No.	Source	Purpose of Use	Basis

Comments: None

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**

SPRING SW¼ SE¼ SW¼, Sec. 2, Twp 58N, Rge 01E, B.M. BONNER County

Method of Determination: GIS ArcMap Tools, Aerial Imagery, and Taxlot Data

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	
58N	01E	2												X					

Method of Determination: GIS ArcMap Tools, Aerial Imagery, and Taxlot Data

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
N/A	N/A	N/A	N/A	N/A	N/A

D. FLOW MEASUREMENTS

1.

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

2. Measurements: No measurement is required for an in-office examination.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

Measured Method: None, recommended rate is based upon Applications Processing Memo 22: Definition of "Domestic."

F. VOLUME CALCULATIONS

1. Volume Calculations for Domestic: recommended volume is based upon Applications Processing Memo 22: Definition of "Domestic." 1.2 AF per home when irrigation is included.

2. Volume Calculations for Other Uses: None

G. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-office exam because it is for Domestic use of less than 0.24 cfs. The exam was conducted on November 17, 2023, by Justin Shearer. At the time of exam, ownership of the permit is in the name of Charlotte E Smith. Current Bonner County taxlot data represents Charlotte E Smith owns the land appurtenant to the place of use (POU) and point of diversion (POD). Proof of Beneficial Use was submitted on September 12, 2023.

The original application from 2022 indicated that the spring's diversion works were already developed with a concrete structure with water being diverted to one home for domestic purposes and irrigation of 0.5 acres. The permit authorized 0.04 cfs for domestic purposes of one home and was conditioned to allow irrigation occurring under this domestic use to not exceed 0.5 acres. Arcmap tools and aerial imagery were able to confirm that a domestic structure is in place and irrigation

taking place under this permit is likely no more than 0.5 acres. Thus, I am recommending 0.04 cfs and 1.2 AF for domestic purposes for this license.

All conditions of this permit have been met. Condition 004 will be removed since there is no concern of property ownership at the POD or POU. Conditions X01 and 187 will be carried over to the license.

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	0.04 CFS	1.2 AF
<u>Totals:</u>		0.04 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

Justin Shearer -

Field Examiner's Name  Date 11/17/2023

Reviewer  Date 11/20/23

Beneficial Use Proof Evaluation

Permit Number: 96-12176 Reviewer: AVEibell Review Date: 9/20/2023

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: 9/12/2023
- 4) Proof Due Date: 11/1/2023
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: -50
- 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?

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

N040700

Comments

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



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

August 31, 2023

CHARLOTTE E SMITH
6907 UPPER GOLD CREEK RD
SANDPOINT ID 83864-4903

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 96-12176

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 **November 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,

Amanda Veibell
Technical Records Specialist

Enclosure(s)

SCANNED

SEP 07 2023



Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

November 07, 2022

CHARLOTTE E SMITH
6907 UPPER GOLD CREEK RD
SANDPOINT ID 83864-4903

RE: Permit No. 96-12176

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.

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.

SCANNED

NOV 07 2022

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 the Northern Region Office at (208) 762-2800.

Sincerely,



Adam Frederick
Water Right Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 07, 2022, I served a true and correct copy of Permit to Appropriate Water No. 96-12176 by U.S. Mail, postage prepaid, to the following:

CHARLOTTE E SMITH (Current Owner)
6907 UPPER GOLD CREEK RD
SANDPOINT ID 83864-4903



Tammy Alleman
Administrative Assistant 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.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Bonner)

Italia Jimenez, 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 Bonner County, Idaho, and am not a party to the proceedings referred to in the attached

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

2. I am the bookkeeper 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 18th day of August, 2022, and ending on the 26th day of August, 2022.

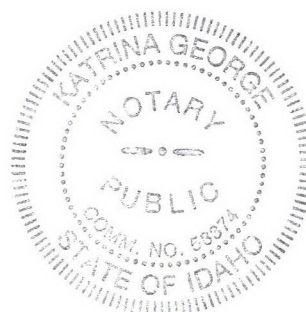
Italia Jimenez

State of Idaho, county of Bonner ss.

On this _____ day of _____, in the year of 2022 before me, Katrina George, Notary Public, personally appeared Italia Jimenez known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Katrina George
Notary Public
Residing at: Kootenai County

My Commission Expires 8/29/23



RECEIVED
AUG 29 2022
IDWR/NORTH

SCANNED
NOV 07 2022

NOTICE

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

96-10820

BETTY SUE CARTER
88 KIRPALS WAY
SAGLE, ID 83860-5010
Point of Diversion NENW
S8 T55N R03W
BONNER County
Source GROUND WATER
Use: IRRIGATION
04/1 to 10/31 0.12 CFS
Use: STOCKWATER
1/1 to 12/31 0.02 CFS
Total Diversion: 0.12 CFS
Date Filed: 04-12-2022
Place Of Use: IRRIGATION, STOCKWATER
T55N R03W S8 NENW
Place Of Use: STOCKWATER
T55N R03W S8
SENW, L1(NWNW), L2(SWNW)
Total Acres: 3.6

96-10822

JEREMY BROWN
DANIELLE DANIELS
ISSAC BROWN
EVAN BROWN
309 GOOBY RD
SANDPOINT, ID 83864-7236
Point of Diversion SWSE
S9 T57N R02W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1/1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 04-12-2022
Place Of Use: DOMESTIC
T57N R02W S16 NWNE
Place Of Use: DOMESTIC
T57N R02W S9 SWSE

96-10856

STEVEN RUCKER
204 BROWN ST
HARRISON, AR 72601-6109
Point of Diversion L1(NENE)
S5 T57N R01W
BONNER County
Source GROUND WATER
Use: DOMESTIC
1/1 to 12/31
Total Diversion: 0.02 CFS
Date Filed: 04-14-2022
Place Of Use: DOMESTIC
T57N R01W S5
L1(NENE), L2(NWNE)

96-10862

MORIARTY TRUST
2210 PACIFIC AVE UNIT J1
COSTA MESA, CA 92627-4846
Point of Diversion NWNE
S3 T56N R01E
BONNER County
Source LAKE PEND OREILLE
Tributary PEND OREILLE RIVER
Use: DOMESTIC
1/1 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 04-16-2022
Place Of Use: DOMESTIC
T56N R01E S3 NWNE

96-1101

ANDREW TOLT
PO BOX 21
HOPE, ID 83836-0021
Point of Diversion L2(NWNE)
S11 T56N R01E
BONNER County
Source GROUND WATER
Use: DOMESTIC
1/1 to 12/31
Total Diversion: 0.02 CFS
Date Filed: 05-03-2022
Place Of Use: DOMESTIC
T56N R01E S11 L2(NWNE)

96-11705

CHARLES W SHOBE
MARSELLA I SHOBE
13874 W PINE ST
SANDPOINT, ID 83864-7326
Point of Diversion NWSW
S30 T57N R02W
BONNER County
Source HORNBY CREEK
Tributary PEND OREILLE RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.12 CFS
Date Filed: 06-17-2022
Place Of Use: IRRIGATION
T57N R02W S30
L4(SWSW), SESW
Total Acres: 5.8

96-12023

GIGI TAYLOR
JEFF TAYLOR
1267 BOWEN ARROW RD
SANDPOINT, ID 83864-7800
Point of Diversion SESW
S22 T59N R01W
BONNER County
Source SAND CREEK
Tributary PACK RIVER
Use: IRRIGATION
4/1 to 10/31
Total Diversion: 0.15 CFS
Date Filed: 07-25-2022
Place Of Use: IRRIGATION
T59N R01W S22
SESW, SWSW
Total Acres: 5.3

96-12065

BRENT LEEDLE
1709 WESTWOOD DR
SANDPOINT, ID 83864-6326
Point of Diversion L2(NWSE)
S28 T57N R02W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
04/1 to 10/31
Total Diversion: 0.04 CFS
Date Filed: 08-04-2022
Place Of Use: IRRIGATION
T57N R02W S28
L2(NWSE), L2(SWNE), NWSE
Total Acres: 1.2

96-12074

SDG PROPERTIES LLC
PO BOX 1021
SAGLE, ID 83860-1021
Point of Diversion SWSE
S21 T56N R01W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.14 CFS
Date Filed: 08-01-2022
Place Of Use: DOMESTIC
T56N R01W S21
L2(NESE), SWSE, L3(SESE)

96-12082

KEVIN SCHULTE
MARGARET SCHULTE
921 GARFIELD BAY RD
SAGLE, ID 83860-8566
Point of Diversion SWNE
S21 T56N R01W
BONNER County
Source GARFIELD CREEK
Tributary LAKE PEND OREILLE
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 08-01-2022
Place Of Use: IRRIGATION
T56N R01W S21
NWNE, SWNE
Total Acres: 1

96-12098

TIMOTHY BROWNE
MOLLY BROWNE
1722 TRESTLE CREEK RD
HOPE, ID 83836-9600
Point of Diversion SWNE
S15 T57N R01E
BONNER County
Source UNNAMED STREAM
Tributary TRESTLE CREEK
Use: IRRIGATION STORAGE
01/01 to 12/31 13.5 AF
Use: IRRIGATION FROM STORAGE
04/01 to 10/31 13.5 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 0.4 AF
Use: STOCKWATER FROM STORAGE
01/01 to 12/31 0.4 AF
Use: RECREATION STORAGE
01/01 to 12/31 21.4 AF
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 21.4 AF
Use: RECREATION
01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 07-29-2022
Place Of Use: FIRE PROTECTION STORAGE, IRRIGATION
F R O M
STORAGE, IRRIGATION
STORAGE, RECREATION, RE
C R E A T I O N
STORAGE, STOCKWATER
F R O M
STORAGE, STOCKWATER
STORAGE
T57N R01E S15 SWNE
Total Acres: 4.5

96-12099

TIMOTHY BROWNE
MOLLY BROWNE
1722 TRESTLE CREEK RD
HOPE, ID 83836-9600
Point of Diversion L1(NWNE)
S15 T57N R01E
BONNER County
Source UNNAMED STREAM
Tributary TRESTLE CREEK
Use: IRRIGATION
04/01 to 10/31 0.03 CFS
Use: FIRE PROTECTION
01/01 to 12/31 0.11 CFS
Total Diversion: 0.14 CFS
Date Filed: 07-29-2022
Place Of Use: FIRE PROTECTION, IRRIGATION
T57N R01E S15 L1(NWNE)
Total Acres: 0.5

96-12100

TIMOTHY BROWNE
MOLLY BROWNE
1722 TRESTLE CREEK RD
HOPE, ID 83836-9600
Point of Diversion NESWNE
S15 T57N R01E
BONNER County
Source SPRING
Tributary COCHRAN CREEK
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.1 CFS
Date Filed: 07-29-2022
Place Of Use: DOMESTIC
T57N R01E S15
L1(NWNE), SWNE

96-12102

TIMOTHY BROWNE
MOLLY BROWNE
1722 TRESTLE CREEK RD
HOPE, ID 83836-9600
Point of Diversion SWNE
S15 T57N R01E
BONNER County
Source UNNAMED STREAM
Tributary COCHRAN CREEK
Point of Diversion SWNE
S15 T57N R01E
BONNER County
Source UNNAMED STREAM
Tributary COCHRAN CREEK
Use: IRRIGATION STORAGE
01/01 to 12/31 16.8 AF
Use: IRRIGATION FROM STORAGE
04/01 to 10/31 16.8 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 0.4 AF
Use: STOCKWATER FROM STORAGE
01/01 to 12/31 0.4 AF
Use: DOMESTIC STORAGE
01/01 to 12/31 1.2 AF
Use: DOMESTIC FROM STORAGE
01/01 to 12/31 1.2 AF
Use: RECREATION STORAGE
01/01 to 12/31 67 AF
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 67 AF
Use: RECREATION
01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 07-29-2022
Place Of Use: DOMESTIC FROM STORAGE
T57N R01E S15
L1(NWNE), SWNE
Place Of Use: DOMESTIC STORAGE, FIRE PROTECTION STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE, RECREATION, RECREATION STORAGE, STOCKWATER FROM STORAGE, STOCKWATER STORAGE
T57N R01E S15 SWNE
Total Acres: 5.6

SCANNED

NOV 07 2022

96-12109

TIMOTHY BROWNE
MOLLY BROWNE
1722 TRESTLE CREEK RD
HOPE, ID 83836-9600
Point of Diversion SWNE
S15 T57N R01E
BONNER County
Source COCHRAN CREEK
Tributary TRESTLE CREEK
Use: POWER
01/01 to 12/31
Total Diversion: 4.7 CFS
Date Filed: 07-29-2022
Place Of Use: POWER
T57N R01E S15 L1(NWNE)

96-12164

PAULA MARTINI
JAMES F CROSS
304 LARCH ST
SANDPOINT, ID 83864-1539
Point of Diversion SWSE
S15 T57N R02W
BONNER County
Source SAND CREEK
Tributary LAKE PEND
OREILLE
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.03 CFS
Date Filed: 08-08-2022
Place Of Use: IRRIGATION
T57N R02W S15
SWSE, SESE
Total Acres: 0.3

96-12176

CHARLOTTE E SMITH
6907 UPPER GOLD CREEK
RD
SANDPOINT, ID 83864-4903
Point of Diversion SWSESW
S2 T58N R01E
BONNER County
Source SPRING
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 08-08-2022
Place Of Use: DOMESTIC
T58N R01E S2 SESW

96-12180

MARK D PARKER
PATRICIA M PARKER
PO BOX 189
CLARK FORK, ID 83811-0189
Point of Diversion NWNENE
S25 T56N R02E
BONNER County
Source SPRING
Tributary CASCADE CREEK
Use: FIRE PROTECTION
STORAGE
01/01 to 12/31 7.1 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 0.3 AF
Use: STOCKWATER FROM
STORAGE
01/01 to 12/31 0.3 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 3 AF
Use: IRRIGATION FROM
STORAGE
04/01 to 10/31 3 AF
Total Diversion: 10.5 AF
Date Filed: 08-09-2022
Place Of Use: FIRE PROTECTION STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE, STOCKWATER FROM STORAGE, STOCKWATER STORAGE
T56N R02E S25 NENE
Total Acres: 1

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; 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, Northern Region, 7600 N MINERAL DR STE 100, COEUR D'ALENE ID 83815-7763 together with a protest fee of \$25.00, for each application on or before 9/6/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Legal#4477
AD#554893
August 18, 25, 2022

SCANNED

NOV 07 2022

**IDaho DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 96-12176 APPLICATION ID # 86606 ENT. Je BCA Je OK to Publish AF
 APPLICANT: SMITH, CHARLOTTE E INITIAL REVIEW BY: dm DATE: 08/08/2022

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
5. ☒ Nature of Proposed Use
6. ☒ Period of Use
7. ☒ Total Quantity
8. ☒ Description of diverting works
9. ☒ Time required for b/u
10. ☒ Proposed use
11. ☒ Place of use or acres irrigated
12. ☒ Other water Rights
13. ☒ Ownership
14. ☒ Map
15. ☒ Signature
16. ☒ Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y () N (☒)

ADDITIONAL INFORMATION

(Yes)(No)
☒ Shape File Created Date 08/08/22 By: dm
 _____ Field check by _____
 _____ Field report attached _____
 _____ Analysis Supp Attached (>5cfs/500af) _____
 _____ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 08/08/2022

____ ☒ (Include Moratorium Remark)
 ____ ☒ Statewide Advertising (Diversion rate greater than 10 cfs or 1,000 af)

ADVERTISE IN: BONNER County
 Newspaper: Bonner County Daily Bee
 Dates scheduled for publication 8-18-22 8-25-22
 Affidavit of Publication received: 8-29-22
 Dates actually published 8-18-22 8-25-22
 Application published correctly Yes ☒ No _____
 If not, action taken: _____

Final Date for Protest: September 6 2022
 Protests Received Yes _____ No ☒

LETTERS SENT REQUESTING

() Dam Information () Fish Information
 () Power Information () Other: _____

INFORMATION RECEIVED

() Dam Information () Fish Information
 () Power Information () Other: _____

N/A

GROUNDWATER SECTION

WD Permit No.'s	Tag #	Type	Fees	Receipt No	Upgrade Needed?
_____	_____	Dom _____ Non-Dom _____	Paid \$ _____	_____	Y () N ()
_____	_____	Dom _____ Non-Dom _____	Paid \$ _____	_____	Y () N ()
_____	_____	Dom _____ Non-Dom _____	Paid \$ _____	_____	Y () N ()

_____ Groundwater management area
 _____ Critical ground water area
 _____ Well Drilling Permit required
 _____ Well Drilling Application and Fees received
 _____ Well Drilling Application approved?

Remarks: Spring tributary to sinks

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)
 _____ Notice of pending void order issued. Final order response date: _____/_____/_____
 _____ Further information required from applicant _____

 _____ Measuring device required
 _____ Measuring port required
 _____ Special conditions _____
 _____ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: dm Date: 10/21/2022 Sr. Agent initial AF