Form 42-217 Rev. 6/22

RECEIVED
MAR 27 2024
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.	C118039
Receipted By	KM
Date Receipted	3.27.24

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. 98-08102 Name of Permit Holder(s) Gene Hooley, Mary Esther Hooley

Telephone No. 986-205-0187 Email hooley family@gmail.com

Mailing Address 67 Marydel Lane City Bonners Ferry State ID Zip 83805

2. Source of Water Mission Creek 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) ~~2~~ 2 Acres Stockwater (No. and stock type) 2 beef cows

Other 3 sheep (into stock tank) (Garden + landscaping) (no irrigation on pasture needed.)

4. Total diversion rate or volume (storage only) for which proof is submitted .06 cfs OR 3 af x2 Acres = 6 af

If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 15 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.) (RPS systems)

400 watt solar panel + ¼ h.p. solar powered well jet pump with very small screened intake (fish screen) inside a 4" PVC tube 24" long, delivered into 1 ¼" poly slack pipe. This pump sits in Mission Creek Tributary of Kootenai River

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: Gene Hooley Telephone No. 986-205-0187 Email hooley family@gmail.com

Mailing Address 67 Marydel Ln City Bonners Ferry State Id Zip 83805

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. Gene Hooley (owner)

Gene Hooley MaryEsther Hooley	MARY ESTHER HOOLEY	March 20, 2004
SIGNATURE OF PERMIT HOLDER*	PRINTED NAME AND TITLE	DATE

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

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 98-8102

Priority: September 12, 2022 **Maximum Diversion Rate:** 0.08 CFS

This is to certify that

GENE HOOLEY 67 MARYDEL LN BONNERS FERRY ID 83805-4833 AND/OR
MARY ESTHER HOOLEY 67 MARYDEL LN BONNERS FERRY ID 83805-4833

has applied for a permit to appropriate water from:

Source : MISSION CREEK **Tributary:** KOOTENAI RIVER

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

Beneficial Use	**Period of Use**	**Rate of Diversion**
IRRIGATION	04/01 to 10/31	0.06 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

Location of Point(s) of Diversion

MISSION CREEK L4 (SW¼ SW¼), Sec. 7, Twp 64N, Rge 01E, B.M. BOUNDARY County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
64N	01E	7											1.0 L4	1.0					2.0

Total Acres: 2.0

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
64N	01E	7											X L4	X					

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2024.**
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. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
5. Stockwater use is for 10 head Mixed Stock.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

98-8102

This map depicts the IRRIGATION & STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.045 0.09 0.18 Miles

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

N

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 98-8102

Priority: September 12, 2022 **Maximum Diversion Rate:** 0.08 CFS

This is to certify that

GENE HOOLEY 67 MARYDEL LN BONNERS FERRY ID 83805-4833 AND/OR
MARY ESTHER HOOLEY 67 MARYDEL LN BONNERS FERRY ID 83805-4833

has applied for a permit to appropriate water from:

Source : MISSION CREEK **Tributary:** KOOTENAI RIVER

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

Beneficial Use	Period of Use	Rate of Diversion
IRRIGATION	04/01 to 10/31	0.06 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

Location of Point(s) of Diversion
MISSION CREEK L4 (SW¼ SW¼), Sec. 7, Twp 64N, Rge 01E, B.M. BOUNDARY County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
64N	01E	7											1.0 L4	1.0					2.0

Total Acres: 2.0

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
64N	01E	7											X L4	X					

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2024.**
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. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
5. Stockwater use is for 10 head Mixed Stock.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.

SCANNED
MAR 2 9 2023

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 98-8102

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

Signed this 28 day of March, 2023.

LUKE BATES
Interim Water Rights Supervisor

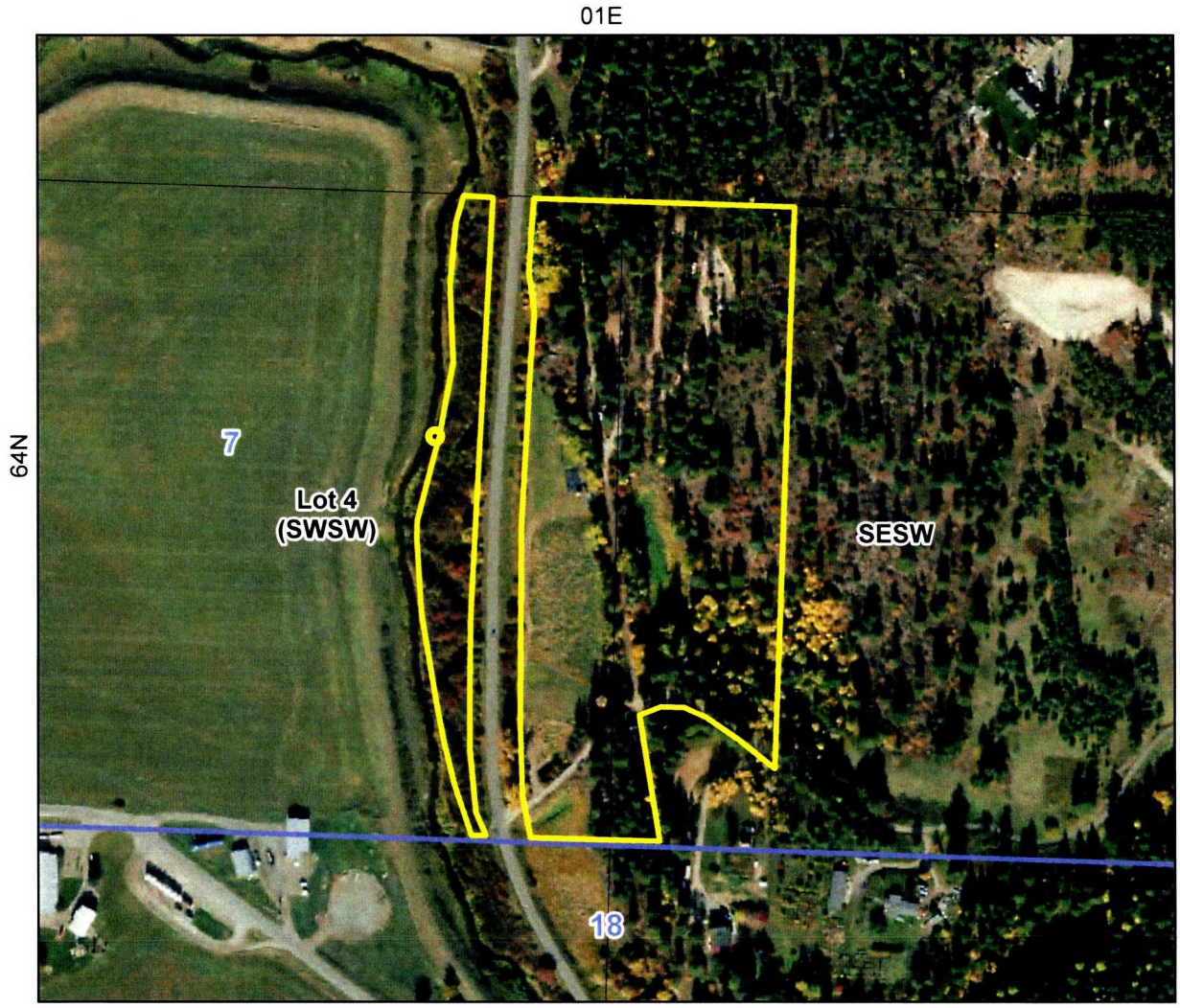
SCANNED
MAR 29 2023

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

98-8102

This map depicts the IRRIGATION & STOCKWATER 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.



SCANNED
MAR 2 9 2023

RECEIVED
FORM 202 Rev. 09/16
SEP 12 2022
IDWR / NORTH

86950

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
Sep 12 2022
DEPARTMENT OF WATER RESOURCES

Ident. No. 48-8102

1. Name of applicant(s) GENE AND/OR MARY-ESTHER HOOLEY Phone 541-678-1246
   Name connector (check one): ☐ and ☐ or ☑ and/or
   Mailing address 67 MARYDEL LN City BONNERS FERRY
   State ID ZIP 83805 Email HOOLEYFAMILY@GMAIL.COM
2. Name of representative, if any _____ Phone _____
   Mailing address _____ City _____
   State _____ ZIP _____ Email _____
   a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
      ☐ Send original correspondence to the applicant and copies to the representative.
   b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
      ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply MISSION CREEK which is a tributary of KOOTENAI RIVER
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
64N	01E	7	4		SW	SW	BOUNDARY	MISSION CREEK	

5. Water will be used for the following purposes:
   Amount 0.06 CFS (cfs or acre-feet per year) for IRRIGATION purposes from 4/1 to 10/31 (both dates inclusive)
   Amount 0.02 CFS (cfs or acre-feet per year) for STOCKWATER purposes from 1/1 to 12/31 (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
6. Total quantity to be appropriated is (a) 0.08 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source. SCREENED INTAKE WITH PUMP AND PIPELINE TO USES.
   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
   d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
   e. If well is already drilled, when? _____; drilling firm _____;
      well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee $ _____ Receipted by _____ Receipt No. _____ Date _____

8. Description of proposed uses (if irrigation only, go to item 9):
   a. Hydropower; show total feet of head and proposed capacity in kW. _____
   b. Stockwatering; list number and kind of livestock. 10 HEAD OF MIXED STOCK
   c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
   d. Domestic; show number of households _____
   e. Other; describe fully. _____

9. Description of place of use:
   a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
   b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
64N	01E	7											1	1					2
													S	S					
													GL4						

   Total number of acres to be irrigated: _____

10. 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? _____

11. a. Who owns the property at the point of diversion? APPLICANT
    b. Who owns the land to be irrigated or place of use? APPLICANT
    c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. APPLICANT PLANS TO INSTALL PUMP IN CREEK FOR IRRIGATION OF UP TO 2 ACRES WITH STOCKWATERING FOR UP TO 10 HEAD OF MIXED STOCK

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

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

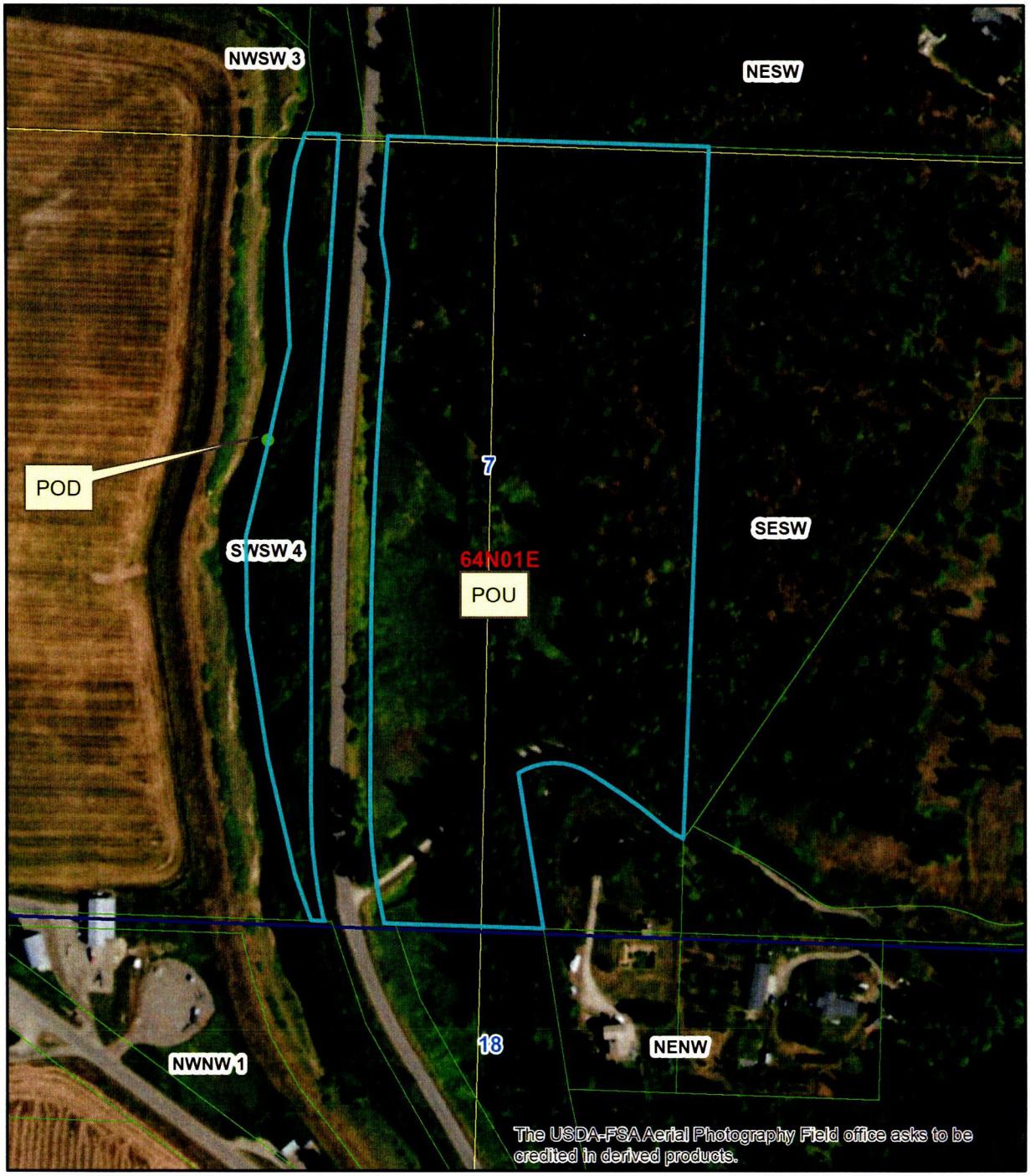
Gene Hooley
Signature of Applicant

Gene Hooley
Print Name (and title, if applicable)

Mary Esther Hooley
Signature of Applicant

MARY ESTHER HOOLEY
Print Name (and title, if applicable)

APPLICATION MAP



Legend

- Parcels
- Township/Range
- Sections
- QQ

0 0.025 0.05 0.1 Miles

N

Created By: Adam Frederick

Print Single Sided Only

FORM 202 Rev. 09/16

RECEIVED
JUL 29 2022
IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Gene Hooley Mary-Esther Hooley Phone 541-678-1246 541-678-1701
   Name connector (check one): ☐ and ☐ or ☒ and/or
   Mailing address 67 Mary del Lane City Bonners Ferry
   State Idaho ZIP 83805 Email hooleyfamily@gmail.com
2. Name of representative, if any _____ Phone _____
   Mailing address _____ City _____
   State _____ ZIP _____ Email _____
   a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
      ☐ Send original correspondence to the applicant and copies to the representative.
   b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
      ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Mission Creek which is a tributary of Mission Creek drainage Kootenai River
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
[redacted]			4	SW	SW		Boundary	Mission Creek	
64N	01E	7							

5. Water will be used for the following purposes:
   Amount .001 ? (cfs or acre-feet per year) for garden & landscaping purposes from Jan. 1 to Dec. 31 (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)

SUPERSEDED

6. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source. 7 H.P. Gas pump
   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
   d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
   e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee $ 100.00 Receipted by NS Receipt No. N0406661 Date 7-29-22

8. Description of proposed uses (if irrigation only, go to item 9):
   a. Hydropower; show total feet of head and proposed capacity in kW. _____
   b. Stockwatering; list number and kind of livestock. perhaps 2-4 beef cows
   c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
   d. Domestic; show number of households 1-2
   e. Other; describe fully. 1 now, possibly 2 down the road.

9. Description of place of use:
   a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
   b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
64N	01E	7											[redacted]S				[redacted]		1
64N	01E	7															D		1

Total number of acres to be irrigated: [redacted] Domestic only .5 Acre

10. 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? No other water rights/ domestic only to irrigate garden & landscaping, [redacted]

11. a. Who owns the property at the point of diversion? [redacted] we do
    b. Who owns the land to be irrigated or place of use? we do
    c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

SUPERSEDED

12. Describe your proposal in narrative form and provide additional explanation for any of the items above. Attach additional pages if necessary. A small [redacted] gas pump with suction screen and foot valve on the bank of Mission Creek and pumped via a line under Farm to Market Hiway in an existing dry 4 foot in diameter culvert to the rest of the property for domestic use only.

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

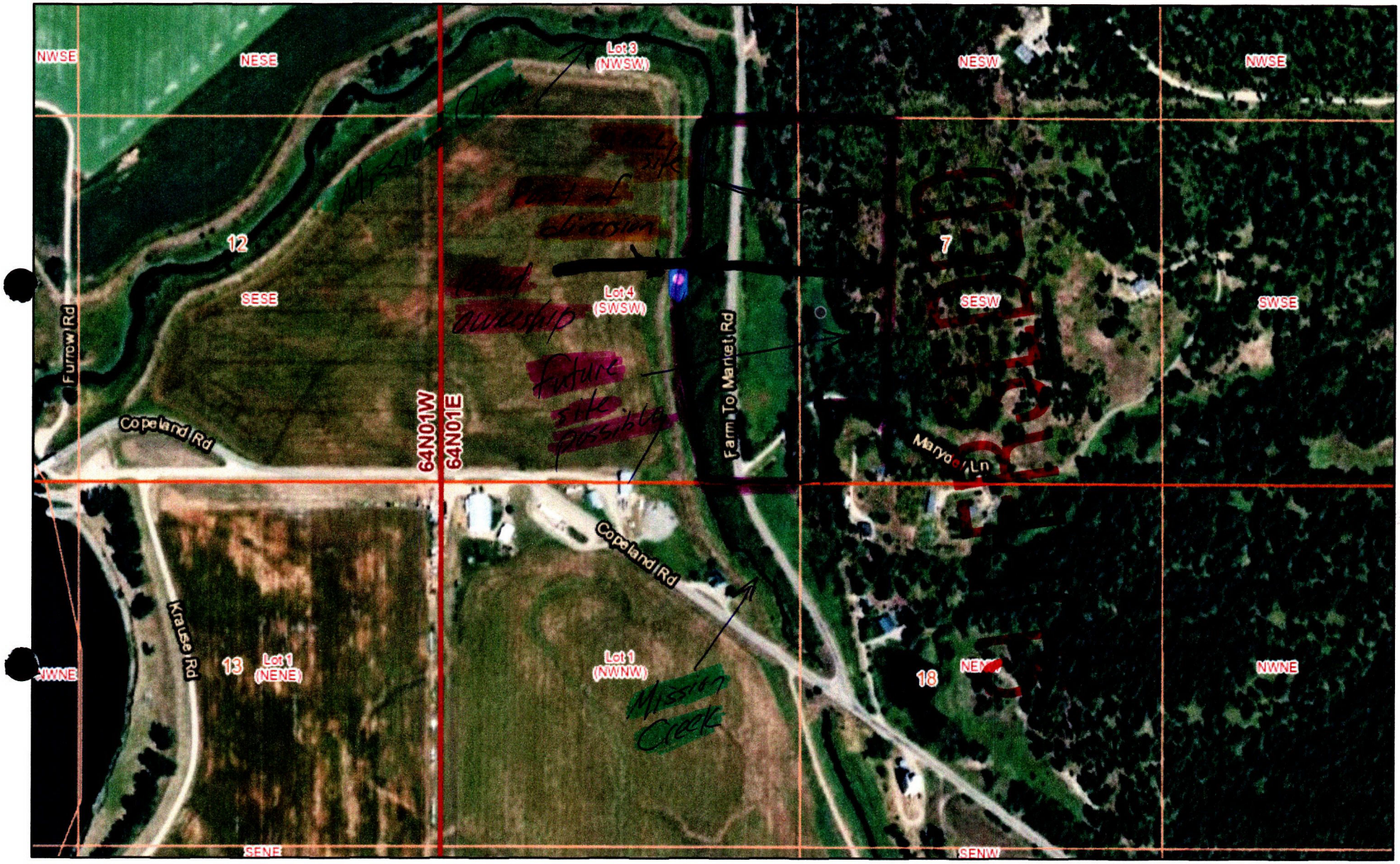
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Gene Hooley
Signature of Applicant
Gene Hooley Owner
Print Name (and title, if applicable)

MaryEsther Hooley
Signature of Applicant
MARY ESTHER HOOLEY - Owner
Print Name (and title, if applicable)

Application for Water Right



7/24/2022, 12:57:07 PM

1:9,028

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

Counties

Quarter Quarters

PLS Sections

Townships

Idaho Outline

Idaho Mask

Esri, HERE, GeoTechnologies, Inc., NRCan, Created by NRCS from 1:24,000 scale USGS topographic maps., Maxar

Idaho Department of Water Resources

Maxar | Created by NRCS from 1:24,000 scale USGS topographic maps. Idaho Department of Water Resources (IDWR)

MEMORANDUM

Date: 4/9/2024

To: WR Permit No. 98-8102

From: Skyler Cheever – Water Resource Agent

Re: Field Examination Recommended for Permit 98-8102

The Department received Gene and Mary Hooley's Statement of Completion for Proof of Beneficial Use for permit 98-8102 on March 27th, 2024, with the beneficial use processing fee received the same date. The permit authorized stockwater for 10 Mixed Stock and the irrigation of two acres. This permit qualifies for an in-office examination. The permit was signed on March 23rd, 2023. Therefore, the development period would be from March 23rd, 2023, to March 27th, 2024. After an initial review it was concluded 2023 imagery wasn't clear enough to determine the extent of irrigation development (Figure 1). According to Tax Parcel Data the property was developed in 2020. Unfortunately, there isn't currently any imagery from 2020-2021 indicating the extent of irrigation development. Therefore, I am recommending proof be accepted and a field examination be conducted to determine the extent of irrigation development.

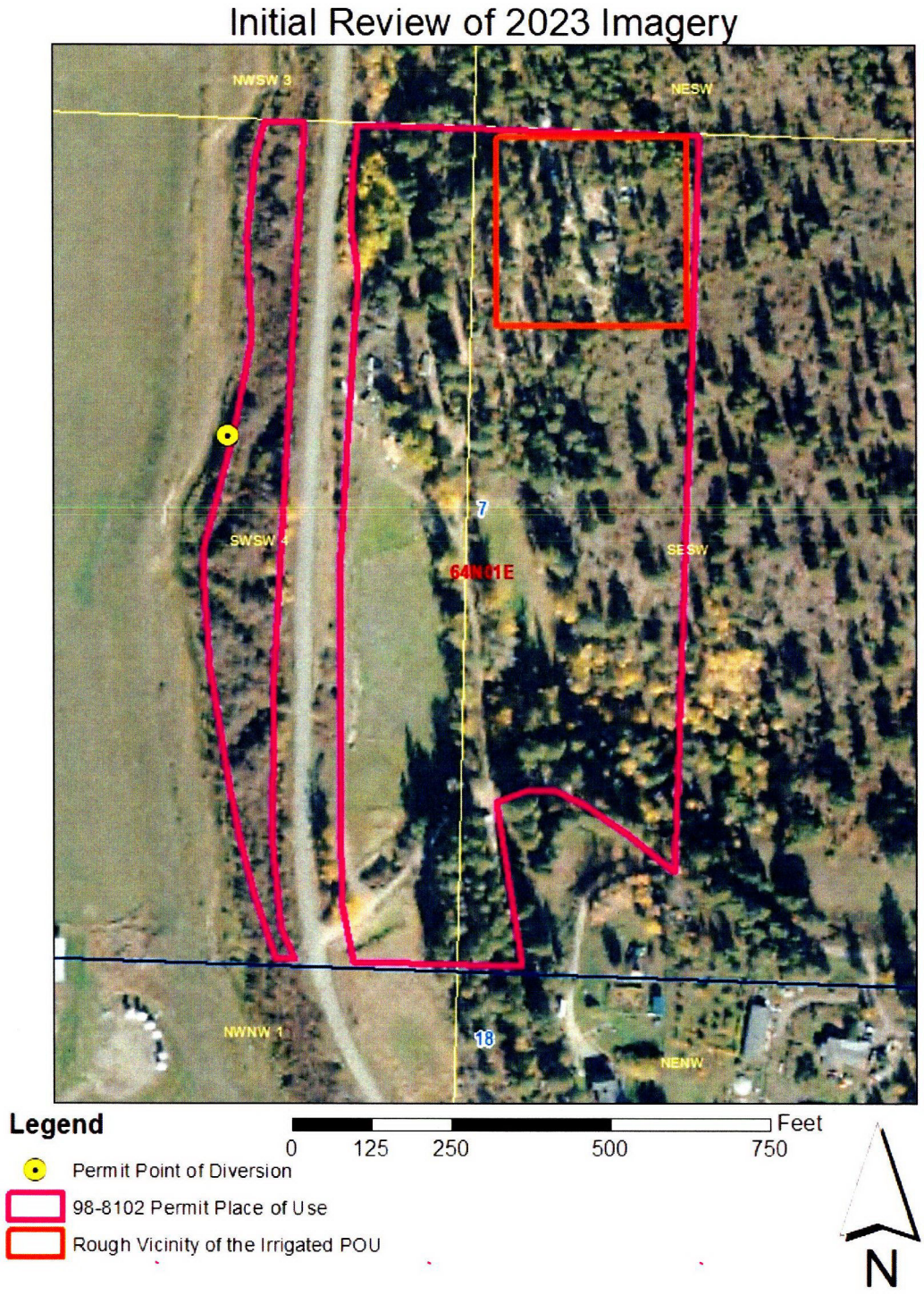


Figure 1. 2023 Aerial Imagery indicating the location of the permitted point of diversion, place of use and rough vicinity of where irrigation was actually developed according to the permit holders Statement of Completion for Proof of Beneficial Use.

Beneficial Use Proof Evaluation

Permit Number: 98-8102 Reviewer: AVeibell Review Date: 3/27/2024

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: 3/27/2024
4) Proof Due Date: 4/1/2024
5) Days added for weekend due date? 0
6) Days added for holiday due date? 0
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 --No
    c. Fish Screen -- No
3) Are the required items installed? Yes
    a. Measuring Device -- No
    b. Lockable Device --No
    c. Fish Screen -- Yes
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

N040661

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 Mathew Weaver

January 31, 2024

GENE HOOLEY
MARY ESTHER HOOLEY
67 MARYDEL LN
BONNERS FERRY ID 83805-4833

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 98-08102

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 **April 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,

Amanda Veibell

Amanda Veibell
Technical Records Specialist

Enclosure(s)

IDAHO DEPARTMENT OF
WATER RESOURCES

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

March 28, 2023

GENE HOOLEY
MARY ESTHER HOOLEY
67 MARYDEL LN
BONNERS FERRY ID 83805-4833

RE: Permit No. 98-8102

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
MAR 29 2023

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,

Luke Bates
Interim Water Rights Supervisor

Enclosure(s)

SCANNED
MAR 2 9 2023

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2023, I served a true and correct copy of Permit to Appropriate Water No. 98-8102 by U.S. Mail, postage prepaid, to the following:

GENE HOOLEY (Current Owner)
67 MARYDEL LN
BONNERS FERRY ID 83805-4833

MARY ESTHER HOOLEY (Current Owner)
67 MARYDEL LN
BONNERS FERRY ID 83805-4833

Tammy Alleman
Administrative Assistant 1

SCANNED
MAR 29 2023

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.

SCANNED
MAR 29 2023

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.

SCANNED
MAR 29 2023

MEMORANDUM

February 17, 2023

Application for Permit: 98-8102

Author: smaxey

Subject: SEASON OF USE

APPLICATION LEGAL NOTICES MISTAKENLY PUBLISHED IRRIGATION SEASON OF USE AS YEAR ROUND INSTEAD OF THE CORRECT 04-01-10-31 FOR THE PLACE OF USE.
NO PROTEST RECEIVED AND APPLICANT INFORMED VIA E-MAIL 2/17/2023 IN ACCORD WITH APPLICATION PROCESSING MEMO #9. CFS AMOUNT FOR IRRIGATION AND OVERALL CFS AMOUNT WERE PUBLISHED CORRECTLY.

SCANNED
MAR 29 2023

Maxey, Shaun

From: Maxey, Shaun
Sent: Friday, February 17, 2023 1:41 PM
To: hooleyfamily@gmail.com
Subject: Season of Use correction on upcoming Permit 98-8102

Mr. or Mrs. Hooley:

Notice of your Application for Permit (98-8102) to use water from Mission Creek was mistakenly published in legal notices with a non-standard period of irrigation use for your area (01—01 to 12-31) instead of the correct 04-01- 10-31 season of use. No protests have been received by IDWR concerning the season of use published in the legal notices.

Your upcoming permit will be issued with a season of use of 04-01 to 10-31 which is the standard irrigation season of use allowed for the Kootenai River area on water rights.

Thanks,

Shaun Maxey

IDAHO DEPARTMENT OF WATER RESOURCES

Shaun M. Maxey | Sr. Water Resource Agent
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

SCANNED
MAR 2 9 2023

RECEIVED
NOV 0 3 2022
IDWR / NORTH

AFFIDAVIT OF PUBLICATION

State of Idaho

ss

County of Boundary, Melissa Cloutier being first duly sworn on oath deposes and says that he/she is Bookkeeper of the Bonners Ferry Herald, a newspaper printed and published at Bonners Ferry, Boundary County, Idaho; that the said newspaper has been continuously and uninterruptedly published in said Boundary County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of: Legal Notice Water Permits as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 20 day of October, 2022 and ending on the 27 day of October, 2022 and that said notice was published in said newspaper.

Melissa Cloutier

SUBSCRIBED AND SWORN TO before me, this 28 day of October, 2022.

Sherilyn Jones

Sherilyn Jones
Notary Public-State of Idaho
Residing at: Kootenai County
My Commission Expires 04/17/23

SHERILYN JONES NOTARY PUBLIC COMM. NO. 69771 STATE OF IDAHO

SCANNED
MAR 2 9 2023

LEGAL NOTICE

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

98-8100
CHRISTOPHER BINNALL
SARAH BINNALL
6618 JACKSON ST
BONNERS FERRY, ID 83805-8604
Point of Diversion NWNE S11 T61N R01E
BOUNDARY County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.06 CFS
Date Filed: 09-14-2022
Place Of Use: DOMESTIC
T61N R01E S11 NWNE

98-8101
CHRISTOPHER BINNALL
SARAH BINNALL
6618 JACKSON ST
BONNERS FERRY, ID 83805-8604
Point of Diversion NWNE S11 T61N R01E
BOUNDARY County
Source UNNAMED STREAM
Tributary SINKS
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 3.7 AF
Use: RECREATION STORAGE
01/01 to 12/31 3.7 AF
Use: WILDLIFE STORAGE
01/01 to 12/31 3.7 AF
Total Diversion: 3.7 AF
Date Filed: 09-14-2022
Place Of Use: FIRE PROTECTION STORAGE,RECREATION STORAGE,WILDLIFE STORAGE
T61N R01E S11 NWNE

98-8102
GENE HOOLEY
MARY ESTHER HOOLEY
67 MARYDEL LN
BONNERS FERRY, ID 83805-4833
Point of Diversion L4(SWSW) S7 T64N R01E
BOUNDARY County
Source MISSION CREEK
Tributary KOOTENAI RIVER
Use: IRRIGATION
01/01 to 12/31 0.06 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.08 CFS
Date Filed: 09-12-2022
Place Of Use: IRRIGATION
T64N R01E S7 L4(SWSW),SESW
Place Of Use: STOCKWATER
T64N R01E S7 SESW,L4(SWSW)
Total Acres: 2

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/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, 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 11/7/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Legal#10957
AD#566815
October 20, 27, 2022

SCANNED
MAR 29 2023

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

W.R. # 98 - 8102 APPLICATION ID # 86958 ENT. _____ BCA lh OK to Publish AF

INITIAL REVIEW

APPLICANT: HOOLEY, Gene & or HOOLEY, Mary Esther BY: lm DATE: 09/29/2022

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

*** Send info sheet Y( ) N( )

ADDITIONAL INFORMATION

(Yes)(No)

✓ ___ **Shape File Created** **Date** 09/29/22 **By:** lm

___ ___ Field check: by _____

___ ___ Field report attached

___ ___ Analysis Supp. attached(>5cfs/500af)

___ ___ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) **PRIORITY DATE:** 09/12/2022

___ ✓ (Include Moratorium Remark)

___ ✓ Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: Boundary ~~BONNER~~ County

Newspaper: Bonners Ferry Herald

Dates scheduled for publication 10-20-22 & 10-27-22

Affidavit of Publication received: 11-8-22

Dates actually published: 10-20-22 & 10-27-22

Application published correctly. Yes ✓ No ___

If not, action taken: _____

Final Date for Protest: November 7, 2022

Protests Received: Yes ___ No ✓

IDFG, IDEQ

LETTERS SENT REQUESTING:

( ) Dam Information ( ) Fish Information

( ) Power Information ( ) Other: _____

INFORMATION RECEIVED:

( ) Dam Information ( ) Fish Information

( ) Power Information ( ) Other: _____

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?

Mission Creek tributary to Kootenai River

Remarks: _____

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: lm Date: 02/17/2023 Sr. Agent initial JB Interim Supervisor

EOB 3 28 23

IDAHO DEPARTMENT OF
WATER RESOURCES

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

October 3, 2022

GENE HOOLEY
MARY ESTHER HOOLEY
67 MARYDEL LN
BONNERS FERRY, ID 83805-4833

RE: Application for Permit No. 98-8102

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 BONNERS FERRY HERALD on 10/20/2022 and 10/27/2022. 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.

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,

Tammy Alleman
Administrative Assistant

Alleman, Tammy

From: Alleman, Tammy
Sent: Monday, October 3, 2022 2:05 PM
To: Chantilly Higbee; Anna Moody; Horsmon,Merritt
Subject: Request for Comments for 98-8102
Attachments: 98-8102 Application for Permit.pdf

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right Permit application. You can find copies of the application at: http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application(s), you may do so after the notice is published by filing a written protest along with a $25.00 filing fee within 10 days after final publication. The deadline for comments on the applications is November 7, 2022.

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the Permit application.

Thank you,

IDAHO DEPARTMENT OF WATER RESOURCES

Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

Alleman, Tammy

From: Alleman, Tammy
Sent: Monday, October 3, 2022 1:50 PM
To: BFHLegals@bonnersferryherald.com
Subject: Legal Notice
Attachments: Legal Notice.docx

Please publish the enclosed legal notice in the **Bonners Ferry Herald** on the dates indicated **October 20th & October 27th, 2022** (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof once you have the article ready for print for our review.

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 **November 7, 2022.** Your cooperation is appreciated.

Thank you,

IDAHO DEPARTMENT OF WATER RESOURCES

Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

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

98-8100
CHRISTOPHER BINNALL
SARAH BINNALL
6618 JACKSON ST
BONNERS FERRY, ID 83805-8604
Point of Diversion NWNE
S11 T61N R01E
BOUNDARY County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.06 CFS
Date Filed: 09-14-2022
Place Of Use: DOMESTIC
T61N R01E S11 NWNE

98-8101
CHRISTOPHER BINNALL
SARAH BINNALL
6618 JACKSON ST
BONNERS FERRY, ID 83805-8604
Point of Diversion NWNE
S11 T61N R01E
BOUNDARY County
Source UNNAMED STREAM
Tributary SINKS
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 3.7 AF
Use: RECREATION STORAGE
01/01 to 12/31 3.7 AF
Use: WILDLIFE STORAGE
01/01 to 12/31 3.7 AF
Total Diversion: 3.7 AF
Date Filed: 09-14-2022
Place Of Use: FIRE PROTECTION STORAGE,RECREATION STORAGE,WILDLIFE STORAGE
T61N R01E S11 NWNE

98-8102
GENE HOOLEY
MARY ESTHER HOOLEY
67 MARYDEL LN
BONNERS FERRY, ID 83805-4833
Point of Diversion L4(SWSW)
S7 T64N R01E
BOUNDARY County
Source MISSION CREEK
Tributary KOOTENAI RIVER
Use: IRRIGATION
01/01 to 12/31 0.06 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.08 CFS
Date Filed: 09-12-2022
Place Of Use: IRRIGATION
T64N R01E S7
L4(SWSW),SESW
Place Of Use: STOCKWATER
T64N R01E S7
SESW,L4(SWSW)
Total Acres: 2

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/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, 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 11/7/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director Published on 10/20/2022 and 10/27/2022

Frederick, Adam

From: Frederick, Adam
Sent: Friday, September 2, 2022 4:10 PM
To: HOOLEYFAMILY@GMAIL.COM
Subject: Application for Permit
Attachments: application-for-permit HOOLEY.pdf; HOOLEY MAP.pdf

Hello,
Attached is a corrected application for permit and map for your review. If everything looks correct, please print, sign, and return to the address below or scanned as a pdf to the following email address, file@idwr.idaho.gov. Once we receive the signed corrected application for permit, we can proceed onto advertising. If you have any questions, feel free to call or email me.

Thanks,
Adam

Adam Frederick | Water Rights Supervisor
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

OCT 0 3 2022