

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 97-8351

Exam Date: 06/14/2022

1. Current Owner:

ORA DENNLER 1937 E SUNDANCE DR POST FALLS ID 83854-9534 AND/OR
CYNTHIA DENNLER 1937 E SUNDANCE DR POST FALLS ID 83854-9534

2. Accompanied by: Ora Dennler

Phone No: 208-773-0160

Address: Same as above.

Relationship to permit Holder: Permit holder.

3. **SOURCE:**

GROUND WATER

Method of Determination: ArcMap & DRG.**B. OVERLAP REVIEW**

1. Other water rights with the same place of use:

YES Overlap

Water Right No.	Source	Purpose of Use	Basis
97-4221	Groundwater	Commercial, Domestic	Statutory Claim
97-7097	Groundwater	Domestic	License

Comments:

Statutory Claim 97-4221 proposes groundwater use for commercial and domestic purposes associated with a trailer/RV park and grocery store. While the claim was not validated by the Department, it is plausible that this is related to the current Moose Knuckle restaurant/grocery store & RV park. Currently there has been no Notice of Claim submitted in the Clark Fork Pend Oreille River Basin Adjudication (CFPRBA) process. Regardless, the beneficial uses proposed are for a separate water system and use than Mr. Dennler's single domestic use on a parcel not associated with the statutory claim. No overlap concern is found between 97-4221 & Permit 97-8351 for licensing purposes.

Licensed WR 97-7097 was permit approved to develop lots 1-12, Blk 10; Coolin Original Subdivision from a groundwater well and licensed for 1 home domestic use with a generic 40 ac tract POU shape that overlaps this Permit. There has been no Notice of Claim submitted in the CFPRBA process. Review of backfile data for 97-7097 illustrates that the historic use of water under the licensed WR is not associated with the applicant's water system. There is no concern for overlap between 97-7097 & 97-8351 for licensing purposes.

2. Other water rights with the same point-of-diversion:

NO Overlap

Comments: Currently there has been no Notice of Claim(s) submitted for the shared well associated with this permit. There may be future claims filed in the CFPRBA based on the shared well usage. I don't recommend condition F06 for licensing purposes as there are no documented claims or historic licenses to associate with.

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

GROUND WATER L3 (NW¼ SW¼), Sec. 10, Twp 59N, Rge 04W, B.M. BONNER County

Method of Determination: GPS; POD is an undocumented shared groundwater well located inside a back-office room at the Moose Knuckle Restaurant at approximately -116°50.827, 48°28.563.

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
59N	04W	10										X L3							

Method of Determination: In-office exam conducted with drive by to collect photographs and GPS the POD.

3.

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

X 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.

X

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

X 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
6" Cased Well	UNKOWN	UNKOWN	No backfile data directly linked to well	UNKOWN	UNKOWN

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

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

E. FLOW CALCULATIONS

Flow measurement not required as per IDAPA RULE 37.03.02.035.01.r.iii.

F. DIVERSION RATES

The diversion rate for this irrigation right is limited to **0.04 CFS** or 18.0 GPM.

G. VOLUME CALCULATIONS

The annual volume for this irrigation right is limited to = **1.2 AF**, for domestic use 1 home with 1/2 ac irrigation included in domestic usage.

H. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-house field examination. A drive-by exam was conducted on 6/14/2022 to obtain photographs of the POU, validate the shared well, & GPS the POD. Bonner County tax parcel data validate ownership of parcel RP55N03E087950A in the applicant's names as Ora & Cynthia Living Trust; no change in ownership is recommended for this variance in names toward licensing the water right using the Permit approved contact information.

In a memo to file IDWR staff identified the shared well associated with this permit may also be used for commercial use and/or unconfirmed separate domestic use(s). Staff indicated a field exam should be conducted to determine the water system and whether the water source has adequate production to supply all the uses diverted from the well. Well construction searches performed during licensing review resulted in two well logs that appear to have generic well centroids that may/may not be linked to the groundwater well for this water right:

- Well ID 333136, constructed in 1978 for Stanley J. Kozlowski – 97-78-N-25
- Well ID 332974, constructed in 1971 for Erling Starro – 97-71-N-4

Both wells are centroid located in ArcMap along with 11 others. Out of the 13 that were data entered by IDWR staff center mass of the 10-acre legal description, these two meet the date requirements of pre-1987 construction as designated by the applicant on the application for permit form. I was unable to directly link the well logs to the well lot via available warranty deed searches from Bonner County tax parcel map search information.

The permit was authorized for **0.04 CFS** or 18.0 GPM diversion for domestic use 1 home with up to ½ acre irrigation from a shared groundwater well. During the site visit, I met with Mr. Dennler and collected photographs of the applicant's residence and minor irrigation practices on parcel RP00539000016AA. Mr. Dennler acknowledged the shared well use and asserted a recorded easement is in place with Bonner County for access. During licensing review, I reviewed Warranty Deed information, copies added to this report, which demonstrate the "shared Well Agreement" is in place benefiting "future owners" of designated parcels with Mr. Dennler's parcel Lots 16 17, 18 and 19 of LAKEVIEW BLOCK being included in the agreement.

I was unable to complete a flow measurement from the well due to pressure tank(s) influence and have recommended the 0.04 cfs for licensing approval in accordance with Department standards for 1 home with ½ ac irrigation for domestic usage. The well has a 1 hp pump motor installed in the well, at a depth unknown making a theoretic pump equation unable to be evaluated. Mr. Dennler asserts he has adequate flow from the well for his water uses and irrigates his road-front lot consistently throughout the summer months. I don't have information related to other well users regarding their water availability, but in absence of concerns voiced from the applicant there appears to be sufficient water available from the well to meet all user(s) needs.

The shared well is located within the current Moose Knuckle Restaurant establishment located at 10 Cavanaugh Bay Rd, Coolin ID. Condition X59 provides this accurate physical location of the groundwater well. It appears the original structure for the restaurant was added onto and a back-office room is built around the 6" cased well, which has no backfile information I could directly link to it. Photographs illustrate the well location along a western wall of the small office space. During the site visit in year 2022 I spoke with the restaurant manager notifying them of the CFPRBA process and provided Northern Adjudication staff information for them to contact to pursue filing a Beneficial use Claim and/or Application for Permit if not eligible to submit a claim. At the time of licensing review, there has not been a claim nor application submitted that is associated with the well parcel. A correspondence letter was mailed to the current owners shown on file with Bonner County, Laura & John Reeves, providing information about the CFPRBA and requesting they contact IDWR to discuss water rights at their earliest convenience.

The POU was observed and photographed during the site visit which consists of a small residence and well-kept lawn space. During licensing review, I used ArcMap aerial imagery to assign the applicant's parcel as the domestic POU, keeping the permit approved shape. The annual volume authorized for 1 home with ½ ac irrigation equals **1.2 af** as recommended for licensing.

Condition 046 was removed from the permit during licensing review. Condition X60 was revised to read Lots 16-19 vice the long form as entered on the permit. All other conditions on the permit shall be carried forward to licensing. Overlap concerns: the statutory claim and license discussed above on PG1 are not associated with the applicant's POU and water usage. A beneficial use claim may still be filed on the shared well but the water system main line providing water to the applicant's domestic use is separate from the licensed WR 97-7097 as described above. There is no concern for overlap toward licensing this right.

Have conditions of permit approval been met? X Yes No

I. 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

Totals: 0.04 CFS 1.2 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

I. AUTHENTICATION

Luke Bates -

Field Examiner's Name [Signature] Date 12/4/2023

Reviewer Chris Bell Date 9/25/2024

State of Idaho
Department of Water Resources
Attachment to Field Exam
97-8351

This map depicts the DOMESTIC system diagram.



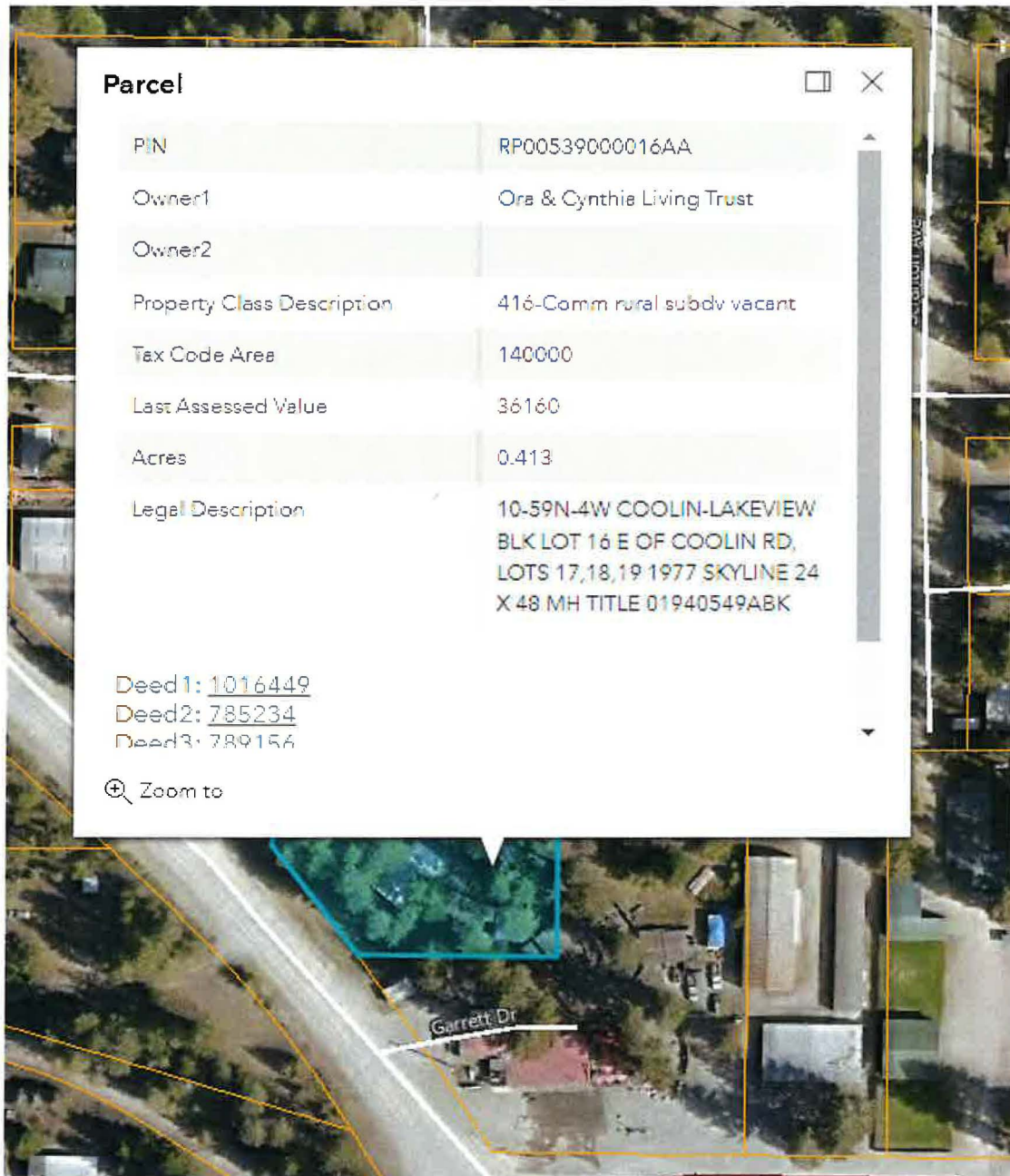
1. Note: well is located inside restaurant - back office added onto structure & around well casing

0 0.035 0.07 0.14 Miles

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



97-8351 – LICENSING REVIEW



- Image retrieved from Bonner County GIS tax parcel map on 12/4/2023 at www.bonnercountyid.gov/public/
- Tax parcel information illustrates ownership of parcel RP00539000016AA as Ora & Cynthia Living Trust. License contact information names are described as Ora Dennler and/or Cynthia Dennler.

Instrument # 867058

BONNER COUNTY, SANDPOINT, IDAHO
11-19-2014 03:27:59 PM No. of Pages: 2
Recorded for : North Idaho Title Company- Coeur
R. ANN DUTSON-SATER Fee: 13.00
Ex-Officio Recorder Deputy *CB*
Index to: WARRANTY DEED

CATHERINE L. DULLEA, CHTD.
Attorney at Law
101 North Fourth Avenue Suite 204
Sandpoint, ID 83864
PHONE: (208) 265-2276
FAX: (208) 265-1556
6261-6822

WARRANTY DEED

FOR VALUE RECEIVED SHIRLEY A. GARRETT, a widow, as to an undivided 2/3 interest, and STEVEN E. WEST, a single man, as to an undivided 1/3 interest, the Grantors, do hereby GRANT, BARGAIN, SELL and CONVEY unto **ORA O. DENNLER and CYNTHIA G. DENNLER**, husband and wife, the Grantee, of 1937 E. Sundance Drive, Post Falls, ID 83854, the following described real property situate in the County of Bonner, State of Idaho, to wit:

Lots 16 17, 18 and 19 of LAKEVIEW BLOCK, except parts included in Coolin Road and West thereof, all in Coolin, Idaho, according to the plat thereof, recorded in Book 1 of Plats, Page 68, records of Bonner County, Idaho.

SUBJECT TO the 2014 real property taxes.

SUBJECT TO assessments for the Coolin Sewer District.

SUBJECT TO special assessments for Coolin Sewer Local Improvement District No. 2002-1.

SUBJECT TO a Notice of Trespass, recorded August 17, 2011, as Instrument No. 814168, official records.

SUBJECT TO the terms, conditions and provisions as contained in the agreement entitled "shared Well Agreement", by and between Steven E. West, an unmarried man, and Shirley A. Garrett, an unmarried woman, and surviving Spouse of Carl F. Garrett, and future owners, dated August 16, 2011, recorded August 17, 2011, as Instrument No. 814169, official records.

SUBJECT TO an easement upon the terms, conditions and provisions contained therein for the purpose shown below and rights incidental thereto as granted to future owners in a document recorded August 16, 2011, as Instrument No. 914170, official records:

Purpose: Ingress, egress and utilities

TOGETHER WITH all and singular the tenements, hereditaments, appurtenances, and after acquired title thereto belonging or in anywise appertaining.

AND the above named Grantors do hereby covenant that the above described premises are free from all encumbrances and that they will warrant and defend the above premises against all lawful claims and demands whatsoever, EXCEPT such liens, rights, easements, covenants, and restrictions as stated above, and health or zoning regulations.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands.

DATED this 14th day of October, 2014.

Shirley A. Garrett
SHIRLEY A. GARRETT

Steven E. West
STEVEN E. WEST

STATE OF IDAHO)
) ss.
County of Bonner)

This day personally appeared before me, the undersigned Notary Public, SHIRLEY A. GARRETT and STEVEN E. WEST, known to me or proven to me to be the persons whose signatures are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 14th day of October, 2014



Michelle D. Carter
Notary Public
Residing at: Sandpoint
Comm. Exps: 10/6/2020

(Pg 2 of 2)

After recording return to :
Shirley Garrett
15 Estates Rd.
Oldtown, ID 83822

Instrument # 814169

BONNER COUNTY, SANDPOINT, IDAHO
8-17-2011 12:27:31 No. of Pages: 4
Recorded for : SHIRLEY GARRETT
MARIE SCOTT Fee: 19.00
Ex-Officio Recorder Deputy
Index to: MSC

SHARED WELL AGREEMENT

LOCATION of Well: Tax 39, in GL3, Sec 10, T59N, R4WBM, Bonner County, Idaho
PWS ID 1090029
DEQ Public drinking water, NON Community;
Serving less than 20 year-around residents

This Agreement is made and entered into this 16th day of August, 2011, by Steven E. West, an unmarried man, and Shirley A. Garrett, an unmarried woman, and surviving spouse of Carl F. Garrett, as Grantors, and any future owners of the Subject Properties as Grantees.

OWNERSHIP OF THE WELL AND WATER WORKS

Grantors West and Garrett are current Owners of Lots 7, 8, 9, 10, 11, and 12 in Block 9 of Coolin, Idaho; Lots 16, 17, 18, and 19 of the Lakeview Block of Coolin Idaho, as well as Tax 39, Tax 42, and an unplatted portion of Government Lot 3 in Section 10, Township 59 North, Range 4 W.B.M., Bonner County, Idaho, hereafter referred to as Subject Properties. {see attached Exhibit A for complete legal descriptions.}

The purpose of this agreement is to establish a perpetual easement and shared well agreement for all current and future owners of the Subject Properties. It is therefore agreed that Grantors grant an undivided interest in water usage from the well located on Tax 39 and an easement for the associated water system located on the Subject Properties to all current and future owners of the Subject Properties. Tax 39 will continue to supply adequate water for home and recreational usage to all Subject Properties. No permanent type of building or structure shall be constructed upon the well site or water line easement.

HISTORY: This Well at the time of purchase by current owners in February 1987 had been supplying all the water for the Coolin Corners Trailer & RV Park plus the Restaurant and Bar. The well continued to service and meet the needs of the trailer park that includes lots 7, 8, 9, 10, 11 and 12 in Block 9 of Coolin, Idaho, Lots 16, 17, 18, and 19 of the Lakeview Block of Coolin, Idaho, and the house, bar and restaurant located on Tax 39 and Tax 42, and a 10-foot strip in the unplatted portion of Government Lot 3 in Section 10, Township 59 North, Range 4 W.B.M., Bonner County Idaho, for over 20 years

COST OF MAINTENANCE OF WATER SYSTEM

The expense of maintaining the existing well and associated water system, and making improvements to increase the service life of such will be a shared responsibility of all the owners of Subject Properties. Specific responsibilities and duties may be further defined as become necessary.

The Owner of lot 39 is designated "Purveyor" of the water system, due to accessibility. The "Purveyor" shall be responsible for arranging submission of all necessary water samples as required in Bonner County, Idaho and Panhandle Health Department. At the present time that is:

Coliform	quarterly testing
Nitrate	annual testing

Power to run the well will be responsibility of the Owner of Tax 39

Power to run the sewer will be the responsibility of the Owner of Lot 19.

MAINTENANCE REPAIRS OF PIPELINE

All pipelines in the water system shall be maintained so that there will be no leakage or seepage, or other defects which may cause contamination of the water, or injury, or damage to persons or property. Pipe material used in repairs shall meet approval of the Health Officer. Cost of repairing and maintaining common distribution pipeline shall be a shared responsibility. Each property owner shall be responsible for the maintenance, repair, and replacement of pipe supplying water from the common water distribution piping to their own particular dwelling and property.

REPAIR and MAINTENANCE ACCOUNT

A repair and maintenance account shall be established with two signatures required for payment of repair bills. Each party shall be responsible for an equally agreed upon amount to start up the account, with some type of payment plan to keep the account functional.

RESTRICTION OF FURNISHING WATER TO ADDITIONAL PARTIES

It is further agreed by the parties hereto that they shall not furnish water from the well and water system herein above described to any other persons, properties or dwellings, swimming pools or major sprinkler systems without prior consent of all owners. Each party has the right to veto if agreement cannot be reached. If at such time, all parties do not agree, litigation should always be the first step in any problem resolution. Each party is responsible for notifying the other before any action that may have an affect on the shared well or water system is taken.

HEIRS, SUCCESSORS AND ASSIGNS

These covenants and agreements shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in this land described herein or any part hereof, and it shall pass to and be for the benefit of each owner thereof.

Any violation of the terms, conditions, covenants, promises or requirements of this reservation/easement shall be enforced in the Superior Court of Bonner County. It is subject to all remedies, both legal and equitable. In the event of any breach of this reservation/easement, the parties responsible for the breach agrees to pay reasonable attorney's fees and costs, including costs of service of notices and title searches, incurred by the other party. The prevailing pay in any suit instituted or arising out of this reservation/easement shall be entitled to receive reasonable attorney's fees and cost incurred in such suit or proceedings.

DATE: August 16, 2011

Steven E. West
Steven E. West

Shirley A. Garrett
Shirley A. Garrett

State of Washington
_____) ss.

County of Pend Oreille

On this day personally appeared before me Steven E. west and Shirley A. Garrett, to me known to be the individuals described in and who executed the within a foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this 16th day of August, 2011



Linda K. Rusho

Notary for the State of Washington

Residing in Priest River

My commission expires: 03/09/13

EXHIBIT A

PARCEL 1

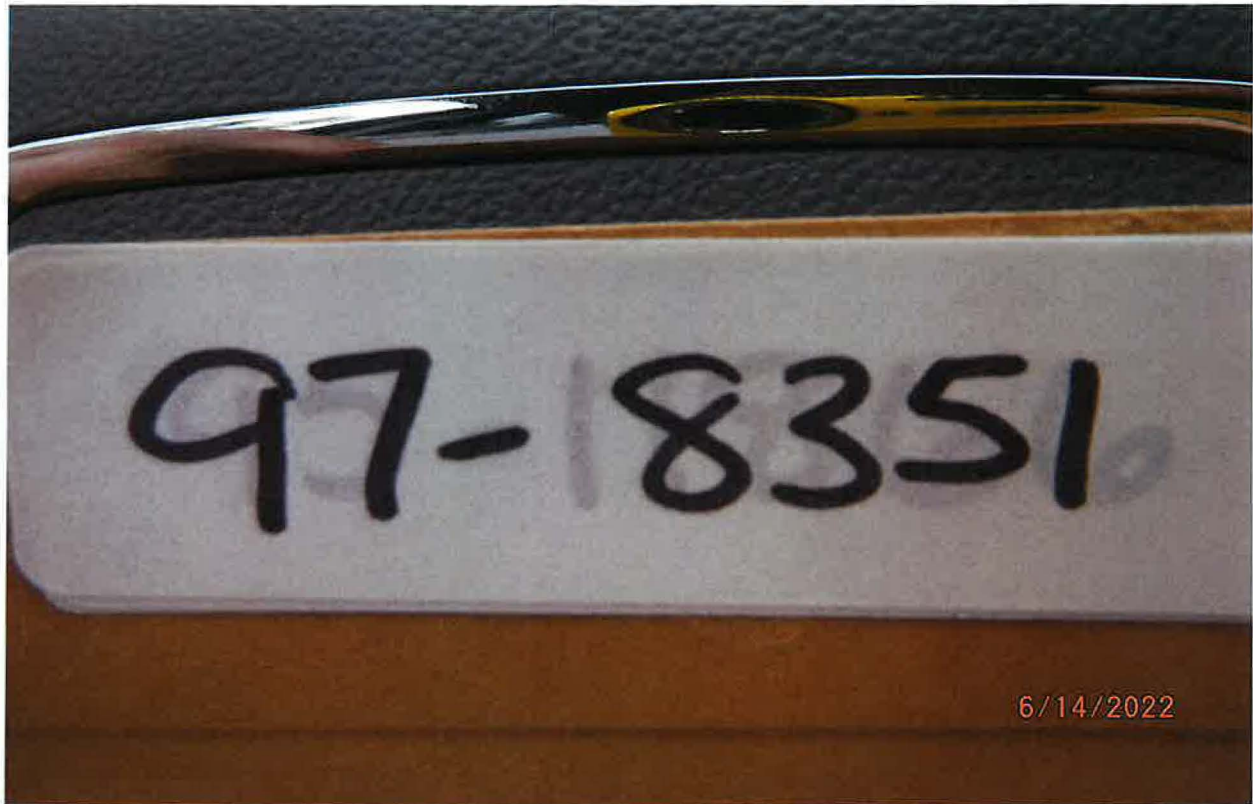
The south 10 feet of Lots 1 and 2 and all of Lots 7 through 12, in Block 9, and Lots 16, 17, 18, and 19 of Lakeview Block, EXCEPT the parts included in Coolin Road and west thereof, all in Coolin, Idaho, according to the plat thereof, recorded in Book 1 of Plats, page 68, records of Bonner County, Idaho, AND, also that part That part of the unplatted portion of the South portion of Goverment Lot 3 in Section 10, Township 59 North, Range 4 West of the Boise Meridian, Bonner County, Idaho, bounded on the south by Cavanaugh Road, on the West by Dickensheet Road (formerly known as Coolin Road), on the North by the Plat of Coolin, and on the East by a line drawn from the southeast corner of Lot 9 in Block 9 of the Plat of Coolin, due South to Cavanaugh Road. (Said unplatted portion is carried on Bonner County Tax Rolls as Tax 39.)

PARCEL 2

That part of the unplatted portion of the South portion of Goverment Lot 3 in Section 10, Township 59 North, Range 4 West of the Boise Meridian, Bonner County, Idaho, described as follows: BEGINNING at the southeast corner of Lot 9, Block 9, Coolin, Idaho, according to the plat thereof, recorded in Book 1 of Plats, page 68, records of Bonner County, Idaho; thence south perpendicular to the south line of said Block 9, a distance of 10 feet, to the True Point of Beginning; thence east parallel to the south line of said Block 9, a distance of 100 feet; thence due south, a distance of 50 feet; thence west parallel to the south line of said Block 9, a distance of 100 feet; thence due north a distance of 50 feet, to the True Point of Beginning. Said parcel is carried on Bonner County Tax Rolls as Tax 42.

PARCEL 3

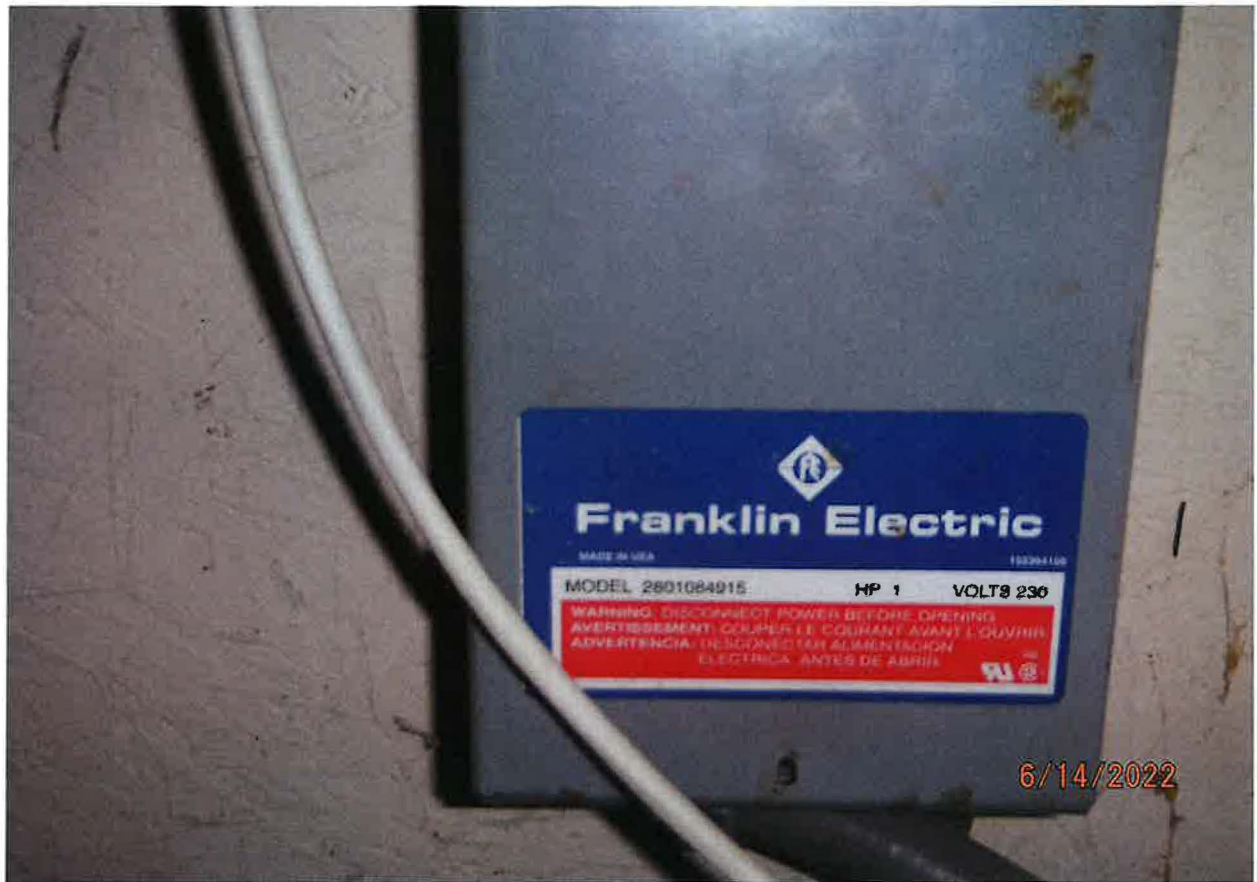
That part of the unplatted portion of the South portion of Goverment Lot 3 in Section 10, Township 59 North, Range 4 West of the Boise Meridian, Bonner County, Idaho, described as follows: BEGINNING at the southeast corner of Lot 9, Block 9, Coolin, Idaho, according to the plat thereof, recorded in Book 1 of Plats, page 68, records of Bonner County, Idaho; thence south perpendicular to the south line of said Block 9, a distance of 10 feet, thence east parallel to the south line of said Block 9, a distance of 100 feet; thence due north perpendicular to the south line of said Block 9, a distance of 10 feet; thence west parallel to the south line of said Block 9, a distance of 100 feet to the Point of Beginning.



BENEFICIAL USE FIELD EXAMINATION DATE 6/14/2022



POD – GW WELL (PRE 1987 CONSTRUCTION DATE) – LOCATED WITHIN THE MOOSE KNUCKLE RESTAURANT COMMERCIAL BUILDING, IN THE OFFICE ROOM



1 HP PUMP MOTOR INSTALLED IN WELL



DOMESTIC POU



DOMESTIC POU – UP TO ½ ACRE IRRIGATION OCCURING AT RESIDENCE

