

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 95-9212

Priority: August 07, 2002

Maximum Diversion Rate: 1.34 CFS

It is hereby certified that:

HAYDEN LAKE IRRIGATION DISTRICT 2160 W DAKOTA AVE HAYDEN ID 83835-5122

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 07, 2002, and has submitted Proof of Beneficial Use on March 09, 2020. An examination confirms water is diverted from:

Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>
MUNICIPAL	01/01 to 12/31	1.34 CFS

Location of Point(s) of Diversion

GROUND WATER	NE¼ NE¼, Sec. 14, Twp 51N, Rge 04W, B.M.	KOOTENAI County
GROUND WATER	SW¼ SE¼, Sec. 15, Twp 51N, Rge 04W, B.M.	KOOTENAI County
GROUND WATER	NW¼ SE¼, Sec. 16, Twp 51N, Rge 04W, B.M.	KOOTENAI County
GROUND WATER	SW¼ SE¼, Sec. 15, Twp 51N, Rge 04W, B.M.	KOOTENAI County
GROUND WATER	SW¼ SE¼, Sec. 15, Twp 51N, Rge 04W, B.M.	KOOTENAI County
GROUND WATER	NE¼ NW¼, Sec. 27, Twp 51N, Rge 04W, B.M.	KOOTENAI County

Conditions of Approval

1. The following rights are diverted through point(s) of diversion described above: 95-7800, 95-8581, 95-8269, 95-8273, 95-8279, 95-9212, and 95-9242.
2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
3. Place of use is within the service area of the Hayden Lake Irrigation District as provided for under Idaho law.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
6. When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Idaho Code § 42-701, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.
7. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
8. The diversion and use of water described in this water right is subject to additional conditions and limitations agreed to by Kootenia Environmental Alliance and the Hayden Lake Irrigation District

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 95-9212

under a separate agreement to which the Department of Water Resources is not a party and which may be independently enforceable by a court of law.

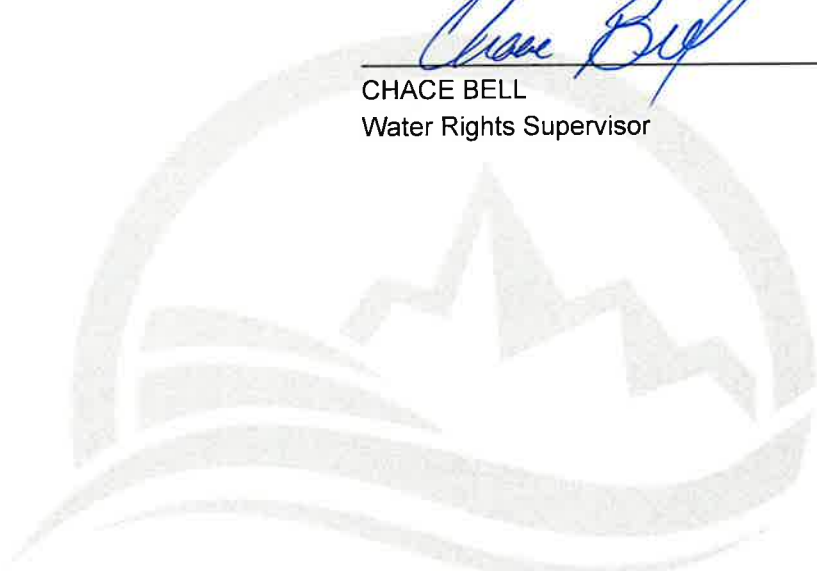
9. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 20th day of May, 2024.



CHACE BELL
Water Rights Supervisor

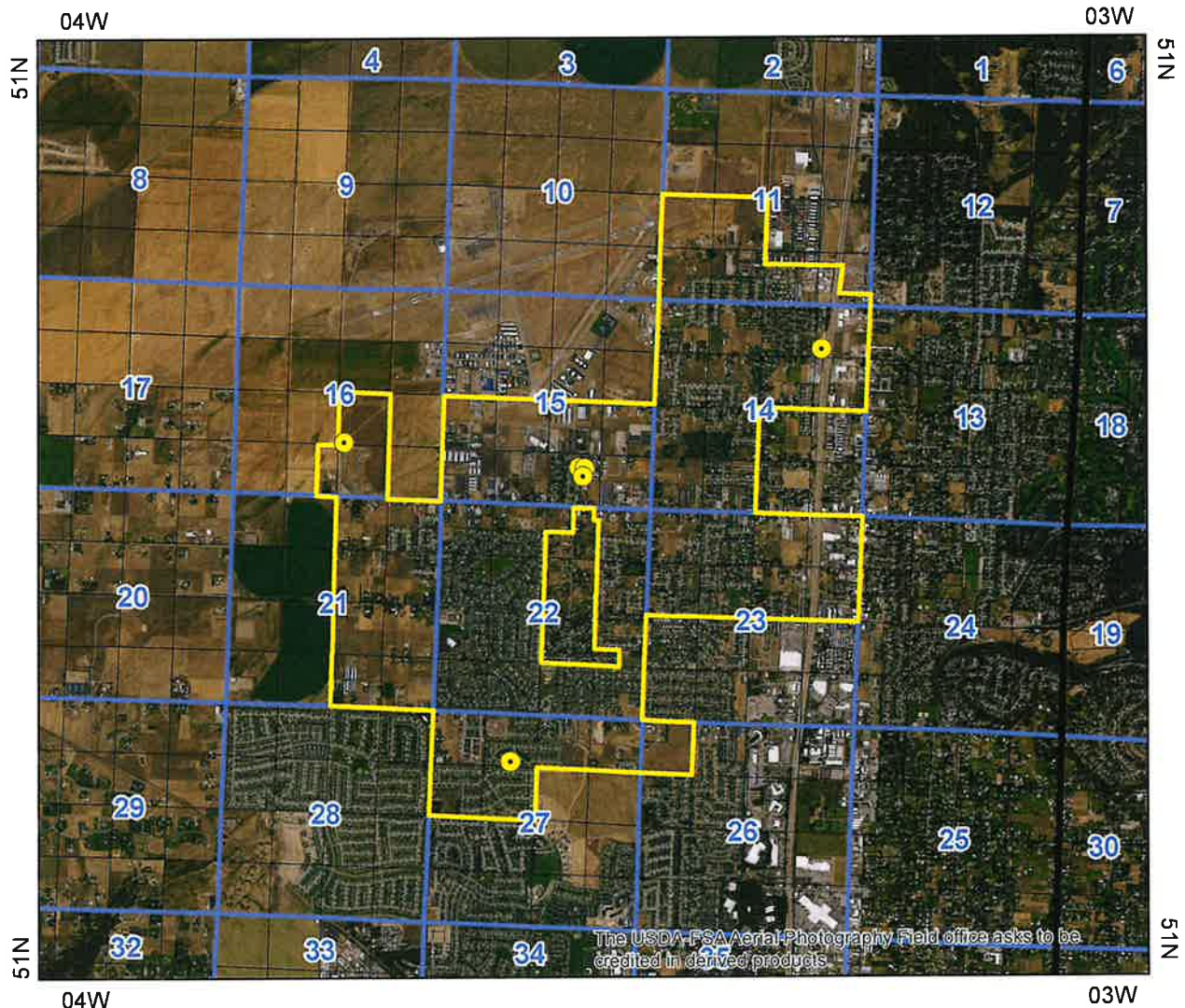


Hayden Lake Irrigation District

Attachment to Water Right License

95-9212

This map depicts the MUNICIPAL 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.



-  Point of Diversion
-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.5 1 2 Miles



State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 95-9212

Priority: August 07, 2002

Maximum Diversion Rate: 1.34 CFS

The owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 95-9212

HAYDEN LAKE IRRIGATION DISTRICT 2160 W DAKOTA AVE HAYDEN ID 83835-5122

requests the permit be changed as follows:

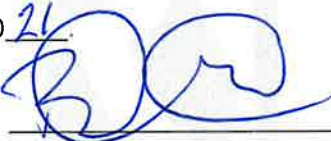
Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>
MUNICIPAL	01/01 to 12/31	1.34 CFS

Location of Point(s) of Diversion

GROUND WATER	NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, Twp 51N, Rge 04W, B.M.	KOOTENAI County
GROUND WATER	SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, Twp 51N, Rge 04W, B.M.	KOOTENAI County
GROUND WATER	NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, Twp 51N, Rge 04W, B.M.	KOOTENAI County
GROUND WATER	SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, Twp 51N, Rge 04W, B.M.	KOOTENAI County
GROUND WATER	SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, Twp 51N, Rge 04W, B.M.	KOOTENAI County
GROUND WATER	NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, Twp 51N, Rge 04W, B.M.	KOOTENAI County

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 12 day of January, 2021.
(Signature)

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 95-9212

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100 Received by TA # N036665 Date 1-19-21

ACTION OF THE DEPARTMENT OF WATER RESOURCES

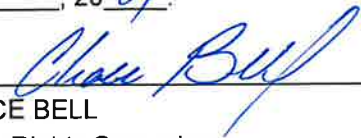
The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 95-9212 with the following:

Conditions of Approval

1. The following rights are diverted through point(s) of diversion described above: 95-7800, 95-8581, 95-8269, 95-8273, 95-8279, 95-9212, and 95-9242.
2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
3. Place of use is within the service area of the Hayden Lake Irrigation District as provided for under Idaho law.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
6. When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Idaho Code § 42-701, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.
7. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
8. The diversion and use of water described in this water right is subject to additional conditions and limitations agreed to by Kootenia Environmental Alliance and the Hayden Lake Irrigation District under a separate agreement to which the Department of Water Resources is not a party and which may be independently enforceable by a court of law.
9. This right does not grant any right-of-way or easement across the land of another.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 20th day of May, 2021

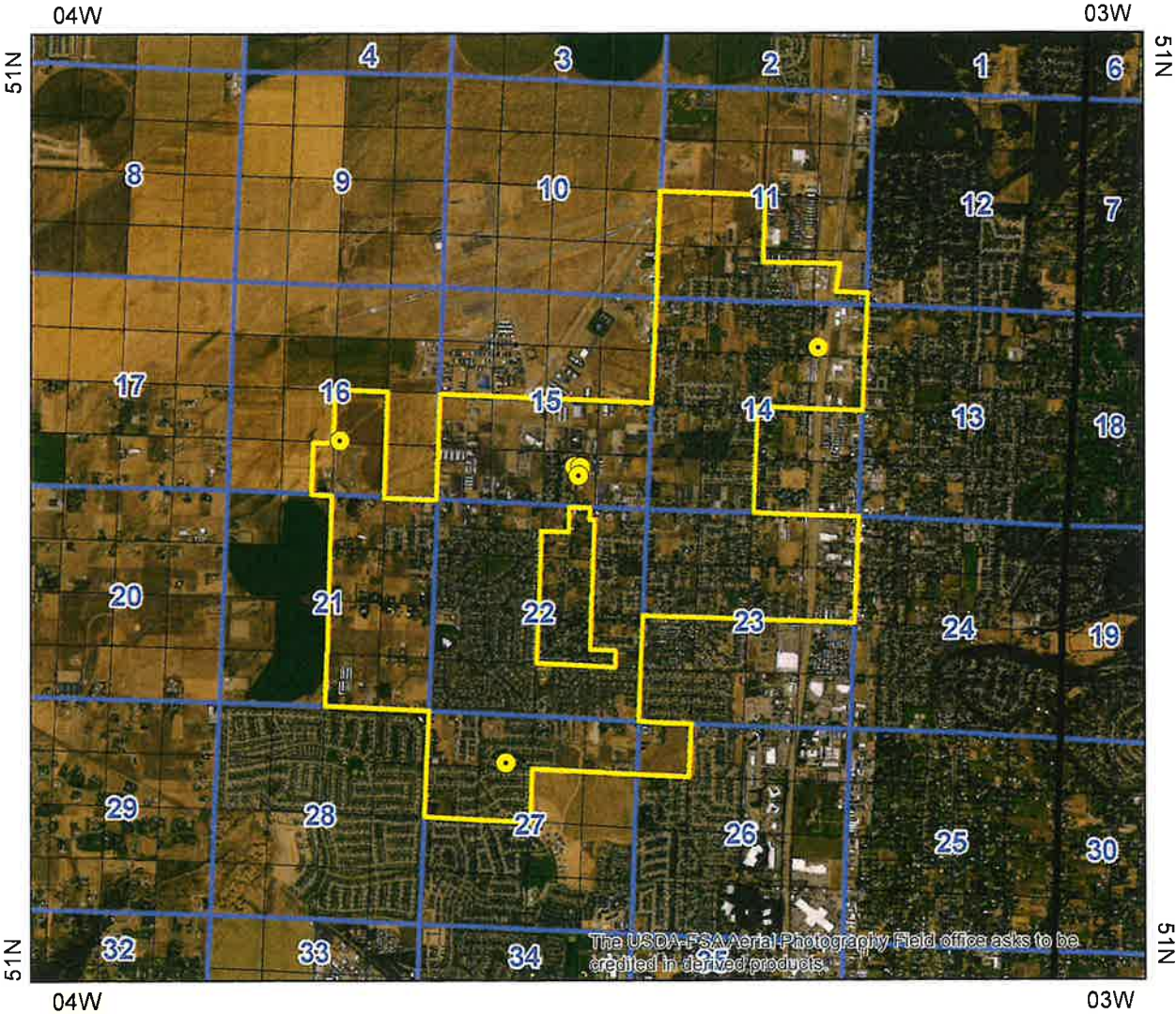


CHACE BELL
Water Rights Supervisor

Attachment for Application to Amend a Permit

95-9212

This map depicts the MUNICIPAL 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.



● Point of Diversion

Water Service Area Boundary

Townships

PLS Sections

Quarter Quarters

0 0.5 1 2 Miles





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 Mathew Weaver

May 22, 2024

HAYDEN LAKE IRRIGATION DISTRICT
2160 W DAKOTA AVE
HAYDEN ID 83835-5122

RE: License No. 95-9212

ISSUANCE OF LICENSE

Dear Water Right Holder:

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

Sincerely,

Chace Bell
Water Rights Supervisor

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2024, I served a true and correct copy of Water Right License No. 95-9212 by U.S. Mail, postage prepaid, to the following:

HAYDEN LAKE IRRIGATION DISTRICT (Current Owner)
2160 W DAKOTA AVE
HAYDEN ID 83835-5122



Micki Bowman
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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763
Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

January 11, 2021

HAYDEN LAKE IRRIGATION DISTRICT
2160 W DAKOTA AVE
HAYDEN ID 83835-5122

RE: Water Right Permit No. 95-9212

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

The examiner who verified your water use reported that certain elements of the permit(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Idaho Code § 42-211. Before license(s) can be issued, your permit(s) must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

 X Point(s) of Diversion: a second proposed Lacey site well was not developed (NE¼NE¼, Sec. 14), rather one of the Dakota wells (SW¼SE¼, Sec. 15) was repurposed during permit's development period.

The enclosed Application for Amendment form(s) depicts the elements of the water right(s) as they will appear on the license(s) when issued. Please review the amendment form(s) carefully. If you concur with the information presented, please sign and return the form(s) with the filing fee of \$100.00 within fourteen (14) days.

If you have any questions, please call me at (208) 762-2800.

Sincerely,

Luke Bates
Water Resource Agent

Enclosure(s): Application for Amendment w/Map, Copy of Permit w/Map



Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763
Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Gary Spackman
Director

January 6, 2021

HAYDEN LAKE IRRIGATION DISTRICT
C/O BRANDEN ROSE
2160 W DAKOTA AVE
HAYDEN LAKE ID 83835-5122

RE: Water Right Permit No. 95-9212

Dear Permit Holder(s):

The Idaho Department of Water Resources (Department) is in the final stages of issuing Hayden Lake Irrigation District a license for water right 95-9212. The location of the water right falls within the jurisdiction of the Rathdrum Prairie Ground Water Management Area and is subject to the Departments 2005 final order adopting a ground water management plan. Section 3.5.1 of the management plan requires a conservation plan for all new water rights or changes to existing water rights held by municipal purveyors whose systems are regulated as public water supply systems.

Each plan may include the elements as listed in guidelines published by EPA ("Water Conservation Plan Guidelines", Environmental Protection Agency, 1998). These guidelines are primarily designed for public water supply systems. However, any water user can follow the steps described in the guidelines to evaluate the existing conditions and systems, identify and evaluate opportunities for conservation measures and develop strategies and timetables to meet defined, measurable goals.

The conservation plan may include the following components:

- Measurable conservation planning goals
- Summary of existing system characteristics and water use conditions
 - Water system profile
 - Description of planning facilities
- Current and future conservation opportunities
 - Identification of water conservation measures
 - Analysis of benefits and costs
- Select water conservation measures
- Implementation mechanisms, timetable and assessment strategy

Prior to the issuance of the above said license, please submit a copy of your current water conservation plan. If one has not been developed, **please do so within the next 60 days** so as not to delay finalization of Hayden Lake Irrigation District's water right license.

If you have any questions, please call me at (208) 762-2817.

Sincerely,

A handwritten signature in blue ink, appearing to read "Luke Bates", with a stylized flourish at the end.

Luke Bates
Water Resource Agent
Luke.bates@idwr.idaho.gov