

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 96-10409

Priority: February 16, 2022

Maximum Diversion Volume: 11.5 AF

This is to certify that

TIM AHLERS 246 AHLERS RD PRIEST RIVER ID 83856-9319 AND/OR
PATTI AHLERS 246 AHLERS RD PRIEST RIVER ID 83856-9319

has applied for a permit to appropriate water from:

Source : UNNAMED STREAM

Tributary: SINKS

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

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	01/01 to 12/31	9.0 AF
IRRIGATION FROM STORAGE	01/01 to 12/31	9.0 AF
FIRE PROTECTION STORAGE	01/01 to 12/31	2.5 AF

Location of Point(s) of Diversion

UNNAMED STREAM L1 (NE¼ NE¼), Sec. 5, Twp 54N, Rge 04W, B.M. BONNER County
UNNAMED STREAM L1 (NE¼ NE¼), Sec. 5, Twp 54N, Rge 04W, B.M. BONNER County

Place of Use: IRRIGATION STORAGE & FIRE PROTECTION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
54N	04W	5	X L1																

Place of Use: IRRIGATION FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
54N	04W	5	3.0 L1																3.0

Total Acres: 3.0

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 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. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
5. Right 96-10409 authorizes the storage of an annual total of 11.5 acre-feet, comprised of 1.4 acre-feet to be used for the initial filling or carryover storage of the pond(s), 1.1 acre-feet for the replacement of losses due to seepage and evaporation, and up to 9.0 acre-feet for additional refills for irrigation from storage use.
6. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 1.4 acre-feet or a total surface area of 0.4 acres.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 96-10409

7. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
8. 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 25th day of March, 2022.



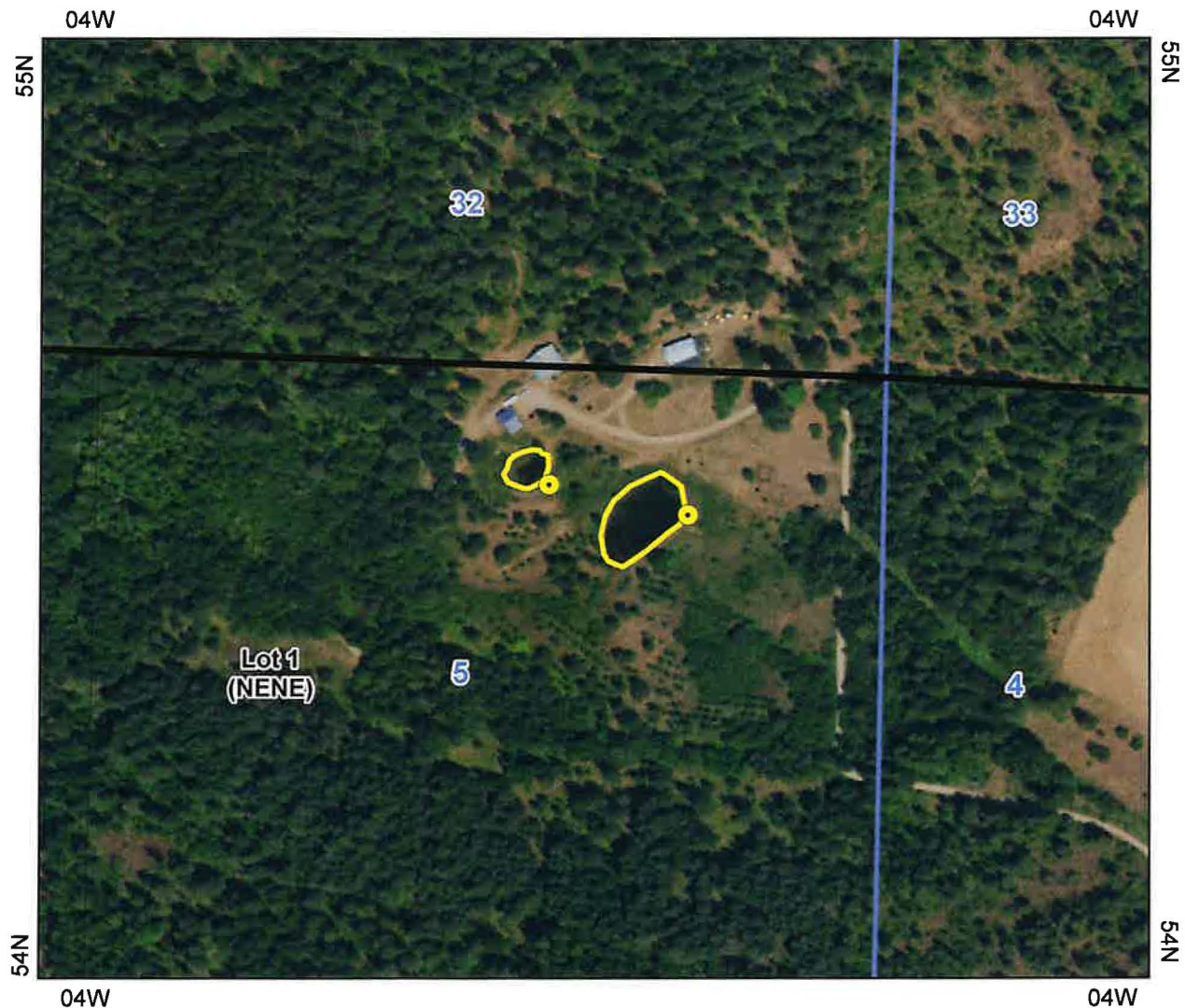
ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

96-10409

This map depicts the IRRIGATION STORAGE & FIRE PROTECTION STORAGE 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
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
96-10409

This map depicts the IRRIGATION FROM STORAGE 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 04W
-  Point of Diversion
 -  Place Of Use Boundary
 -  Townships
 -  PLS Sections
 -  Quarter Quarters

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 • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 25, 2022

PATTI AHLERS
TIM AHLERS
246 AHLERS RD
PRIEST RIVER ID 83856-9319

RE: Permit No. 96-10409

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

Sincerely,



Adam Frederick
Water Rights Supervisor

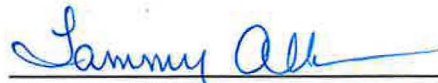
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2022, I served a true and correct copy of Permit to Appropriate Water No. 96-10409 by U.S. Mail, postage prepaid, to the following:

PATTI AHLERS (Current Owner)
246 AHLERS RD
PRIEST RIVER ID 83856-9319

TIM AHLERS (Current Owner)
246 AHLERS RD
PRIEST RIVER ID 83856-9319



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

STATE OF IDAHO)
) ss.
County of Bonner)

MAR 18 2022

IDWR / NORTH

Shaila Maciosek, 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

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 2 day of March, 2022, and ending on the 9 day of March, 2022.

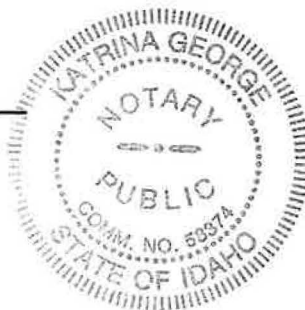
Shaila Maciosek

State of Idaho, county of Bonner ss.

On this 9 day of March, in the year of 2022 before me, Katrina George, Notary Public, personally appeared Shaila Maciosek 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



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

96-10405
MARK BURNSIDE
SUSAN BURNSIDE
167 WILD FAWN LN
SAGLE, ID 83860-9436
Point of Diversion NWSW
S22 T56N R02W
BONNER County
Source GROUND WATER
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: IRRIGATION
04/01 to 10/31 0.15 CFS
Total Diversion: 0.17 CFS
Date Filed: 02-15-2022
Place Of Use:
IRRIGATION, STOCKWATER
T56N R02W S22
NWSW, NWSW
Total Acres: 5

96-10409
TIM AHLERS
PATTI AHLERS
246 AHLERS RD
PRIEST RIVER, ID
83856-9319
Point of Diversion L1(NENE)
S5 T54N R04W
BONNER County
Source UNNAMED STREAM
Tributary SINKS
Point of Diversion L1(NENE)
S5 T54N R04W
BONNER County
Source UNNAMED STREAM
Tributary SINKS
Use: FIRE PROTECTION
STORAGE
01/01 to 12/31 2.5 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 9 AF
Use: IRRIGATION FROM
STORAGE
01/01 to 12/31 9 AF
Total Diversion: 11.5 AF
Date Filed: 02-16-2022
Place Of Use: FIRE PROTECTION STORAGE, IRRIGATION FROM STORAGE
IRRIGATION STORAGE
T54N R04W S5 L1(NENE)
Total Acres: 3

96-10410
TIM AHLERS
PATTI AHLERS
246 AHLERS RD
PRIEST RIVER, ID
83856-9319
Point of Diversion
L1(NWNENE)
S5 T54N R04W
BONNER County
Source SPRING
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: IRRIGATION
04/01 to 10/31 0.03 CFS
Total Diversion: 0.07 CFS
Date Filed: 02-16-2022
Place Of Use:
DOMESTIC, IRRIGATION
T54N R04W S5 L1(NENE)
Place Of Use:
DOMESTIC, IRRIGATION
T55N R04W S32 SESE
Total Acres: 1

97-8070

EILEEN HULL
12238 ABBOTT LN
ANACORTES, WA
98221-8269
Point of Diversion NWNW
S16 T58N R04W
BONNER County
Source PRIEST RIVER
Tributary PEND OREILLE
RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.06 CFS
Date Filed: 11-10-2021
Place Of Use: DOMESTIC
T58N R04W S16 NWNW

97-8313

HOLLING FAMILY PROPER-
TY TRUST
38202 S GRIFFITH RD
FAIRFIELD, WA 99012-9643
BENJAMIN HOLLING
BREANNA HOLLING
18306 S NEVADA ST
SPANGLE, WA 99031-5000
JACOB HOLLING
SUZANNE HOLLING
23414 S DARKNELL RD
FAIRFIELD, WA 99012-5123
Point of Diversion L5(NESW)
S16 T61N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.01 CFS
Date Filed: 02-03-2022
Place Of Use: IRRIGATION
T61N R04W S16 L5(NWSW)

97-8329

THOMAS G ZWAINZ
WENDY S ZWAINZ
30879 ZWAINZ RD N
REARDAN, WA 99029-8610
Point of Diversion L6(SESW)
S27 T60N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 02-09-2022
Place Of Use: DOMESTIC
T60N R04W S27 L6(SESW)

97-8351

ORA DENNLER
CYNTHIA DENNLER
1937 E SUNDANCE DR
POST FALLS, ID 83854-9534
Point of Diversion L3(NWSW)
S10 T59N R04W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 02-16-2022
Place Of Use: DOMESTIC
T59N R04W S10 L3(NWSW)

97-8354

BRIAN BARNES
FRANCIS POOLE
PO BOX 1607
PROSSER, WA 99350-0834
Point of Diversion NWSE
S16 T57N R05W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.06 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.08 CFS
Date Filed: 02-17-2022
Place Of Use:
DOMESTIC, STOCKWATER
T57N R05W S16
SWNE, NWSE

97-8355

BRIAN BARNES
FRANCIS POOLE
PO BOX 1607
PROSSER, WA 99350-0834
Point of Diversion SWNE
S16 T57N R05W
BONNER County
Source PRIEST RIVER
Tributary PRIEST RIVER
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: IRRIGATION
04/01 to 10/31 0.15 CFS
Total Diversion: 0.17 CFS
Date Filed: 02-17-2022
Place Of Use:
IRRIGATION, STOCKWATER
T57N R05W S16 SWNE
Total Acres: 5

97-8356

JAMES BARNES
DEBRA BARNES
1775 YANKEE LN SE
JEFFERSON, OR 97352-7900
Point of Diversion NWSE
S16 T57N R05W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.08 CFS
Use: COMMERCIAL
01/01 to 12/31 0.03 CFS
Use: IRRIGATION
04/01 to 10/31 0.03 CFS
Total Diversion: 0.14 CFS
Date Filed: 02-17-2022
Place Of Use:
COMMERCIAL, DOMESTIC,
IRRIGATION
T57N R05W S16 NWSE
Total Acres: 1

97-8357

JAMES BARNES
DEBRA BARNES
1775 YANKEE LN SE
JEFFERSON, OR 97352-7900
Point of Diversion SWNE
S16 T57N R05W
BONNER County
Source PRIEST RIVER
Tributary PRIEST RIVER
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: IRRIGATION
04/01 to 10/31 0.15 CFS
Total Diversion: 0.17 CFS
Date Filed: 02-17-2022
Place Of Use:
IRRIGATION, STOCKWATER
T57N R05W S16 SWNE
Total Acres: 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 3/21/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
SNP LEGAL 1249
AD#516474
MARCH 2, 9, 2022