

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 97-8151

Priority: December 13, 2021

Maximum Diversion Rate: 0.05 CFS

This is to certify that

LARRY L GEROW PO BOX 1270 PRIEST RIVER ID 83856-1270 AND/OR
MAUREEN C GEROW PO BOX 1270 PRIEST RIVER ID 83856-1270

has applied for a permit to appropriate water from:

Source : PRIEST RIVER

Tributary: PEND OREILLE 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

0.05 CFS

Location of Point(s) of Diversion

PRIEST RIVER NE¼ NW¼, Sec. 12, Twp 56N, Rge 05W, 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	
56N	05W	12					0.9	0.9											1.8

Total Acres: 1.8

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2024**.
2. Subject to all prior water rights.
3. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
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. 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.
7. 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 9th day of February, 2022.



ADAM FREDERICK
Water Rights Supervisor

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
97-8151

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.



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

0 0.035 0.07 0.14 Miles





February 10, 2022

MAUREEN C GEROW
LARRY L GEROW
PO BOX 1270
PRIEST RIVER ID 83856-1270

RE: Permit No. 97-8151

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 February 10, 2022, I served a true and correct copy of Permit to Appropriate Water No. 97-8151 by U.S. Mail, postage prepaid, to the following:

MAUREEN C GEROW (Current Owner)
PO BOX 1270
PRIEST RIVER ID 83856-1270

LARRY L GEROW (Current Owner)
PO BOX 1270
PRIEST RIVER ID 83856-1270



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.



IDAHO DEPARTMENT OF FISH AND GAME
PANHANDLE REGION
2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

RECEIVED

JAN 24 2022

IDWR / NORTH

Brad Little / Governor
Ed Schriever / Director

January 21, 2022

Ms. Tammy Alleman
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

REFERENCE: 97-8151 – Gerow

Dear Tammy:

We have reviewed the above-named water right application for a 0.05 cfs irrigation withdrawal from Priest River in Bonner County. The purpose of these comments is to assist the decision-making authority by providing technical information addressing potential effects on wildlife and wildlife habitat and how any adverse effects might be mitigated.

Priest River is hydrologically connected to Lake Pend Oreille with no barriers to fish movement, and like a number of other Idaho tributaries to the system, provides spawning and early rearing habitat for Lake Pend Oreille bull trout. Native westslope cutthroat trout, a state species of concern, also inhabit Lower Priest River. The entire 45 mile length is federally listed as critical habitat for bull trout.

Streamflow in Lower Priest River is regulated by the Priest Lake Outlet Dam, installed in 1950 and operated by the Idaho Department of Water Resources. Dam operations target a discharge of at least 60 cfs to Lower Priest River during the recreation season. During low water years it has been difficult for the 60 cfs minimum flow to be met, and occasionally the flows have been dropped to nearly half that amount. Furthermore, Priest River, below the mouth of the East River (mile 21.7), has a minimal flow water right (97-7380) requirement of 300 cubic feet per second held by the Idaho Water Resources Board. Although this is a small amount of water for irrigation purposes, during dry years this minimum flow requirement may not be met, and will be further impacted if water diversions continue to be appropriated but not regulated.

Lower Priest River is classified as water quality limited under §303(d) of the Clean Water Act. It is TMDL listed for both temperature and sediment. Further reduction of flows may adversely affect beneficial uses, but it is not defined as a pollutant under §303(d). Care should be taken to not increase sedimentation with the proposed diversion.

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-769-1414 • Fax: 208-769-1418 • Idaho Relay (TDD) Service: 1-800-377-3529 • <https://idfg.idaho.gov>

Ms. Tammy Alleman – Page 2
January 21, 2022

The application details that the diversion is an existing screened intake pipe and pump to an irrigation system for 1.8 acres. We recommend less than 0.25" mesh screen and approach velocity of less than 0.5 feet per second in order to protect juvenile fish from the proposed pump.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink that reads "D. Corsi" followed by "for C. Corsi".

Charles E. Corsi
Regional Supervisor

CEC:MH:lat
C: eFile M:\

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO)
) ss.
County of Bonner)

JAN 18 2022

IDWR/NORTH

Danielle Ruhmshottel, 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

Application
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 5 day of January, 2022, and ending on the 12 day of January, 2022

Danielle Ruhmshottel

State of Idaho, county of Bonner ss.

On this 12 day of January, in the year of 2022 before me, Katrina George, Notary Public, personally appeared Danielle Ruhmshottel 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:

95-18233
CODY KIDD
KAYLA KIDD
87 PAINTED SKY LN
BLANCHARD, ID 83804-9504
Point of Diversion L3(NESW)
S25 T54N R06W
BONNER County
Source UNNAMED STREAM
Tributary BLANCHARD CREEK
Point of Diversion L4(SSEW)
S25 T54N R06W
BONNER County
Source UNNAMED STREAM
Tributary BLANCHARD CREEK
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 0.14 CFS
Total Diversion: 0.2 CFS
Date Filed: 12-09-2021
Place Of Use:
DOMESTIC, IRRIGATION,
STOCKWATER
T54N R06W S25
L3(NESW), L4(SSEW)
Total Acres: 7

97-7828
GERALD GRIFFIN
448 E RIVER SPUR
PRIEST RIVER, ID 83856
Point of Diversion NENW
S23 T58N R04W
BONNER County
Source EAST RIVER
Tributary EAST RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.12 CFS
Date Filed: 12-15-2021
Place Of Use: IRRIGATION
T58N R04W S14 SESW
Place Of Use: IRRIGATION
T58N R04W S23 NENW
Total Acres: 6

97-8147
ISLAND VIEW HOMEOWN-
ERS ASSOC
PO BOX 435
NORDMAN, ID 83848-0435
Point of Diversion L4(NESW)
S12 T60N R05W
BONNER County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.16 CFS
Date Filed: 12-10-2021
Place Of Use: DOMESTIC
T60N R05W S12
L4(NESW), NWSW, SESW

97-8150
LARRY L GEROW
MAUREEN C GEROW
PO BOX 1270
PRIEST RIVER, ID
83856-1270
Point of Diversion NWNW
S12 T56N R05W
BONNER County
Source GROUND WATER
Use: IRRIGATION

04/01 to 10/31
Total Diversion: 0.05 CFS
Date Filed: 12-13-2021
Place Of Use: IRRIGATION
T56N R05W S12
NENW, NWNW
Total Acres: 1.8

97-8151

LARRY L GEROW
MAUREEN C GEROW
PO BOX 1270
PRIEST RIVER, ID
83856-1270
Point of Diversion NENW
S12 T56N R05W
BONNER County
Source PRIEST RIVER
Tributary PEND OREILLE
RIVER
Use: IRRIGATION
04/01 to 10/31
Total Diversion: 0.05 CFS
Date Filed: 12-13-2021
Place Of Use: IRRIGATION
T56N R05W S12
NENW, NWNW
Total Acres: 1.8

97-8184

MICHAEL HANSEN
17807 E 32ND AVE
GREENACRES, WA
99016-8746
Point of Diversion SESW
S6 T60N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 12-23-2021
Place Of Use: DOMESTIC
T60N R04W S6
SESW, L11(ESW)

97-8188

ERIK PRUSCH
JERE PRUSCH
ISABELLA PRUSCH
32 WOODYS POINT RD # 229
COOLIN, ID 83821-8701
Point of Diversion L1(NENW)
S33 T61N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC

01/01 to 12/31 0.04 CFS
Use: IRRIGATION
04/01 to 10/31 0.02 CFS
Total Diversion: 0.06 CFS
Date Filed: 12-22-2021
Place Of Use:
DOMESTIC, IRRIGATION
T61N R04W S33 L1(NENW)
Total Acres: 0.5

97-8189

ERIK PRUSCH
JERE PRUSCH
ISABELLA PRUSCH
32 WOODYS POINT RD # 229
COOLIN, ID 83821-8701
Point of Diversion L1(NENW)
S33 T61N R04W
BONNER County
Source PRIEST LAKE
Tributary PRIEST RIVER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: IRRIGATION
04/01 to 10/31 0.02 CFS
Total Diversion: 0.06 CFS
Date Filed: 12-22-2021
Place Of Use:
DOMESTIC, IRRIGATION
T61N R04W S33 L1(NENW)
Total Acres: 0.5

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 1/24/2022. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director
SNP LEGAL 1119
AD#506140
JANUARY 5, 12, 2022