State of Idaho
Department of Water Resources

Water Right License

Water Right No. 96-9814

Priority: July 06, 2020 **Maximum Diversion Rate:** 0.06 CFS

It is hereby certified that:

MICHELE WILSON 758 MEADOWOOD RD SANDPOINT ID 83864-4953 AND
MIKE J HAYDEN 758 MEADOWOOD RD SANDPOINT ID 83864-4953

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 06, 2020, and has submitted Proof of Beneficial Use on October 11, 2022. An examination confirms water is diverted from:

Source : UNNAMED STREAM **Tributary:** GOLD CREEK

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

Location of Point(s) of Diversion
UNNAMED STREAM SE¼ NW¼, Sec. 32, Twp 59N, Rge 01E, B.M. BONNER 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	
59N	01E	32								2.0									2.0

Total Acres: 2.0

Conditions of Approval

1. Some of the water use authorized by this right is claimed with an earlier priority date on <Clark Fork-Pend Oreille River Basins Adjudication Claim No. 96-9814. If Claim 96-9814 is decreed as it is claimed, this right shall be diminished by the amount necessary to avoid any redundancy of water rights.
2. A fish screen of less than 1/4 inch mesh shall be installed and maintained at the point of diversion.
3. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
4. Point of diversion is located within Lot 1, Dearmin Meadows Subdivision.
5. Place of use is located within Lot 1, Dearmin Meadows Subdivision.
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.
7. This right does not grant any right-of-way or easement across the land of another.

State of Idaho
Department of Water Resources

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Water Right No. 96-9814

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 24th day of May, 2024.

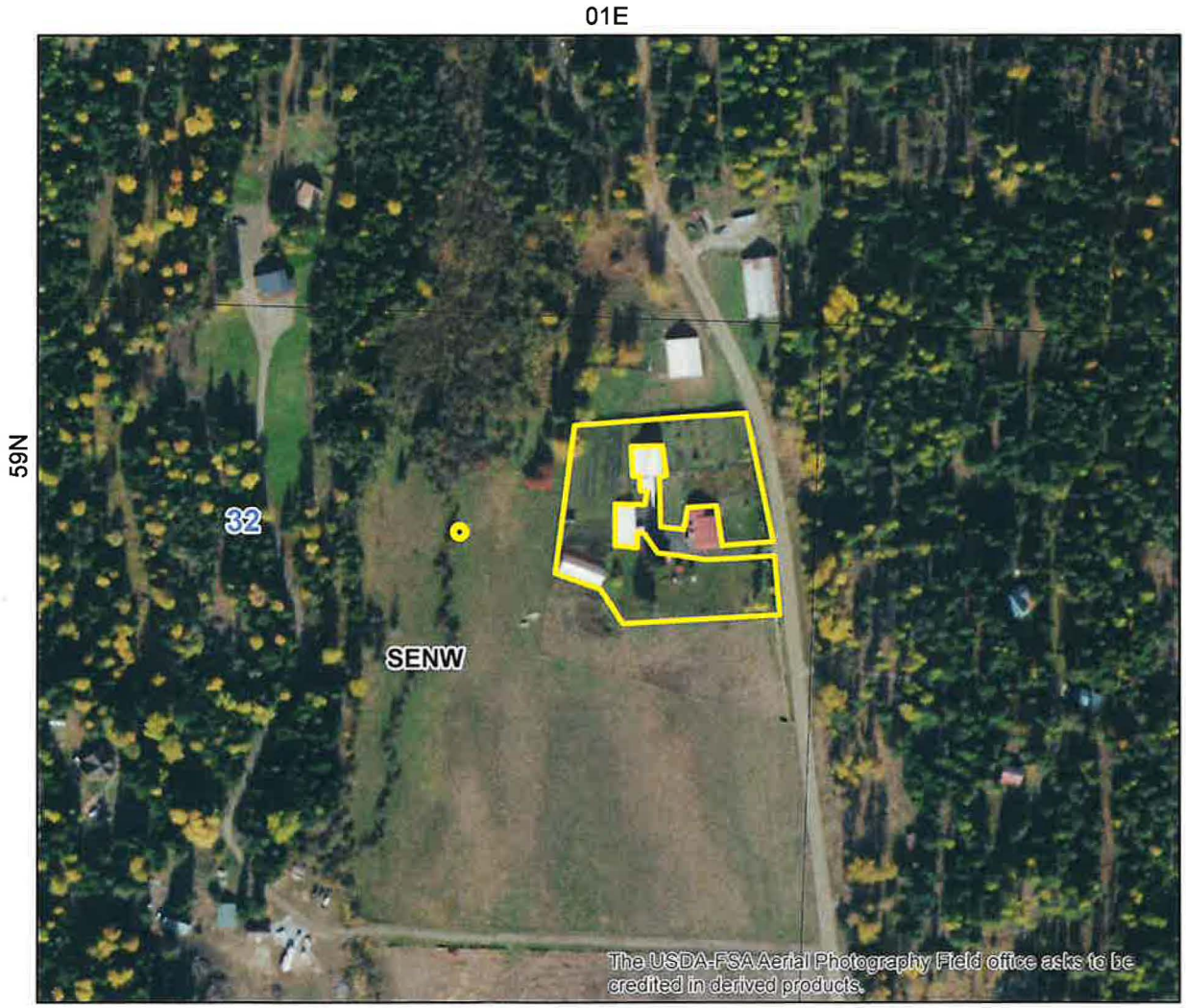
CHACE BELL
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Water Right

96-9814

This map depicts the IRRIGATION 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 0.035 0.07 0.14 Miles

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

N

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 24, 2024

MICHELE WILSON
MIKE J HAYDEN
758 MEADOWOOD RD
SANDPOINT ID 83864-4953

RE: License No. 96-9814

ISSUANCE OF LICENSE

Dear Water Right Holders:

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 24, 2024, I served a true and correct copy of Water Right License No. 96-9814 by U.S. Mail, postage prepaid, to the following:

MICHELE WILSON (Current Owner)
758 MEADOWOOD RD
SANDPOINT ID 83864-4953

MIKE J HAYDEN (Current Owner)
758 MEADOWOOD RD
SANDPOINT ID 83864-4953

BRIAN DOMKE (Representative)
PO BOX 711
SAGLE ID 83860-0711

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.

Bates, Luke

From: Bates, Luke
Sent: Wednesday, November 29, 2023 11:30 AM
To: Michele Wilson
Subject: RE: IDWR Licensing review Permit 96-9814

Michele Wilson,

Thank you for the reply and willingness to maintain compliance with your system.

To answer your question below, no, the DRAFT document I sent was simply my recommendation for license approval. In the near future either my immediate supervisor or Regional Manager will review the beneficial use report and approve the license as is or with minor changes to the verbiage. I'm confident in the values for diversion rate and irrigation acreage, but there may be some tweaks to the way the report was written.

Once the Permit is officially a licensed with signature from approval authority, a correspondence letter with license will be sent out to your address on file. That will be the official record for your water right. Currently your permit is still in licensing review, but you keep using your water as if you have gained the license.

Thank you in advance for your time, and if you've any questions moving forward feel free to reach out to myself or our Northern Regional Office. We are here to assist.

Best wishes to you and yours,
Luke Bates
Sr. Water Resource Agent
Northern Region
P: 208-762-2817

IDAHO DEPARTMENT OF
WATER RESOURCES
7600 N. Mineral Dr., Suite 100
Coeur D'Alene, ID 83815-7763

From: Michele Wilson <gotwisdom11@outlook.com>
Sent: Wednesday, November 29, 2023 11:07 AM
To: Bates, Luke <Luke.Bates@idwr.idaho.gov>
Subject: RE: IDWR Licensing review Permit 96-9814

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Thank you so much Mr. Bates for your email with delightful news of the water rights approval.

I acknowledge the specifications you have provided in your email regarding the regulation of the water flow per the allowed permit.
I am grateful for you time and your knowledge regarding this project and for all of the information provided to me.

I will have Brian correct and do the needed work to insure that we are following your calculations and instructions to meet the appropriate water flow.
A question for you. Is the information that you sent via the email all I need for verification of the water right allowed. Or is there another official document that is sent to me later on?
It is with much appreciation that I respond to your email. I wish you well with good cheer.
Michele Wilson

From: Bates, Luke <Luke.Bates@idwr.idaho.gov>
Sent: Wednesday, November 29, 2023 8:26 AM
To: gotwisdom11@outlook.com
Cc: Brian Domke <brian.domke@gmail.com>
Subject: FW: IDWR Licensing review Permit 96-9814

Fwd from email below – apologies I believe I errored in the original email address entering a "n" instead of "m" in gotwisdom11@outlook.com

Please read below – thank you,

Luke Bates
Sr. Water Resource Agent
Northern Region
P: 208-762-2817

IDAHO DEPARTMENT OF
WATER RESOURCES
7600 N. Mineral Dr., Suite 100
Coeur D'Alene, ID 83815-7763

From: Bates, Luke
Sent: Wednesday, November 29, 2023 8:23 AM
To: 'gotwisdon11@outlook.com' <gotwisdon11@outlook.com>
Cc: Brian Domke <brian.domke@gmail.com>
Subject: IDWR Licensing review Permit 96-9814

Mr. Mike Hayden, Michele Wilson, and representative Brian Domke,

Good morning. Please do respond to this email correspondence – it lets me know your email contact address is correctly entered (thank you!).

I had the pleasure of meeting with Brian Domke to conduct a beneficial use field examination at your property in August this year. Your son and the water system installation contractor were also present, and I apologize I thought I had written their names down, but I don't have either of them.

Following the examination where I validate what is currently going on with the irrigation system, I conduct licensing review and final beneficial use (B.U.) reporting toward gaining license approval from IDWR management staff.

The purpose of this email is to notify you that your current 3 Hp pump as installed has the capacity to enlarge your authorized diversion rate recommended for licensing, which is **0.06 cfs** or 27 gpm. I observed a flow rate of **0.16 cfs** or 71.8 gpm. This is an excessive enlargement of your authorized permit. I understand that for direct pumping to the furthest extent used by the diversion pump that value is not gained as you restrict down to garden hose and sprinkler nozzle, but for direct pumping into the 1,500-gal storage tank you are required to restrict flow down to 27 gpm to be in compliance with the current water right if licensed as recommended.

Please do acknowledge your understanding of this information and intent to comply.

Future expansion of irrigation acreage beyond the 2.0 acres observed at time of exam will require a new application for permit be filed with IDWR.

I've attached a PDF copy of the DRAFT B.U. report with yellow highlighted areas specific to my concerns for enlargement by your current pumping practices.

Thank you for your consideration of the above information,

Luke Bates
Sr. Water Resource Agent
Northern Region
P: 208-762-2817

IDAHO DEPARTMENT OF
WATER RESOURCES
7600 N. Mineral Dr., Suite 100
Coeur D'Alene, ID 83815-7763