

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 97-9129

**Priority:** July 07, 2022

**Maximum Diversion Rate:** 0.06 CFS

This is to certify that

DONALD HOWELL 72 W PARKWOOD NORDMAN ID 83848-9745

has applied for a permit to appropriate water from:

**Source :** PRIEST LAKE

**Tributary:** PRIEST 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**

0.06 CFS

**Location of Point(s) of Diversion**

PRIEST LAKE NE¼ NE¼, Sec. 20, Twp 61N, 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        |        |
| 61N | 04W | 17  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0.4       | 0.4    |
| 61N | 04W | 17  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 2.1<br>L1 | 2.1    |

Total Acres: 2.5

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2027**.
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. 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.
5. Water shall not be diverted under this right when flows in the Priest River are below minimum flow amounts as defined by Right 97-7380. The right holder shall be responsible for monitoring the daily flow of the Priest River using real-time data and shall cease diverting water when flows in the Priest River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey Priest River Gauging Station, No.12395000 may be used for purposes of determining the daily flow amounts.
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 11<sup>th</sup> day of August, 2022.



ADAM FREDERICK  
Water Rights Supervisor

State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

97-9129

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



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

0 0.035 0.07 0.14 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](mailto:northerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

August 12, 2022

DONALD HOWELL  
72 W PARKWOOD  
NORDMAN ID 83848-9745

RE: Permit No. 97-9129

**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](http://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](http://www.idwr.idaho.gov).**

If you have any questions concerning the enclosed information, please contact the Northern Region Office at (208) 762-2800.

Sincerely,



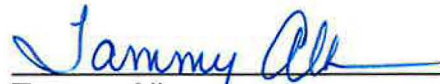
Adam Frederick  
Water Rights Supervisor

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2022, I served a true and correct copy of Permit to Appropriate Water No. 97-9129 by U.S. Mail, postage prepaid, to the following:

DONALD HOWELL (Current Owner)  
72 W PARKWOOD  
NORDMAN ID 83848-9745



---

Tammy Alleman  
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.

AFFIDAVIT OF PUBLICATION

RECEIVED

AUG 01 2022

IDWR / NORTH

STATE OF IDAHO )  
 ) ss.  
County of Bonner )

Italia Jimer, 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 Bonner County, Idaho, and  
am not a party to the proceedings referred to in the attached

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

2. I am the bookkeeper 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 20th day of  
July, 2022, and ending on the 27th day of  
July, 2022.

Italia Jimer

State of Idaho, county of Bonner ss.

On this 27th day of July, in the year of 2022  
before me, Katrina George, Notary Public, personally  
appeared Italia Jimer known or  
identified to me to be the person whose name is subscribed  
to the within instrument, and acknowledged to me that he (or  
they) executed the same.

Katrina George  
Notary Public  
Residing at: Kootenai County

My Commission Expires 8/29/23



**Public Notice**

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

**96-11601**

TODD SUDICK  
1817 RIVERSIDE RD  
PRIEST RIVER, ID  
83856-8727  
Point of Diversion L2(NESW)  
S27 T56N R05W  
BONNER County  
Source PEND OREILLE RIVER  
Tributary COLUMBIA RIVER  
Use: IRRIGATION  
04/1 to 10/31  
Total Diversion: 0.02 CFS  
Date Filed: 06-16-2022  
Place Of Use: IRRIGATION  
T56N R05W S27 L2(NESW)  
Total Acres: 5.1

**96-11810**

DANIEL R JR SHEPARD  
437 SAILORS LN  
PRIEST RIVER, ID  
83856-6704  
Point of Diversion L4(SENE)  
S29 T56N R05W  
BONNER County  
Source PEND OREILLE RIVER  
Tributary COLUMBIA RIVER  
Use: IRRIGATION  
04/01 to 10/31  
Total Diversion: 0.03 CFS  
Date Filed: 06-27-2022  
Place Of Use: IRRIGATION  
T56N R05W S29  
L4(SENE),L4(SENE)  
Total Acres: 1

**96-11825**

OLD LOG CABIN LLC  
C/O LEO LANGLOIS  
PO BOX 22710  
BAKERSFIELD, CA  
93390-2710  
Point of Diversion SWNW  
S10 T54N R04W  
BONNER County  
Source GROUND WATER  
Use: IRRIGATION  
04/01 to 10/31  
Total Diversion: 0.8 CFS  
Date Filed: 06-23-2022  
Place Of Use: IRRIGATION  
T54N R04W S10  
NWNW,SWNW  
Total Acres: 40

**97-8878**

TERRY J WATTS  
EILEEN A WATTS  
PO BOX 1262  
PRIEST RIVER, ID  
83856-1262  
Point of Diversion NWSE  
S18 T56N R04W  
BONNER County  
Source GROUND WATER  
Point of Diversion NWSE  
S18 T56N R04W  
BONNER County  
Source GROUND WATER  
Use: STOCKWATER  
01/01 to 12/31 0.02 CFS  
Use: IRRIGATION  
04/01 to 10/31 0.2 CFS  
Use: DOMESTIC  
01/01 to 12/31 0.06 CFS  
Total Diversion: 0.2 CFS  
Date Filed: 06-22-2022  
Place Of Use: DOMESTIC, IRRIGATION, STOCKWATER  
T56N R04W S18 NWSE  
Place Of Use: IRRIGATION, STOCKWATER  
T56N R04W S18  
SWNE, SENE, NESE, SESE  
Total Acres: 18

**97-8884**

LAINE MC GEE  
MARY KATE MC GEE  
30021 10TH AVE SW  
FEDERAL WAY, WA  
98023-8207  
Point of Diversion L4(SWNW)  
S10 T62N R04W  
BONNER County  
Source PRIEST LAKE  
Tributary PRIEST RIVER  
Use: FIRE PROTECTION  
01/01 to 12/31 0.2 CFS  
Use: IRRIGATION  
04/01 to 10/31 0.03 CFS  
Total Diversion: 0.2 CFS  
Date Filed: 06-23-2022  
Place Of Use: FIRE PROTECTION, IRRIGATION  
T62N R04W S10 L4(SWNW)  
Total Acres: 0.3

**97-8926**

PEARSON ZAPPETTINI  
TRUST & PEARSON  
735 ARROYO CT  
LAFAYETTE, CA 94549-5311  
Point of Diversion L5(NWSW)  
S27 T61N R04W  
BONNER County  
Source PRIEST LAKE  
Tributary PRIEST RIVER  
Use: DOMESTIC  
01/01 to 12/31  
Total Diversion: 0.04 CFS  
Date Filed: 06-27-2022  
Place Of Use: DOMESTIC  
T61N R04W S27 L5(NWSW)

**97-8934**

CATHERINE KLINGEL  
A BARCLAY KLINGEL  
112 W HIGH DR  
SPOKANE, WA 99203-1519  
Point of Diversion SENW  
S3 T61N R04W  
BONNER County  
Source PRIEST LAKE  
Tributary PRIEST RIVER  
Use: IRRIGATION  
04/01 to 10/31 0.03 CFS  
Use: FIRE PROTECTION  
01/01 to 12/31 0.2 CFS  
Use: DOMESTIC  
01/01 to 12/31 0.04 CFS  
Total Diversion: 0.2 CFS  
Date Filed: 06-27-2022  
Place Of Use: DOMESTIC, FIRE PROTECTION, IRRIGATION  
T61N R04W S3  
L2(SWNE), L2(SENW)  
Total Acres: 0.9

**97-8940**

GORDON HUDSON  
9307 E PRINCETON AVE  
SPOKANE, WA 99206-4461  
Point of Diversion L4(NESW)  
S12 T60N R05W  
BONNER County  
Source PRIEST LAKE  
Tributary PRIEST RIVER  
Use: IRRIGATION  
4/1 to 10/31  
Total Diversion: 0.03 CFS  
Date Filed: 06-28-2022  
Place Of Use: IRRIGATION  
T60N R05W S12 L4(NESW)  
Total Acres: 0.4

**97-8960**

TERRY W JOHNSON  
CHARLENE J JOHNSON  
PO BOX 455  
PRIEST RIVER, ID  
83856-0455  
Point of Diversion SENW  
S23 T57N R05W  
BONNER County  
Source GROUND WATER  
Use: IRRIGATION  
04/01 to 10/31 0.09 CFS  
Use: DOMESTIC  
01/01 to 12/31 0.04 CFS  
Use: STOCKWATER  
01/01 to 12/31 0.02 CFS  
Total Diversion: 0.15 CFS  
Date Filed: 06-28-2022  
Place Of Use: DOMESTIC, IRRIGATION, STOCKWATER  
T57N R05W S23 SENW  
Total Acres: 3

**97-8984**

ADNAN Z RIZVI  
ANN K SELTMAN  
KENT D SELTMAN  
8102 S HANGMAN VALLEY RD  
SPOKANE, WA 99224-9673  
Point of Diversion NENE  
S9 T61N R04W  
BONNER County  
Source PRIEST LAKE  
Tributary PRIEST RIVER  
Use: DOMESTIC  
01/01 to 12/31  
Total Diversion: 0.04 CFS  
Date Filed: 05-31-2022  
Place Of Use: DOMESTIC  
T61N R04W S9 L1(NENE)

**97-9005**

STEVEN D PRATT  
LYNN K PRATT  
2501 SW RAVENSVIEW DR  
PORTLAND, OR 97201-1789  
Point of Diversion NESW  
S27 T62N R04W  
BONNER County  
Source PRIEST LAKE  
Tributary PRIEST RIVER  
Use: IRRIGATION  
04/01 to 10/31  
Total Diversion: 0.03 CFS  
Date Filed: 05-31-2022  
Place Of Use: IRRIGATION  
T62N R04W S27  
NESW, NWSE, L3(NESW), L3(NWSE)  
Total Acres: 0.9

**97-9084**

LANGLEY PROPERTIES LLC  
PO BOX 139  
COOLIN, ID 83821-0139  
Point of Diversion NWNW  
S15 T59N R04W  
BONNER County  
Source GROUND WATER  
Use: DOMESTIC  
01/01 to 12/31  
Total Diversion: 0.04 CFS  
Date Filed: 06-22-2022  
Place Of Use: DOMESTIC  
T59N R04W S15 NWNW

**97-9095**

STEVEN DURBIN  
PO BOX 551  
PRIEST RIVER, ID  
83856-0551  
Point of Diversion L1(SWSESE)  
S21 T56N R05W  
BONNER County  
Source SPRING  
Tributary SINKS  
Point of Diversion L1(SESE)  
S21 T56N R05W  
BONNER County  
Source UNNAMED STREAM  
Tributary SINKS

Use: DIVERSION TO STORAGE

AGE  
01/01 to 12/31 0.2 CFS  
Use: RECREATION  
01/01 to 12/31 0.2 CFS  
Use: RECREATION STORAGE  
01/01 to 12/31 2.7 AF  
Use: FIRE PROTECTION STORAGE  
01/01 to 12/31 2.7 AF  
Use: IRRIGATION STORAGE  
01/01 to 12/31 9 AF  
Use: IRRIGATION FROM STORAGE  
04/01 to 10/31 9 AF  
Use: STOCKWATER STORAGE  
01/01 to 12/31 0.3 AF  
Use: STOCKWATER FROM STORAGE  
01/01 to 12/31 0.3 AF  
Total Diversion: 0.2 CFS  
Date Filed: 06-30-2022  
Place Of Use: DIVERSION TO STORAGE, FIRE PROTECTION STORAGE, IRRIGATION FROM STORAGE, RECREATION STORAGE, STOCKWATER FROM STORAGE, STOCKWATER STORAGE  
T56N R05W S21 L1(SESE)

**97-9096**

STEVEN DURBIN  
PO BOX 551  
PRIEST RIVER, ID  
83856-0551  
Point of Diversion L1(SWSESE)  
S21 T56N R05W

BONNER County  
Source SPRING  
Tributary SINKS  
Point of Diversion L1(SESE)  
S21 T56N R05W  
BONNER County  
Source GROUND WATER  
Use: DOMESTIC  
01/01 to 12/31 0.04 CFS  
Use: STOCKWATER  
01/01 to 12/31 0.02 CFS  
Use: IRRIGATION  
04/01 to 10/31 0.12 CFS  
Total Diversion: 0.18 CFS  
Date Filed: 06-30-2022  
Place Of Use: DOMESTIC, IRRIGATION, STOCKWATER  
T56N R05W S21 L1(SESE)  
Total Acres: 4

**97-9129**

DONALD HOWELL  
72 W PARKWOOD  
NORDMAN, ID 83848-9745  
Point of Diversion NENE  
S20 T61N R04W  
BONNER County  
Source PRIEST LAKE  
Tributary PRIEST RIVER  
Use: IRRIGATION  
04/01 to 10/31  
Total Diversion: 0.06 CFS  
Date Filed: 07-07-2022  
Place Of Use: IRRIGATION  
T61N R04W S17  
SESE, L1(SESE)  
Total Acres: 2.5

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 8/8/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director  
Published on 7/20/2022 and 7/27/2022  
Legal#4358  
AD#546752  
July 20, 27, 2022