

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 96-16765

Priority: October 24, 2023

Maximum Diversion Rate: 0.04 CFS

This is to certify that

CARLA R WOLFRUM 204 E SUPERIOR ST #9 SANDPOINT ID 83864-1275

has applied for a permit to appropriate water from:

Source : PEND OREILLE RIVER

Tributary: COLUMBIA RIVER

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

Beneficial Use

IRRIGATION

Period of Use

04/01 to 10/31

Rate of Diversion

0.04 CFS

Location of Point(s) of Diversion

PEND OREILLE RIVER SE¼ NW¼, Sec. 3, Twp 55N, Rge 04W, 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	
55N	04W	3								0.2 L2	1.2 L2								1.4
55N	04W	3								0.1									0.1

Total Acres: 1.5

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2025**.
2. Subject to all prior water rights.
3. 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.
4. Place of use is located within Lots 7 and 8, Mountain View Lots Two Subdivision.
5. 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.
6. This right does not grant any right-of-way or easement across the land of another.

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

Signed this 22 day of January, 2024.


CHACE BELL

Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-16765

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.

04W



0 0.035 0.07 0.14 Miles

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





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 22, 2024

CARLA R WOLFRUM
204 E SUPERIOR ST #9
SANDPOINT ID 83864-1275

RE: Permit No. 96-16765

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.

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 me at (208)762-2802.

Sincerely,

Jean Hersley

for

Chace Bell

Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2024, I served a true and correct copy of Permit to Appropriate Water No. 96-16765 by U.S. Mail, postage prepaid, to the following:

CARLA R WOLFRUM (Current Owner)
204 E SUPERIOR ST #9
SANDPOINT ID 83864-1275

ZACHARY W JONES (Attorney)
120 E LAKE ST STE 202
SANDPOINT ID 83864-1366



Jean Hersley
Technical Records Specialist 2

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.

MEMORANDUM

January 16, 2024

Water Permit: 96-16765

Author: LBates JSB 1/16/2024

Subject: IWRB Comment Analysis

The Idaho Water Resource Board's (IDWB) representative, Amy Cassel, commented during the advertisement cycle via email correspondence on 11/27/2023. In IDWB's comments, Minimum Stream Flow (MSF) Water Right 96-8730 for the Pend Oreille River was discussed and how it may impact the applicant's proposed water use.

IDWB asserted the application should be limited to times when the MSF Right was being met. During permit processing I verified the point of diversion (POD) for 96-16765 is located upstream of the Albeni Falls Dam. Due to the location of the POD being upriver from the dam, and the conditions of approval for MSF Right 96-8730, the MSF right is not applicable to this application for permit's proposed water use.

I do not recommend addition of condition 227 related to the MSF WR 96-8730 for permit approval.

AFFIDAVIT OF PUBLICATION

RECEIVED

DEC 04 2023

IDWR / NORTH

STATE OF IDAHO)
) ss.
County of Bonner)

RikkiJade Lindstrom, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of the State of Idaho, and am not a party to the proceedings referred to in the attached Legal Notice.

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

2. I am the Legal Clerk of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 15 day of November, 2023, and ending on the 22 day of November, 2023.

[Signature]

State of Idaho, county of Bonner ss.

On this 22 day of November, in the year of 2023, before me, Angela Minehart, Notary Public, personally appeared RikkiJade Lindstrom known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she (or they) executed the same.

Angela Minehart
Notary Public
Residing at: Kootenai County

My Commission Expires 03/20/2029



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

96-16765
CARLA R WOLFRUM
204 E SUPERIOR ST #9
SANDPOINT, ID 83864-1275
Point of Diversion SENW
S3 T55N R04W
BONNER County
Source PEND OREILLE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.04 CFS
Date Filed: 10-02-2023
Place Of Use: IRRIGATION
T55N R04W S3
L2(NESW), L2(SENW), SENW
Total Acres: 1.5

97-9765
BRADLEY NEWMAN
JOLA SHEPARD NEWMAN
200 MEETING ST STE 206
CHARLESTON,
SC 29401-3187
Point of Diversion SENW
S5 T58N R04W
BONNER County
Source PRIEST RIVER
Tributary PEND OREILLE
RIVER
Use: FIRE PROTECTION
01/01 to 12/31 0.2 CFS
Use: IRRIGATION
04/01 to 10/31 0.06 CFS
Total Diversion: 0.2 CFS
Date Filed: 11-03-2023
Place Of Use: FIRE
PROTECTION, IRRIGATION
T58N R04W S5 SENW
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/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D'ALENE ID 83815-7763 together with a protest fee of \$25.00 for each application on or before 12/4/2023. The protestant must also send a copy of the protest to the applicant.
MATHEW WEAVER, Director
Legal#5727
AD#16598
November 15, 22, 2023

Steading, Natalie

From: Chantilly Higbee
Sent: Monday, December 4, 2023 12:54 PM
To: Sharp, Taya
Subject: RE: Request for Comments for Water Right 96-16765

Follow Up Flag: Follow up
Flag Status: Flagged

DEQ has no comment on the application.

Thank you for the opportunity.

Chantilly

From: Sharp, Taya <Taya.Sharp@idwr.idaho.gov>
Sent: Wednesday, November 8, 2023 10:54 AM
To: mahmer <mahmer@idl.idaho.gov>; Chantilly Higbee <Chantilly.Higbee@deq.idaho.gov>; Anna Moody <Anna.Moody@deq.idaho.gov>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; IWRB Water Use Reviews <WaterUseApprovalReviews@idahogov.onmicrosoft.com>
Subject: Request for Comments for Water Right 96-16765

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:
<https://research.idwr.idaho.gov/apps/waterrights/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 December 4th, 2023.**

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

Thank you,



Taya Sharp | 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

Sharp, Taya

From: Cassel, Amy
Sent: Monday, November 27, 2023 3:34 PM
To: Sharp, Taya; mahmer; Chantilly Higbee; Anna Moody; Horsmon, Merritt; IWRB Water Use Reviews
Subject: RE: Request for Comments for Water Right 96-16765
Attachments: 96-16765.Pend.Oreille.IWRB Comment Letter.11.27.2023.pdf

Taya,

Please see attached comments regarding water right permit application 96-16765.

Thank you,



Amy Cassel
Project Manager
Planning and Water Projects Bureau
Phone: 208.742.0656 ♦ Mobile: 208.577.1565

From: Sharp, Taya <Taya.Sharp@idwr.idaho.gov>
Sent: Wednesday, November 8, 2023 11:54 AM
To: mahmer <mahmer@idl.idaho.gov>; Chantilly Higbee <Chantilly.Higbee@deq.idaho.gov>; Anna Moody <Anna.Moody@deq.idaho.gov>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; IWRB Water Use Reviews <WaterUseApprovalReviews@idahogov.onmicrosoft.com>
Subject: Request for Comments for Water Right 96-16765

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

Thank you,



Taya Sharp | 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

Memorandum

To: IDWR, Northern Regional Office
From: Amy Cassel, Project Manager, Planning & Projects Bureau
Date: November 27, 2023
Re: IDWR Application for Permit No. 96-16765



The Idaho Water Resource Board (Board) would like to submit the following comments for consideration when processing **Application for Permit No. 96-16765** in the name of Carla R Wolfrum. The applicant is requesting a water right for Irrigation with a diversion rate of 0.04 from the Pend Oreille River. Proposed season of use is 4/1 to 10/31.

The applicant should be aware that the Board holds minimum stream flow (MSF) Water Right No. 96-8730 on the Pend Oreille River. The MSF from 1/01 to 12/31 is 10,655.0 cubic feet per second (cfs), priority date is 6/15/1992. The quantification point for 96-8730 is USGS 1239550 PEND OREILLE RIVER AT NEWPORT WA. Gage data analysis of mean daily values from 2009-10-01 to 2022-11-07 indicates that the Board's MSF is not always met from mid-August to mid-September during that period of record. See Attachment A.

Additionally, gage data spanning 2022-11-07 to 2023-11-07 indicates that the MSF is not met a total of 116 days, which is approximately 32% of the proposed application's season of use. Note that gage data spanning that period is provisional and subject to revision. See Attachment B.

Flows measured at the USGS gage should be used to verify current stream flows in the Pend Oreille River prior to allowing diversion under the proposed application. If approved, diversions under the application should be limited to times when the Board's MSF water right is being met or exceeded. The applicant should be aware that, if MSF 96-8730 is not met, diversions under the proposed application may be curtailed.

Attachment A

Mean of daily mean values for each day for water year of record in, ft³/s (Calculation Period 2009-10-01 -> 2022-11-07)

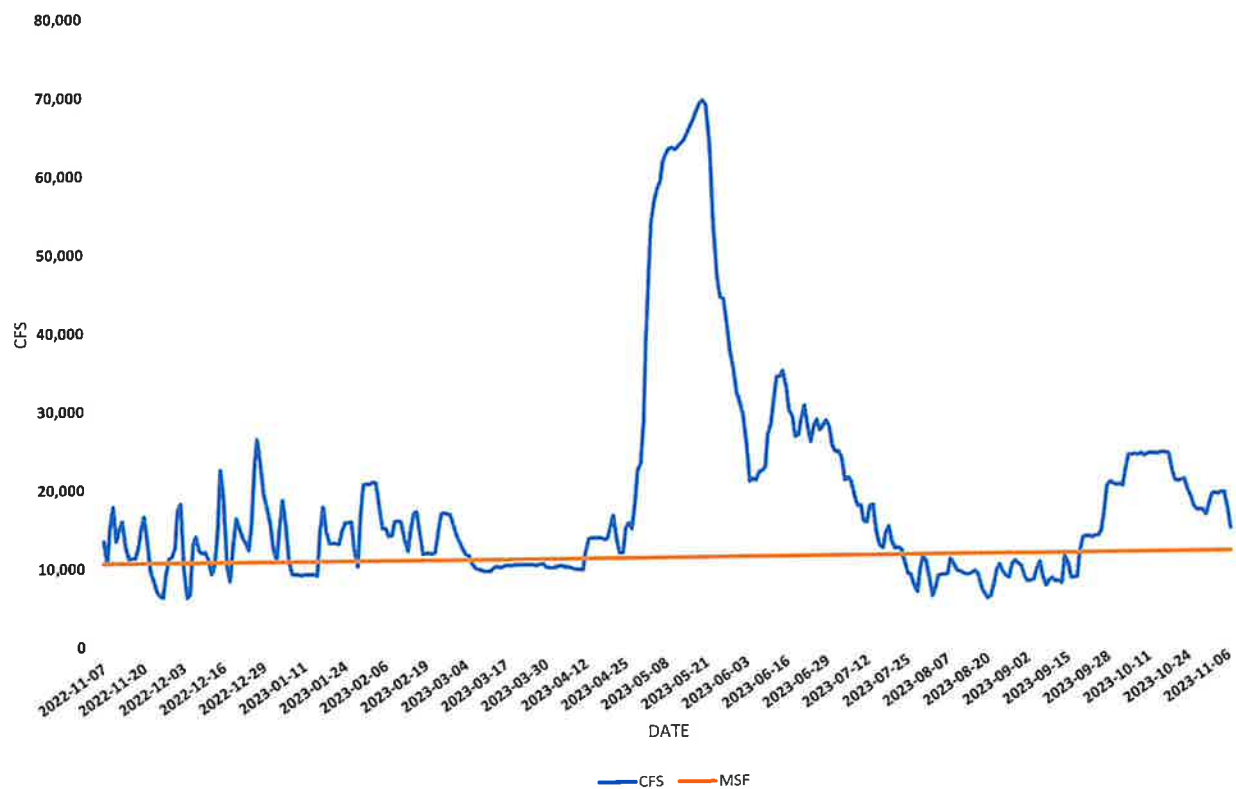
month	Jan			Feb			Mar			Apr		
Day	Flow	MSF	Deficit	Flow	MSF	Deficit	Flow	MSF	Deficit	Flow	MSF	Deficit
1	13,600	10,655	2,945	16,900	10,655	6,245	18,600	10,655	7,945	24,800	10,655	14,145
2	13,300	10,655	2,645	16,800	10,655	6,145	18,500	10,655	7,845	24,800	10,655	14,145
3	13,900	10,655	3,245	17,200	10,655	6,545	18,000	10,655	7,345	25,100	10,655	14,445
4	15,000	10,655	4,345	17,400	10,655	6,745	17,500	10,655	6,845	25,600	10,655	14,945
5	16,600	10,655	5,945	17,400	10,655	6,745	17,700	10,655	7,045	26,100	10,655	15,445
6	16,700	10,655	6,045	17,100	10,655	6,445	17,400	10,655	6,745	27,100	10,655	16,445
7	17,200	10,655	6,545	16,900	10,655	6,245	18,200	10,655	7,545	27,600	10,655	16,945
8	16,900	10,655	6,245	17,700	10,655	7,045	19,200	10,655	8,545	27,700	10,655	17,045
9	16,000	10,655	5,345	18,000	10,655	7,345	19,300	10,655	8,645	27,500	10,655	16,845
10	15,400	10,655	4,745	18,600	10,655	7,945	18,800	10,655	8,145	27,700	10,655	17,045
11	14,700	10,655	4,045	18,700	10,655	8,045	18,100	10,655	7,445	28,200	10,655	17,545
12	15,500	10,655	4,845	19,300	10,655	8,645	17,900	10,655	7,245	28,500	10,655	17,845
13	16,700	10,655	6,045	19,600	10,655	8,945	18,500	10,655	7,845	28,600	10,655	17,945
14	16,000	10,655	5,345	19,100	10,655	8,445	19,400	10,655	8,745	28,500	10,655	17,845
15	15,900	10,655	5,245	19,300	10,655	8,645	19,600	10,655	8,945	28,600	10,655	17,945
16	16,700	10,655	6,045	20,100	10,655	9,445	19,900	10,655	9,245	28,400	10,655	17,745
17	16,500	10,655	5,845	19,400	10,655	8,745	21,200	10,655	10,545	28,600	10,655	17,945
18	17,600	10,655	6,945	19,600	10,655	8,945	21,600	10,655	10,945	29,100	10,655	18,445
19	18,300	10,655	7,645	20,200	10,655	9,545	22,300	10,655	11,645	29,600	10,655	18,945
20	18,400	10,655	7,745	19,500	10,655	8,845	23,100	10,655	12,445	30,400	10,655	19,745
21	18,100	10,655	7,445	18,800	10,655	8,145	23,300	10,655	12,645	30,600	10,655	19,945
22	17,200	10,655	6,545	18,500	10,655	7,845	23,300	10,655	12,645	30,600	10,655	19,945
23	17,100	10,655	6,445	18,400	10,655	7,745	24,300	10,655	13,645	31,300	10,655	20,645
24	16,700	10,655	6,045	18,400	10,655	7,745	25,300	10,655	14,645	33,500	10,655	22,845
25	16,800	10,655	6,145	18,300	10,655	7,645	25,600	10,655	14,945	34,800	10,655	24,145
26	17,000	10,655	6,345	18,400	10,655	7,745	25,500	10,655	14,845	35,400	10,655	24,745
27	17,300	10,655	6,645	18,600	10,655	7,945	25,400	10,655	14,745	36,400	10,655	25,745
28	17,700	10,655	7,045	18,500	10,655	7,845	25,200	10,655	14,545	37,600	10,655	26,945
29	17,700	10,655	7,045	16,700	10,655	6,045	25,100	10,655	14,445	37,900	10,655	27,245
30	17,700	10,655	7,045				25,200	10,655	14,545	38,700	10,655	28,045
31	17,600	10,655	6,945				24,800	10,655	14,145			

month	May			Jun			Jul			Aug		
Day	Flow	MSF	Deficit	Flow	MSF	Deficit	Flow	MSF	Deficit	Flow	MSF	Deficit
1	39,000	10,655	28,345	65,500	10,655	54,845	48,400	10,655	37,745	13,500	10,655	2,845
2	39,300	10,655	28,645	66,100	10,655	55,445	47,200	10,655	36,545	13,200	10,655	2,545
3	39,600	10,655	28,945	66,400	10,655	55,745	45,300	10,655	34,645	12,900	10,655	2,245
4	40,400	10,655	29,745	66,700	10,655	56,045	43,900	10,655	33,245	12,700	10,655	2,045
5	41,300	10,655	30,645	67,800	10,655	57,145	42,300	10,655	31,645	12,200	10,655	1,545
6	42,400	10,655	31,745	67,600	10,655	56,945	40,200	10,655	29,545	12,600	10,655	1,945
7	44,000	10,655	33,345	67,900	10,655	57,245	37,800	10,655	27,145	12,700	10,655	2,045
8	45,500	10,655	34,845	67,600	10,655	56,945	36,300	10,655	25,645	12,500	10,655	1,845
9	47,100	10,655	36,445	65,600	10,655	54,945	34,200	10,655	23,545	12,200	10,655	1,545
10	48,700	10,655	38,045	64,100	10,655	53,445	31,600	10,655	20,945	11,800	10,655	1,145
11	49,300	10,655	38,645	62,400	10,655	51,745	30,100	10,655	19,445	11,100	10,655	445
12	49,800	10,655	39,145	60,400	10,655	49,745	29,900	10,655	19,245	10,800	10,655	145
13	50,800	10,655	40,145	58,500	10,655	47,845	28,700	10,655	18,045	10,700	10,655	45
14	52,500	10,655	41,845	56,900	10,655	46,245	27,100	10,655	16,445	10,500	10,655	-155
15	54,200	10,655	43,545	56,200	10,655	45,545	25,700	10,655	15,045	11,200	10,655	545
16	55,500	10,655	44,845	56,800	10,655	46,145	24,300	10,655	13,645	11,400	10,655	745
17	56,200	10,655	45,545	57,400	10,655	46,745	24,200	10,655	13,545	11,200	10,655	545
18	57,700	10,655	47,045	58,700	10,655	48,045	24,400	10,655	13,745	10,800	10,655	145
19	58,800	10,655	48,145	59,800	10,655	49,145	23,900	10,655	13,245	10,200	10,655	-455
20	60,000	10,655	49,345	59,700	10,655	49,045	23,200	10,655	12,545	9,750	10,655	-905
21	59,800	10,655	49,145	59,700	10,655	49,045	21,500	10,655	10,845	9,750	10,655	-905
22	59,900	10,655	49,245	58,800	10,655	48,145	19,800	10,655	9,145	9,910	10,655	-745
23	60,900	10,655	50,245	57,700	10,655	47,045	18,700	10,655	8,045	9,870	10,655	-785
24	61,500	10,655	50,845	56,800	10,655	46,145	17,900	10,655	7,245	9,890	10,655	-765
25	62,300	10,655	51,645	55,800	10,655	45,145	17,300	10,655	6,645	9,490	10,655	-1,165
26	63,400	10,655	52,745	55,100	10,655	44,445	16,700	10,655	6,045	8,880	10,655	-1,775
27	64,300	10,655	53,645	54,600	10,655	43,945	16,700	10,655	6,045	8,740	10,655	-1,915
28	64,700	10,655	54,045	53,100	10,655	42,445	16,400	10,655	5,745	8,490	10,655	-2,165
29	64,600	10,655	53,945	51,300	10,655	40,645	16,200	10,655	5,545	8,360	10,655	-2,295
30	64,900	10,655	54,245	49,700	10,655	39,045	15,900	10,655	5,245	8,730	10,655	-1,925
31	65,200	10,655	54,545				14,600	10,655	3,945	9,230	10,655	-1,425

month	Sep			Oct			Nov			Dec		
Day	Flow	MSF	Deficit	Flow	MSF	Deficit	Flow	MSF	Deficit	Flow	MSF	Deficit
1	9,210	10,655	-1,445	19,200	10,655	8,545	23,200	10,655	12,545	16,600	10,655	5,945
2	9,120	10,655	-1,535	20,600	10,655	9,945	22,600	10,655	11,945	16,600	10,655	5,945
3	9,050	10,655	-1,605	21,500	10,655	10,845	22,600	10,655	11,945	16,800	10,655	6,145
4	9,080	10,655	-1,575	21,800	10,655	11,145	22,900	10,655	12,245	17,500	10,655	6,845
5	9,340	10,655	-1,315	22,500	10,655	11,845	22,700	10,655	12,045	17,500	10,655	6,845
6	9,630	10,655	-1,025	23,000	10,655	12,345	21,600	10,655	10,945	17,000	10,655	6,345
7	9,650	10,655	-1,005	23,200	10,655	12,545	19,700	10,655	9,045	17,100	10,655	6,445
8	9,680	10,655	-975	23,600	10,655	12,945	17,900	10,655	7,245	18,200	10,655	7,545
9	10,200	10,655	-455	23,700	10,655	13,045	17,600	10,655	6,945	19,000	10,655	8,345
10	10,000	10,655	-655	24,000	10,655	13,345	17,400	10,655	6,745	18,800	10,655	8,145
11	9,460	10,655	-1,195	24,500	10,655	13,845	17,300	10,655	6,645	18,400	10,655	7,745
12	9,270	10,655	-1,385	24,700	10,655	14,045	17,100	10,655	6,445	17,700	10,655	7,045
13	9,760	10,655	-895	24,600	10,655	13,945	17,800	10,655	7,145	17,800	10,655	7,145
14	10,400	10,655	-255	24,300	10,655	13,645	18,400	10,655	7,745	17,000	10,655	6,345
15	11,300	10,655	645	24,300	10,655	13,645	17,000	10,655	6,345	16,600	10,655	5,945
16	11,800	10,655	1,145	24,300	10,655	13,645	16,200	10,655	5,545	17,400	10,655	6,745
17	12,000	10,655	1,345	24,200	10,655	13,545	15,800	10,655	5,145	18,200	10,655	7,545
18	12,100	10,655	1,445	24,900	10,655	14,245	15,600	10,655	4,945	17,700	10,655	7,045
19	12,900	10,655	2,245	25,500	10,655	14,845	17,200	10,655	6,545	17,600	10,655	6,945
20	13,800	10,655	3,145	25,500	10,655	14,845	17,400	10,655	6,745	17,800	10,655	7,145
21	14,900	10,655	4,245	25,600	10,655	14,945	16,800	10,655	6,145	17,000	10,655	6,345
22	15,500	10,655	4,845	25,300	10,655	14,645	15,200	10,655	4,545	16,400	10,655	5,745
23	15,300	10,655	4,645	25,100	10,655	14,445	15,200	10,655	4,545	16,400	10,655	5,745
24	15,200	10,655	4,545	25,300	10,655	14,645	16,800	10,655	6,145	16,200	10,655	5,545
25	15,200	10,655	4,545	25,600	10,655	14,945	17,100	10,655	6,445	15,700	10,655	5,045
26	15,400	10,655	4,745	25,800	10,655	15,145	16,400	10,655	5,745	15,800	10,655	5,145
27	16,200	10,655	5,545	25,900	10,655	15,245	15,500	10,655	4,845	15,900	10,655	5,245
28	16,700	10,655	6,045	25,500	10,655	14,845	15,500	10,655	4,845	16,100	10,655	5,445
29	17,200	10,655	6,545	25,000	10,655	14,345	15,900	10,655	5,245	16,100	10,655	5,445
30	18,000	10,655	7,345	24,500	10,655	13,845	16,400	10,655	5,745	15,900	10,655	5,245
31				23,800	10,655	13,145				14,800	10,655	4,145

Attachment B

Pend Oreille River at Newport WA
USGS 12395500
11.07.2022 - 11.6.2023



Sharp, Taya

From: Gwen Victorson <GVictorson@idl.idaho.gov>
Sent: Tuesday, November 14, 2023 7:51 AM
To: Sharp, Taya
Cc: zjones@lclattorneys.com; grifwolfe@sandpoint.net
Subject: Idaho Department of Lands - FW: Request for Comments for Water Right 96-16765
Attachments: 96-16765 Application for Permit.pdf; L96S1793Permit.pdf

Hi Taya –

I have attached the IDL encroachment permit L96S1793 for the applicant's parcel which does not have an IDL permit for a water intake line.

Please make the applicant aware the Department of Lands also has jurisdiction over waterlines placed in navigable waters of the state. Per IDAPA 20.03.04.012.02, No encroachment on, in or above the beds or waters of any navigable lake in the state shall hereafter be made unless approval therefore has been given as provided in these rules. An encroachment permit does not guarantee the use of public trust lands without appropriate compensation to the state of Idaho.

Carla Wolfrum must submit an application along with plans and a \$425 application fee to the Idaho Department of Lands.

Application forms and submittal guidelines can be found at: [Encroachment Permits - Department of Lands \(idl.idaho.gov\)](https://www.idl.idaho.gov/encroachment-permits)

If the applicant has any questions or needs assistance with the permitting process, please contact me at GVictorson@idl.idaho.gov or 208-263-5104 ext. 5117.

Thank you,

Gwen Victorson
Lands Resource Specialist
Navigable Waters
Idaho Department of Lands
2550 Highway 2
Sandpoint, ID 83864
Office: (208) 263-5104
Email: GVictorson@idl.idaho.gov
<https://www.idl.idaho.gov>



From: Sharp, Taya <Taya.Sharp@idwr.idaho.gov>
Sent: Wednesday, November 08, 2023 10:54 AM
To: Mike Ahmer <mahmer@idl.idaho.gov>; Chantilly Higbee <Chantilly.Higbee@deq.idaho.gov>; Anna Moody <Anna.Moody@deq.idaho.gov>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; IWRB Water Use Reviews

<WaterUseApprovalReviews@idahogov.onmicrosoft.com>

Subject: Request for Comments for Water Right 96-16765

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:

<https://research.idwr.idaho.gov/apps/waterrights/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 December 4th, 2023.**

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

Thank you,



Taya Sharp | 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

ENCROACHMENT PERMIT NO. L-96-S-1793

Permission is hereby granted to Carla R. Wolfrum of 204 East Superior, Sandpoint, ID 83864 to install and maintain existing riprap for erosion control, new 10' x 15' pier approach, 34' x 24' single slip pier with boat lift and canopy. Located: Pend Oreille River, Parcel RP00278000016A, Mountain View Lots, Lot 16, Section 3, Township 55 North, Range 4 West, Boise Meridian, Bonner County.

1. All applicable provisions of the Rules for Regulation of Beds, Waters, and Airspace over Navigable Lakes and Streams in the State of Idaho are incorporated herein by reference and made a part hereof.
2. Construction will follow details and specifications shown on the approved drawings and data provided by the applicant. Should such information and data prove to be materially false, incomplete and/or inaccurate, this authorization may be modified, suspended, or revoked in accordance with the Administrative Procedures Act, Idaho Code Title 67, Chapter 52.
3. This permit does not convey the State's title to nor jurisdiction or management of lands lying below the natural or ordinary high water mark
4. Acceptance of this permit constitutes permission by the Permittee for representatives of the Department of Lands to come upon Permittee's lands at all reasonable times to inspect the encroachment authorized by this permit.
5. The Permittee shall indemnify, defend and save harmless, the state, its officers, agents and employees from and against any liability, claims, damages, losses, debts, obligations, judgments, expenses or actions, including reasonable attorneys' fees from action related to this permit. If it becomes necessary for the State to defend any action seeking to impose any such liability, Permittee agrees to pay the State all costs of court and attorneys' fees incurred by the State in effecting such defense in addition to all other sums that the State may be called upon to pay by reason of the entry of a judgment against it in the litigation in which such is asserted
6. *Idaho Code* §58-1306(e) requires recordation of this permit in the records of respective county assessor's office as a condition of this permit.
7. This permit is not valid until the Identification number is displayed on the outermost area of the encroachment.
8. If the activity authorized herein is not completed on or before the 23rd day of December, 2008 (three years from the date of issuance), this permit shall automatically expire unless it was previously revoked or otherwise extended.

ENCROACHMENT PERMIT NO. L-96-S-1793

December 23, 2005

Page two

9. This permit does not relieve the Permittee from obtaining additional local or federal permits as required.
10. Permanent slip covers will not be permitted. For single-family encroachments a fabric canopy (**canopy top only, no sides are authorized by this permit**) of a color which blends with the surrounding uplands is acceptable. These colors shall be shades of browns or greens. However, bright carnival blue color is reserved for use by commercial marinas.
11. Removal and proper disposal of any preexisting or abandoned facilities is a condition of this permit.
12. This permit supersedes and voids any permit previously issued for this property.
13. Construction materials shall be natural or pressure treated utilizing only those preservative chemicals registered for the specific uses by the U.S. Environmental Protection Agency (EPA). All treated wood materials shall be produced in compliance with "Best Management Practices (BMPs) For the Use of Treated Wood in Aquatic Environments" issued by the Western Wood Preservers Institute (WWPI), July 1996. Treated materials not in contact with the water shall be completely dry before use near navigable waters. **Contact Idaho Department of Environmental Quality at (208)769-1422** for information on acceptable treatment methods and materials.
14. All construction material must be stockpiled landward of the artificial high water mark.
15. Operation of excavation equipment will be held to a minimum below the artificial high water mark. Equipment may be operated only on dry land above the present level of the lake. Construction machinery may not be operated in the water.
16. The Permittee shall maintain the structure or work authorized herein in a good and safe condition and in accordance with the plans and drawings attached hereto.
17. All construction will be done according to the specifications detailed in the attached design plan.
18. The disturbed portion of the lakebed shall be shaped to its original contour upon completion of the project.
19. Excavated material not replaced shall be removed to an area above the artificial high water mark and in a position such that it will not reenter the lake.
20. All construction shall be completed in accordance with descriptions and methods provided unless otherwise specified. Any changes shall be approved in writing by the department prior to construction.
21. All wood chips and other construction waste shall be removed from the lake upon completion of project.
22. If any excavation occurs the operator must comply with the provisions of the Underground Facilities Damage Prevention Law (title 55, chapters 2201-2210, Idaho Code). The one-call locator service number is 1-800-342-1585.

ENCROACHMENT PERMIT NO. L-96-S-1793

December 23, 2005

Page three

23. The Permittee or operator shall have a copy of this permit available on site for inspection at all times during construction.

UPON TRANSFER OF THIS REAL PROPERTY, YOU ARE REQUIRED TO NOTIFY THIS OFFICE OF THE SUBSEQUENT NAME CHANGE (SEE ENCLOSURE).

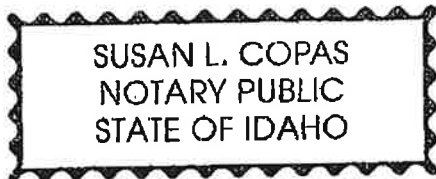
FOR THE DIRECTOR

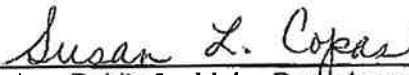
By:


EDWARD ROBINSON
Area Supervisor – Pend Oreille Lake Area

STATE OF IDAHO)
) ss
COUNTY OF BONNER)

On December 23, 2005, personally appeared before me Edward Robinson, whose identity is personally known to me and who by me duly affirmed that he is the Area Supervisor – Pend Oreille Lake Area of the Idaho Department of Lands, and acknowledged that the foregoing document was signed by him in behalf of said state agency by authority of a Resolution of the State Land Board.




Notary Public for Idaho Department of Lands
My commission expires on 2/18/2009

JOINT APPLICATION FOR PERMIT
U.S. ARMY CORPS OF ENGINEERS
IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO DEPARTMENT OF LANDS

SEPARATE PERMIT DECISIONS MUST BE
RECEIVED FROM BOTH THE STATE OF
IDAHO AND THE CORPS OF ENGINEERS
PRIOR TO START OF WORK

The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. These laws require permits authorizing structures and work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et seq, Idaho Code. This application will meet the requirements of the above agencies.

1. Corps of Engineers # _____ Date Received _____	2. State of Idaho # <u>L-96-S-1793</u> Date Received _____ S20 Rec'd By: _____ Receipt # _____
--	--

PLEASE TYPE OR PRINT

3. Applicant <u>Jess Wolfrum</u> Mailing Address <u>204 East Superior</u> <u>Sandpoint, Idaho 83864</u> Work Phone (Area <u>208</u>) <u>255-5577</u> Home (Area) _____ Fax Number _____	4. Authorized Agent _____ Mailing Address _____ Work Phone (Area) _____ Home (Area) _____
5. Location where proposed activity exists or will occur. Waterway <u>Pend Oreille River</u> <u>Laclede</u> <u>Bonner</u> <u>Idaho</u> In/near city or town <u>83841</u> County <u>Bonner</u> State _____ Zip Code _____ Local jurisdiction (city or county) _____	Tributary of: <u>Columbia River</u> Assessor's Desc. (Tax No. or Subdivision, Lot & Block No.) <u>*Mountain View Lots</u> *(See instructions) <u>3</u> <u>SSN</u> <u>4W</u> or 1/4 1/4 Section Township Range UTM Coordinate Grid Zone _____ Northing _____ Easting _____

6. Describe the proposed activity. Provide a general description of the proposed work including all discharges of fill material and any structures such as piers, floats, boat lifts, bulkheads, and cofferdams.

I propose replacing an existing, deteriorating dock and moving it ten feet from the adjacent property owner. It will be replaced with a steel piling supported pier. I would also like to install a 4000 pound boat lift inside the "F" configuration slip. It will have a removable canopy.

Describe construction methods and equipment:

A crane, tug, pile driver and barge will be needed for construction, along with labor and small tools and welders.

List all soil series located at project site, and indicate if any are on the county's hydric soils list:

Clays and gravels

Length of project along the stream or extension into lake or reservoir: 39 lineal feet

Will material be placed waterward of ordinary high water mark? no If yes, volume: _____ (cubic yards)

(BOTH TEMPORARY AND PERMANENT)

Will material be placed in wetlands? no If yes, total area: _____ (acres)

Type and composition of fill material: n/a (i.e. sand, etc.) Material Source: _____

Will excavation or dredging be required? no If yes, volume: _____ (cubic yards) Composition _____

Disposal site for excavated material: n/a Method of excavation: _____

Stream gradient: n/a

Method of controlling turbidity and/or sedimentation: n/a

7. Size and flow capacity of proposed bridge or culvert and area of drainage served (sq. miles): (Idaho Department of Water Resources requirement.)

8. Preparation of drawings. One set of original or good quality reproducible drawings must be attached to this application. NOTE: DRAWINGS NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE. See the instruction pamphlet for instructions and a checklist for completing the drawings. Include photographs of the project site mounted on 8-1/2 x 11 sheets.

9. Purpose and intended use: Commercial _____ Public _____ Private X Other _____ Describe Replace an old dock with a new one for safer moorage
Necessity and justification for project _____

10. Proposed Starting Date October 30, 2005 Estimated Duration 2 weeks

11. If any portion of the activity is complete, indicate month and year of completion _____
Indicate the existing work on the drawings.

12. Names, addresses, and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway.
Dave and Karen Warnica Janet Bernhart
11015 E. 19th Avenue 6439 W. Harbor Drive
Spokane, Washington 99206 Coeur d'Alene, Id. 83814
(509) 926-3944 (208) 664-6948
☐ Check here if the alteration is located on endowment lands administered by the Idaho Department of Lands

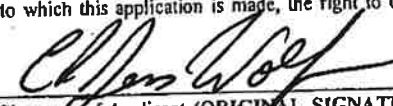
13. LEGAL OWNER IF OTHER THAN APPLICANT _____
City, State, _____
Mailing Address _____ Zip Code _____
Area _____ Area _____
Phone _____ Work(_____) _____ Home(_____) _____

14. List other applications, approvals, or certifications from other Federal, interstate, state, or local agencies for any structures, constructions, discharges, deposits, or other activities described in the application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

15. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? Yes _____ No _____
(If "Yes" explain) _____

16. Remarks or additional information: _____

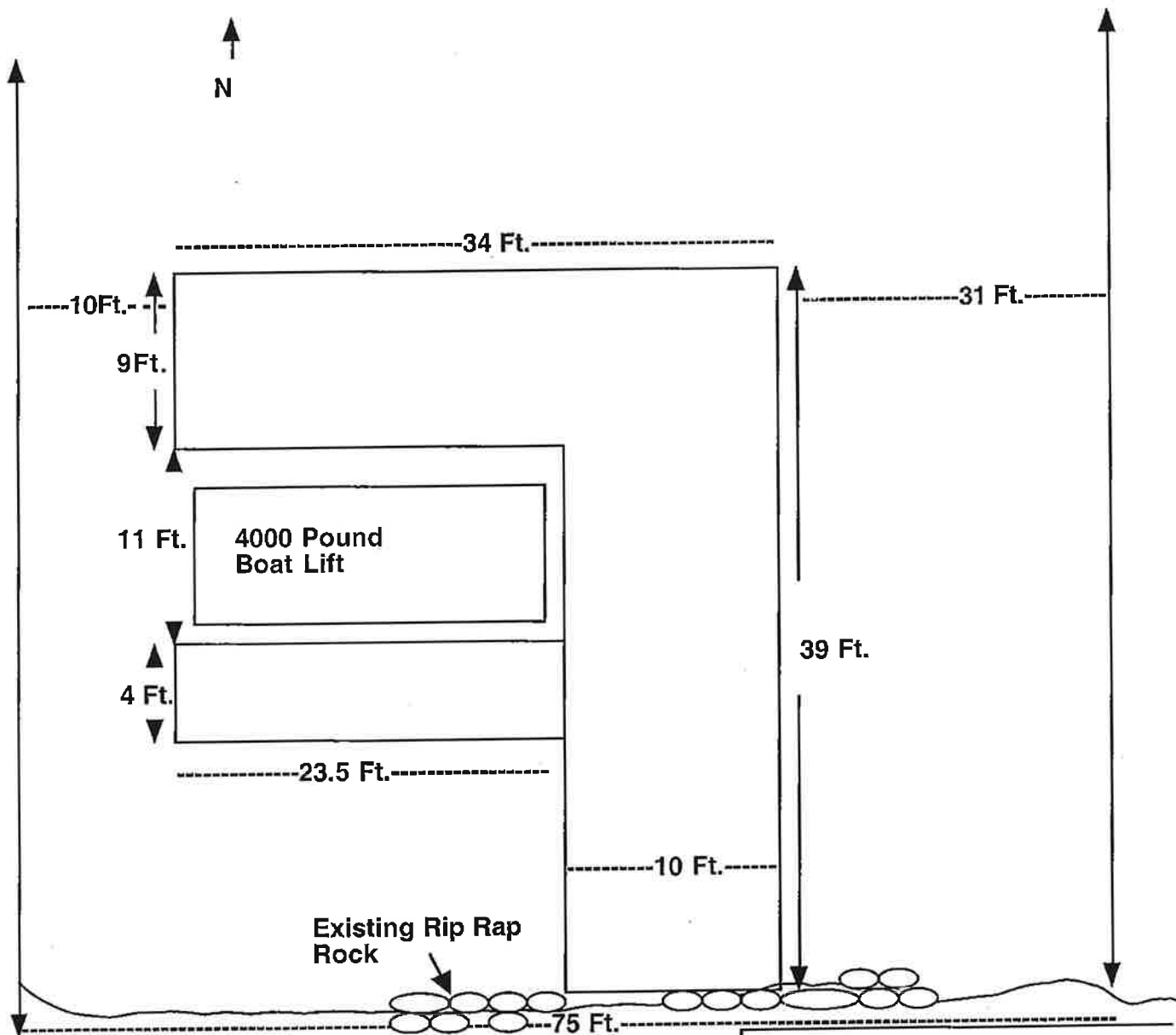
17. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed or completed work.
September 30, 2005
Date _____

Signature of Applicant (ORIGINAL SIGNATURE REQUIRED)

19. If an authorized agent is to be designated, Item 4 and the following information should be completed.
I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

Date _____ Original Signature of Authorized Agent _____ Original Signature of Applicant _____

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both. Do not send a Federal permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.

DO NOT SEND FEDERAL PROCESSING FEE WITH APPLICATION



Note:

Adjacent Property Owners:

a) Dave and Karen Warnica

b) Janet Bernhart

REVISED 11/8/05

PROPOSED PROJECT

In: Pend Oreille River

Near: Laclede, Idaho

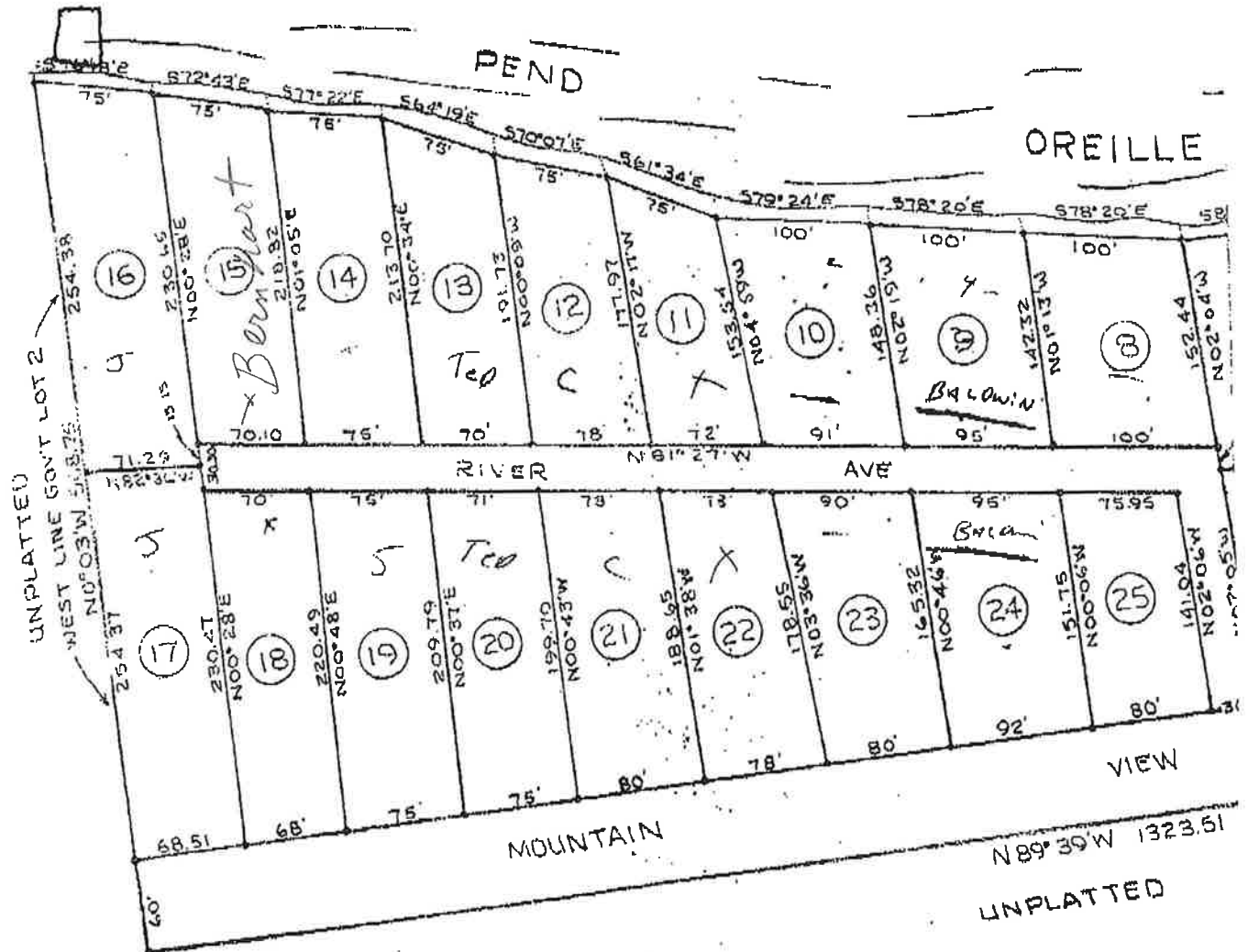
County: Bonner

Applicant: Jess Wolfrum

Date: September 30, 2005

105681

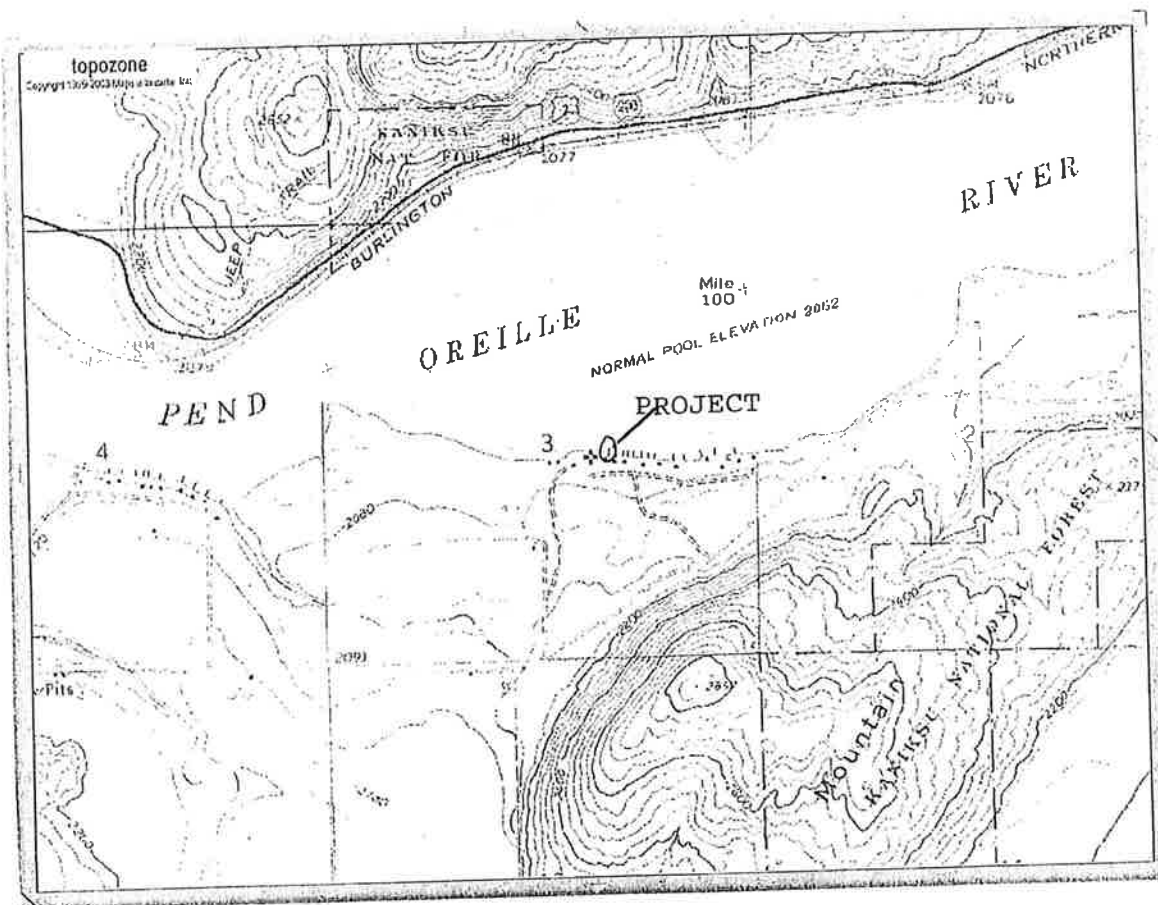
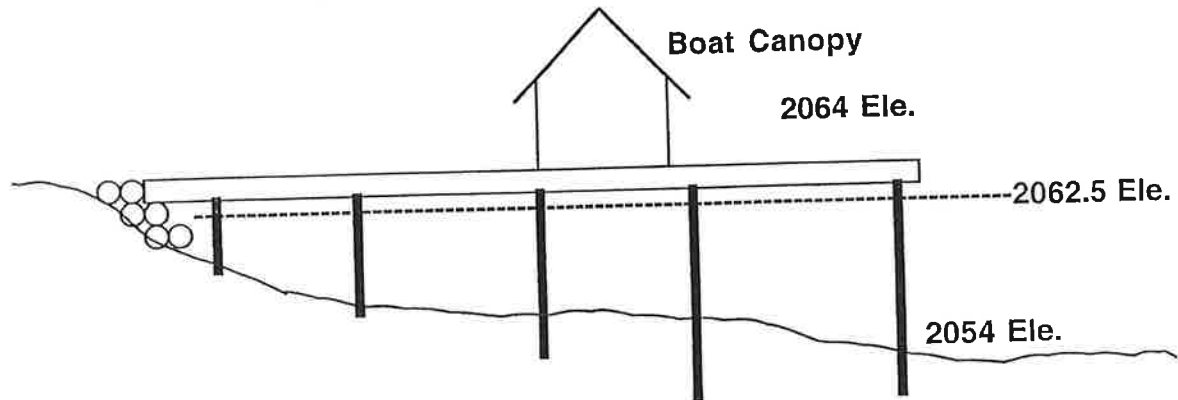
MOUNTAIN V
LOT 2 (PORTION T
T55N, R4W,
BONNER COUNTY



OWNERS CERTIFICATION

and Bernice Bauer his wife, record owners of the land shown upon the here-
the owners of the land embraced by the herein plat of H
and had the same platted into lo
and more specific

ELEVATIONS AND VICINITY MAP



Sharp, Taya

From: Horsmon, Merritt
Sent: Wednesday, November 8, 2023 11:28 AM
To: Sharp, Taya
Subject: RE: Request for Comments for Water Right 96-16765

Hi Taya,
The Idaho Department of Fish and Game does not have any comments to submit for this application.

Thank you for the opportunity to review and comment,

Merritt Horsmon

Regional Technical Assistance Manager
Panhandle Region
2885 W. Kathleen Ave.
Coeur d'Alene, ID 83815
208.769.1414 office
208.251.4509 mobile
merritt.horsmon@idfg.idaho.gov



From: Sharp, Taya <Taya.Sharp@idwr.idaho.gov>
Sent: Wednesday, November 08, 2023 10:54 AM
To: mahmer <mahmer@idl.idaho.gov>; Chantilly Higbee <Chantilly.Higbee@deq.idaho.gov>; Anna Moody <Anna.Moody@deq.idaho.gov>; Horsmon, Merritt <merritt.horsmon@idfg.idaho.gov>; IWRB Water Use Reviews <WaterUseApprovalReviews@idahogov.onmicrosoft.com>
Subject: Request for Comments for Water Right 96-16765

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:

<https://research.idwr.idaho.gov/apps/waterrights/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 December 4th, 2023.

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

Thank you,